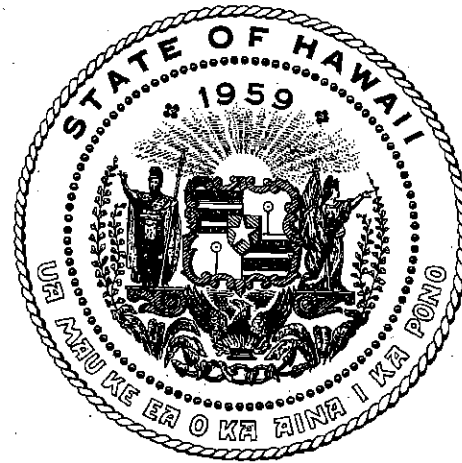




REPORT TO THE PEOPLE

STATE LAND USE COMMISSION
SECOND FIVE-YEAR DISTRICT BOUNDARIES
AND REGULATIONS REVIEW

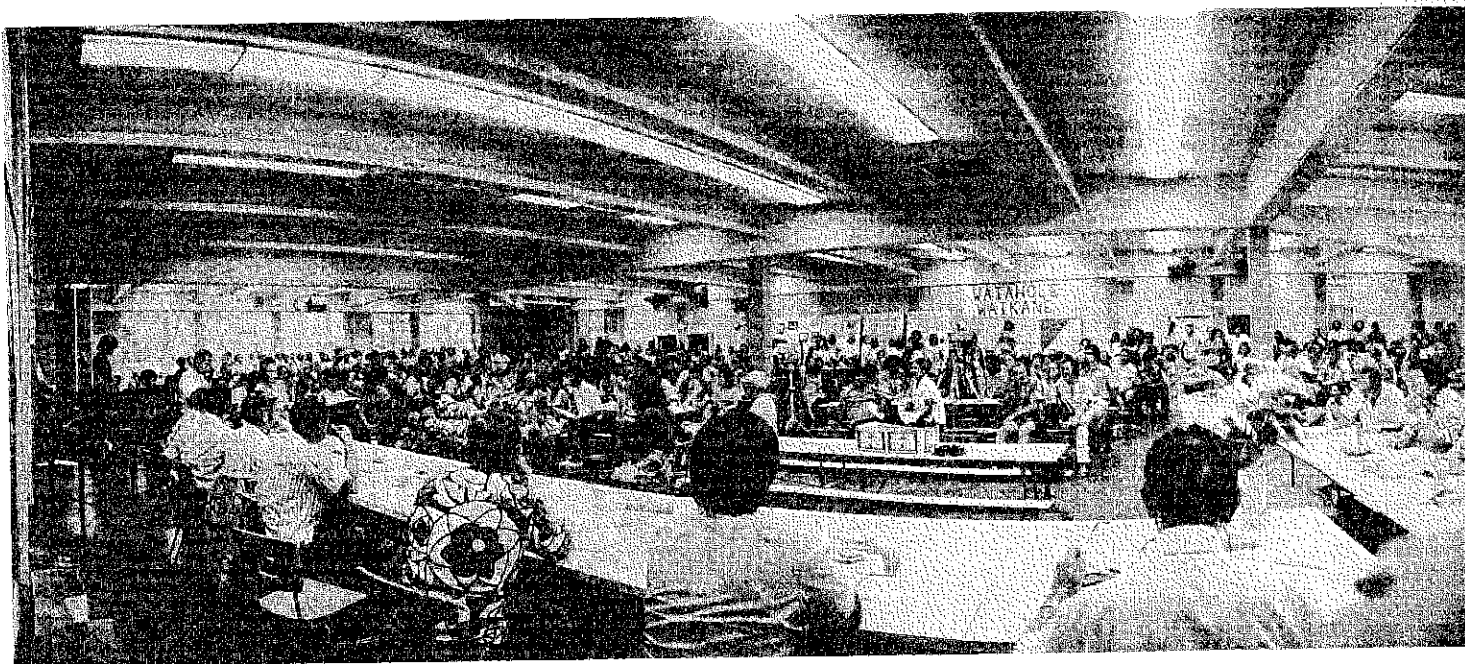
FEBRUARY 1975



The Motto of the State of Hawaii:
Ua Mau Ke Ea O Ka Aina I Ka Pono



The Life of the Land Is Perpetuated
in Righteousness



Members of the State Land Use Commission face residents of Waiahole and Waikane in Windward Oahu during a meeting on a proposal of a major land-owning estate to reclassify more than 1,300 acres of agricultural land to rural and urban. The Waiahole-Waikane Community Association opposed the reclassification on grounds it would tend to destroy the rural lifestyle of two old Hawaiian valley communities. The Commission's vote was against the reclassification. (Photo by Ed Greevy)



George R. Ariyoshi
Governor

REPORT TO THE PEOPLE

on the
Second Five-Year
District Boundaries
and
Regulations Review
of the
State of Hawaii
Land Use Commission

FEBRUARY 1975

The preparation of this Report was financed in part through an Urban Planning Grant from the U.S. Department of Housing and Urban Development under provisions of Section 701 of the Housing Act of 1954, as amended.

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STATE OF HAWAII
LAND USE COMMISSION

State Department of Planning
and Economic Development
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Preface

This is an official report of the State of Hawaii Land Use Commission on its work of reviewing the State land use law, the State land use boundaries, and the various regulations relating to that law.

This Commission is required by the law to conduct such a review every five years.

The first review was completed in 1969.

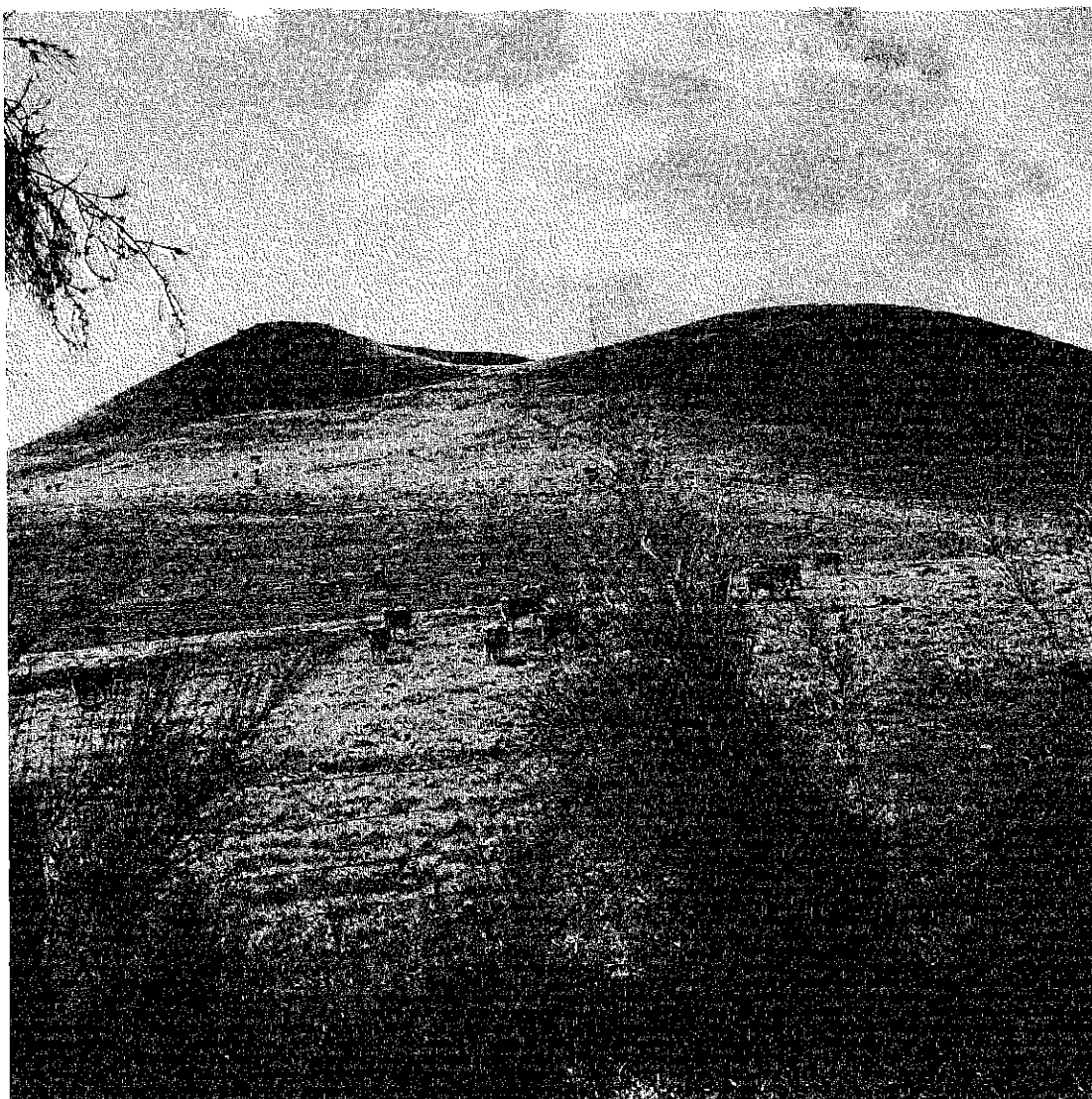
The second five-year review was completed in December of 1974.

This "Report to the People" is the Commission's way of informing every citizen of Hawaii, and all others interested, of what the 1974 five-year review is all about, what it means for them, and what it means for Hawaii's future.

It is written in plain English to serve the needs of every citizen and their right to know.

Specialists and others who prefer to delve into the finer points of the law and the five-year-review process, with all its complexities and technicalities, will be given every assistance possible by the Commission and its staff.

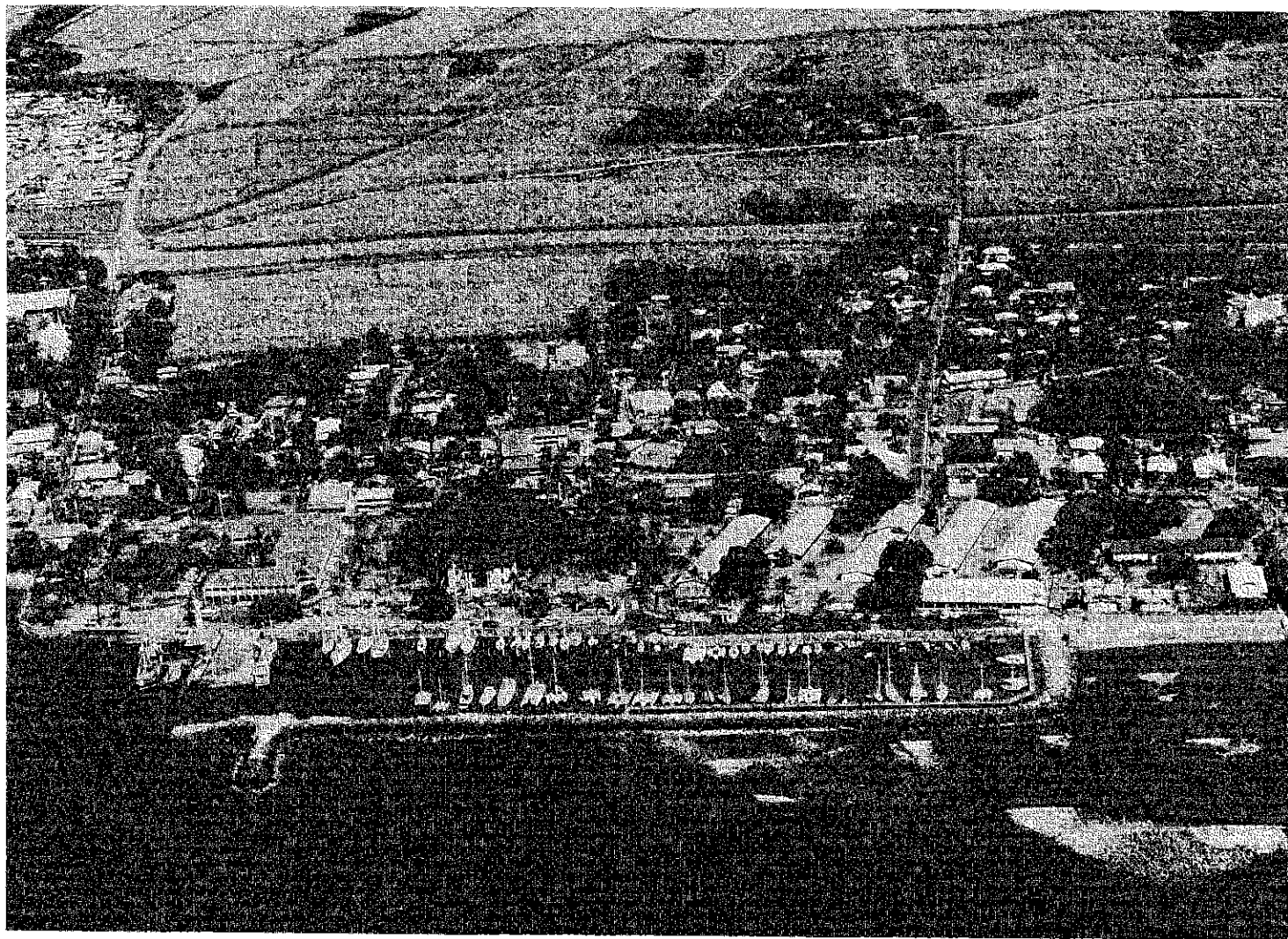
Eddie Tangen
Chairman



A Kohala Mountain grazing area, Island of Hawaii

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Lahaina town and boat harbor, Island of Maui

Introduction

This is an official report of the State of Hawaii Land Use Commission to the people of Hawaii and their elected representatives. It is primarily an informational report on the Commission's second comprehensive review of the classification and districting of all lands in the State, and of the regulations adopted by the Commission relating to matters within its jurisdiction.

