STATE LAND USE REVIEW OF DISTRICTS

JANUARY 28, 2022

Office of Planning & Sustainable Development
State of Hawai‘i
February 15, 2022

TO: The Honorable David Y. Ige
    Governor, State of Hawaii

FROM: Mary Alice Evans, Director
      Office of Planning and Sustainable Development

SUBJECT: State Land Use Review of Districts

For your information and consideration, we are pleased to transmit the report, **State Land Use Review of Districts**, prepared by the Office of Planning and Sustainable Development (OPSD). This report was undertaken pursuant to Hawaii Revised Statutes, Section 205-18, as amended, which directs the OPSD to conduct a review of the land use districts covering all land in the State and, upon its completion, submit a report of the findings to the Governor, Legislature, Land Use Commission and appropriate State and county agencies.

The Report comprehensively assesses the State land use districts, assisted by OPSD’s Geographic Information System program which provided overlay mapping for district analysis and characterization. The review covers State land use districts and their relationship to county plans, with focus on the Urban District relative to county plans for urban growth, on the Agricultural District which has experienced the most changes in land use over the past few decades, and on the Rural District which is underused but has the potential to better accommodate the demand for rural and subsistence farming lifestyles. The Report’s findings provide a range of options to address and improve the consistency of the existing district boundaries with State and county land use policies.

The 2021 Draft Report was distributed to the State Land Use Commission, county planning departments, State and county agencies, and to an extensive list of public and private interests. Comments received and OPSD responses are appended to the Report, which is publicly available at [https://planning.hawaii.gov/landuse/](https://planning.hawaii.gov/landuse/)

Mahalo,

Mary Alice Evans
Director
February 15, 2022

Dear President Kouchi and Speaker Saiki:

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Mahalo,

Mary Alice Evans
Director

[Signature]

c: Land Use Commission
State Land Use
Review of Districts

Prepared pursuant to
Hawaii Revised Statutes
Section 205-18

Prepared by
State of Hawaii Office of Planning &
Sustainable Development

January 28, 2022
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EXECUTIVE SUMMARY

The State Land Use Review of Districts (Report) was prepared pursuant to Hawaii Revised Statutes (HRS), Section 205-18, as amended, which directs the Office of Planning and Sustainable Development (OPSD) to conduct a review of the land use districts covering all lands in the State, as follows:

Review of districts. The OPSD may undertake a review of the classification and districting of all lands in the State. The Office, in its boundary review, shall focus its efforts on reviewing the Hawaii state plan, county general plans, and county development and community plans. Upon completion of the boundary review, the OPSD shall submit a report of the findings to the commission, the Governor, Legislature, and appropriate state and county agencies. The OPSD may initiate state land use boundary amendments which it deems appropriate to conform to these plans. The OPSD may seek the assistance of appropriate state and county agencies and may employ consultants and undertake studies in making this review. (HRS § 205-18)

This review of districts was last completed in 1992 due to limited resources available to conduct the needed technical studies and for developing recommendations for potential boundary reclassifications. The current effort was enabled by the OPSD’s Geographic Information System Program which provided overlay mapping and characterization of the State land use districts. No new boundary amendments are proposed, but previously proposed boundary amendment recommendations from the 1992 boundary review are retained for future reclassification actions.

PURPOSE

The original intent of the 1961 State Land Use Law is “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.” See Act 187, Section 1, Session Laws of Hawaii (SLH) 1961. This Report affords an opportunity to comprehensively assess the State land use districts and the appropriateness of district classifications in meeting Hawaii’s changing demands.

In previous boundary review efforts, district reclassification proposals from State and county agencies and from private landowners were reviewed from a comprehensive and long-range perspective rather than on a case-by-case basis as the current quasi-judicial process allows. State Land Use Boundary Review reclassification proposals are distinguishable from the land use district boundary amendment process in that they reflect a broad-based look at statewide, county-centered, and regional economic, environmental, and socio-cultural needs and constraints. They are intended to identify regional land use requirements rather than project-specific or individual landowner needs.

SCOPE

Pursuant to HRS, Section 205-18, the State Land Use Review of Districts must focus on the Hawaii State Plan, county general plans, and county development and community plans. This review covers State land use districts and their relationship to county plans with focus on the Urban District with respect to county plans for urban growth and development, on the Agricultural District which has experienced the
most changes in land use over the past few decades, and on the Rural District based on its potential to better accommodate the demand for a subsistence farming lifestyle.

Pursuant to HRS, Section 205-18, OPSD may initiate State land use boundary amendments which it deems appropriate (emphasis added). OPSD is not recommending any new proposals for district boundary amendments under this review but does review and carry over recommendations from the previous boundary review. In lieu of consultant studies, this report uses geographic information system (GIS) mapping and overlays to assess the current state of land use districts, the Urban and Agricultural Districts, with discussion based on the findings.

**METHODOLOGY**

The current boundary review has made extensive use of the State’s geographic information system (GIS) capabilities to map and characterize existing State and county data. Spatial analysis and mapping examined how the land use system is performing in key areas, which include the congruence of State land use districts with county plan and community plan boundaries, the extent of non-agricultural development in the Agricultural District, and the amount of developed and undeveloped land in the Urban District.

OPSD notes that the counties are continuously updating their general, development and community plans, and the maps herein may not reflect the most current development or community plans in the mapping analyses. Future updates will incorporate the more recent county plan adoptions.

OPSD also notes that the State does not have a complete inventory of the boundary amendments processed at the county level, which are those less than 15 acres\(^1\). As such, the acreage calculations presented in this report do not reflect those smaller boundary amendments.

