STATE OF HAWAII
OFFICE OF PLANNING

STATE LAND USE SYSTEM REVIEW

Stakeholder Meetings
November – December 2014
PRESENTATION AGENDA

- Purpose of Meeting
- OP State Land Use Review Project
- Overview of State Land Use System
- Today’s Meeting
- What’s Next
PURPOSE OF MEETING

Seek input statewide from stakeholders and public on how the State land use system is working
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).

project background
ROLE OF OFFICE OF PLANNING

It represents the State’s interests in land use matters before the State Land Use Commission:

- district boundary amendments
- declaratory rulings
- special permits
- important agricultural lands
ROLE OF OFFICE OF PLANNING

It works with other state agencies and counties to evaluate whether proposed projects heard by the Land Use Commission further the intent of the State land use law.
PURPOSE OF REVIEW

In OP’s work over the years, questions raised about the system. Now we want to know…

Is the system working?

How might it be improved?
STATEWIDE LAND USE SYSTEM

Cornerstone: State Land Use Law

1961 Enacted in 1961 as Act 187
Codified as Chapter 205, HRS
STATE LAND USE LAW

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
**STATE LAND USE LAW**

**FRAMEWORK** for statewide land use management:

- **Four State land use districts**—all lands classified

<table>
<thead>
<tr>
<th>URBAN</th>
<th>RURAL</th>
<th>AGRICULTURAL</th>
<th>CONSERVATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>City-like uses</td>
<td>Small farms, low-density residential</td>
<td>Cultivation, other agriculture-related uses</td>
<td>Forest reserves, watersheds, other nature resources</td>
</tr>
<tr>
<td>Regulated by counties</td>
<td>Uses in Chapter 205</td>
<td>Uses in Chapter 205</td>
<td>Permitting: State</td>
</tr>
<tr>
<td></td>
<td>Permitting: counties</td>
<td>Permitting: counties</td>
<td>Districting: State</td>
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<td>Districting: State</td>
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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
STATE LAND USE LAW

3 LUC decides on:
- 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 district classifications and uses in urban, rural, and agricultural districts
CHANGES IN LAND USE LAW

1961
Land use law / LUC established

1963
Rural District added

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

land use system overview
STATEWIDE LAND USE SYSTEM

Four major components

- State Planning and Land Use Process
- County Planning and Land Use Process
- Environmental Review Process
- Appeals Process

Not all projects trigger all four components.
STATEWIDE LAND USE SYSTEM:
STATE COMPONENT

| State planning | • Hawaii State Plan and State Functional Plans  
|                | • Statewide planning framework |
| State land use management | • State Land Use Law [LUC]  
|                           | • State Conservation District [DLNR] |
| State agency plans | • Long-range and program plans  
|                    | • Capital improvement plans |
| State agency permits | • Environmental permits  
|                     | • Facility permits |
State Plans

General Plans & Community Plans

Zoning Permits

Subdivision

Grading, Environmental, Building Permits

Each county determines local zoning and permitting regulations.

Each county develops and approves their general plan and community development plans.
STATEWIDE LAND USE SYSTEM: ENVIRONMENTAL REVIEWS

- Hawaii Environmental Policy Act (HEPA), HRS Chapter 343
  - Analysis of environmental, social and economic impacts of proposed projects before first discretionary permit
  - Recommended mitigation measures identified

- Public disclosure and public review process for impacts prior to agency decision making

- Administered by State Office of Environmental Quality Control (OEQC)
STATEWIDE LAND USE SYSTEM:
APPEALS COMPONENT

- State & county laws provide for review and appeal

Environmental documents
- Appeal of EAs/EISs to court

State land use decisions
- Appeal to LUC
- Appeal to court

County land use decisions
- Appeal of zone change to court
PROJECT APPROVAL PROCESS