The review process is undertaken every five years. The first was in 1969. It is required by Chapter 205 of the Hawaii Revised Statutes, titled "Land Use Commission," and more popularly known as the State Land Use Law. The review process itself is titled by the Commission, "Second Five-Year District Boundaries and Regulations Review." This "Report to the People" discusses both the review and other aspects of the land use law and the Commission's activities.

Section 205-11 of the Hawaii Revised Statutes, which calls for the five-year review, reads: "Irrespective of changes and adjustments that it may have made, the Land Use Commission shall make a comprehensive review of the classification and districting of all lands and of the regulations at the end of each five years following the adoption thereof. The assistance of appropriate State and County departments shall be secured in making this review and public hearings shall be held in each County in accordance with the requirements set forth for the adoption in final form of district boundaries and regulations under this chapter."

This the Commission has done, during a period of unprecedented public interest in its administration of the law. The following pages detail the activities and considerations involved in the review.

After the law was enacted in 1961 (the first State land use law in the nation), the Commission operated under interim regulations and boundaries, as provided in the act, until 1964, when permanent regulations and districts were adopted. The first comprehensive review, then, came in 1969. At that time the Commission retained a California/Hawaii environmental

planning firm, together with several specialized consultants, to assist in the evaluation. This assistance primarily took the form of an assessment of each land use district, one to the other, throughout the State; it also emphasized concerns regarding real property tax assessments.

Again, for the 1974 second review, the Commission engaged professional advisers, but not for the purpose of offering district boundary recommendations. Instead they provided analysis and counsel regarding the law's relationship to recent national and state legislation; the process by which the Commission discharges its tasks; and the role of the Commission in the general arena of land planning and management. Certain recommendations on administrative regulations were offered by the advisers.

The analytical work of these consultants—Marshall Kaplan, Gans, Kahn and Yamamoto, planners, and Daniel R. Mandelker, professor of law at Washington University in St. Louis, Missouri—is summarized in this report. Their principal suggestions also are reported, but the Commission contemplates no major changes in its operations at present. However, the State Administration itself was preparing legislation for the 1975 Session.

For general background, the second chapter of this report discusses the social and cultural origins of the Hawaiian land use law as well as its more recent history. Its current legislative context nationally and in Hawaii, and the impact of a court decision on the Commission's work are explored in the third chapter. Administrative considerations are treated in the fourth chapter while basic issues in regard to agriculture, housing and tourism are discussed in the fifth chapter. Results of a public opinion survey are reported in chapter six while the rationale underlying the review and boundary decisions is summarized in chapter seven. Chapter eight presents statistics and other details of the boundary decisions, and chapter nine offers some final considerations by the Commission.

*"The Land Use Commission **never**, and the emphasis is worth repeating, **never** finds itself in the position of giving the final 'green light' to any sort of development. Final decisions as to the appropriateness, design, quality, environmental impacts, and many other aspects of each given development are made by other agencies, usually through the vehicle of County plans, subdivision, zoning, or building-permit decisions."*

—From the Planning Consultant's Report
on the Second Five-Year District
Boundaries and Regulations Review.

History and Framework of the State Land Use Law

In ancient Hawaii land-holding was on a fluid, revocable basis. But the uses of land were rigidly controlled by restrictions, or "kapus," with severe penalties for infractions. The permitted uses varied with the terrain and were premised upon sound ecology.

Ideally, the basic land division, or "ahupuaa," extended from the mountains to the sea and thus afforded a full range of uses for their administrators, or "konohikis."

The Hawaiian Constitution of 1840 declared that lands were not the "private property" of the king but belonged to the chiefs and the people in common. The King as their head had stewardship of landed property. A product of a fragile island environment, this legacy of "stewardship" in regard to land has remained with us although the Great Mahele, or land division, of 1849 ended the feudal system of land tenure.

More than a century later Hawaii became a State of the United States but this did not mean she could claim the American heritage of the robust, endless frontier. Small wonder, then, that America's "quiet revolution in land use controls... all began in Hawaii," as a 1971 publication of the National Council on Environmental Quality expressed it.

This "revolution" is more a national recognition that the entire pattern of land development in the United States can no longer be left to the sole jurisdiction of local government. There is a need for state or regional norms to shape the pattern as well. With Hawaii's history of strong central government, this recognition came early.

The State's Land Use Law, passed in 1961, is recognized nationally as the pioneer in land use control legislation at the State level; its origins can be traced to concerns and discussions predating World War II. In the post-war period, notably after the mid-1950's, Hawaii's population and economy sustained unprecedented peacetime growth. Real estate was in demand and rising land values and profits encouraged specu-

lation. Scattered and ill-planned subdivisions sprang up and prime agricultural lands gave way to other urban uses. Statehood in 1959 accelerated these trends.

These concerns were addressed in the State Government's "General Plan," also a national first, prepared in response to a State Planning Act of 1957 and published in 1961. This work stressed the following issues and findings:

- Development of land for urban uses tended, in many cases, to occur in areas where it was uneconomical for public agencies to provide proper and adequate service facilities. Consequently, there was a lag in the provision of such facilities.
- Development of land for urban uses occurred, in many cases, on the State's limited prime agricultural land.
- Adequate land on all islands existed to accommodate urban growth forecast for the next 20 years without employing lands suitable for intensive cultivation.
- Development of urban areas should be encouraged in an orderly and relatively compact manner in order to provide for economy and efficiency in siting public services and facilities.
- Land not required at any given time for urban or intensive agricultural uses should receive special attention in regard to land classification.

The economic importance of agriculture, the imminence of developmental pressures and attendant threats of urban sprawl with public cost-benefit imbalance: all were factors behind the law's creation. In its declaration of purpose, authors of the act declared: "...in order to preserve, protect and encourage the development of the lands in the State for those uses to which they are best suited, the power to zone should be exercised by the State and the methods of real property assessment should encourage rather than penalize those who would develop these uses."

To exercise this power on behalf of the State Government

the law created the Land Use Commission. It has the job of classifying all land, public and private, throughout the State. It is comprised of nine members, of whom two are members of the Governor's Cabinet. One is the Chairman of the State Board of Land and Natural Resources and the other is Director of the Department of Planning and Economic Development, where the Commission is placed for administrative purposes including staff assistance.

The responsibilities of the Commission may be summarized as follows:

1. Classify all lands in the State into four use-categories (urban, rural, agricultural, conservation), giving consideration to the respective County general plans, and establish district classification boundaries for these lands.
2. Prepare and adopt district classification maps after public hearings in each County.
3. Change district boundaries upon petition of State or County agencies, property owners or lessees, or on the Commission's own motion.
4. Approve or deny, or approve with modifications, special permit uses within Agricultural and Rural Districts granted by County planning commissions.
5. Prepare, adopt, and amend regulations relating to matters within its jurisdiction.
6. Review comprehensively every five years the classification and districting of all lands, and the Commission's administrative regulations.
7. Establish shoreline setbacks and regulations governing them. County planning departments are assigned responsibility to administer and enforce these setback regulations.

In addition to the Commission, several other agencies are inextricably involved with the administration of the law. Land uses within Urban Districts are administered solely by the Counties. In the Agricultural and Rural Districts, land uses are administered jointly by the Counties and the Commission. Within the Conservation Districts, land uses are regulated solely by the State Board of Land and Natural Resources.

Urban Districts are generally defined as lands in urban use

with sufficient reserve areas to accommodate foreseeable growth. These lands are characterized by city-like concentrations of people, structures, streets and other related land uses. Further land use zoning within Urban Districts is determined and administered by the County governments.

Agricultural Districts include lands with a high capacity for intensive cultivation, with a minimum lot-size of one acre. Uses permitted within Agricultural Districts are the growing of crops, raising livestock, grazing, farm buildings, and public buildings necessary for agricultural practices, roadside stands for selling produce, utility lines, and some open-type recreation.

Rural Districts are defined as lands composed primarily of small farms mixed with low-density residential lots with a minimum lot-size of one-half acre. The Rural classification was an amendment to the law to recognize small farms and low-density residential lots. Permitted uses are similar to those in the Agricultural Districts. This classification presently is limited to the three neighbor island Counties, excluding the capital island of Oahu.

Both the Agricultural and Rural Districts regulations are administered by the Counties, which may set more restrictive regulations than those provided by the Commission.

Conservation Districts comprise, primarily, lands in the existing forest and water reserve zones. The original Conservation District boundaries go back to Hawaii's first legislative experiment in State land use districting, the Forest and Water Reserves Zone Act of 1957. Lands needed for the protection of water sources, native plants and animals, and scenic areas; for parks and shoreline, forestry and open space were added to this classification. Areas subject to flooding, erosion, tsunamis, landslides, volcanic activity and steep topography also were included.

The Land Use Law, then, is a "broad-brush" zoning measure exercised at the State level of government. In its statutory review of 1974, the Commission has gone beyond the required evaluation of its classifications, boundaries and administrative regulations in order to consider Federal and State legislation which affects the law's administration, as well as judicial developments in Hawaii bearing upon the Commission.

Legal Considerations in the Review

The legal-analysis section of the review falls into three parts. The first is concerned with recent and proposed Federal and other-State land use legislation. The second is devoted to recent legislative and judicial developments within Hawaii. The third deals with proposed changes in the Commission's rules and regulations.

New and proposed Federal legislation contains land use control requirements which will affect the administration of the Hawaii Land Use Law, while other-State legislation suggests new approaches which could be useful in adapting Hawaii's law to this new Federal legislation.

The Hawaii analysis pays special attention to the State's Environmental Policy Act of 1974 and a recent State Supreme Court decision which requires the Land Use Commission to follow contested-case procedures of the State Administrative Procedure law in its deliberations.

Federal and State Land Use Legislation

The National Coastal Zone Management Act of 1972 directly affects land use administration in Hawaii. This statute provides Federal grants to prepare plans and to execute them for the coastal zones of coastal States. It requires State government participation in land use decisions throughout the coastal area. As all or much of the State of Hawaii may be designated as "coastal zone," the Act's requirements will have an important effect on the regulation of land use within the State.

In 1973 the State Legislature designated the Department of Planning and Economic Development as the agency to carry out the planning role envisioned in the Federal act. However, Hawaii has not yet determined how State land use controls required in the coastal zone are to be administered. As the State presently retains no authority over land use in the Urban

Land Use Districts, the Commission's legal consultant suggests re-arranging some land use control powers within the State in order to comply with the Federal act.

Planning and land use control functions also would be affected by enactment of the proposed National Land Use Policy Act. This bill passed the U.S. Senate in 1974 but was not considered in the House of Representatives. As in the coastal zone act, this legislation would provide Federal assistance for state-wide planning and plan implementation. It also would require some method for State review of local land use control decisions. If Congress does enact this bill, coordination of its program and the coastal zone management program at the State level in Hawaii will be required. Attention must be paid also to the impact on State and County land use controls of Federal air and water quality laws which also contain land use control requirements.

Several Mainland states have adopted legislation authorizing land use controls at the State level which differ from the Hawaii law. They were reviewed for any indication of how Hawaii might comply with the new Federal requirements.

Florida has adopted a comprehensive act which authorizes the State to designate and regulate "Areas of Critical State Concern." That State also reviews local decisions on large-scale developments, known as "Developments of Regional Impact," under the act. This system is based on the Model Land Development Code of the American Law Institute which has influenced both the Federal coastal zone act and the proposed national land use policy act.

Vermont has adopted the nation's most comprehensive control system. All major developments in that state must obtain a development permit from regional as well as local boards. This law contains a requirement for the adoption of a state-wide land use plan. Adoption of the plan itself, however, has been deferred.