GIS analyses were conducted for the Urban and Agricultural Districts since these Districts have experienced the most significant changes over the years. The following mapping assessments were conducted:

1. Lands within county urban growth boundaries not classified as State Urban
2. Lands classified as State Urban outside the county urban growth boundaries
3. Vacant lands in the Urban District
4. Important Agricultural Lands
5. Good agricultural lands (ALISH or LSB) outside urban growth boundary
6. Development in the Agricultural District outside urban growth boundary

The focus of the review with county plans is on the urban growth boundaries, a long-range planning tool used to demarcate the limits of growth areas supported and planned to accommodate future urban development. The definition and labels for these growth boundaries vary among the counties.

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\(^1\) Pursuant to Act 230, Section 4, SLH 1985, counties are permitted to reclassify areas less than 15 acres, except in the Conservation District.
**1992 BOUNDARY REVIEW RECOMMENDATIONS**

No new boundary amendments are proposed, but previously proposed boundary amendment recommendations from the 1992 boundary review are retained for future reclassification actions. The reclassification recommendations are presented in detail by island in Section 3 of this report. Some of the recommended boundary amendments were completed and these are noted in the Section. The table below summarizes the recommended reclassifications in acres remaining.

**Table ES-1 1992 Boundary Reclassifications Remaining (in acres)**

<table>
<thead>
<tr>
<th>Recommended Reclassifications</th>
<th>Hawaii</th>
<th>Oahu</th>
<th>Kauai</th>
<th>Maui</th>
<th>Molokai</th>
<th>Lanai</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural/Urban to Conservation, Priority 1</td>
<td>44,419</td>
<td>10,898</td>
<td>2,789</td>
<td>2,186</td>
<td>1,418</td>
<td>0</td>
</tr>
<tr>
<td>Agricultural/Urban/Rural to Conservation, Priority 2</td>
<td>40,933</td>
<td>10,397</td>
<td>838</td>
<td>1,358</td>
<td>6,198</td>
<td>12,323</td>
</tr>
<tr>
<td>Agricultural/Conservation to Urban/Rural</td>
<td>9,563</td>
<td>4,383</td>
<td>1,840</td>
<td>545</td>
<td>203</td>
<td>0</td>
</tr>
<tr>
<td>Areas of Critical Concern</td>
<td>135,612</td>
<td>0</td>
<td>3,388</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>230,527</strong></td>
<td><strong>25,678</strong></td>
<td><strong>8,855</strong></td>
<td><strong>4,089</strong></td>
<td><strong>7,819</strong></td>
<td><strong>12,323</strong></td>
</tr>
</tbody>
</table>

**Recommendation:**

- The proposed 1992 recommended reclassifications to the Conservation District which were not completed are still warranted and reclassification of these sites should be pursued as resources become available.

- The proposed reclassifications to the Urban and Rural Districts from the 1992 Review should not be pursued at this time. Consultation and review by the counties are first needed to determine the consistency of these previous proposals with current county general plans and community development plans.

**ANALYSIS OF STATE LAND USE DISTRICTS**

All lands in the State are classified into one of four districts: Urban, Rural, Agricultural, or Conservation. According to the 2020 State Land Use District data, the Conservation District comprises 49% of all lands in the State, the Agricultural District comprises 46%, the Urban District comprises 5%; and the Rural District comprises 0.3%. See Table ES-1 for the estimated acreage of State Land Use Districts on each island.

A summary of change in acreage of the districts Statewide and change in acreage of the Urban District for each major island since the 1960’s is provided in Tables ES-2 and ES-3. The Urban District has experienced the greatest increase in acreage from 117,800 acres in 1964 to 204,187 acres in 2020, an increase of 73%. The Urban District still constitutes only 5% of the total State acres. The Agricultural and Conservation Districts comprise 95% of all lands in the State.
Table ES-2: Estimated Acreage of State Land Use Districts by Island (2020)

<table>
<thead>
<tr>
<th>Island</th>
<th>Total Acres</th>
<th>Urban</th>
<th>Conservation</th>
<th>Agricultural</th>
<th>Rural</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Total</td>
<td>4,121,957</td>
<td>204,187</td>
<td>5.0%</td>
<td>2,022,042</td>
<td>49.1%</td>
</tr>
<tr>
<td>Hawaii</td>
<td>2,584,435</td>
<td>56,348</td>
<td>2.2%</td>
<td>1,343,140</td>
<td>52.0%</td>
</tr>
<tr>
<td>Maui</td>
<td>466,515</td>
<td>23,150</td>
<td>5.0%</td>
<td>204,155</td>
<td>43.8%</td>
</tr>
<tr>
<td>Kahoolawe</td>
<td>28,562</td>
<td>3,039</td>
<td>0.0%</td>
<td>28,562</td>
<td>100.0%</td>
</tr>
<tr>
<td>Lanai</td>
<td>90,299</td>
<td>3,039</td>
<td>3.4%</td>
<td>40,570</td>
<td>44.9%</td>
</tr>
<tr>
<td>Molokai</td>
<td>167,386</td>
<td>2,287</td>
<td>1.4%</td>
<td>52,511</td>
<td>31.4%</td>
</tr>
<tr>
<td>Oahu</td>
<td>383,689</td>
<td>104,231</td>
<td>27.2%</td>
<td>158,668</td>
<td>41.4%</td>
</tr>
<tr>
<td>Kauai</td>
<td>355,027</td>
<td>15,132</td>
<td>4.3%</td>
<td>194,436</td>
<td>54.8%</td>
</tr>
<tr>
<td>Niihau</td>
<td>46,044</td>
<td>0.0%</td>
<td></td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Table ES-3: Changes in State Land Use District Acreage, Statewide, 1964 to 2020

