

Land Use Review Task Force Questionnaire Results (18 responses)
February 21, 2014

1. What were your overall impressions of last week's meeting?

Task Force Meeting Process

- Good start but some people dominating the conversation.
- I thought it was a good discussion start. Hearing both sides of concerns and being able to anticipate how things will evolve.
- This is going to be a contentious process.
- Great first meeting, although it appears as if there appears to be different perspectives with regards to how the Task Force should operate.
- Well, it was interesting enough to stay interested in the task force.
- The group was diverse and represented a range of interests and ideas. There was a need to clarify the purpose and objective of the meeting.
- Well attended - indicating significant statewide interest; interesting examples of the effect of the allegedly cumbersome and duplicative State and county land use process.
- Diverse group with varied opinions. Participants should be encouraged to stay on topic as there will be much to discuss and not much time to do so.
- Good start; like the list of members, and planned out schedule. Having a facilitator will be key to keeping group on point, and meeting schedule.
- Good. Recommend that discussion be encouraged from all participants. Would also like to learn each agency's role and issues, as they relate to the boundary amendment process.
- Excellent attendance and representation from stakeholders, very good discussion of issues.

Task Force Outcome

- Good beginning but leaves me a little uncertain about the anticipated work product and whether it meets legislative expectations.
- The Task Force is not intended to help in doing a State Land Use District Boundary Review (per 205-18, HRS) but focused on making changes to Chapter 205 itself; also seems intent is

to “streamline” the process and decrease regulatory burdens for applicants; missing the opportunity to really address issues within the State Agricultural District.

Information Gap or Request

- The identified “problems” with the LUC process were not complete and seemed rather to reflect the applicant's views and not those of the general public.
- There was a great deal of information to, more than one could digest in one sitting. The process suggests that something is “broken” and it needs to be fixed. Not much time was spend on identifying was broken. This could be an agenda item for a forth coming meeting. The group was too large for effective-engaging discussion.

2. Do you have suggestions for improvements to this initial “road map”?

- No. (6 times)

Public Engagement

- Have public engagement all throughout the process – at each step – instead of just near the end.
- Public engagement is critical part but not the only part of this process.

Task Force Meeting Process

- Maybe something about the process of adoption; the politics of consensus building.
- Would like more information on how “recommendations” will be determined? Will recommendations only be items that have complete consensus?
- The number of meetings and the duration between meetings is a problem. Suggest that more background material be sent out in advance of the meeting.
- Give as much “preview” info/docs before each meeting as can. Be prepared to develop sub-committees to complete discussions/decision-making if need more time. If individuals will be drifting in/out of meetings, keep everybody informed via emails in between meetings, and thus can be easily forwarded to others.

Task Force Outcome

- Since its not a boundary review process where the report/recommendations are to the Land Use Commission, just who is the report for? The Legislature? With proposed legislation? Be upfront about the intent of this process rather than confusing it with a boundary review as mandated in statute.

Information Gap or Request

- Reading materials, such as the legislative history of HRS 205, should be transmitted well in advance of the meeting. There is a need to analyze what is and isn't working with the existing system, including the reasons why the 5-year boundary review hasn't been performed since the mid-1990s.
 - For April 3rd: List reasons why the land use process needs revisions; who is asking for these revisions; are the reasons for revisions based on policy, study, politics, etc.; how comprehensive was the proposed revision; and what were the anticipated benefits/outcomes of implementing the revisions. The point here is to distinguish between reasons for revisions that result in broad public benefit from those that are narrow focused.
 - For the April 3rd: I suggest reviewing the context of Chapter 205 with the Hawaii state plan and county plans when the statute was first adopted, and how the dynamics of planning have evolved over the past 50 years. Also, at some point it would be good to consider alternative review processes to the quasi-judicial process, such as quasi-legislative processes.
- 3. What information or resources do you think will support the Task Force's work? (Be as specific as possible, citing titles, authors, locations, etc.)**
- I need to think about this and email you separately.
 - Retaining the expertise of David Callies of UH Law School.
 - Land & Power in Hawaii; A review of 205 when it was first adopted; Summary of major issues and changes from the 1978 ConCon.
 - A review of the number of times that developers have failed to abide by their representations and conditions of approval.
 - Key factual information on amount of ag designated land used for agricultural purposes.
 - Perspective of ranchers re; idea that grazing lands are most marginal and therefore less deserving to leave in ag (this policy shift could drive up costs of leasing grazing lands on some islands; factual information on many urban entitled lands remain "unbuilt" ten years or more after being approved for a Boundary amendment by LUC; data on the results of designating large areas of "Rural" land on Maui Island in terms of adequate infrastructure requirements for roads, water, sewage and parks.
 - Maps that reflect data, not just concepts discussed. For example: Figures are given for the small amount of land that is actually in the Urban District, but a more useful view would be how much land (by County) would be available to be in the Urban district if we remove from the discussion the acres that are protected for Conservation purposes (State Conservation designation): other protected lands such as County, state and federal parks and open space, important and useful ag lands, wetland areas (ones not in conservation district,) areas protected as public or private natural preserves/wildlife refuges through Conservation

easement (these are often Ag designated lands), watershed areas and forest preserves not protected in the Conservation District, lava flow areas that provide habitat for rare native plants and animals; military bases and facilities: in other words, it would be helpful to know the amount of land in each County that is free of the constraints that would make it unsuitable for development and then show the proportion of those unconstrained lands that are currently designated as Urban.