Maine has adopted a system of permit control limited to major developments within the State. There is no planning component in this law, however. Additional legislation in Maine provides for the regulation of "critical" areas, and for State review of development in those areas which are not organized into local government units.

Special-purpose legislation enacted in Massachusetts provides for State review of local government decisions which restrict or exclude subsidized housing developments.

Several States have passed special-purpose legislation dealing with wetlands and natural resource areas. Washington State's Shoreline Management Act requires a comprehensive State review of local regulations affecting shoreline development. Massachusetts has enacted a more limited form of wetlands control; it may impose protective orders in wetlands areas in order to limit the scope of permitted development.

Legislation adopted in other States can provide some concepts and ideas for the revision of the Hawaii Land Use Law in order to strengthen the role of the State government and achieve conformance with Federal laws. However, extreme caution is recommended by the legal adviser in transferring a land use control from a Mainland state to Hawaii. Legal, political and environmental problems vary greatly among the States.

For example, excluding local government, as does the Massachusetts Coastal Wetlands law, is clearly not in Hawaii's interest nor would it meet the requirements of the Federal legislation. However, the protective order concept of the law may have some application in Hawaii. To the extent that the land use district systems in Vermont and Maine parallel Hawaii's, their statutes offer Hawaii easily transferable models for extending direct State regulation without scrapping the Islands' existing district system in the process. However, such direct State regulation is inconsistent with County land use control, especially within urban districts. Rather, increasing the Land Use Commission functions within urban districts probably should be limited to reviewing County land use regulations and decisions for any clashes with "critical" State policies, in the consultant's view. This form of selective control would preserve the County's role while allowing State intervention in matters of State policy.

Although how much formal planning the Federal government will require is unclear, it is clear that combining regulation with some degree of planning is contemplated. The Vermont law may provide some guidance in this regard. Within the context of a statewide land use law seeking to achieve bal-

ance in land use decisions throughout the State, some form of "guidance policy" is necessary. The present Hawaii law is considered deficient in this area since it neither provides such policies nor mandates their formulation.

From legislation in other States, Hawaii can learn the type of developments and areas susceptible to selective State control. In Maine, "Developments of Regional Impact" are defined primarily in terms of size or relationship to natural resources or the environment. Vermont also emphasizes size but focuses as well on certain potentially troublesome types of developments, housing projects and subdivisions. Florida delegates the definition of critical areas to administrative bodies but suggests that location as well as size and character may be an identifying factor. The Massachusetts "anti-snob" housing review suggests an approach where growth can be encouraged in the public interest, rather than retarded.

Because of Hawaii's history and geography, areas subject to State regulation should embrace those sensitive to cultural, archaeological and agricultural considerations as well as those environmentally sensitive, the legal consultant observes. But he points out that to retain substantial local control, the types of developments to be withdrawn from exclusive County control should be specified by statute, primarily in terms of size or character.

Mandatory permit systems at the State level are not considered useful in Hawaii, given the competence and coverage of government at the County level. Moreover, allowing developers and others to make an appeal from a local land use decision may place too much leeway in the hands of private parties. This is especially evident in a State like Hawaii, which has nurtured substantial public involvement in land use decision-making at both the State and County levels.

One suggestion for improving Hawaii's land use law was the introduction of so-called "critical areas" amendments in the 1973 Legislature. They were based on techniques adopted in Florida and proposed by the American Law Institute. The Commission's legal consultant suggests that these amendments—which have not yet been passed—deserve favorable reconsideration in light of the Coastal Zone Management Act and the proposed Land Use Policy Act at the Federal level. In this way Hawaii's law would comply with their requirement for State involvement in land use decisions within urban areas.

New Legal Developments in Hawaii

Several recent legislative and judicial developments within the State have affected the work of the Land Use Commission. Foremost among these is the Hawaii Environmental Policy Act of 1974 (HEPA). It is modeled after Federal and California statutes but has been modified substantially in Hawaii. HEPA requires the preparation of environmental impact statements for State and local and certain private land development projects.

A State Supreme Court decision has created serious administrative problems for the Commission. The "Town" decision requires the Commission to follow the contested-case procedure of the State Administrative Procedure law, at least in cases in which petitions for boundary amendments are challenged by adjoining landowners.

The Commission's legal consultant has acknowledged that the Commission's procedures have "a superficial resemblance to a judicial proceeding." But he argues that they are actually "quasi-legislative." He says: "Boundary determinations constitute statements of particular application which implement or prescribe policy, and thus should be treated as rules to which the rule-making procedure of the State Administrative Procedure Act is applicable." He calls for legislative clarification of the issue.

The Town decision suggests further problems for the Commission should a Court ever expand this decision to allow any "affected" property owner to petition the Commission at any time for a boundary change on a parcel of land, even though the property owner does not have an interest in the parcel. Such an interpretation would open up an endless series of hearings on the same parcel. The right to petition should be restricted to those having an interest in the property which is the subject of the petition.

Another serious and closely related procedural problem is the question of who has the right, or "standing," to request a boundary change and therefore begin reclassification proceedings. The law is ambiguous in this respect. Standing should be limited to government agencies, and the owner or lessee of the property involved, the Commission's legal consultant states. An effective revision to clear this up was offered in the 1974 Legislature. However, any such correction must preserve the right of persons without direct property interests to request changes in the Commission's rules, the adviser cautions.

A major consideration raised by the consultant is whether the Commission should, or could, go further in establishing a set of formal guidelines for boundary classification decisions

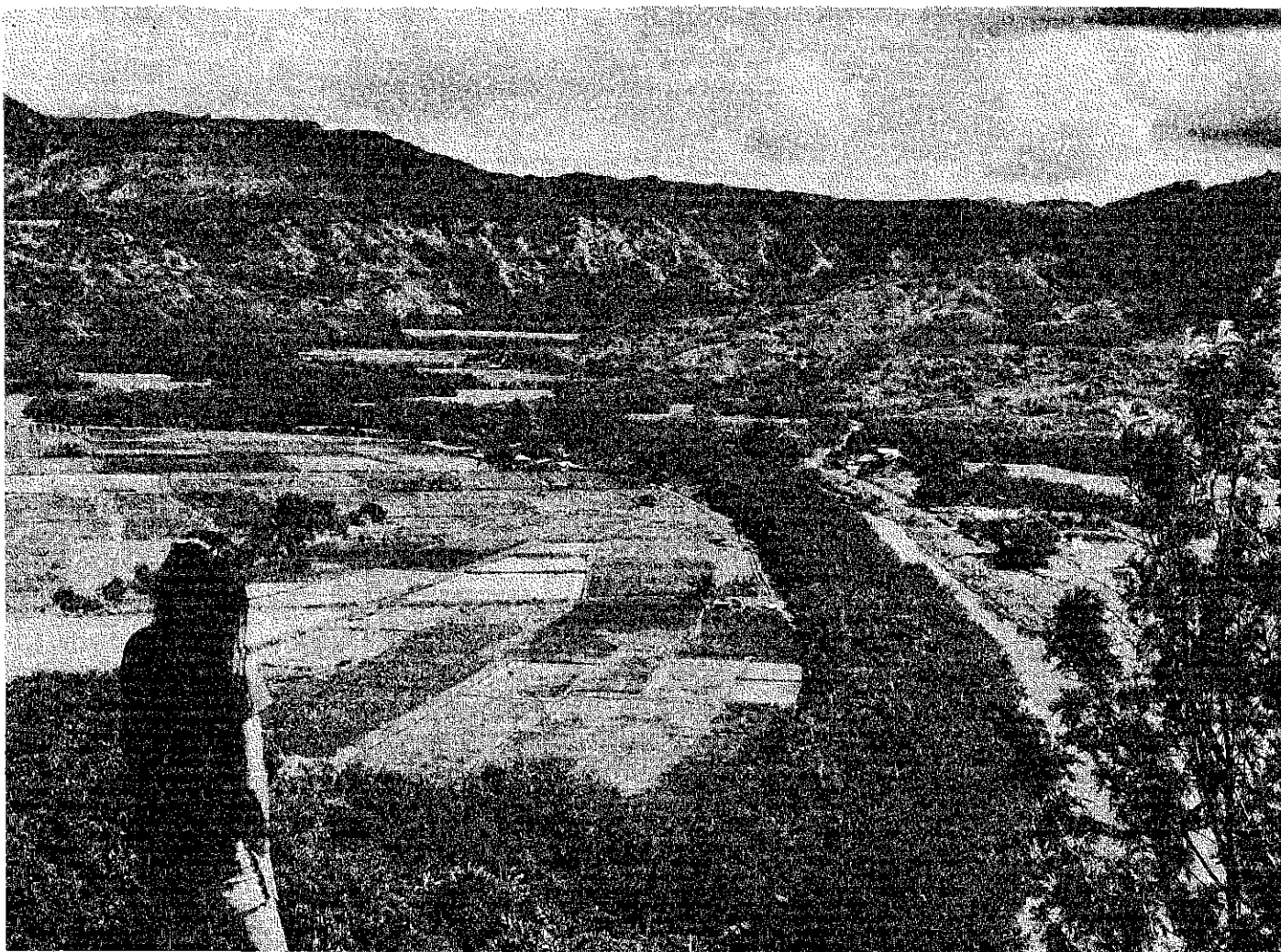
to be reflected either in the law itself, or in the regulations, or both. This raises the major question of whether it is practical to formulate a State land use plan, with the Commission carrying it out, or whether an expanded Commission policy statement would be a more feasible approach. The question is discussed in the next chapter. Again, the 1974 legislative session considered a bill expressing policy on this matter, but no final action was taken.

Changes Proposed in the Rules and Regulations

Several changes in the rules and regulations governing both Commission procedures and land use reclassifications were considered in the second five-year review. Most of the procedural changes were minor but the reclassification ones were major. They involved a 1972 amendment to the Law authorizing the Commission to impose conditions within any boundary change. Through changes in the rules, these conditions now would be fleshed out. Requirements may include timing proposed developments to the provision of public facilities, connecting to existing public service systems unless the developer himself is willing to provide them, and dedicating land for public purposes. (The Commission's legal consultant does not view this 1972 amendment as adequate to meet the extension of State-level land use control to the "coastal zone" or "critical area" as contemplated in national legislation.)

The Commission also is urged by its advisers to adopt more extensive regulations to govern the five-year review itself, to define eligibility for special permits in agricultural and rural districts, and to designate agricultural park subzones should this practice be adopted. However, such a practice probably will require an amendment to the law.

In light of the Hawaii Environmental Policy Act, other rule changes are indicated to include environmental impact statements in the processing of boundary change and special permit requests. The Commission should join forces with the State Environmental Quality Commission in order to achieve reasonable limits to the EIS requirement, the legal consultant suggests. To this end, boundary reclassifications not involving conservation district land should be exempt; the law specifies only conservation district changes and certain other geographic uses. The EIS requirement should apply only to special permit requests and other proposals for uses within those areas specified in HEPA, the consultant maintains. Also, the exemption of five-year boundary review reports should be explicit.



Hanalei Valley, Island of Kauai

Administrative Considerations in the Review

This section discusses how the State Land Use Commission is required to operate under its rules and regulations. It then takes up the larger subject of just where the Commission fits in the complex government decision-making system within which land planning and management is practiced. After describing the machinery, suggestions by the planning advisers for the review are reported.

Changes in land uses governed by the Commission are not restricted to the five-year review. They may be accomplished at any time, either through a district boundary change petition, or by special permit.

A landowner or lessee may petition for a change in a district boundary for his own land or for land in which he has a development interest. In addition, any County or State agency may petition for a change anywhere in the County or State. At five-year-review time, the Commission itself initiates proposed changes "on its own motion." A citizen may not petition for a change in the classification of someone else's land.

The Commission must refer proposed changes to the appropriate County Planning Commission for its comments and recommendations. Between 60 and 120 days after the petition is filed, a public hearing must be held in the County where the land is located. Between 45 and 90 days after the public hearing, the Commission meets publicly to make its decision. Approval of a district boundary amendment requires six affirmative votes.

No change can be approved unless the petitioner has shown proof that the area is needed within five years for a use other than that for which it is classified; and that it is either usable and adaptable for the proposed use; or that conditions have changed so that the proposed new classification is reasonable.

Petitioners submitting applications for rezoning to urban must also submit assurance that substantial completion of the actual development will be accomplished within five years from the date of approval. If the proposed urban development

requires more than five years for substantial completion, the petitioner must submit an "incremental" development plan. This plan must contain supporting data indicating areas to be completed in five-year phases.

The Commission may approve all or part of the development plan. If, after approval of a petition for rezoning, the petitioner fails to perform, the Commission may act to reclassify the land.