<table>
<thead>
<tr>
<th></th>
<th>1964</th>
<th>Percent</th>
<th>2020</th>
<th>Percent</th>
<th>Acreage Change</th>
<th>Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban</td>
<td>117,800</td>
<td>2.9</td>
<td>204,187</td>
<td>5.0</td>
<td>86,387</td>
<td>2.1</td>
</tr>
<tr>
<td>Rural</td>
<td>6,700</td>
<td>0.2</td>
<td>10,454</td>
<td>0.3</td>
<td>3,754</td>
<td>0.1</td>
</tr>
<tr>
<td>Agricultural</td>
<td>2,124,400</td>
<td>51.6</td>
<td>1,885,274</td>
<td>45.7</td>
<td>(239,126)</td>
<td>-5.9</td>
</tr>
<tr>
<td>Conservation</td>
<td>1,862,600</td>
<td>45.3</td>
<td>2,022,042</td>
<td>49.0</td>
<td>159,442</td>
<td>3.8</td>
</tr>
<tr>
<td>Total</td>
<td>4,113,464</td>
<td>100.0</td>
<td>4,124,434</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table ES-4: Changes in Urban District Acreage, by Island, 1968 to 2020

<table>
<thead>
<tr>
<th></th>
<th>1968</th>
<th>Percent</th>
<th>2020</th>
<th>Percent</th>
<th>Acreage Change</th>
<th>Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oahu</td>
<td>4,236</td>
<td>3.4</td>
<td>104,231</td>
<td>51.2</td>
<td>99,995</td>
<td>47.8</td>
</tr>
<tr>
<td>Hawaii</td>
<td>24,455</td>
<td>19.9</td>
<td>56,348</td>
<td>27.7</td>
<td>31,893</td>
<td>7.8</td>
</tr>
<tr>
<td>Maui</td>
<td>12,442</td>
<td>10.1</td>
<td>23,150</td>
<td>11.3</td>
<td>10,486</td>
<td>1.2</td>
</tr>
<tr>
<td>Lanai</td>
<td>525</td>
<td>0.4</td>
<td>3,039</td>
<td>1.5</td>
<td>2,514</td>
<td>1.1</td>
</tr>
<tr>
<td>Molokai</td>
<td>4,551</td>
<td>3.7</td>
<td>2,287</td>
<td>1.1</td>
<td>(2,264)</td>
<td>-2.6</td>
</tr>
<tr>
<td>Kauai</td>
<td>6,918</td>
<td>5.6</td>
<td>15,132</td>
<td>7.3</td>
<td>7,947</td>
<td>1.7</td>
</tr>
<tr>
<td>Total</td>
<td>123,127</td>
<td>100.0</td>
<td>204,187</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

HAWAII STATE PLAN

The Hawaii State Planning Act of 1978 established the Hawaii State Plan which sets forth the broad planning and policy framework and serves as a guide for the long-term development of the State. The Hawaii State Plan requires consistency among State and county plans, budget processes, and land use decision-making processes with State plan policies and priority guidelines. Embodied in HRS Chapter 226, the last major review and revision of the Hawaii State Plan was done in 1986.

Some notable amendments to the State Plan and priority guidelines have been enacted:

In 2011, Act 181 set forth priority guidelines and principles encouraging balanced economic, social, community and environmental priorities, living within the natural resource limits of the State, encouraging respect for the host culture, and considering principles of the ahupua'a system (§ 226-108).

In 2016, Act 130 added a new section to the State Planning Act establishing the Hawaii interagency council for transit-oriented development with accompanying revisions to §225M designating OPSD as the lead agency to advance smart growth and TOD planning within the State.

In 2019, Act 146 designated the Hawaii 2050 Sustainability Plan as the State’s climate and sustainability action plan to determine future actions guiding the coordination and implementation of Hawaii’s sustainability and climate adaptation goals, principles, and policies (§ 226-65)

DISCUSSION

Compliance with the Hawaii State Plan is one of the key decision-making criteria for the Land Use Commission (LUC). HRS Section 205-16 specifies that no amendment to the land use district boundaries or any other LUC action shall be adopted unless it conforms to the Hawaii State Plan. The last major update of the Hawaii State Plan was done in 1985, over 35 years ago. While most of the objectives, policies and priority guidelines remain applicable, some are clearly outdated, such as the objective of supporting the sugar and pineapple industry. The broad scope of objectives and policies are cited by petitioners to provide support for their petitions for reclassification, but where there are potentially conflicting policies, there is no mechanism and little guidance for resolving issues such as the need for economic development and housing versus the preservation of prime agricultural lands.

Likewise, most Functional Plans are over 30 years old, such that the plans do not reflect the current plans and programs of State agencies and are not followed or relied upon by agencies and the general public.