- History piece on 5-Year Boundary Review (OP staff); 1990 5-Year Boundary Review island executive summaries.
- A GANT chart that shows the steps and time it typically takes to review and process a District Boundary Amendment.
- Rough % of applications where an intervention is filed.
- The performance of the existing system should be measured against the law's original purpose and intent.
- Case studies that evaluate the planning/growth management laws in other states.
- Do not include proposed State legislation as an information source.
- Status of county general plans and development plans. The rationale for a quasi-judicial review process and whether the reasons for it are still relevant.
- Will there be meeting minutes/notes? Going back to comment #1. Is the focus on fixing something that's broken?
- None at this time.

4. What positive outcomes can you foresee coming out of this Task Force?

- Hopefully agreement that is fair and balanced.
- An agreement that the LUC process should be refined.
- A positive: we have a set of rules in place that everyone follows; fewer variances are issued, less re-designations are issued. Development follows a plan that balances all of the interests in our community, as opposed to simply which projects can survive a gauntlet of public hearings. Of course, we thought that's what we had the last several times this process was undertaken, and it still happened that development was dictated by which entities got variances, project-by-project.
- Better coordination among State and County planning departments which will benefit the public, Native Hawaiian interests, developers, and contractors.

- Redefining the relationship between the Counties and the State. Posing Hawaii for the 21st Century Economy and Global trends.
- Better enforcement; better written conditions of approval.
- Learning from each other's perspectives could bring forward ideas all could support.
- Stakeholder discussions about issues with Chapter 205; Some useful maps and information to guide those discussions and for public.
- A more transparent, predictable and efficient planning and regulatory system.
- A compact and limited State land use process and a more responsible county planning process – particularly with respect to their role in protecting agricultural resources.
- Hopefully a more efficient land use review process.
- General consensus on direction.
- Too early to determine.
- Substantive improvements to the LUDBA process via legislation. Potential shift of LUC away from individual DBAs to more growth management and regional planning.

5. What challenges can you see this Task Force having to contend with, and how do you recommend addressing those challenges?

- Strong opinions from various stakeholders that are not aligned.
- Agreeing! There needs to be an understanding that we need more homes and our lands are not as limited as we believe.
- Entrenchment. Everyone is coming to the table from the perspective of their special interest. And the table is heavy with development interests. There are only two environmental entities represented in this task force.
- Entrenched stakeholders; limited thinking that is not open to the future; thinking too small. We should have a session on futures thinking; an exercise we engaged in the past. It has value even when forecasts are not fully accurate.
- Over-representation by development interests.
- Large landowners, visitor industry and construction oriented labor and business groups have paid lobbyists to represent their interests and influence public and policymaker opinion while the general public has mostly volunteers who are often ignored, even though they may be providing useful and correct information. While the focus of this task force seems to be finding ways to streamline the process landowners need to undertake to receive approvals,

there does not seem to be a provision being offered to improve the ability of the public to offer useful and accurate information to help Commissioners make balanced and informed decisions. The first way to address this challenge is to acknowledge that it exists. The second is to provide for a public advocate during LUC proceedings in certain cases, and to set criteria that would trigger the need for a public advocate to be involved. The public advocate could be chosen from a pool of pre-qualified applicants and could be engaged on a per diem basis as are contested case hearing officers. Citizens could meet with the Public advocate and lay out their concerns and supporting information to the public advocate. The public advocate could have the same opportunity as the State, county and applicant to present information, rebut expert witnesses etc. The current process allows citizens their 5 minutes or so and no chance to respond to the applicants arguments dismissing their concerns. As a result, the contested case process is seen as the only way for citizens to be heard, resulting in lengthy proceedings.

- Entrenched interests. Suggest having each of them identify the specific things about Chapter 205 that work for them (rather than what does not work); then compare across groups.
 - Pressure to do something leads to bad outcomes. Focus on the different interests up to speed on history, current status, each others positions, etc.
 - The schedule is aggressive. The group is large and diverse so it will be a challenge to find consensus.
 - The greatest challenge will be to thwart narrowly-focused interests wanting to see the status quo revised to meet their organization's needs. How to address this challenge? Keep the Task Force focused on outcomes with significant broad benefits in line with the Task Force Guidelines.
 - Biggest challenge will be handling viewpoints relating to development vs. preservation.
 - Recommend reminding participants that planning requires a balanced approach. Also remind participants that county general plans and development plans also address this issue.
 - Relatively short meeting to make big decisions using a large group.
 - Challenge: Identifying the problem.
 - Broadening public outreach and involvement in the process, better involvement of legislative decision-makers.
- 6. Based on what you know about the Land Use District Boundary Amendment process, what one change would you like to see implemented?**
- That the LUC reclassifies all the lands to urban that will help the Counties meet the anticipated growth, then the Counties rezone all those lands at once, or in large amounts, rather than in a piecemeal way when each developer needs it.