The Commission may permit, by regulation, certain unusual but reasonable uses in Agricultural and Rural Districts.

A landowner, lessee, or any agency of the State or County government may petition County Planning Commissions for special permits in these districts. The special permit is a zoning variance. It allows a specific land use change without a change in the district boundary.

Petitions for special use permits are handled first by the County Planning Commission, which must hold a public hearing. If approved by the Planning Commission, the special permit is then considered by the State Land Use Commission, which may approve it, approve it with restrictions, or deny it. Approval of a petition requires five affirmative votes by the Commission. Conditions on approvals may be imposed by the County, or the Land Use Commission, or both.

Petitions which the County Planning Commission denies die at that level and are not forwarded to the State Land Use Commission.

As mentioned in the first chapter of this report, land uses within Conservation Districts are regulated by the State Board of Land and Natural Resources.

From the foregoing it is clear that the commissioners hold a key valve in the governmental pipeline for land development, but they do not control either end of it.

The review's planning consultants observe: "The Land Use Commission never, and the emphasis is worth repeating, never finds itself in the position of giving the final 'green light' to

any sort of development. Final decisions as to the appropriateness, design, quality, environmental impacts, and many other aspects of each given development are made by other agencies, usually through the vehicle of County plans, subdivision, zoning, or building permit decisions."

In casting their votes the Land Use Commissioners are guided by the objectives set forth in the law and the intelligence provided by the Commission staff's analysis and recommendations, as well as the public hearings. (As an aside, preservation of prime agricultural land is not the sole objective of the law. Eliminating the public costs associated with untimely and scattered subdivisions and achieving equitable real property taxation are others.)

The staff evaluation takes in State and County policies, plans and capital improvement programs and allied information. Sources of information include various government procedural "clearinghouses" and data gathering centers.

But this work is distilled and presented on a petition-by-petition or case basis. A more formal policy is considered desirable in many quarters and various approaches are debated. Some would build up a body of past practice by issuing Commission actions through written majority and minority opinions, roughly comparable to an appellate court. Others believe planning norms or guidelines are required and can be used to formulate a statewide land use plan which the Commission would be responsible for carrying out.

Finally, there are those "new breed" planning professionals who believe fixed standards are illusory and rely instead on computer modeling techniques, including "computer graphics," capable of marshalling diverse data. This they display together with the views of different public decision-makers condensed through round-robin numerical techniques. Simulation and synthesis replace static documents.

The review's consultants went the synthesis approach one better, however, by borrowing from all three schools of thought in offering their own proposals.

They would prepare "a detailed, implementation-oriented statewide land use/growth plan) to guide both State and County land use administrative decisions. Their first step towards its creation would be a "policies guide," or compilation of governmental plans and investment programs including those in mapped form. Placed against this all-embracing guide would be "assessment criteria," or ecological standards, termed "Regional Growth Area Screens," to sight in on three target areas: those with severe, moderate, and little-or-no growth restrictions.

At this point a regional economic-land use model would be brought into play. Its purpose would be to give the commis-

sioners a rough prediction of the amount of population and employment expected for each island. It would even attempt to say when, where, and on what scale this growth could be expected for large regions of each island. The model would churn out "regional settlement patterns."

Next, the land use applications would be viewed against Regional Growth Area Screens to pinpoint ecological issues. The timing, scale and size of the application would be measured against the regional settlement patterns for economic feasibility. The policy guide would reveal governmental concerns and suggest where other information and counsel should be sought.

Finally, the consultants propose, the Commission would weigh any conflicts in information or policy revealed by this process and arrive at a decision. Along the way they would produce a "regional design sketch plan" by virtue of their decisions delineating geographic areas where growth should occur. This would be the Commission's contribution toward a statewide land use-growth plan and would represent the "information base" for the Commission's actions. Estimated time for its construction and shake-down period would be three years.

Another consultant suggestion is to cut the number of land use districts from four to two: State (land) "management" areas (SMAs), and Local Management Areas (LMAs). Local areas essentially would be urban and rural lands but the areas would not necessarily be identifiable with present boundaries. Not all the land included in "LMAs" would be intended for urbanization, at least immediately. Also, County regulatory control would not be absolute except for lands already urbanized. Rural lands would be regulated by a "dual management system" (by both the County and the State Commission). Petitions for boundary changes involving small-scale developments would be handled at the County level and a denial would be final. Petitions to develop outside of "LMAs"—in "SMAs" (agriculture, conservation)—would be denied normally, pending a comprehensive, periodic review. Otherwise the petitioners would have to present a strong case that existing areas, alternative areas and redevelopment-urban renewal areas were unable to absorb market demand.

Finally, the consultants recommend consideration of a "State Land Conservation and Development Trust." This is viewed as a vehicle to exercise governmental leverage in the supply of, and demand for, land. This leverage would be exercised to achieve benefits associated with a free market but not realized in a market where supply is tightly controlled. It will be described in the following chapter.

Public Issues in the Review

In the preceding chapters the legal and administrative setting in which the Commission operates has been described. This chapter discusses the economic and community considerations bearing upon the review.

Migration is the principal reason for population growth and change within Hawaii today. The State's population growth rate has been higher than national averages during the past decade while its birth rate has declined.

Since the 1970 Census the Neighbor Islands, as a group, have experienced accelerated growth—enough so that “population dispersion” from urban Oahu registered slightly as a statistic. In 1974, 81.5 per cent of Hawaii's people lived on Oahu, down from 82 per cent in 1970. This proportional slip could become a trend.

A greater share of Hawaii's population is in the labor force now than ever before—49 per cent in 1970 versus 40 per cent in 1960. It may hit 60 per cent soon. While this is associated with the State's high cost of living, it can also be related to declining births and statistical aging of Hawaii's now-youthful population; the proportion of the population under age 10 has declined.

Tourism, the State's fastest growing industry, has offset any real decline in agriculture but has made the State's economy more vulnerable to the business cycle than in the past. Also, the industry competes with the community for shoreline resources.

Hawaii's agriculture has not attracted significant capital investment for expansion. It would appear the spiral in sugar prices, and to a lesser degree in pineapple, as well, is temporary, although food values are climbing. Community aspirations for preserving agriculture and open space have not found sufficient economic incentive. Land owners are reluctant to release agricultural lands for long-term leases of sufficient length to attract major agricultural investors.

Oahu is the principal investment area for diversified agriculture since Honolulu and surrounding communities represent the largest single market. But Oahu offers an even greater potential for other types of investment for much the same reasons. For the Neighbor Islands, marketing and transportation limitations constrain agricultural expansion. Availability of water is another constraint and the review consultant suggests it may be a “sleeper” problem for urban development as well.

Community development patterns run along the shorelines and generally favor the leeward side of Hawaii's islands, although Lanai is an exception. This is particularly evident on Oahu in spite of leapfrogging of development that occurred at Makakilo and Mililani Town. This shift in population towards the leeward coast has been accompanied by a steady build-up in retailing and other distributive services, along the coast west of Aiea. Windward growth has been suburban in character, a “bedroom community” area.

On the Neighbor Islands plantation camps have broken up and their residents have resettled in leeward coastline communities; major new resort centers also have sprung up along the coasts. The upper elevations of the Mauka Belt Highway in Kona, where residential sites have been developed, and certain areas of Kauai, are the only notable exceptions to this trend. The leeward shoreline, then, is more “urbanized” on all islands.

Given these broad economic and geographic considerations, examination of the “land conversion process” in Hawaii is in order. Nowhere in the United States—with the possible exception of Puerto Rico—does the land market operate as it does in Hawaii. Concentrated land ownership results in limited land transactions. This encourages leasehold tenure. It also fosters government policies for preserving large-scale agricultural endeavors including real property tax incentives. The

amount of land available for community development is limited.

Some 39 individuals and corporations control more than 1.8 million acres within the island State, according to a 1968 report. This also meant 87 per cent of all privately held lands were owned by those holding 1,000 acres or more. Eleven trusts control 17 per cent of all privately owned lands.

State and local governments, together with major property owners, hold almost 85 per cent of all lands within the State. Most of the developable lands are owned by major land owners. This state of affairs led the planning consultants to the following considerations.

1. Normal assumptions governing American real estate markets do not apply in Hawaii.

2. The importance of government land regulation is increased by the distribution of publicly held land and large concentrations of land held by a few individuals and firms.

3. Even public ownership of large land holdings is insufficient to bring normal free competition to the land market.

Given these considerations in the land market, how do they affect the residential housing market in the State?

Hawaii's residents lag behind the rest of the nation in home ownership. In 1970 only 44 per cent of all occupied dwellings were owner-occupied—10 per cent less than in California. (In Puerto Rico the figure was 71 per cent in spite of the concentration of land ownership.) In 1950, leasehold property accounted for only one per cent of the total owner-occupied dwellings in Hawaii. By 1970 the figure was 10 per cent. Between 1960 and 1970 on Oahu, 20 per cent of all residential construction was on leased lands. For all major landholders in the State, less-than-free approaches to land sales offer compelling business and tax benefits under normal circumstances; this is especially true for charitable or non-taxable trusts.

The residential market itself is limited. While Census and other data do not jibe exactly for the 1960-70 period, net housing production in the State, by any statistical standards, was quite low. Estimates range from less than 700 to under 1,000 acres as the annual land requirement for residential needs. In all Counties there is a significant shift to multi-family units; on Oahu the number of multi-family units reflected in building permits has not gone below 50 per cent since 1964. Among house builders the smaller contractors have been losing ground to larger builder-developers, especially in the last four years. Today, four builders, as a group, account for 50 per cent of the single-family new housing market.

The conclusions from this are two-fold: 1. The size of Hawaii's residential market does not require great quantities of land; 2. Inflation in the housing market does not appear to stem from heavy demand.

Nor does this inflation appear to stem from lack of residential land. In mid-1971 the City and County of Honolulu reported some 9,900 acres of unimproved residentially-zoned land with a capacity of 61,000 units. Its availability apparently is another matter. Since 1971 there have been continued requests for urban designations to the Land Use Commission despite these vacant lands. Some 1,200 acres were so designated during 1972-73, out of some 2,550 acres requested. Nearly 70 per cent of the requests involved projects of 100 acres or more. Despite the trend towards more intensive, multi-family use of available lands, the amount of urban land per person on a statewide basis hasn't changed much.

Industry interviews suggest a reason for this seeming contradiction. Lands residentially zoned may not be available for immediate improvement for a variety of reasons. These include differing investment objectives, matters of developmental timing, tax and legal considerations. But large-scale house builders need an inventory of residential lands to sustain their production capacity. If a site is not properly designated urban by the State and County, it takes approximately 36 months to petition both the Land Use Commission for urban designation, and the County for a general plan amendment, proper zoning and building permit. Therefore builders tend to seek larger sites, generally at outskirt locations and often beyond the effective service areas of existing public facilities and services. The larger sites permit the builder-developer to spread his risk over a longer investment and marketing period as well as over a larger piece of real estate.

In the process he also shares the risk with public agencies if facilities and services must be brought in. New public expenditures—off-site costs—are carried by the community at large. In some instances, the initial burden is assumed by the builder or developer but eventually transferred to the public, either through consumer purchases of real estate or assumption of the service system.

All this supports the trend towards fewer and larger builder-developers who have the capital to acquire larger sites and shoulder interim public facility costs. Several of them are completely integrated, that is, they handle the entire process from land acquisition and site development through construction and sales. Smaller builders find it increasingly difficult to obtain adequate sites. Few developers are in the business



The Pearlridge development on Oahu in June, 1972

of maintaining sites for sale to builders. Increasing supply problems add to the lead time of the "land conversion process," which also requires capital.

This is the "real-world" background for the consultants' proposal for a State Land Trust mentioned in the previous chapter. They view it as an instrument to inject competition into the housing market. The Trust would intervene in the process of selling and purchasing land or development rights. It would do so at the time when a landowner or developer chooses to obtain developmental approvals from government agencies. In return for these approvals and the resulting

public facility investments, the Trust will acquire land or development rights. These it will market or transfer to a wide range of builders and developers and thus "open up the market" to a wide choice and price range of sites and housing. In this way the "unearned increment" of land value by virtue of zoning actions, and a return on the public investments associated with subdivisions, might be "recaptured" in the public interest, the consultants suggest. It would promote a range of housing and greater competition in the real estate market while providing a positive tool for public control of urban growth.



Waikiki as seen from Diamond Head

The Views of Hawaii's People: Results of a Survey

During both the 1969 and 1974 Five-Year District Boundaries and Regulations reviews, the Commission did not rely solely on public hearings to solicit public opinion; professional surveys were conducted as well. Findings of the 1974 public opinion survey may be summarized as follows:

1. Hawaii's people are concerned about population growth. But they are skeptical about the government's ability to influence it. Oahu residents are more concerned than are Neighbor Islanders, although the people of both areas recognize the problems associated with growth.