In July 2021, the Hawaii 2050 Sustainability Plan was updated to serve as the State’s climate and sustainability strategic action plan. The revised plan aligns the State’s goals, policies and actions with the United Nations Sustainable Development Goals and recommends sustainability and climate change actions for the 2020-2030 Decade of Action. The Plan will guide the coordination and implementation of Hawaii’s sustainability and climate adaption goals, principles, and polices in accordance with HRS § 226-65 and provide recommendations for a sustainable and resilient economic recovery for Hawaii.
COUNTY GENERAL AND DEVELOPMENT PLANS

At the county level, each county has adopted general plans and more detailed community plans and development plans to guide land uses in the county. County plans are governed by HRS Chapter 46 and, to a lesser extent, HRS Chapter 226, which states that these plans shall indicate desired population and physical development patterns for regions within each county, be formulated from sound rationale and analyses, consider transportation, sewer, water and public facility locations, visitor destinations, urban design, and pursue input from state and county agencies and the general public. The formulation, amendment, and implementation of county plans must further define the overall theme, goals, objectives, policies, and priority guidelines of the State Plan.

Both the Functional Plans and the county general plans must be in conformance with the State Plan (HRS § 226-59).

STATE URBAN DISTRICT

The Report reviews selected characteristics of the Urban District relative to their capacity for accommodating growth and development.

First, the lands encompassed by the Urban District are compared with each of the four counties’ plans for growth and development. This is to assess how well the Urban District boundaries align with county plans and desires for future growth. The two components assessed are: 1) lands that are within the county’s urban growth boundaries but are not in the State Urban District, and 2) lands that are within the State Urban District but are not included within the county’s growth boundaries.

Secondly, the amount of vacant and undeveloped lands within the Urban District is assessed to provide an indication of how much Urban District lands in the State are available for development. This will aid in assessing whether there is an adequate supply of developable lands to accommodate future growth and development within each county and Statewide.

URBAN GROWTH AREAS DEFINED

The focus of the review comparing the Urban District with county plans is on the county urban growth boundaries. As urban growth boundaries are used for several analyses, it is important to first explain what these growth areas are and how they differ among the counties.

In general, an urban growth boundary is a long-range planning tool used to separate growth areas from non-growth areas. It demarcates the areas within which urban-density development requiring a full range of urban services, including roads, water and sewer systems, parks, schools, and fire and police protection, are planned to be supported in accordance with applicable land use laws. The intent of setting an urban growth boundary is to manage growth and prohibit sprawl by accommodating increases in population inside the growth boundary while protecting lands outside the boundary. This planning tool promote the efficient use of land, public facilities, and services within the boundary.

Areas within the urban growth boundary typically include residential, commercial, or industrial uses, while areas outside the boundary typically include agricultural, open space, preservation, or conservation uses.
The definition of an "urban growth boundary" in Hawaii varies slightly from county to county and is discussed in detail in the Report. Note that several of the county development plans are in the process of being updated. The urban growth boundaries or areas, and associated acreage will change as the plans are updated.

LANDS NOT IN THE STATE URBAN DISTRICT BUT WITHIN THE COUNTY GROWTH AREA

Based on how urban growth areas are defined for each county, the Report examines lands that are planned by the county for urban growth but are not within the State Urban District. For this analysis, the State Land Use Urban District was overlaid with the counties’ urban growth areas. Maps showing the location of lands not in the State Urban District but within the county growth area on each island are provided in the Report.

Statewide, the lands that lie within the county-designated urban growth areas but are not classified as State Urban District totals 65,792 acres. Most of lands in this category, 41,509 acres or 63% of the Statewide total, is in Hawaii County.

In the City and County of Honolulu (City), 9,275 acres are within the urban and community growth boundaries but not classified in the Urban District. Much of these lands are unlikely to be developed, including open areas such as the Wahiawa Reservoir, Patsy T. Mink Central Oahu Regional Park, Hawaii Prince Golf Course, Makakilo Quarry and the Waimanalo Gulch Sanitary Landfill.

On the Island of Maui, lands in this category are primarily concentrated in the Kihei-Makena, Lahaina, and Wailuku-Kahului Districts, and include the planned mixed-use Kihei Mauka development, Wailea Golf Club, Airport Village, undeveloped land surrounding the Lahaina Recreation Center Park, including the park, and the planned mixed-use growth area of Kaanapali Town.

LANDS IN THE STATE URBAN DISTRICT OUTSIDE THE COUNTY GROWTH AREA

The Report also identifies lands that lie beyond or outside of the county-designated growth areas but are classified as State Urban. The analysis involved overlaying the county-designated growth areas onto the State Urban District to examine the relationship between State and county designations. The resulting areas indicate inconsistencies between State and county land use designations.

In total, there are 22,313 acres of land which are classified as Urban but lie outside of the county urban growth boundaries. These lands comprise 7,355 acres in the County of Hawaii, 9,279 in the City & County of Honolulu, 3,697 acres on Kauai County, and 1,982 acres in the County of Maui.

In the establishment of Urban District boundaries, HRS § 205-2 (a)(1) directs that “a sufficient reserve area for foreseeable urban growth shall be included.” Lands that are in the Urban District but not included within the county growth boundaries would indicate that the counties are not considering urban growth and development of these lands in the foreseeable future – general plans are typically undertaken for long-range, 20-year time periods and provide for sufficient lands to accommodate projected growth. Accordingly, subject to further inspection, these lands within the Urban District but not planned by counties for growth could be candidates for downzoning to the Agricultural, Rural, or Conservation Districts, as they are not needed by the counties for urban expansion.
The Report examines vacant undeveloped lands in the State Urban District. It is intended to show the amount and location of potentially developable lands within the State Urban District. The primary tool for this GIS analysis is the National Oceanic and Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP), which uses aerial photographic maps to identify developed areas. The high-resolution C-CAP includes 23 categories of land cover; this exercise utilized two of the 23 categories: Impervious and Open Space Developed. The Impervious class contains low, medium, and high intensity developed urban or built-up lands, such as single-family housing areas, multi-family housing areas, and urban centers. The Open Space Developed class contains areas with a mixture of some constructed materials, but mostly managed grasses or low-lying vegetation planted in developed areas for recreation, erosion control, or aesthetic purposes. The exercise removed the Impervious and Open Space Developed lands from the analysis, and what remained was vacant land in the Urban District.