**PROJECT APPROVAL PROCESS**

<table>
<thead>
<tr>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
<th>Year 6</th>
<th>Year 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Review (EA/EIS)</td>
<td>State LUC District Boundary Amendment</td>
<td>County Plan/Zone Change</td>
<td>Zoning Permits*</td>
<td>Agency Facility/Infrastructure</td>
<td>Subdivision</td>
<td>Grading/Building</td>
</tr>
</tbody>
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* SMA, Zoning, Planned Development, Special District, other

land use system overview
PROJECT APPROVAL PROCESS

STATE involved

Year 1: Environmental Review (EA/EIS)
Year 2: State LUC District Boundary Amendment
Year 3: County Plan/Zone Change
Year 4:Agency Facility/Infrastructure
Year 5: Zoning Permits*
Year 6: Subdivision
Year 7: Grading/Building

* SMA, Zoning, Planned Development, Special District, other
STATE PROCESS: 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

Land use system overview
## Statewide Distribution of Lands in State Land Use Districts

<table>
<thead>
<tr>
<th></th>
<th>1969</th>
<th>2013</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Urban</strong></td>
<td>3.4%</td>
<td>4.9%</td>
<td>↑</td>
</tr>
<tr>
<td><strong>Rural</strong></td>
<td>0.2%</td>
<td>0.3%</td>
<td>↑</td>
</tr>
<tr>
<td><strong>Agricultural</strong></td>
<td>47.6%</td>
<td>45.8%</td>
<td>↓</td>
</tr>
<tr>
<td><strong>Conservation</strong></td>
<td>48.9%</td>
<td>49.0%</td>
<td>↑</td>
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</tbody>
</table>
OAHU

State Land Use Districts

<table>
<thead>
<tr>
<th>District</th>
<th>Acres</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban</td>
<td>104,200</td>
<td>27.2</td>
</tr>
<tr>
<td>Rural</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Agricultural</td>
<td>120,800</td>
<td>31.5</td>
</tr>
<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>
</tr>
</thead>
<tbody>
<tr>
<td>Urban</td>
<td>56,300</td>
<td>2.2</td>
</tr>
<tr>
<td>Rural</td>
<td>1,600</td>
<td>0.1</td>
</tr>
<tr>
<td>Agricultural</td>
<td>1,183,300</td>
<td>45.8</td>
</tr>
<tr>
<td>Conservation</td>
<td>1,343,100</td>
<td>52.0</td>
</tr>
</tbody>
</table>

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>
</tr>
</thead>
<tbody>
<tr>
<td>Urban</td>
<td>14,900</td>
<td>4.2</td>
</tr>
<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>
</tr>
<tr>
<td>Conservation</td>
<td>194,500</td>
<td>54.8</td>
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</table>

Source: State land use districts, Land Use Commission, March 2014
STATEWIDE MEETINGS

- **TODAY** we’ll hear from you
  - How you feel the land use system is working
  - How you think it could be improved
## STATEWIDE MEETING SCHEDULE

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Community Meeting Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thu. November 20, 2014</td>
<td>6 - 8 pm</td>
<td>Washington Intermediate School, Honolulu</td>
</tr>
<tr>
<td>Tue. November 25, 2014</td>
<td>6 - 8 pm</td>
<td>Maui Planning Commission Conf. Room, Wailuku</td>
</tr>
<tr>
<td>Tue. December 2, 2014</td>
<td>5:30-7:30 pm</td>
<td>Aupuni Center Conf. Room, Hilo</td>
</tr>
<tr>
<td>Wed. December 3, 2014</td>
<td>6 - 8 pm</td>
<td>Natural Energy Lab Hawaii Conf. Room, Kona</td>
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WHAT’S NEXT?

Comments from statewide meetings will be incorporated in the report prepared by OP.

OP’s final report on findings and recommendations targeted for mid-2015.

- Public review draft in January 2015
HOW YOU CAN STAY INFORMED

Project website: http://planning.hawaii.gov/lud/state-land-use-review/

Questions

Comments

Concerns

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Rodney.Y.Funakoshi@dbedt.hawaii.gov
(808) 587-2885

statewide input
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