2. Preservation of agriculture and open space is highly valued by both Oahu and Neighbor Island residents. They are willing to limit their own choices of available housing in order to achieve this preservation.

3. Residents prefer to have existing urban-zoned lands developed before developing non-urban lands in new areas. Also, they prefer to restrict the types of developments if environmental considerations are affected adversely. However, they generally agree that they should adjust to changes if the changes lead to better employment prospects.

4. Nevertheless more residents agree than disagree with the statement: "Enough housing should be provided for all of Hawaii's citizens, regardless of the environmental or social consequences." At least 60 per cent agree on the need to provide more housing. But this finding is tempered by item two above.

The surveys were undertaken to determine the views of the widest possible range of Hawaii's citizenry. By obtaining a broadly representative sample of resident opinion, such surveys balance the opinions of technical advisers and representatives of special interest groups, both of whom might otherwise dominate the review process by their greater knowl-

edge and speaking ability at hearings.

The planning consultants, who managed the survey, viewed its purpose as two-fold: helpful in defining issues for the review, and helpful in evaluating citizen participation in the land use process.

The survey sample was obtained from the Hawaii Statewide Sample (HSS) developed by the Survey Research Center of the University of Hawaii. The HSS is a "probability sample" in which every household in the State has an equal chance of being selected. Areas throughout the islands were selected at random and then a sample list of households was drawn from a random sampling of households within each area, or "cluster." The sample was designed to produce a list of approximately 1,500 occupied housing units, and assumed a completion rate of 85 per cent, or 1,275 completed interviews.

All four major islands—Oahu, Hawaii, Maui and Kauai, with 99 per cent of the State's population—were sampled. In order to insure adequate cases on the Neighbor Islands, the original sample size for the three islands was doubled. A single starting point in each geographic area was selected at random and from that point every 10th household on Oahu and every fifth household on each of the Neighbor Islands were interviewed. The HSS design, with these modifications, resulted in a total of 1,369 interviews, of which 910 were on Oahu (66.5 per cent), 212 were on the Big Island (15.5), 148 were on Maui (10.8), and 99 on Kauai (7.2). In order to compare the sample's geographic distribution with the actual population distribution, the sample was adjusted, (deflating each Neighbor Island total by half). The result closely approximated the population's actual distribution. Comparisons with Census and State Health Surveillance Survey data also were made in terms of race, income, and household ownership.

The sampling error estimate was calculated at 1.34 per cent, plus or minus, "ninety per cent of the time." The interviews themselves were limited to resident adults—the heads of the households where available. Twenty per cent of the households interviewed were contacted again for verification of the results.

Thus, the survey of Hawaii's people was quite scientific in coverage.

Questions asked can be related to public policies in such areas as: 1. The preservation of agricultural and recreational land as opposed to continued urban growth; 2. Geographic distribution of population and specific types of settlement-development patterns; and 3. Preservation of the "Hawaiian way of life" (non-urban, non-Mainland).

These questions to respondents fell into the following categories: perception of their neighborhood; housing; population and growth; direction of economic growth; and "life styles." A sampling of the questions themselves:

"Do you consider the area you live in to be rural, small town, suburban or urban?" (A similar question went to degree of satisfaction.)

"Is it conveniently located for work?" (Also recreation, shopping, entertainment.)

On a scale ranging from strong agreement to strong disagreement, reaction was sought to such a statement as "No more housing should be built on this island."

Another in this vein was "All future housing development on this island should be limited to townhouses and apartments in order to preserve land for agriculture and recreation."

Also: "Enough housing should be provided for all of Hawaii's citizens, regardless of the environmental or social consequences."

On the same scale, reaction was sought to: "Any measure that is constitutional should be used to keep new residents from coming into the State."

Also: "Population and economic growth are inevitable and people must simply adjust to urban, high density living."

Others: "The State should adopt a policy of limited economic growth to preserve the environment."

"Any kind of business should be allowed on this island, regardless of its effect on the environment or the way people live."

There were only two questions posed on this agreement-disagreement scale in regard to life styles: "It is important to preserve the many different types of lifestyles that exist in Hawaii," and "People on this island should be willing to change the way they live if it means better jobs."

As perceived by residents, Oahu is by far the most urbanized island. Maui is a distant second, with Hawaii and Kauai the most rural islands. (It might be noted here that State statistics show more than 28 per cent of Oahu's land is used for agricultural purposes. Oahu produces 16 per cent of the State's sugar crop; 84 per cent of its milk; 41 per cent of its vegetables and melons; 81 per cent of its eggs; and 16 per cent of its fruit other than pineapple. Oahu has about 25 per cent of the State's pineapple acreage.

A far higher proportion would like to live in areas more rural in character than actually do. Conversely, far fewer would prefer to live in an urban environment than actually do. This discrepancy is greatest on Oahu. Significantly, Oahu respondents were least satisfied with the area where they live—62 per cent "very satisfied" as opposed to more than 70 per cent on each of the Neighbor Islands.

A higher proportion of Oahu respondents answered "Not true" to a number of positive characteristics, including "The area is quiet," "The area is safe," "The area is uncrowded," and "There is adequate privacy," than on the Neighbor Islands.

On an island-by-island basis, Oahu respondents predictably expressed the most extreme views on the subject of housing. More than a fifth agreed with the statement "No more housing should be built on this island," while on the Neighbor Islands only 14 to 15 per cent agreed. Although well below a majority on all islands, both levels are nevertheless significant, given the extreme nature of the question.

When the question is re-phrased "No more housing should be built in this area"—a far higher proportion agreed, from 46.3 per cent on the Big Island to 75.1 per cent on Oahu.

A sizeable minority on all islands agreed with the statement, "All future housing development on this island should be limited to townhouses and apartments in order to preserve land for agriculture and recreation." The proportion in agreement ranged from 34 per cent on the Big Island to 43.8 per cent on Oahu. Yet a high proportion on all islands, Oahu included, prefer single family dwelling settings (rural, small town, suburban).

When the question is re-phrased to bring out the consideration of agricultural and recreational lands, the percentage in agreement rises dramatically. Agreement ranged from 68.7 per cent on Kauai to 76.4 per cent on Maui in response to the question, "To preserve agricultural land, no housing developments should be built in those areas." When "recreational" was substituted for "agricultural," the proportion in agreement was even higher, ranging from 75.8 per cent on Kauai to 85.8 per cent on Maui.

A slim majority of the people—ranging from 50 per cent on the Big Island to 57.5 per cent on Maui—agree that "All future housing development on this island should be limited to already-built-up areas."

Responses to the questions on housing suggest that Hawaii's people have definite preferences in regard to the kind of housing they want but recognize that hard choices do come into play. An overwhelming majority would prefer, if given a choice, to live in a non-urban area in a detached single family dwelling. But most would like to see agricultural and recreational land preserved. To do that, a sizeable minority would agree to restrict all future housing to townhouses and apartments and therefore agree to limit their own options.

A typical respondent would prefer to see already-built-up areas redeveloped rather than see agricultural or recreational lands swallowed by urban expansion. On the other hand, he or she doesn't want additional housing in his or her own area of residence. A majority on all islands agree "enough housing should be provided for all of Hawaii's citizens, regardless of the environmental or social consequences." But a majority on all islands except the Big Island—a massive majority on Oahu—want no more housing in their area.

A majority of Oahu's people—60 per cent—consider the population of the island too large. On the Neighbor Islands the percentage is much smaller: 7.1 on Hawaii and Kauai and 11.5 on Maui. Majorities on all islands, however, agree with the statement: "Continued population growth, along with an expanding economy, will reduce the quality of life in Hawaii."

The Neighbor Islander considers his or her present level of population as posing no problem but believes continued growth would create one. Large majorities on each island believe that the present level is "about right" but also feel that "continued... growth... will reduce the quality of life." On Oahu even the present population is considered too much and continued growth would make the situation worse.

The majority on all islands responded negatively to the question "People should be encouraged to move to the State of Hawaii in order to help the economy grow." The percentage of those in agreement varied from a low of 16.8 on Oahu to a high of 32.3 on Kauai. The policy implication is clear: the overwhelming majority of Hawaii's residents would look with disapproval upon a policy of encouraging in-migration—to overcome the economic handicaps of a "pocket market" for example.

The statement, "Any measure that is constitutional should be used to keep new residents from coming into the State" drew

favorable responses ranging from 53.6 per cent on Kauai to 40.9 per cent on Maui. On a statewide basis, 51.1 per cent expressed approval. The consultants observed that this figure was "hardly an overwhelming mandate but significant given the activist phrasing of the question." It is interesting that while few Neighbor Islanders believe that their island is facing a population problem now, more of them—on Kauai a clear-cut majority—would approve an active policy of discouraging in-migrants. Here the consultants conclude, "The message from the Neighbor Islands is obvious: things are pretty good the way they are. Let's keep it that way."

Population redistribution within the State is another matter. Eighty per cent on Oahu agree "Population growth on the Neighbor Islands should be encouraged by creating new business centers outside of Oahu." Even Neighbor Islanders agreed—in the 64-66 per cent range. The consultants concede that this contradiction is "difficult to reconcile." They offer the possibility that "many respondents are responding to the second part of the statement 'new business centers' rather than the first—'population growth'."

Although additional population is clearly not desired on any island, there seems to be a fairly high level of skepticism about the prospects of curbing it. To the statement, "Population and economic growth are inevitable and people must simply adjust to urban high density living," a range from 35.2 per cent on Maui to 48.2 per cent on the Big Island agreed. Oahu respondents are correspondingly skeptical of the ability to plan adequately for population growth. The statement, "Through adequate planning, many more people can be accommodated here with only slight decrease in the quality of life," resulted in 38.1 per cent in agreement on Oahu, and 61.6 to 64.7 per cent in agreement on the Neighbor Islands.

Attitudes toward the direction of economic growth were clearly tempered by environmental values. The statement, "The State should adopt a policy of limited economic growth to preserve the environment," drew favorable responses ranging from 69 per cent on Kauai to 77 per cent on Maui. Similarly, 66 to 79 per cent of the respondents would agree to limiting new businesses to those with the least negative environmental impact. A related statement, "Any kind of business should be allowed on this island, regardless of its effect on the environment or the way people live," drew uniformly low agreement—ranging from 17.6 per cent on Oahu to 27.3 per cent on Kauai.

At this point the pollsters introduced other considerations into their queries. What if curbing growth meant cutting job opportunities? The statement, "Building of new hotels and

resorts should be controlled to protect beaches and scenic areas, even though job opportunities may be reduced" was supported by 84 to 88 per cent of Hawaii's people, the survey indicates. There is clearly some willingness on all islands to see a loss in job opportunities if the alternative is degradation of beaches and scenic areas.

Also, this finding would not appear to favor unrestricted tourist growth. This attitude was revealed more clearly in the statement, "Tourism should be encouraged on this island to replace agricultural jobs even though that would drastically change some people's life-style." Those in agreement ranged from 30.4 per cent on Maui to 42.5 per cent on Kauai.

If people do not support growth in tourism for future job opportunities, what do they support? From 70 per cent on Oahu to 83 per cent on Kauai would like to see diversified agriculture encouraged, "even if less land is available for housing and other development."

At the extreme are those who would prefer "no new industry ... be allowed on this island, even if economic growth slows down." From 36 per cent on Kauai to 48 per cent on Maui supported this view.

The entire range of the opinion spectrum, then, can be detected on the subject of future economic growth. A minority—smallest on Oahu—would place no restrictions on the type of

growth. The majority appears to view growth favorably but would agree that it should be moderated if necessary to preserve the environment. Most seem particular about the kind of growth they consider acceptable. For example, tourism expansion is relatively unacceptable—especially if it infringes on what tourism has to sell: beaches and scenic areas. On the other hand, diversified agriculture is looked on with favor by a large majority on each island, possibly even by those engaged in the field. Substantial minorities—on Maui almost a majority—would prefer to see no new industries allowed, "even if economic growth slows down."

As is the case with the environment, Hawaii's lifestyle probably can be considered a "motherhood" issue. The overwhelming majority of the State's residents—from 89 per cent on Kauai to 93 per cent on Maui and the Big Island—agree "It is important to preserve the many different types of lifestyles that exist in Hawaii."

When a price tag is introduced, however, the majorities come down. "People on this island should be willing to change the way they live if it means better jobs" drew support ranging from 60 per cent on Maui to 77 per cent on Kauai. Lifestyles are important but jobs are more important if it comes to a choice between the two.