Note, however, that because the C-CAP analysis uses satellite imagery (without regard for parcel or other man-made boundaries) and identifies areas that are not identified as Impervious or Open Space Developed. As such, some of the acreage in this analysis does include vacant land on portions of lots that have already been developed and may not actually be available for additional development. For example, on a residential lot that contains a single-family home, the C-CAP may identify the backyard or front yard as vacant undeveloped land, while in fact, those areas are not available for additional development. The acreage reported in this exercise, then, is simply a reporting of the undeveloped land in the Urban District, irrespective of whether the land may actually be available for further development.

Note also that lands with greater than 20 percent slope have been excluded from this analysis. Streams and gulches (with a slope less than 20 percent), however, have not been removed from this analysis.

The results of this analysis of vacant lands based on satellite aerial imagery analysis show there are significant amounts of undeveloped lands within the Urban District on all islands, including approximately 22,500 acres on Oahu, 4,263 acres on Kauai, 8,736 acres on Maui, and 30,740 acres on Hawaii Island, for a total of 68,654 acres Statewide.
Table ES-5: Undeveloped Lands within the State Urban District

<table>
<thead>
<tr>
<th>Island</th>
<th>Undeveloped Lands</th>
<th>Total Urban Land</th>
<th>% Undeveloped</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kauai</td>
<td>4,263</td>
<td>14,865</td>
<td>28.68%</td>
</tr>
<tr>
<td>Oahu</td>
<td>22,250</td>
<td>104,232</td>
<td>21.35%</td>
</tr>
<tr>
<td>Molokai</td>
<td>1,352</td>
<td>2,287</td>
<td>59.12%</td>
</tr>
<tr>
<td>Lanai</td>
<td>1,313</td>
<td>3,039</td>
<td>43.21%</td>
</tr>
<tr>
<td>Maui</td>
<td>8,736</td>
<td>22,928</td>
<td>38.10%</td>
</tr>
<tr>
<td>Hawaii</td>
<td>30,740</td>
<td>56,348</td>
<td>54.55%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>68,654</strong></td>
<td><strong>203,699</strong></td>
<td><strong>33.70%</strong></td>
</tr>
</tbody>
</table>

It should be noted that the C-CAP aerial imagery analysis has limitations, but closer inspection can discern the large tracts which are planned but not yet developed by the private and public owners or reveal potential areas for infill development opportunities.

**STATE RURAL DISTRICT LANDS BY COUNTY AND PLANNING AREAS**

The Report discusses the acreage and location of State Rural District lands within each county.

Rural Districts are composed primarily of small farms intermixed with low-density residential lots with a minimum size of one-half acre. Jurisdiction over the Rural District is shared by the State Land Use Commission and county governments. Permitted uses include those relating or compatible to agricultural use and low-density residential lots.

There is limited use and comparatively low acreage in the Rural district – 11,600 acres total or 0.3% of all lands in the State. The Rural District was defined after the original district boundaries were established upon the request of small landowners. In the establishment of the original district boundaries in 1963-64, plantation towns and rural centers were designated Urban, even though urban land use and development standards are inappropriate for use in the context of rural settlements and rural infrastructure. All working and open lands not designated as Conservation were designated Agricultural, even if they had little agricultural resource value. Currently, less than one percent of land statewide is classified in the Rural District, with no Rural-designated lands on Oahu.

**STATE AGRICULTURAL DISTRICT**

**IMPORTANT AGRICULTURAL LANDS**

In 1978, a significant amendment to the Hawaii State Constitution was passed that sought to preserve and protect Hawaii’s agricultural resources. Article XI, Section 3 of the Constitution, requires the State to “conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands.” It was not until Act 183 in 2005, however, that the Important Agricultural Lands (IAL) Law was enacted pursuant to the Constitutional amendment. Provisions of the IAL Law are specified in Part III of HRS Chapter 205.

IAL is defined in HRS § 205-42(a) as those lands:
• capable of producing sustained high yields when treated and managed according to accepted farming methods and technology;

• contribute to the State economic base and produce agricultural commodities for export or local consumption; and

• are needed to promote the expansion of agricultural activities and income for the future, even if currently not in production.

IAL is intended to meet the following policy requirements under HRS, § 205-43:

(1) Promote the retention of important agricultural lands in blocks of contiguous, intact, and functional land units large enough to allow flexibility in agricultural production and management;

(2) Discourage the fragmentation of important agricultural lands and the conversion of these lands to nonagricultural uses;

(3) Direct nonagricultural uses and activities from important agricultural lands to other areas and ensure that uses on important agricultural lands are actually agricultural uses;

(4) Limit physical improvements on important agricultural lands to maintain affordability of these lands for agricultural purposes;

(5) Provide a basic level of infrastructure and services on important agricultural lands limited to the minimum necessary to support agricultural uses and activities;

(6) Facilitate the long-term dedication of important agricultural lands for future agricultural use through the use of incentives;

(7) Facilitate the access of farmers to important agricultural lands for long-term viable agricultural use; and

(8) Promote the maintenance of essential agricultural infrastructure systems, including irrigation systems.

