ROLE OF OFFICE OF PLANNING

OP is the State’s planning agency, responsible for statewide comprehensive and regional planning.
ROLE OF OFFICE OF PLANNING

It has an interest in advancing the intent of the State land use law:

“To preserve, protect, and encourage the development of the lands in the State for those uses to which they are best suited for the public welfare” (HRS Chapter 205).
In OP’s work over the years, questions have been raised about the system. So we set forth to find out…

- Is the system working?
- How might it be improved?
STATE LAND USE LAW

1961 Enacted in response to:

- Scattered subdivisions w/o adequate services
- Unprecedented population and economic growth
- Calls for State role in land use management
- Development on limited prime agricultural lands
- Real estate speculation

statewide land use system
STATE LAND USE LAW

FRAMEWORK for statewide land use management

Four State land use districts—all lands classified

URBAN
• City-like uses
• Regulated by counties

RURAL
• Small farms, low-density residential
  • Uses in Chapter 205
  • Permitting: counties
  • Districting: State

AGRICULTURAL
• Cultivation, other agriculture-related uses
  • Uses in Chapter 205
  • Permitting: counties
  • Districting: State

CONSERVATION
• Forest reserves, watersheds, other nature resources
  • Permitting: State
  • Districting: State

statewide land use system
STATE LAND USE LAW

2. Administered by State Land Use Commission

Nine appointed members – serve as volunteers

Supported by LUC staff

statewide land use system
STATE LAND USE LAW

3 LUC decides:
- amendments of State land use districts
- designation of Important Agricultural Lands (IAL)
- special permits >15 acres in Agricultural or Rural Districts
- declaratory rulings

4 Counties enforce uses in urban, rural, and agricultural districts

statewide land use system
CHANGES IN LAND USE LAW

- **1961**: Land use law / LUC established
- **1964**: Boundaries first established by LUC
- **1972**: LUC authorized to impose conditions
- **1975**: LUC process changed to contested case hearing
- **1985**: OP assigned 5-Yr Boundary Review
- **1985**: Counties authorized to reclassify lands <15 ac
- **1995**: LUC decision required w/in 365 days
- **2005**: Important Agricultural Lands process enacted

*statewide land use system*
## Statewide Land Use System:

### State Component

<table>
<thead>
<tr>
<th>Category</th>
<th>Components</th>
</tr>
</thead>
<tbody>
<tr>
<td>State planning</td>
<td>• Hawaii State Plan&lt;br&gt;• State Functional Plans</td>
</tr>
<tr>
<td>State land use management</td>
<td>• State Land Use Law [LUC]&lt;br&gt;• State Conservation District Use [DLNR]</td>
</tr>
<tr>
<td>State agency plans</td>
<td>• Long-range and program plans&lt;br&gt;• Capital improvement plans</td>
</tr>
<tr>
<td>State agency permits</td>
<td>• Environmental permits&lt;br&gt;• Facility permits</td>
</tr>
</tbody>
</table>
PROJECT APPROVAL PROCESS

Year 1
Environmental Review (EA/EIS)

Year 2
State LUC District Boundary Amendment

Year 3
County Plan Amendments

Year 4
Agency Facility/Infrastructure

Year 5
Zoning Permits*

Year 6
Subdivision

Year 7
Grading/Building

STATE involved

* SMA, Zoning, Planned Development, Special District, other

statewide land use system
STATE DISTRICT BOUNDARY AMENDMENTS

Timing determined by petitioner

Petition Filing
• EA or EIS
• Notice of Filing
• Intent to Intervene

Deemed Proper Filing

Hearing Notice
• Party Positions
• Witness/Exhibit List
• Petition to Intervene
• Pre-Hearing Conf.

Contested Case Hearing
• Parties Present Case
• Witness Testimonies
• Cross-Examinations
  • Rebuttals
  • Proposed Findings

Decision & Order
• Approve /Deny
  • Findings
  • Conditions

LUC has 365 days to make a decision

STATE LAND USE PROCESS:

STATE DISTRICT BOUNDARY AMENDMENTS

Timing determined by petitioner

Petition Filing
• EA or EIS
• Notice of Filing
• Intent to Intervene

Deemed Proper Filing

Hearing Notice
• Party Positions
• Witness/Exhibit List
• Petition to Intervene
• Pre-Hearing Conf.

