

OPTIONS:**FIXES TO EXISTING SYSTEM**

improvement themes [items w/dots] specific proposals [items w/dots]

LUC ROLE / PROCESS**Project-specific, quasi-judicial decision making**

More efficient process: speed up processing by state/county agencies [E.1]

- Increase threshold for county LUDBAs [E.1.a]
- Single, combined LUC & county fact-finding hearing for project (LUC decision-making later) [D.18]
- Limit LUC to determining district classification [H.5]
- Streamline/more flexible use of boundary amendment interpretation for minor modifications [E.1.b]
- Consolidate points of legal intervention to reduce delays and uncertainty [E.3] Boundary amendments based on county plans with appeal via declaratory ruling [H.12]

PARTICIPATION IN DECISION MAKING / APPEALS

More meaningful avenue for public participation & expertise to be used [A.2]

- More local/regional review and input in process and approvals [C.1]
- Use of technology to improve access / participation in LUC process [A.3/A.4.a], such as live web streaming of hearings; testimony provided via teleconferencing

Improved notice through signs with project/contact info at project sites [A.5]

- Hawaii County ordinance as model [A.5.a]

Improved intervention / representation in hearings [A.2]

- Public advocate/lawyers to represent citizen intervenors in hearings [A.8]
- Ombudsman/citizen advocate position at LUC to reduce burden on public to participate [A.9]
- Intervention fee of \$1,000 [A.7]

Boundary amendments based on county plans with appeal via declaratory ruling [H.12]

PLAN IMPLEMENTATION**ENFORCEMENT**

Better enforcement of conditions [B.1]

- Clarify in statutes LUC & county roles in enforcement, e.g:
 - » Greater authority for LUC enforcement of conditions and flexibility in enforcement tools (e.g., flexibility with respect to market change, public infrastructure delays) [B.5]
 - » Tie county authority to fine under Ch 46 for Ch 205 use violations [and conditions?] [B.4.a]
 - » Enforcement monitored and implemented by county [B.4.b]

OPTIONS:**FIXES TO EXISTING SYSTEM**

improvement themes [items w/dots] specific proposals [items w/dots]

ENFORCEMENT

- Enforceable conditions that provide clear path for state and/or county enforcement [B.2], e.g.:
 - » Clarify in Ch 205, D&O to allow for delays in public infrastructure or market changes (certainty with flexibility) [B.12]
- Better use of annual reports in monitoring compliance [B.6]
- Statutory authority for citizen enforcement of LUC conditions (appeal or lawsuit) [B.13]

INFORMATION & ANALYSIS FOR PLANNING & DECISION MAKING

Use of thresholds for operations & safety of roadways [C.1]

Greater scrutiny for ag, increased consideration of ag resource concerns in boundary amendments, higher threshold [F.2]

Move environmental review to post-LUC decision making [H.7]

OPTIONS: State Growth Management
[DPP, LUC]

redesign elements

specific proposals

LUC ROLE / PROCESS

Unclear re: project-specific decision making & process

State interests in land use clearly articulated
 State vision guides goals and decision making of new LUC
 State/county relationship clearly articulated
 Land use approval minimizes redundant processes and steps

Areas of overlap covered by process that fosters collaboration and consensus

Process links plan and implementation and public/private partnerships

- Expedited process for planned growth consistent with infrastructure development in designated areas

Promotes a growth and conservation vision for Hawaii
 State develops localized/county-based growth and conservation plans

- Includes conservation of ag and open space, maps/districts, timeline for gradual growth

State develops statewide strategic plans/documents for major land use/development objectives

- Create statistically/evidentiary based large scale planning document (baseline data, statewide needs) for current issues/needs (urban density, food sustainability, etc.)
- Required regular review and funding for strategic issues analysis and action plans

COUNTY ROLE / PROCESS

PARTICIPATION IN DECISION MAKING / APPEALS

PLAN IMPLEMENTATION

Improved implementation and support of long-range land use plans

- State and county investment in/development of infrastructure development in designated growth areas
- Tax/financial incentive structure to discourage speculative growth outside designated areas and/or foster development within designated growth areas

ENFORCEMENT

INFORMATION & ANALYSIS FOR PLANNING & DECISION MAKING

Ag IAL criteria tied to evolving definition & process that accounts to changes in technology and markets for agriculture