The Land Use Commission (LUC) is authorized to designate IAL through a voluntary or a county-initiated process subject to LUC approval as set forth in Part III of HRS Chapter 205. The counties were prohibited from designating IAL until July 2011 after incentives for voluntary landowner designation had been established.

VOLUNTARY LANDOWNER IAL DESIGNATION

HRS § 205-45 allows farmers and landowners to file a petition to the LUC for a declaratory order to designate the lands as IAL. The option of voluntarily seeking designation of lands as IAL is accompanied by incentives such as grant assistance and tax credits for qualified agricultural costs. Importantly, if a majority of the landowner’s holdings are designated as IAL, HRS § 205-49(a)(3) provides that no additional lands may be designated as IAL. Since 2008, the LUC has received 18 petitions for voluntary
IAL designation, of which 3 were withdrawn and 15 were approved. The lands voluntarily designated IAL by private landowners’ Statewide totals 136,489 acres, including 56,772 acres on Hawaii Island, 15,205 acres on Oahu, 37,410 acres on Kauai, and 27,102 acres on Maui.

COUNTY OF HAWAII

Hawaii County has yet to undertake its IAL designation process. There has been one voluntary private landowner designation approved by the LUC in Hawaii County for 56,772 acres by Parker Ranch in 2011.

CITY AND COUNTY OF HONOLULU

The City and County of Honolulu (City) completed its IAL study in 2018, and the Honolulu City Council adopted the DPP’s IAL designation recommendations in June 2019. The Council resolution and report have been transmitted to the LUC and is pending review and hearings in 2021. The City is the first county to seek LUC approval of its IAL mapping and parcel recommendations.

The City used resource-based mapping in consultation with a technical advisory committee, focus groups and community meeting in deriving the IAL recommended lands. Lands which met any one of three IAL criteria – 1) currently in agricultural production, 2) soil qualities to support agricultural production, and 3) sufficient quantities of water – were considered eligible for IAL designation.

Of the 128,000 acres in the Agricultural District on Oahu, approximately 45,400 acres are being recommended for IAL designation, including high quality lands on Oahu most suited for farming. Most of the recommended land is in Central Oahu (Milibani, Kunia and Wahiawa) and the North Shore (Haleiwa and Waialua), along with several large tracts along the Waianae coast and in Windward Oahu.

From voluntary IAL designations since 2010, a total of 15,205 acres from voluntary landowner IAL designations have been approved by the LUC on Oahu. Including the 45,400 acres of IAL-recommended lands by the City, a total of approximately 67,600 acres or 52% of the Agricultural District lands on Oahu could be designated as IAL.

COUNTY OF KAUAI

In August 2015, Kauai County completed an IAL study as the initial step in the process of county designation of IAL lands. The study defined, operationalized, and mapped lands that meet the IAL criteria under Act 183. A system was developed to grade agricultural lands for potential IAL designation to prioritize lands of importance to the County. It also provided a legal review of Act 183 and related State and County policies to identify gaps and discrepancies. No specific IAL designation was recommended. It was intended that the maps of potential IAL candidates would be used in a subsequent process by the Kauai County Council to identify IAL for LUC approval.
The study developed one threshold for agricultural land needed for food self-sufficiency, a minimum of 21,158 acres. And within 10 years, it was anticipated that a maximum of 20,125 acres of additional land would be needed, for a total of 41,283 acres.

However, by the end of September 2016, there had been five voluntary landowner IAL designations approved by the LUC in Kauai County for a total of 37,410 acres. Subsequently, Kauai County determined that due to the amount of voluntary landowner IAL designations, no additional county-designated IAL is necessary at this time.

COUNTY OF MAUI

Maui County has awarded a contract in mid-2020 to a private consultant to prepare a report identifying and mapping lands suitable for IAL designation on Maui, Molokai, and Lanai. A two to three-year timeframe is anticipated for completion of Maui’s IAL designation. There has been one voluntary landowner IAL designation approved by the LUC in 2009 for 27,102 acres on the Island of Maui by A&B Inc. There have been no voluntary landowner IAL designations on Lanai and Molokai.

AVAILABILITY OF GOOD AGRICULTURAL LANDS IN THE STATE AGRICULTURAL DISTRICT (OUTSIDE URBAN GROWTH AREAS)

The Report examines the amount and location of good agricultural lands outside of the county growth boundaries. Good agricultural lands are defined here as Prime, Unique, or Other Important Agricultural Lands under the Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system, or as "A," "B," or "C" lands under the Land Study Bureau’s (LSB) Detailed Land Classification system. The combined ALISH and LSB maps are provided below. Separate ALISH and LSB maps were also produced for each island and will be made available as online appendices for the boundary review study. Lands outside the county growth boundaries was selected to account for potential future growth and reclassification of Agricultural District in the areas planned by the counties for future growth.

The ALISH system is an agricultural productivity rating system adopted by the State of Hawaii Board of Agriculture in January 1977, intended to identify agriculturally important lands to provide decision-makers with a tool for use in agricultural preservation, planning, and development. The soil rating system considers soil properties, climatic factors, growing season, moisture supply, drainage, and crop yields. Soils rated under ALISH are classified as Prime, Unique, or Other Important Agricultural Land.

The LSB Overall Productivity Rating, Detailed Land Classification system is a soil productivity rating system in which soils are grouped into land types based on soil and productive capabilities. Factors considered for productivity include soil properties, topography, climate, technology, and crop type. Soils are rated from "A" (very good) to "E" (very poor/not suitable). "A" and "B" rated lands represent those areas with the highest agricultural productivity rating according to the LSB. Lands rated "C" are generally located immediately mauka of the "A" and "B" lands.