Contested Case Hearing
• Parties Present Case
• Witness Testimonies
• Cross-Examinations
  • Rebuttals
  • Proposed Findings

Decision & Order
• Approve /Deny
  • Findings
  • Conditions

LUC has 365 days to make a decision

STATE LAND USE PROCESS:

STATE DISTRICT BOUNDARY AMENDMENTS

Timing determined by petitioner

Petition Filing
• EA or EIS
• Notice of Filing
• Intent to Intervene

Deemed Proper Filing

Hearing Notice
• Party Positions
• Witness/Exhibit List
• Petition to Intervene
• Pre-Hearing Conf.

Contested Case Hearing
• Parties Present Case
• Witness Testimonies
• Cross-Examinations
  • Rebuttals
  • Proposed Findings

Decision & Order
• Approve /Deny
  • Findings
  • Conditions

LUC has 365 days to make a decision
### Statewide Distribution of Land in State Land Use Districts

<table>
<thead>
<tr>
<th>Land Use District</th>
<th>1969</th>
<th>2013</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban</td>
<td>3.4%</td>
<td>4.9%</td>
<td>↑</td>
</tr>
<tr>
<td>Rural</td>
<td>0.2%</td>
<td>0.3%</td>
<td>↑</td>
</tr>
<tr>
<td>Agricultural</td>
<td>47.6%</td>
<td>45.8%</td>
<td>↓</td>
</tr>
<tr>
<td>Conservation</td>
<td>48.9%</td>
<td>49.0%</td>
<td>↑</td>
</tr>
</tbody>
</table>
# STATE LAND USE REVIEW TASK FORCE

<table>
<thead>
<tr>
<th>Office of Planning</th>
<th>Land Use Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>City DPP</td>
<td>Maui Planning</td>
</tr>
<tr>
<td>Hawaii Planning</td>
<td>Kauai Planning</td>
</tr>
<tr>
<td>State DOT</td>
<td>State Dept of Agriculture</td>
</tr>
<tr>
<td>State DLNR</td>
<td>State DBEDT</td>
</tr>
<tr>
<td>Waikiki Improvement Assn</td>
<td>Hawaii Farm Bureau</td>
</tr>
<tr>
<td>American Planning Assn</td>
<td>American Institute of Architects</td>
</tr>
<tr>
<td>Land Use Research Foundation</td>
<td>Chamber of Commerce</td>
</tr>
<tr>
<td>Building Industry Assn</td>
<td>Sierra Club</td>
</tr>
<tr>
<td>Outdoor Circle</td>
<td>Office of Hawaiian Affairs</td>
</tr>
<tr>
<td>State Senate</td>
<td>House of Representatives</td>
</tr>
</tbody>
</table>

*stakeholder input to review*
COMMUNITY & STAKEHOLDER MEETINGS

Nov 2014 to Mar 2015
14 public & stakeholder meetings
258 meeting attendees

Participants were asked about experiences with the land use system and for ideas to improve the system.
Table of contents:

- Chapter 1: Introduction
- Chapter 2: Land Use Planning in Hawaii
- Chapter 3: Preferences for a Desired Land Use System for Hawaii
- Chapter 4: Analysis of Land Use System Issues
- Chapter 5: Proposed Improvements to Hawaii’s Land Use System
- Chapter 6: Summary Observations and Conclusions
PUBLIC REVIEW PERIOD ENDS MAY 31

Public Review Draft available on website:  
http://planning.hawaii.gov/lud/state-land-use-review/

Ways to submit comments:
1. Digitally on website
2. Email: lud@dbedt.Hawaii.gov
3. Mail: Office of Planning, PO Box 2359, Honolulu, HI 96804-2359
WHAT’S NEXT

- **Comments due May 31, 2015**
  - Comments to be addressed in Final report to be prepared by OP.
  - Final report to be completed by July 2015.
Mahalo!

Office of Planning
State of Hawaii
P.O. Box 2359 | Honolulu, HI 96804-2359
Ph: (808) 587-2846

Web: http://planning.hawaii.gov
Twitter: PlanningHIgov
Facebook: https://www.facebook.com/OfficeofPlanning.HIgov