The Rationale Underlying the Review and Decisions

Land and its use—and abuse—have fundamental effects on society. The availability of rich, virgin land with great forests and plains, mountains and valleys, rivers and seacoasts, was the basis for America's growth, progress and economic success in the world. Availability is not, however, the only criterion for growth and power; England, Holland, Switzerland and Japan proved the principle that land-poor nations also can prosper.

In today's world, nevertheless, there is a growing awareness of the fundamental relationship of land use to economic advancement and social stability. In the United States, national land use legislation is pending. Land use is particularly a matter of great sensitivity in Island communities where "there is no place to go except into the sea."

Every bit of Hawaii's land has been searched and surveyed to find the best places to live, to farm, and to work. Hawaii's people have a healthy respect for land's value, land's purpose, land's best use. It was this sensitivity which led Hawaii's people to prepare the nation's first State General Plan, and to pass the nation's first Statewide Land Use Law. And it is this sensitivity which finds public expression in the many and continuing efforts of Hawaii's citizens—organized and as individuals—to influence State land use policies. All of the preceding material in this "Report to the People" gives evidence of the refined and sophisticated way in which the people of Hawaii have developed their awareness of the intricacies of land use policy-making, with its problems and opportunities.

Conscious in varying degrees of these ramifications, members of the State Land Use Commission approached their Second Five-Year District Boundaries and Regulations Review with a broader perspective than had been the case in the pre-

vious review. The major effort was to obtain a full picture of the needs, intentions and desires of all of Hawaii's people—landowners, developers, ordinary citizens, government agencies—and not only for the present, but for the next one, two and more decades.

The procedure used was bold. It was to request proposals of present or future land use intent from anyone and everyone.

The magnitude of the response to the Commission's invitation by "intendees"—mostly landowners and developers—was almost overwhelming in workload effect. But the Commission appreciated the public's cooperation and candor in those responses.

A total of 167 proposals for boundary amendments was received and considered at a series of public workshop meetings held throughout the State. After the workshop meetings were concluded, the Commission made a determination that of the 167 proposals submitted, 120 were worthy of further consideration by the Commission and the public. Therefore, these 120, in addition to 61 of the Commission's own proposals, which chiefly involved "downzoning" reclassifications, were set for the formal public hearings.

On a Statewide basis, the Commission considered a total of 133,438 acres proposed for changes in the four land use districts, and reclassified 66,670 acres. Of the total reclassified, 5,436 acres were changed from Agricultural and Conservation to Urban, and 4,056 acres were changed from the Urban classification to Agricultural or Conservation. Therefore, the net addition to the Urban District classification throughout the State during the 1974 boundary review was approximately 1,380 acres.

While the proposals were being analyzed by the staff, the

consultants to the Commission began gathering information in the form of interviews, survey responses and field inspection. The Commission held public informational meetings in all major geographical areas of the State, explaining the regional, island, and Statewide concept, and seeking full, free, open and honest public reaction. This it received.

The consultants reviewed the total land area of the State, gathering information by which all the environmental costs could be assessed for any region, island or the State. Then a second series of Statewide public meetings, in the form of workshops, was held in order that the Commission might best determine which items were significant enough to merit thorough examination at formal public hearings—hearings which were subsequently held, again in all the major geographical areas of the State.

These hearings resulted in what were perhaps the longest, most thorough (and most vehement in some cases), public-participation sessions on land use in Hawaii's history. They involved a total of about 200 hours in Commission hearings and meetings. At the outset, the Commission, by its broad-review proposal, sought maximum public input. In this regard, it was tremendously successful.

In its determination to conduct a thorough, comprehensive boundary review, the Commission endured substantial public criticism and abuse, individually and collectively. Criticism, deserved or not, is of course a meaningful and welcomed part of participatory democracy. Abuse, however, in the form of disruptive attempts to prevent a meeting from continuing by vocal and physical threats and a disregard of the rights of all persons to be heard, is not conducive to making decisions in the best interests of the majority of all the people.

The Commission has expressed its deep appreciation to those individuals and groups who presented their case in a thorough and factual manner. The genuine and sincere emotion expressed at times was understood by the Commission.

During the long review process, the Commission was required, as the result of a Supreme Court decision, to alter its procedures. In addition to a "legislative" procedure the Commission was obligated to additionally conduct a "judicial" procedure. There was an understandable lack of comprehension by most of the public as to why the Commission then conducted a phase of its hearings where only the "parties" were allowed to participate fully.

As the result of the full year of effort, the Commission had substantial input and information to guide it in its decision-making. The public meetings at which the Commissioners took final actions were held in each County, and the decision-actions were completed on December 20, 1974.

Considering all the circumstances, the Commission was heartened that only two major complaints against the Commission's decisions were enunciated. Both of these complaints were made even before any decisions were rendered, and of course were expected.

So that the public record may be clear as to exactly what did happen, extensive factual information and data are presented in the next chapter of this Report. The record will show what lands received boundary changes, and also how Island and State total acreages changed, by land use classifications.

The in-files record shows that in very few instances were the Commissioners unanimous in their judgment. This certainly is not to be condemned. It indicates that after a thorough examination of all the input, each Commissioner made his personal interpretation and judgment and voted accordingly. This, too, is a healthy sign of participatory democracy by a body of citizens established in law to make such judgments.

The 1974 boundary review brought into sharp focus many problems that must be resolved if Hawaii eventually is to reach the goal of the best possible uses of its precious land. The goal of best uses has been given many interpretations and definitions by many sections of our community. The very important matters of Environmental Protection legislation, coastal zone management, agriculture, housing, economic development, conservation of natural resources, population control or growth (and its placement), planning authority of the Counties, planning authority of the State, availability and cost of public utilities and services, no growth, slow growth, selective and directed growth, maximum growth, total carrying capacity, taxation, lifestyle, social environment and many others—all these must be considered in a total context as related to land use.

As a result of its cumulative years of experience and the specialized knowledge it has gained, particularly during this second boundary review, the Commission has been willing and desirous of offering suggestions and proposals to the Legislature to assist it in achieving the State's ultimate goals.

The Commissioners believe there will be near unanimous agreement that the immediate step to be taken is the formulation of a State policy and further guidelines by which any land use decision can be measured. This is imperative, and such a policy must include the consideration of all the matters listed above.

The task is not simple but the Commissioners are satisfied that with the determination of facts and an assessment of the overriding desires of the majority of Hawaii's people, the basic problems can be overcome.

CHAPTER 8

Statistics of the Boundary Decisions

STATE OF HAWAII LAND USE COMMISSION SECOND FIVE-YEAR DISTRICT BOUNDARIES AND REGULATIONS REVIEW

Statewide Acreage Summary of Proposed District Reclassifications

Island	Agriculture to Urban	Rural to Urban	Conservation to Urban	Urban to Agriculture	Rural to Agriculture	Conservation to Agriculture	Urban to Conservation	Rural to Conservation	Agriculture to Conservation	Agriculture to Rural	Total acreage proposed
Oahu	5,510	0	24	885	0	2,569	872	0	26,073	585	36,518
Maui	1,892	0	0	984	5	102	0	0	342	336	3,661
Molokai	0	2	0	3,453	0	19	36	0	0	6	3,516
Lanai	197	310	8	62	0	0	1,620	2,720	21,100	0	26,017
Kauai	2,710	6	31	338	0	0	307	0	2,657	175	6,224
Hawaii	2,795	0	681	2,508	0	30,690	1,629	0	19,199	0	57,502
State totals	13,104	318	744	8,230	5	33,380	4,464	2,720	69,371	1,102	133,438

Statewide Acreage Summary of Approved District Reclassifications

Island	Agriculture to Urban	Rural to Urban	Conservation to Urban	Urban to Agriculture	Rural to Agriculture	Conservation to Agriculture	Urban to Conservation	Rural to Conservation	Agriculture to Conservation	Agriculture to Rural	Total acreage changed
Oahu	1,758	0	24	350	0	2,569	339	0	240	0	5,280
Maui	1,148	0	0	498	5	0	0	0	342	16	2,009
Molokai	0	2	0	1,828	0	19	36	0	0	6	1,891
Lanai	197	0	0	0	0	0	0	0	3,100	0	3,297
Kauai	339	0	0	93	0	0	87	0	990	0	1,509
Hawaii	1,289	0	681	608	0	30,690	217	0	19,199	0	52,684
State totals	4,731	2	705	3,377	5	33,278	679	0	23,871	22	66,670

**STATE OF HAWAII LAND USE COMMISSION
SECOND FIVE-YEAR DISTRICT BOUNDARIES AND REGULATIONS REVIEW**

Island of Oahu Lands Affected by the Commission's District Boundary Changes

Commission docket number	Tax map key	Location	Estimated acreage	Reclassification action	County General Plan designation*
O74-1	5-6-6: 6 (por.)	Kahuku	82	A to U	Agriculture and Residential
O74-4	4-7-5: 1 (por.)	Kahaluu	7	U to A	Agriculture
O74-5	4-7-1: 2 (por.)	Kahaluu	38	U to C	Open Space
O74-6	4-6-5: 1 (por.)	Heeia Fishpond	55	U to C	Low Density Resort
O74-7	4-7-40: 19 (por.)	Kahaluu	2	C to U	Residential and Open Space
O74-8	4-2-14: 2 (por.)	Kapaa Quarry	50	U to C	Open Space
O74-9	4-2-2: 3 (por.)				
	4-2-4: 35 (por.)	Enchanted Lake	5	C to U	Residential and Open Space
O74-10a	3-9 (portions)	Hawaii Kai	15	C to U	Preservation, Residential, Apartment
O74-10b	3-9 (portions)	Hawaii Kai	196	U to C	Preservation, Agriculture, Residential, Industrial, Apartment, Commercial, Park
O74-13	9-8-38: 1 (por.)	Aiea	2	C to U	Residential & Open Space
O74-16	9-4-6: 8 (por.), 7	Waipio	536	A to U	Agriculture & Park
O74-18	9-5-1: 5 (por.), 35 (por.)	Mililani	24	A to U	Open Space and Golf Course
O74-20	7-6-01: 6, 1 (por.), 5, 7	Wahiawa	100	A to C	Residential, Park, Military
O74-22	9-1-12: 1 (por.)	Ewa Town	655	A to U	Agriculture
	9-1-16: 25 (por.)				
	9-1-17: 4 (por.)				
O74-23	9-1-12: 5 (por.), 23	Oneula	290	A to U	Agriculture
O74-25	9-1-15: 4 (por.)	Ewa	4	U to A	Agriculture
O74-26	9-2-3: 2 (por.)	Makakilo	160	U to A	Agriculture, Residential, P-1
O74-28	8-9-8: 1 (por.)	Nanakuli	140	A to C	Open Space
O74-29	8-7-9: 7	Lualualei	179	U to A	Residential & Open Space
O74-30	8-7-10: 2 (por.), 3 (por.)	Maui	170	A to U	Residential, Agriculture, Park, School
O74-34	6-8-2: 1, 10, 14	Mokuleia	2,569	C to A	Residential, Park, P-1
	6-9-1: 2, 5, 6, 4				
	6-9-3: 2				
O74-37	5-9-11: 15	Sunset Beach	1	A to U	Commercial

*NOTE: The Honolulu City Planning Commission, in concurrence with the Chief Planning Officer, recommended that the State Land Use Commission not make a decision to amend any Urban boundary at this time, but to wait until the City moves to review its General Plan. No comments or recommendations were made by the City Planning Commission for those proposed boundary changes to Agricultural or Conservation Districts. For the Neighbor Island Counties, County Planning Commission recommendations are listed as additional material to those tables.