Lands with a slope greater than 20 percent have been removed from this analysis, as steep slopes limit agricultural use of those lands, and typically hinder machinery and labor operations due to geographic features such as ravines, gulches, and steep terrain and poorer soil quality.
STATE LAND USE REVIEW OF DISTRICTS
28 JAN 2022

COUNTY OF HAWAII

The overlay shows that there are 402,667 acres of ALISH-designated lands and 197,935 acres of LSB-rated "A," "B," or "C" lands outside the county's urban growth areas on Hawaii Island. Generally, the good agricultural lands are in Hilo and along the Hamakua Coast, in the Volcano area, in Kau, north and west of Punaluu, in pockets along the Kona coffee belt area, in Waimea, North Kohala, and to some extent in Puna.

While the LSB-rated "A," "B," or "C" lands account for a smaller portion of the lands in agricultural use on the Island of Hawaii, there are successful agricultural operations on lands designated LSB "D" and "E". In the South Kona District, for example, the soil is poorly rated under the LSB system (and contains the least amount of good agricultural land on the island), yet the land supports an array of successful orchard crops such as coffee, macadamia nuts, avocado, and mango.

Under both the ALISH and LSB the soil rating systems, the Hamakua District contains the greatest amount of good agricultural land, amounting to 104,532 acres and 73,194 acres respectively. Such land extends from the coast to the upper slopes of Mauna Kea. The land is now primarily used for pasture and forestry.

CITY AND COUNTY OF HONOLULU

There are 54,238 acres of ALISH-designated lands and 43,344 acres of LSB-rated "A," "B," or "C" lands outside the county's urban growth areas on Oahu. Generally, the good agricultural lands are in the fertile central plain between the Waianae and Koolau mountain ranges; along the coastline and in the valleys in the North Shore, Koolauloa, and Koolauupoko planning areas; in Kaneohe and Waimanalo; in East Honolulu; in Lualualei; and in the flatter areas along the coast at Makaha. The LSB-rated "A," "B," and "C" lands go from near sea level on the North Shore to the 1,000-foot contour line in Central Oahu. The ALISH-rated lands follow the same pattern and extend slightly mauka of the good LSB lands.


COUNTY OF KAUAI

There are 71,290 acres of ALISH-designated lands and 55,488 acres of LSB-rated "A," "B," or "C" lands on Kauai. The good agricultural lands form a band around Kauai, excluding the northwest corner of the island from about Wainiha in the east to the northern edge of Polihale State Park in the west. Generally, the LSB-rated "A," "B," and "C" lands go from near sea level to the 500-foot contour line, while the ALISH-rated lands go slightly mauka of the LSB-rated lands. The ALISH-rated lands extend to the 1,000-foot contour line and can be found as high as the 2,500-foot contour line near the Waimea Canyon Lookout.

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Under both rating systems, the Lihue and Waimea-Kekaha Districts contain the largest amount of good agricultural lands. The Lihue District contains 16,397 acres of ALISH-rated lands and 11,546 acres of LSB-rated "A," "B," and "C" lands. The Waimea-Kekaha District contains 15,688 acres of ALISH-rated lands and 11,585 acres of LSB-rated "A," "B," and "C" lands. The North Shore, Koloa-Poipu, and Hanapepe-Eleele Districts contain the least amount of good agricultural land under both the ALISH and LSB rating systems.

While the Island of Niihau is comprised entirely of State Agricultural land, the soils are not rated under the ALISH or LSB systems, and as such, are not included in this analysis.

COUNTY OF MAUI

On the Island of Maui, there are 99,442 acres of ALISH-designated lands and 67,646 acres of LSB-rated "A," "B," or "C" lands. The good agricultural lands are primarily concentrated in the central isthmus connecting the two mountain ranges, and along the upcountry and makai slopes of Haleakala. While the LSB-rated lands can be found as high as the 6,000-foot contour line, and the ALISH-rated lands extend as high as the 7,000-foot contour line, the larger, more contiguous parcels are found below the 1,100-foot contour line. Good agricultural land is also located along the western slopes of the West Maui Mountains, and both LSB- and ALISH-rated lands generally extend to the 200-foot contour line in this area.

Note that most of the good agricultural lands in the central isthmus are owned by Alexander & Baldwin (A&B), a Hawaii company with interests in real estate development, commercial real estate, agriculture, natural resources, and infrastructure construction. A&B announced in early 2016 that the company will close their 36,000-acre sugar plantation (extending from the coast to the 1,100-foot contour line) at Hawaiian Commercial & Sugar Co. by the end of 2016. The company will then convert Hawaii's last remaining sugar plantation to a diversified agricultural model.

On the Island of Lanai, there are 17,931 acres of ALISH-designated lands and 3,861 acres of LSB-rated "A," "B," or "C" lands. The ALISH-designated lands are primarily found on the island's upland areas, and there are some smaller areas of good agricultural land along the northeast slopes of the island. While the good LSB lands comprise a significantly smaller area of land, they generally follow the same pattern as the ALISH-designated lands and are primarily located northwest and southeast of Lanai City.

On the Island of Molokai, there are 32,340 acres of ALISH-designated lands and 3,215 acres of LSB-rated "A," "B," or "C" lands. The ALISH-designated lands are primarily located in western end of the island and in the narrow band along the eastern coast. The good LSB lands comprise a significantly smaller area of the island, and are primarily located in central Molokai, near Kualapuu and the Palaau State Park.

