

**APA RECOMMENDATIONS FOR STATE LAND USE REFORM**  
**June 26, 2014**

- A. Transform the Land Use Commission (LUC) to the State Planning Commission (SPC) with authority for the following:
1. Recommend statewide goals and guidelines for each land use district to the legislature, with support from the Office of Planning and State Departments.
  2. With support from the Office of Planning, recommend standards and guidelines for the content of county general plans and development plans to the legislature for adoption. Standards should include land use designations and growth management strategies to accommodate 20-year population projections as provided by the State Department of Business, Economic Development & Tourism; protection of Important Agricultural Lands, and mandatory updates every 10 years.
  3. Review and certify County General Plans and Development Plans as meeting established standards.
  4. Approve boundary amendments for lands in the conservation district; for proposals involving lands that do not have a certified General Plan or Development Plan; proposals changing the status of (i.e. removing) IAL lands; and for proposals that are not consistent with certified general plans or development plans.
  5. Hear appeals to boundary amendments processed by the counties.
- B. Counties to prepare General Plans and Development plans that incorporate statewide goals and guidelines, and content requirements established by the State.
- C. Counties to have authority to process district boundary amendments for lands that are within the urban, agricultural or rural districts to make them conform to certified County General Plans and Development Plans. The County Councils shall render the final decision on the proposed boundary amendment. The State Planning Commission shall serve as the appellate body. Appeals may be sustained based on the following: a) Access to new information; b) the decision was based on erroneous finding of a material fact; c) The decision was made in an arbitrary or capricious manner.

**JUSTIFICATION:**

This proposal to amend the current policies embodied by Chapter 205 (HRS) and the practices of the Land Use Commission is reflective of the maturity of the various Counties to plan and administer land use within their jurisdictions. Each County has in place a general plan that reflects the overall vision for their County's land, further, each County has developed community development plans that further interprets the community vision for specific land use within the plan districts. Limits on urban use expansion into the conservation districts and lands designated important agricultural lands are addressed in the community development plans.

**APA RECOMMENDATIONS TO REFINE THE STATE LAND USE LAW**  
**June 26, 2014**

1. Update the Hawaii State Plan and State Functional Plans so that they provide better guidance to the land Use Commission, and address emerging issues such as climate change, and continue to update the plans at least every ten years.
2. Require at least one land use commissioner to have expertise in land use planning (i.e. at least 5-years of experience preparing or administering comprehensive land use plans.)
3. Change standards for rural districts to encourage better land use planning (i.e. Compact development, clustering development, neighborhood-scale commercial establishments). The two homes per acre limitation encourages rural sprawl.
4. Increase the threshold for county jurisdiction of district boundary amendments from 15-acres to 100-acres due to the high cost of going through the LUC's quasi-judicial process.
5. Consider relaxing requirements for nonconforming infrastructure in the Agricultural district, or allowing subject to a State Special Use Permit. This includes, but is not limited to, wind farms, solar farms, and geothermal. Technology is rapidly evolving so the land use law should be updated to ensure it is not overly restrictive.
6. Clarify when the clock starts running for processing of boundary amendments in section 205-4(g).
7. Consider expanding IAL classification to include LSB"A" and "B" lands or to use the ALISH system.