**STATE OF HAWAII LAND USE COMMISSION
SECOND FIVE-YEAR DISTRICT BOUNDARIES AND REGULATIONS REVIEW**

Island of Hawaii Lands Affected by the Commission's District Boundary Changes						
Commission docket number	Tax map key	Location	Estimated acreage	Reclassi- fication action	County General Plan designation	Recommendation of County Planning Commission
H74-1	4-5-10: 2 (por.)	Honokaa	65	A to U	Low Density Urban Development	Approval
H74-2	4-4-6: 13, 15, 1 (por.)	Honokaa	90	U to A	Low Density Urban Development	Approval
H74-3	4-3-3: 31 4-3-4: 16	Paauiilo	13	U to A	Extensive and Intensive Agriculture; Low Density Urban Development	Approval
H74-4	4-3-03: 13, 18 (por.)	Paauiilo	40	A to U	Low and Medium Density Urban Development	Approval
H74-5	4-2-2: 7 (por.)	Kukaiaua	5	U to A	Extensive Agriculture	Approval
H74-6	3-5-3: 27 (por.), 72 3-5-4: 8 (por.)	Papaaloa	140	A to U	Low Density Urban Development	Approval
H74-7	3-7-1: 2 (por.)	Laupahoehoe	120	A to C	Extensive Agriculture	Approval
H74-9	2-8-7: 1 (por.)	Pepeekeo	2.5	U to A	Low Density Urban Development	Approval
H74-10	2-5-8: 3 (por.)	Hilo	157	A to U	Alternative Urban Expansion	Approval
H74-11	2-5-49 2-5-50 2-5-51	Hilo	40	A to U	Orchards and Alternative Urban Expansion	Approval
H74-12	2-4-3: 35, 41, 21, 52, 22, 16, 36, 44, 5, 4 2-4-38: 1, 2, 6, 8, 10, 11, 12, 14, 15, 16, 17, 18, 20, 21, 23 2-4-39: 1 (por.), 2, 3, 12	Waiakea Homesteads	325	A to U	Low Density Urban Development	Approval
H74-13	2-1-16: 1 (por.) 2-1-15: 1 (por.), 3, 4, 56 2-1-13: 146 (por.), 149, 7, 8 (por.), 1 (por.)	Keaukaha	110	U to A	Industrial and Low Density Uses	Approval
H74-14	1-6-3: 3 (por.)	Keaau	3	U to A	Low Density Urban Development	Approval
H74-15	1-7-1: 21 (por.)	Kurtistown	1	A to U	Low Density Urban Development	Approval
H74-16	1-7-16: 35 1-7-26: 27, 28, 29, 31, 32, 33, 34, 35, 36 1-7-1: 16, 40 1-7-3: 17 (por.) 1-7-9: 11, 12, 7 1-7-10: 1 (por.)	Mt. View	35	U to A	Low Density Urban Development	Approval
H74-18	1-5-7: 3	Pahoa	5	A to U	Low Density Urban Development	Approval

**STATE OF HAWAII LAND USE COMMISSION
SECOND FIVE-YEAR DISTRICT BOUNDARIES AND REGULATIONS REVIEW**

Island of Hawaii Lands Affected by the Commission's District Boundary Changes (Continued)

Commission docket number	Tax map key	Location	Estimated acreage	Reclassification action	County General Plan designation	Recommendation of County Planning Commission
H74-20	1-4-1: 12	Nanawale	17	A to C	Orchards	Approval
H74-21	1-4-1: 20 (por.)	Nanaweale	40	C to A	Conservation	Approval
H74-22	9-6-5: 1 (por.), 3 (por.) 9 (por.)	Pahala	261	U to A	Low Density Urban Development	Approval
	9-6-12: 2 (por.)					
	9-6-2: 1 (por.)					
	9-6-13: 3 (por.)					
H74-24	9-6-1: 9, 10	Punaluu	1	C to U	Open	Denial
H74-25	9-5-07: 16 (por.)	Naalehu	76	U to A	Agriculture; Medium Density Urban	Approval
	9-5-10: 1 (por.)				Conservation	
H74-26	9-8-1: 4 (por.)	Kapapala	15,600	A to C	Low Density Urban	Approval
H74-27	4-8-8: 1 (por.)	Kukuihaele	12	U to A	Development	Approval
	4-8-6: 1 (por.)					
H74-28	5-5-3: 12	Hawi	14	A to U	Intensive Agriculture: Floating Zone Concept. Industrial use may be allowed	Approval
H74-29	5-7-1: 22, 10 (por.)	Lapakahi	300	A to C	Extensive Agriculture and Open	Approval
H74-30	6-2-1: 1 (por.), 2 (por.) 6-3-1: 2 (por.)	Kohala	737	A to C	Extensive Agriculture	Approval
	6-2-1: 8 (por.), 25 (por.)					
H74-31a	6-6-2: 35, 31, 32 6-9-1: 1 (por.)	Hapuna	185	U to C	Open/Encourage Implementation of Hapuna State Park Plan	Approval
H74-31b	6-2-2: 1 6-6-1: 53, 52, 55, 2 6-9-01: 15	Hapuna	325	A to C	Encourages Implementation of Hapuna State Park Plan	Approval
H74-33a	6-8-1: 22 (por.) 6-9-1: 5 (por.)	Waikoloa	252	A to U	Resort, Open, Low and Medium Density	Approval
H74-33b	6-9-1: 5 (por.)	Makaiwa	362	C to U	Resort, Open, Low and Medium Density	Approval
H74-34	7-2-3: 1 (por.), 2	Kaupulehu	318	C to U	Retreat, Resort Complex	Approval
H74-35	7-1-1: 1 (por.) 7-1-1: 3	Puu Waawaa	2,100	A to C	Extensive Agriculture	Denial
	7-8-1: 3 (por.), 7 (por.)	Keauhou	30,650	C to A	Conservation	Approval
H74-39	7-4-8: 12 (por.), 1 (por.)	Kealakehe	248	A to U	Low Density Urban Development	Approval
H74-43	7-6-4: 18	Holualoa	1	A to U	Medium Density Urban Development	Approval
H74-46	8-3-4: 1 (por.) 8-3-5: 1 (por.), 14, 15, 16, 17, 18, 19 8-3-6: 20, 21, 22, 23, 25, 27, 28, 29	Keei	32	U to C	Low Density Urban Development	Denial

STATE OF HAWAII LAND USE COMMISSION
SECOND FIVE-YEAR DISTRICT BOUNDARIES AND REGULATIONS REVIEW

Island of Maui Lands Affected by the Commission's District Boundary Changes

Commission docket number	Tax map key	Location	Estimated acreage	Reclassification action	County General Plan designation	Recommendation of County Planning Commission
M74-1a	4-3-01: 1 (por.)	Napilihau	30	A to U	Conforms to Lahaina General Plan	Approval
M74-1b	4-2-01: 1 (por.)	Honolua	66	A to U	Conforms to Lahaina General Plan	Approval
M74-2	4-2-01: 1 (por.)	Honolua	68	U to A	Conforms to Lahaina General Plan	Approval
M74-4	3-2-10: 1 (por.)	Waihee	64	A to U	Does not conform to Wailuku-Kahului General Plan except for 30 acres	Approval of 30 acres.
M74-5	3-4-26: 1 3-4-29: 3 3-4-30: 2 (por.)	Wailuku	58	A to U	Conforms to Wailuku-Kahului General Plan	Approval
M74-6	3-5-01: 1 (por.) 3-5-02: 3 (por.)	Wailuku Hts.	110	A to U	Conforms to Wailuku-Kahului General Plan	Approval
M74-7	3-8-07: 73 (por.)	Wailuku	220	A to U	Conforms to Wailuku-Kahului General Plan	Approval
M74-8	3-8-7: 73 (por.) 74 (por.)	Wailuku-Kahului	400	U to A	Conforms to Wailuku-Kahului General Plan	Approval
M74-9	3-8-6: 5 (por.) 3-8-7: 91	Kahului	44	A to U	Conforms to Wailuku-Kahului General Plan	Approval
M74-10	3-8-6: 1 (por.)	Puunene	8	A to U	Agriculture	No objection
M74-11	3-8-6: 4 (por.)	Puunene	8	U to A	Agriculture	No objection
M74-12	3-8-6: 1 (por.)	Puunene	7	U to A	Agriculture	No objection
M74-13	2-5-5: 21 (por.)	Paia	23	A to U	Conforms to Paia General Plan	Approval
M74-15	2-7-8: 03	Haiku	14	A to R	No existing General Plan	Further studies to be made.
M74-17	2-4-03: 9, 29, 6, 8	Makawao	15	U to A	No existing General Plan	No objection, provided landowners affected concur with change.
M74-20	2-3-06: 3 (por.), 4 2-4-15: 2	Olinda	92	A to C	No existing General Plan	Generally in support
M74-21	2-3-2: 51	Kula	2	A to R	No existing General Plan	Generally has no objection
M74-23	1-2-0: 1 (p), 2 (p), 10 (p), 11, 12, 27 (p), 34 (p), 43 (p)	Nahiku	250	A to C	No existing General Plan	Alexander & Baldwin's comments have merit. Further studies should be made prior to decision.
M74-24	1-5-5: 12	Hana	5	R to A	Conforms to Paia General Plan	Generally in support
M74-25	2-1-05: 86, 87, 26 (por.) 2-1-06: 36, 37, 58, 59, 84 2-1-07: 82 (por.), 56, 60, 68 2-1-08: 1 (por.)	Makena	500	A&R to U	Generally conforms to Kihei 701 General Plan	Recommends incremental development
M74-26	2-2-2: 1 (por.)	Kihei	25	A to U	Conforms to Kihei 701 General Plan	Approval

**STATE OF HAWAII LAND USE COMMISSION
SECOND FIVE-YEAR DISTRICT BOUNDARIES AND REGULATIONS REVIEW**

Island of Kauai Lands Affected by the Commission's District Boundary Changes

Commission docket number	Tax map key	Location	Estimated acreage	Reclassification action	County General Plan designation	Recommendation of County Planning Commission
K74-1 K74-8	5-5-01: 2 (por.) 4-6-9: 20	Hanalei Kapaa	25 30	U to A A to U	Residential Residential	No objection. Approval with condition that substantial commencement of housing takes place within 3 years. Non-performance shall be a basis for reversion to former classification.
K74-9	4-6-12: 35	Kapaa	38	A to U	Residential, Agriculture & Open	Approval. Non-performance shall be a basis for reversion to former classification.
K74-10	4-6-14: 9 (por.), 10, 11 (por.) 16 (por.), 17, 50, 61 (por.), 101	Kapaa	20	U to A	Residential	No objection.
K74-11	4-3-4: 3	Kapaa	3	U to A	Open	1) Recommend all swampy areas of this and nearby properties be redistricted to avoid spot districting, or 2) dedicate land for agriculture or open space.
K74-12	4-2-3: 13 (por.)	Wailua Homesteads	25	A to U	Residential	Approval with same reasoning as K74-8. Also, public access to stream and forest reserve is a condition for approval.
K74-14	4-2-01: 3, 4, 5 (por.)	Wailua	350	A to C	Open & Agriculture	Approval
K74-15	3-9-01: 2 (por.)	Wailua	640	A to C	Agriculture	Approval
K74-16	3-7-3: 1 (por.)	Nukoli	66	A to U	Open and Agriculture	Approval of 58 acres with substantial completion of development to take place within 5 years, and denial on 8 acres. Non-performance shall be a basis for reversion to former classification.
K74-17	3-7-3: 1 (por.)	North Hanamaulu	21	A to U	Residential and Public Park	Approval with same reasoning as K74-8.
K74-18	3-7-2: 1 (por.)	Hanamaulu	87	U to C	Open and Agriculture	Approval.
K74-19	3-7-1: 1 (por.)	Lihue (Wilcox)	14	A to U	Residential	Approval with condition that the following be included in the deed: The area be developed strictly for elderly housing, nursing home and retirement facility as represented.
K74-20	3-7-1: 1 (por.)	Lihue	30	U to A	Residential & Commercial	No objection.
K74-21	3-6-2: 1 (por.)	Molokoa, Lihue	31	A to U	Agricultural & Residential	Approval with same reasoning as K74-8.
K74-27	2-6-04: 15, 19, 39 (por.)	Poipu	15	U to A	Open & Residential	No objection.
K74-30	2-3-8: 2, 3, 9, 49, 51, 52, 53, 54 2-3-18: 5, 38	Kalaheo	117	A to U	Residential (M/F) & Open	Disapprove.

**STATE OF HAWAII LAND USE COMMISSION
SECOND FIVE-YEAR DISTRICT BOUNDARIES AND REGULATIONS REVIEW**

Island of Molokai Lands Affected by the Commission's District Boundary Changes						
Commission docket number	Tax map key	Location	Estimated acreage	Reclassification action	County General Plan designation	Recommendation of County Planning Commission
MO74-1	5-7-3: 43	Waialua	6	A to R	Rural	Further studies be made by Land Use Commission before action. Further studies be made by Land Use Commission before action. Land Use Commission take into consideration the future need for job opportunities on Molokai and the progress of the development plans, as well as the concerns expressed by the people of Molokai. Same as under MO74-3 above.
MO74-2	5-7-7: 18, 19, 20	Pukoo	2	R to U	Commercial	
MO74-3	5-6-5: 1 (por.), 12 (por.), 36 (por.) 5-6-6: 2 (por.) 5-6-7: 2, 4, 68, 69, 70, 1 (por.)	Puaahala	148	U to A	Agriculture, Hotel, Residential	
MO74-4	5-6-5: 12 (por.), 36 (por.) 5-6-7: 1 (por.)	Paialoa	36	U to C	Hotel	
MO74-5	5-5-1: 12	Kapuakoolau	19	C to A	Agriculture, Open Space, flood plain	
MO74-6	5-1-2: 14 (por.)	Kaluakoi	1,680	U to A	Agriculture, Hotel, Residential-Resort	
Island of Lanai Lands Affected by the Commission's District Boundary Changes						
L74-2 L74-3a	4-9-02: 1 (por.) 4-9-1: 2 (por.) 4-9-2: 1 (por.) 4-9-14: 14 (por.)	Kanepuu, Paomai Lanai City	3,100 197	A to C A to U	Agriculture Agriculture	No objection. No objection.

