Presentation Agenda

1. Hawaii State Land Use Law - History and Major Changes

2. Major Development Approvals in Hawaii

3. Land Use District Boundary Amendment Process
State Land Use Law (HRS Ch. 205)  
Historical Perspective

• Act 187 enacted in 1961 (Statehood in 1959)
• Strong central government (Gov. Burns era)
• Unprecedented population and economic growth
• Real estate speculation
• Urban sprawl without adequate service facilities
• Development on limited prime agricultural lands
• Land Use Law’s Declaration of Purpose:
  “... 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....” (See L. 1961, c. 187, § 1)
State Land Use Law
Act 187, SLH 1961

Initial Role of Land Use Commission:

1. Determine boundaries
   (Urban, Agricultural, Conservation, Rural)

2. Decide on proposed amendments
   (quasi-legislative)

3. Conduct periodic, comprehensive reviews
   of classification and districting of all lands
   (1969 and 1975)
State Land Use Commission
HRS Chapter 205

Current Role of LUC:

- Nine-members, appointed, voluntary
- Decides on:
  1. Petitions to amend State land use districts (quasi-judicial)
  2. Special permits > 15 acres in Ag/Rural
  3. Declaratory Rulings
  4. Designation of Important Agricultural Lands (IAL)
### State Land Use Districts
**HRS §205-2**

- **Urban**: City-like uses County
- **Conservation**: Forest reserves, watersheds State DLNR
- **Agricultural**: Cultivation, other State, County
- **Rural (1963)**: Small farms, residential State, County
State Land Use Classifications

1969

- R: 0%
- U: 3%
- A: 48%
- C: 49%

2014

- R: 0%
- U: 5%
- A: 46%
- C: 49%
Lands in State Land Use Districts 2014

<table>
<thead>
<tr>
<th>Land Use District</th>
<th>Acres</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation</td>
<td>2,022,300</td>
<td>49.1</td>
</tr>
<tr>
<td>Agricultural</td>
<td>1,885,300</td>
<td>45.7</td>
</tr>
<tr>
<td>Urban</td>
<td>203,700</td>
<td>4.9</td>
</tr>
<tr>
<td>Rural</td>
<td>11,100</td>
<td>0.3</td>
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Agricultural: 46%
Conservation: 49%
Urban: 5%
Rural: 0%
OAHU
State Land Use Districts

<table>
<thead>
<tr>
<th>District</th>
<th>Acres</th>
<th>%</th>
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</thead>
<tbody>
<tr>
<td>Urban</td>
<td>104,200</td>
<td>27.2</td>
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<tr>
<td>Rural</td>
<td>0</td>
<td>0.0</td>
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<tr>
<td>Agricultural</td>
<td>120,800</td>
<td>31.5</td>
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<tr>
<td>Conservation</td>
<td>158,700</td>
<td>41.4</td>
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</table>

Source: State land use districts, Land Use Commission, March 2014
MAUI COUNTY

State Land Use Districts

Source: State land use districts, Land Use Commission, March 2014
HAWAII
State Land Use Districts

<table>
<thead>
<tr>
<th>District</th>
<th>Acres</th>
<th>%</th>
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</thead>
<tbody>
<tr>
<td>Urban</td>
<td>56,300</td>
<td>2.2</td>
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<tr>
<td>Rural</td>
<td>1,600</td>
<td>0.1</td>
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<tr>
<td>Agricultural</td>
<td>1,183,300</td>
<td>45.8</td>
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<tr>
<td>Conservation</td>
<td>1,343,100</td>
<td>52.0</td>
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Source: State land use districts, Land Use Commission, March 2014
KAUAI

State Land Use Districts

<table>
<thead>
<tr>
<th>District</th>
<th>Acres</th>
<th>%</th>
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</thead>
<tbody>
<tr>
<td>Urban</td>
<td>14,900</td>
<td>4.2</td>
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<tr>
<td>Rural</td>
<td>1,400</td>
<td>0.4</td>
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<tr>
<td>Agricultural</td>
<td>144,300</td>
<td>40.7</td>
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<tr>
<td>Conservation</td>
<td>194,500</td>
<td>54.8</td>
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Source: State land use districts, Land Use Commission, March 2014
Major Changes to State Land Use Law

• 1963 – Rural District added
• 1964 – Boundaries established by LUC
• 1972 – LUC authorized to impose conditions
• 1975 – Town Decision – contested case hearings required.
• 1985 – OP assigned 5-Year Boundary Review
• 1995 – LUC decision required w/in 365 days
• 2005 – Important Agricultural Lands
• Over the years – Added permissible uses in Agricultural District (increased from 5 to 21)
# Land Use Planning in Hawaii

<table>
<thead>
<tr>
<th>Future Plans</th>
<th>Zoning</th>
<th>If Not Permitted</th>
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</thead>
</table>
| Hawaii State Plan
  - Priority Guidelines
  - State Agency Plans | Land Use Districts (U, C, A, R) | State Land Use District Boundary Amendment Special Permit (Ag/Rural) Conservation Dist. Use |
| County General Plans
  Community Plans/ Development Plans | County Zoning | GP/CP Amendment Zone Change |
Permit Approvals for Major Developments in Hawaii

YEAR -1    YEAR -2    YEAR -3    YEAR -4    YEAR -5    YEAR -6    YEAR -7

EA/EIS    State LUC    County Plan/Zone Change    Zoning Permits*    Subdivision    Building/Grading

* SMA, Zoning, Planned Development, Special District, other
Land Use District Boundary Amendment Process

- Petition Filing
- Deemed Proper Filing
- Hearing Notice
- Contested Case Hearing
- Decision & Order

- EA or EIS
- Notice of Filing
- Intent to Intervene
- Party Positions
- Witness/Exhibit List
- Petition to Intervene
- Pre-Hearing Conf.
- Parties Present Case
- Witness Testimonies
- Cross-Examinations
- Rebuttals
- Proposed Findings
- Approve /Deny
- Findings
- Conditions
County of Maui
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