OPTIONS:**County Plan-based Boundary Amendments**

[DPP, LURF, BIA, COC, MPD]

| | redesign elements | specific proposals |
|--|---|---|
| LUC ROLE / PROCESS | <p>Regional quasi-legislative decision making with limited project-specific, quasi-judicial decision making</p> <p>Quasi-legislative boundary amendments based on conformance with county general and/or development plans</p> <p>State oversight of plan compliance with state plans and criteria</p> <p>Individual quasi-judicial boundary amendments for proposals not consistent with county plan</p> | <ul style="list-style-type: none"> • Evaluate only consistency with plans • No project conditions • Decision on district classification only with conditions limited to state interest in law; LUC recommend other conditions to county • If consistent with county plan, authority to disapprove or add conditions for mitigation only with demonstration of compelling state interest to deny |
| COUNTY ROLE / PROCESS | County general and development plans are primary driver of land use planning and decision making | <ul style="list-style-type: none"> • Implement county general / development plans |
| PARTICIPATION IN DECISION MAKING / APPEALS | | |
| PLAN IMPLEMENTATION | | |
| ENFORCEMENT | | |
| INFORMATION & ANALYSIS FOR PLANNING & DECISION MAKING | | |

OPTIONS:**County Plan-based Planning Framework**

[APA, DOA]

| | redesign elements | specific proposals |
|--|---|---|
| LUC ROLE / PROCESS | Limited project-specific, quasi-judicial decision making with new functions in policy guidance / plan approvals / appeals | |
| | LUC → State Planning Commission: <ul style="list-style-type: none"> Statewide LU goals/guidelines for districts Standards/guidelines for county plans | Amend Ch 205 re: role and policies |
| | <ul style="list-style-type: none"> Review/certify county GPs and DPs for compliance with standards Individual boundary amendments | To include: <ul style="list-style-type: none"> Land use designations Growth management strategies for DBEDT 20-year population projections Protection of IAL Mandatory updates every 10 years |
| | State updates State plans and functional plans | Limited to: <ul style="list-style-type: none"> Conservation District Lands without certified county plan Changes to IAL designation Proposals not consistent with certified county plans |
| COUNTY ROLE / PROCESS | Quasi-legislative district boundary amendments | |
| | Counties prepare GPs / DPs that incorporate/meet statewide goals and guidelines and plan content requirements | |
| | County boundary amendments for urban, agricultural, rural districts to conform to certified county plans; councils are final decision makers | |
| | APA model plus add: Require that counties legislate, codify & develop agricultural expertise | |
| PARTICIPATION IN DECISION MAKING / APPEALS | Hear appeals to boundary amendments by counties | May be sustained based on: <ul style="list-style-type: none"> Access to new information Decision based on erroneous finding of material fact Decision made in arbitrary or capricious manner |
| PLAN IMPLEMENTATION | | |
| ENFORCEMENT | | |
| INFORMATION & ANALYSIS FOR PLANNING & DECISION MAKING | State goals and policies | |
| | State county plan content requirements | |
| | DBEDT provides 20-year population projections | |
| | APA model plus add: Require that counties legislate, codify & develop agricultural expertise | |

OPTIONS: Regional Boundary Amendments
[KPD]

| | redesign elements | specific proposals |
|--|---|---|
| LUC ROLE / PROCESS | No project-specific decision making with new county quasi-judicial process for individual projects Quasi-legislative boundary amendments | |
| COUNTY ROLE / PROCESS | For projects: Quasi-judicial county permit process to follow county zoning | Process before Planning Commission and [planning?] department w/ State and county agency 360° [? parties] |
| PARTICIPATION IN DECISION MAKING / APPEALS | | |
| PLAN IMPLEMENTATION | | |
| ENFORCEMENT | | |
| INFORMATION & ANALYSIS FOR PLANNING & DECISION MAKING | For projects: Ch 343 environmental review (if necessary) after county zoning/before county permit processing | |

Table 1

INITIAL SUMMARY OF ELEMENTS FOR DESIRED LAND USE SYSTEM

| | |
|---|---|
| <h2>Hawaii's desired land use system results in...</h2> | |
| WHAT: land use outcomes | <ul style="list-style-type: none"> ● Protection of (significant) natural and cultural resources ● Protection of agricultural / ag resource lands ● Built environment / communities that protect/s natural environment and meet/s societal needs (current and future) ● Resilience to hazards ● Sustainable natural and built ecosystems/environments |
| <h2>...and provides for:</h2> | |
| HOW: system performance | <ul style="list-style-type: none"> ● Fair and open process for land use decision making ● Certainty and predictability in the land use decision making and development process ● Sound analysis and informed decision making ● Clear policy and planning framework for land use decision making ● Consistency / conformance with policies and plans ● Plan-based, plan-driven land use decisions/development ● Infrastructure capacity concurrent with planned growth ● Efficient / sustainable use of resources ● Effective enforcement of compliance with policies and plans |