Thank You . . .

The State Land Use Commission expresses its sincerest thanks to all who contributed time, energy, opinions, comments, suggestions and other assistance in the Second Five-Year District Boundaries and Regulations Review, and other work of the Commission. The Commission is particularly grateful to its hard-working and devoted staff; to the consultants, for their expertise; to the planners and others in various Departments of the State and Neighbor Island Counties; to the thousands of people who attended the Commission's public meetings; and to the hundreds who actually testified. It was this total input which determined the decisions that were made.



A housing development surrounded by agriculture, Oahu

Some Final Considerations

"Where do we go from here?" is a classic question asked of every new Government Administration or Legislature during periods of transition. Hawaii at the beginning of 1975 was at such a time of transition, with a new Governor, new Cabinet officers, many new legislators, new County Mayors and County Councils, and other changes in the State and County Governments. It is logical, therefore, that consideration of changes in the State Land Use Law be among a multitude of proposals for improvement.

The Land Use Law itself was developed and passed by the 1961 State Legislature less than two years after one of the most important periods of change in Hawaii's history—the coming of Statehood. Then there followed the 12 dynamic years of the Governorship of John A. Burns, when new directions were charted and bold new approaches tried to make Hawaii a leader in the Nation in social progress, State planning, legislative innovation, and wise use of limited resources. The record is one of considerable success, progress and prosperity mixed with some mistakes and, in the field of land use and the environment, higher expectations and more stringent standards.

This "Report to the People" has covered the history and complexities of the State Land Use Law and the activities of the Land Use Commission during its first dozen years. Now, with the Second Five-Year District Boundaries and Regulations Review completed, it is logical that the people of Hawaii may wish to consider further new approaches and refinements in the field of long-range land use planning and management.

In this regard, the Commission's consultants have offered some suggestions for changes and improvement to the present Statewide land use control system and the land use law. Sev-

eral alternative approaches addressing themselves to the many different aspects of land use management are discussed in the two accompanying supplemental technical reports.* Basically, the Marshall Kaplan, Gans, Kahn and Yamamoto report reviews the land use planning aspects, and the Mandelker report examines the legal elements of the State land use law.

But where do we go from here? This question still persists and the possibilities are many. A logical first step is to pose major questions and identify issues which must be faced. This final chapter discusses three major ones.

POLICY ISSUE NO. 1: THE COMMISSION'S ROLE AND POWERS. Exactly what should be the role and authority of the State Land Use Commission? At present it is a Commission established by the Legislature and appointed by the Governor, with Senate consent, with important but limited powers to classify and district all lands throughout the State according to major land use categories. Should these powers be increased or diminished? To what degree? If increased, from whom shall power be taken? If diminished, to what agency will its powers be transferred? How should the Land Use Commission's basic powers compare with those of other Boards and Commissions, such as the Public Utilities Commission, the University of Hawaii Board of Regents, the Board of Land and Natural Resources? Can the exact role and authority of the State Land Use Commission in fact be defined? Or can it be true that the Commission's role and powers are and will be constantly changing, regardless of statutory or legislative amendments?

Within the limits of the land use law, the Commission should utilize its role and powers to respond to the changes in values, trends and conditions which occur over time. Thus, the emergence and intensification of certain land use issues could greatly affect the role of the Commission and the interpreta-

*The two technical reports referred to throughout this volume are not available in quantities for general distribution, but will be found in all major Hawaii libraries.

tion of its powers. For example, although very few legislative amendments to the Commission's role and powers were made since the early 1960's, the Commission's role and interpreted powers have changed because conditions and people's values in Hawaii have changed since that time.

Still another area concerning the role and powers of the Commission which could be reviewed includes the subject of land use planning. Is the Commission a judicial body, a planning body, or both? Should the Commission actively engage in land use planning and land use policy development? If not, to what agency should this responsibility be delegated? Further, if there is to be a separation of land use planning and policy development from the implementation aspects between two different agencies, what is to be the relationship between the responsible agencies? What part does the Commission play—or should it be expected to play—in Statewide growth and development? Is the Commission performing up to its expectations? If not, why not? Could it be true that, under the existing circumstances (i.e., the absence of an official or adopted State plan to be guided by), it is quite difficult to determine the effectiveness or ineffectiveness of the Commission's present role and powers? Because, without a plan, a meaningful measure of the Commission's performance cannot be established?

A further concern regarding the Commission's role and powers involves the Commission's relationship to each County's role and authority in land use control. Where does the State's responsibility in land use control begin and end? Is there a smooth transition between the State and County authorities in land use management? Or are there overlaps in authority and roles of the concerned agencies? A discussion of the State and County role in land management is covered in Volume II of the Marshall Kaplan, Gans, Kahn and Yamamoto report.

The above clearly illustrates that the role and powers of the Commission are multi-faceted, cover several different areas of concern, and their definition is often interpreted differently by people with different interests and relationships to the Land Use Law.

From the standpoint of a statutory or legislative definition regarding the Commission's role and authority, bills were introduced in the 1975 session of the Legislature which ultimately may determine what the role and power of the Land Use Commission will be.

POLICY ISSUE NO. 2: FEDERAL, STATE AND COUNTY RELATIONSHIPS. This "Report to the People" has shown the complexities of land use control caused by Federal, State and County laws, powers and actions. They overlap, intertwine, complement, supplement, strengthen and contradict each other. They certainly cause confusion for everyone, and it requires specialists to separate the pieces and make sense out of the whole. In considering the role and powers of the Land Use Commission, therefore, the Legislature and all others involved must be aware of, and understand, the complexity of land use control laws, rules and regulations, and not complicate matters further by ill-advised actions. The goal of all should be unity, harmony, smooth operation and clearer understanding of land use controls. This requires some degree of unity in the philosophy of land use—whether established in law or in pragmatic operations. It also requires expertise: land use controls simply cannot be administered by people unfamiliar with all their ramifications. This does not mean merely the technical expertise of "bureaucrats" or professional specialists; it also means the common-sense, practical knowledge and wisdom of citizens who know their own home town and its history, culture and "the will of the people." The philosophy of land use control should, of course, come from the people; it must be a true reflection of what most of the citizens want, and not what a relatively few believe they *should* want.

In considering Federal, State and County relationships, therefore, all must be aware of, and know the fundamentals of, such major developments affecting Hawaii's land use as the Federal Coastal Zone Management Act of 1972; proposed national land use legislation; the Hawaii Environmental Policy Act of 1974; the trends and innovations of other States in land use management; various court decisions on land use control; the various Federal, State and County planning projects, pro-

grams and documents which set forth policies, goals and objectives which affect, or are affected by, land use. It is now simply a fact of life and of law that the people of Hawaii cannot do what they want with their land unless their desires are in conformity with a host of Federal, State and County laws, rules, regulations and procedures.

POLICY ISSUE NO. 3: THE RELATIONSHIP OF LAND USE AND PLANNING. Planning may be for many, one of the fuzziest subjects in American life. Planning is preparation for a future which is really unknown but can reasonably be anticipated. Governmental land-use planning began with the layout of cities and towns to make them beautiful and useful. Land use planning started out with "Where shall we put things?" Today it is incredibly more complex and raises a host of questions: What do we want of our society? Where shall we put things? Should a resort hotel be on a beach? Can we please everyone? Should we take people's property away to develop a park for everyone? Where will we get the money to do all the things we want to do? How can we be sure we won't create a monster with our wonderful plan? (Today's ghettos are yesterday's grandiose housing plans.)

Planning is the best system yet devised by man to prepare for the future, and it requires the help and cooperation of all citizens in a spirit of aloha. The work of the State Land Use Commission cannot be divorced from the work of government planning agencies. It must be integrated with planning. How this is to be done is a chief issue for Hawaii today.

Statewide comprehensive long-range planning is carried out by the State Department of Planning and Economic Development. The State Land Use Commission was established administratively within this department, by the Legislature, so that it might function surrounded by planning expertise and knowledge. This has also enabled the Commission to keep very close to Federal and County planning, which is now well integrated with State planning. The Commission has been assisted by a competent group of professional planners on its own staff, and has benefitted from the advice, counsel and experience of

literally hundreds of Islanders skilled in various aspects of planning.

A key issue arises: what is the relationship of the Land Use Commission's specific land use decisions to the Federal, State and County planning process? Should the land use decisions be made to conform to a "State General Plan"? What *IS* a "State General Plan"? (The Department of Planning and Economic Development in its **State of Hawaii Growth Policies Plan: 1974-1984** says the swiftness of change in modern society makes impossible the formulation of a "State General Plan." Rather, it says, State planning must be a "planning process" in which various products of the process—such as a Statewide Comprehensive Outdoor Recreation Plan—form together the equivalent of a State General Plan.

State Land Use Commission decisions have the force and effect of either contributing to, or being opposed to, the long-range planning goals of the Federal, State and County governments. The manner in which its specific decisions are to be smoothly meshed with the planning goals of many agencies is the problem to be resolved. The Commission itself has resolved it as much as possible by being alert to all the ramifications of its actions, and by making its sometimes extremely difficult decisions in light of the total picture.

It is notable that following its Second Five-Year District Boundaries and Regulations Review, the Commission received only two major complaints on its decisions—both well publicized. An objective appraisal of the Commission's Review work appears on the last page of this report, in the form of an editorial in the State's largest-circulation newspaper.

It remains now for the Legislature and the Federal, State and County agencies to offer—on behalf of all the people of the State—specific ideas on how this land-use-and-planning integration process can be improved.

The State Land Use Commission is ready to cooperate with all, and particularly by sharing with the Legislature and others engaged in formulating State policy, the knowledge and experience it has gained in its work.

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Reasonable Compromise

During the election campaign, Gov. George Ariyoshi challenged the assumption that the State Land Use Commission is developer-oriented. He told the editors of the Star-Bulletin that he had shared that impression when he became lieutenant governor and had been concerned about it. But he added that the thinking of the commissioners had changed during the last two years.

The commission's decisions in its five-year boundary review seem to partially bear out Ariyoshi's observation. The decisions appear to be a reasoned attempt to strike a balance between the need for resort and residential development and the need to preserve open space and agricultural land.

It is unlikely that anyone will be pleased with all of the dozens of decisions that the commission handed down, but there is none that seems a probable target of outraged protest.

The commission's rejection of the proposal to redesignate 1,337 acres of Waiahole-Waikane land from agricultural to urban and rural use was perhaps the most crucial decision made. For this proposal was the most controversial, the most passionately opposed. It would have forced people to leave their homes and would have set back the cause of diversified agriculture. The entire community was aroused.

The 7-0 vote for rejection in this case is evidence that the commissioners were indeed listening to the hundreds of witnesses at their hearings, that the tortuous process has not been a shibai.

Not all of the upzoning decisions will be accepted without criticism. The approval of 945 acres of Campbell Estate land in Ewa for urban classification brought a protest from Shelley Mark, the departing director of the State Department of Planning and Economic Development, who termed it an inroad into good agricultural land and a blow to the sugar industry. On the other hand, the project is consistent with the directed-growth proposals of the City Planning Department.

Those people who oppose any further development will not be satisfied with the commission's work. Life of the Land, in fact, is challenging the legality of the entire proceedings, and the commissioners can look forward to a court battle as an epilogue to their many stormy hearings.

Our view is that development should not come to a halt, but it must be controlled and directed to meet the community's needs and minimize damage to the environment. The commission seems to have acted largely in that spirit, rejecting outright the worst proposals and modifying others.

Although the antidevelopment militants have not gotten everything they wanted, they have forced the commissioners to weigh their decisions more carefully. The militants therefore deserve part of the credit for what seems to be an improved performance by the commission as compared to the first five-year review.

The commissioners also deserve praise for their willingness to sit through many hours of testimony and endure considerable abuse. The people have certainly been given ample opportunity to be heard in these sessions.

To the credit of the commissioners, they neither caved in entirely to the militants nor rejected their demands totally. They sought instead a middle ground between developer and antideveloper. Therefore the decisions will please neither entirely. But those observers who see the problem as one of compromise between conflicting legitimate needs are likely to find that the commission has taken the correct approach.

How the State's largest-circulation newspaper viewed the State Land Use Commission's work at the end of 1974.