- Lawyers for community groups. Things would go a lot smoother if everybody knew the rules and how to play.
 - Clearly define State Interests and eliminate duplication with County issues and processes to the extent practicable.
 - Not sure.
 - Office of Planning needs to learn to just say "No" to bad projects, like O`oma. LUC needs to learn to write enforceable conditions.
 - Since the LUC approves 99% of DBA requests they review, the real question lies in what “conditions” the LUC approval includes to “mitigate” the impacts of converting ag land to urban use. I would like to see LUC conditions of approval have a clearer path to be implemented by County and state agencies and administrations. Currently, there are instances of County or state agencies ignoring very clear conditions that were agreed to during the LUC DBA process. This makes a mockery of the LUC review.
 - Increase minimum lot size in Ag district to 10 acres and provide more specific language governing the Rural district.
 - We would like the LUC to limit their review to items of State interest.
 - Whatever change is necessary to increase the consideration given to agricultural resource concerns which in today’s boundary amendment process, means practically nothing.
 - Allow the counties to process amendments if they are consistent with county general plans and development plans, similar to amendments less than 15 acres.
 - Clear role of SLUC – is it to duplicate county zoning or not?
 - I would ask the question: Do we need a Land Use Commission? Can the functions be delegated to the counties?
 - Delegation of the LUDBA process to the counties.
- 7. List individuals or groups you think should be included in our work – either early as a resource or later as we get closer to proposing changes or amendments to the Land Use District Boundary Amendment process.**
- More business organizations and companies.
 - Farmers – with all due respect to the Farm Bureau, there is a wide diversity of interests in the farming community. If we are talking about agricultural lands, then we need to include all kinds of farmers. Questions related to agricultural land and development also include issues of water. We need experts from the USGS. We need experts from the UH Dept of Urban Planning. We need experts studying climate change adaptation and resiliency planning.

- Innovative, out of the box thinkers. They don't have to be experienced in land use. Include sovereignty advocates but make sure they do not dominate the agenda but a concept of Sovereignty will influence our future land use regulations.
- Climate change discussions with a focus on land use and property issues.
- Major developers or private landowners. LURF representation is fine, but I think you need more.
- Native Hawaiian Legal Corporation, Hawaii's Thousand Friends.
- Aha Moku Council reps, groups who have intervened at LUC hearings, Michael Lee, Hawaii's Thousand Friends, Kahea, Earthjustice.
- Scott Derrickson (OP planner on last 5 Year Review).
- UH Department of Urban and Regional Planning professor and/or student. A representative from the Commission on Water Resource Management.
- None come to mind.
- Key state legislators, later in the process.
- Interview "regular" attorneys for insights; don't have to be part of group.
- The task force as currently seated appears to be all government. Others? OHA, Kamehameha Schools, Castle and Cooke, Hoopili, Stanford Carr, the general public?
- Landowners and developers, unions, environmental groups, civic groups, farmers, planning commissioners, council members, LUC commissioners, other state and county agencies.

8. Do you have suggestions for alternative meeting space for our bi-monthly meetings?

- YES! OHA has huge conference rooms. The Friends of Iolani Palace have a very nice, slightly larger conference room at the Old Archives Building. There are all kinds of meeting space at the Capitol. The Hawaii State Library has rooms for reservation, not sure how big they are. There is a conference room at the Judiciary building. The Grand Cafe at the Hemmeter Building closes at 1:45, we could move our meetings to start at 2 pm and meet there maybe. Meeting outside on the lawn would be better than the LUC meeting room.
- We need a larger room or to rearrange the format for more seats. Mission Memorial or the State capitol auditorium are too large but OK if people sit in the front. McCoy Pavilion might also work.
- No the meeting place was fine.

- OHA may have meeting space.
- Room is actually the right size in order to hear one another speak. The room and bldg is convenient for all the busy OP staff to setup and dismantle; plus there's quite a few of them attending. If there's ever a need for a larger room for a future breakout session, I heard there is a larger room on the 2nd floor of the same bldg perhaps could be utilized just for that day.
- No, meeting space was fine.
- YWCA.

9. Please use this space to share other ideas, guidance or comments:

- I question why we are starting with the goal of changing the land use designation process. Why not start with "Is the land use designation process working or not?" If yes, why? If not, why? From there we can decide what needs to be changed, if anything. I get the sense that it is working as it was intended – as much as I don't like how drawn out the process is – and that those who are not getting their way in this process want to it changed to better serve their interests.
- This is long overdue. I am glad we are engaged in it.
- Please remind speakers to talk louder and clearer for the sake of the staff who needs to take notes. Good to have a break in-between for restrooms and quick coffee refill.
- This is a very valuable effort. We need a moratorium placed on legislation proposing piecemeal amendments to Chapter 205 that makes worse those questionable bills just enacted a few years earlier. The State land use process should be limited to considering petitions and the review of county plans and activities on their impact on resources of state concern.
- The subject matter requires dialog, with the time constraint and the number of participant, dialog or debate will be difficult. More structure may be required, where a list of 5 items are decided at each meeting.