DISCUSSION

This analysis uses soil classifications and productivity ratings from ALISH and LSB to determine how much good agricultural lands remain the Agricultural District. The LSB ratings have
regulatory implications for permissible uses in the Agricultural District as referenced in HRS §§ 205-2 and 205-4(b), particularly for solar energy facilities and subdivisions.

Under ALISH-designations Statewide, there are approximately 627,600 acres of ALISH lands. Hawaii Island has 402,700 acres, Oahu has 54,200 acres, Kauai has 71,300 acres, and Maui County has 99,400 acres designated as ALISH.

Under the LSB soils ratings Statewide, there are approximately 364,400 acres of LSB A, B, and C lands. Hawaii Island has 197,900 acres, Oahu has 43,300 acres, Kauai has 55,490 acres, and Maui has 67,600 acres.

EXTENT OF DEVELOPMENT IN THE STATE AGRICULTURAL DISTRICT OUTSIDE URBAN GROWTH AREAS

The Report section examines the extent of development in the State Agricultural District outside urban growth areas. The GIS analysis uses the National Oceanic and Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP), which uses aerial photographic maps to identify developed areas, including buildings, parking lots, roads, and developed open space (e.g. yards in single-family housing lots, golf courses, landscaped vegetation).

Note that this analysis includes both agricultural (cane haul roads and other roads used to transport machinery, crop yields, etc.) and non-agricultural roads. Due to the structure of the CCAP data layer, it was not possible to remove only the agricultural roads without also removing other types of roads and development associated with non-agricultural uses.

Maps showing the results of the C-CAP aerial photographic analysis are presented in this section.

The maps are indicative of the extent of development in the Agricultural District outside of planned growth areas, including residential uses, subdivisions, and commercial developments. However, the limitations of the imagery analysis noted above make it difficult to clearly separate agricultural from non-agricultural development. OPSD intends to investigate ways to refine this analysis for future Boundary Reviews, which may need to include field inspections to verify uses.

STATE CONSERVATION DISTRICT LANDS BY COUNTY AND PLANNING AREAS

The Report examines the acreage and location of Conservation District lands within each county.

Conservation lands are comprised primarily of lands in existing forest and water reserve zones and include areas necessary for protecting watersheds and water sources, scenic and historic areas, parks, wilderness, open space, recreational areas, habitats of endemic plants, fish and wildlife, and all submerged lands seaward of the shoreline. The Conservation District also includes lands subject to flooding and soil erosion.

The Conservation District is administrated by the State Board of Land and Natural Resources and uses are governed by rules promulgated by the State Department of Land and Natural Resources.
COUNTY OF HAWAII

There are 1,341,727 acres of State Conservation District land in the County of Hawaii, which amounts to 52 percent of the total area of the island.

The Conservation District includes the peaks and upper slopes of Mauna Kea (at elevations of 7,000-8,000 feet) and Mauna Loa mountains (to the Saddle Road on the north, to the 5,000-foot contour at Kapapala and the 3,000-foot contour in Kau excluding the southern portion which extends only to the 6,000-foot contour; and to the 7,500-foot contour in South Kona) and the summit of Hualalai and its northwest and western slopes.

The windward side of the Kohala Mountains and coastline, cliffs, and valleys are included in the Conservation District, as are several major river valleys along the Hamakua Coast.

In the North and South Hilo Districts, a band of Conservation District land extends from the 2,000-foot contour to the 5,000 to 5,500-foot contour. This band includes State forest reserve lands and a Federal wildlife refuge. The Puna District also contains large acreages of Conservation District lands, much of which consists of the Hawaii Volcanoes National Park.

Conservation District lands in southeastern Kau and the South Kona Districts include coastal lands with scenic, wilderness and natural area resources.

In North and South Kona in the mauka areas, State forest reserve lands are included in the Conservation District and there is a band of Conservation land along the shoreline, broken intermittently with State Agricultural or Urban land. Also in North Kona, a band of Conservation District land extends inland from the shoreline to the 1,000-foot contour and includes beach, coastal scenic, and environmental resources and open space areas.

In addition, numerous areas along the shoreline are included in the Conservation District.

CITY AND COUNTY OF HONOLULU

There are 157,954 acres of land in the State Conservation District on the Island of Oahu, which accounts for 41 percent of the total land area of the island. The Conservation District on Oahu is comprised of two principal areas: the Koolau Mountain range and the Waianae Mountain range. They are significant as water resource areas, wilderness and scenic areas. Other significant sites included in the Conservation District include Diamond Head, Punchbowl, Koko Head, and Ulupau Crater. Shorelines included in the Conservation District are the Kaena Point, Mokapu Point, and Koko Head shorelines. Kawaihu Marsh in Kailua and the Laulauuial Island Fishpond in West Loch are also included in the Conservation District.

COUNTY OF KAUAI

There are a total of 194,454 acres of State Conservation District lands in the County of Kauai, which includes the Island of Niihau (although there are no Conservation lands on Niihau). This amounts to 49 percent of the total area of the county (or 55 percent if Niihau is excluded).
On the Island of Kauai, the Conservation District includes the natural and scenic resource areas of the Na Pali Coast, Alakai Wilderness Preserve, and Waimea Canyon. It contains most of the forested and steep lands of the central mountain area and most the steep topography and forest land of the Haupu mountain range. Major river valleys, such as the Hanalei, Kaliihiwai, Analohia, Wailua, Hanapepe, and Waimea are also included in the Conservation District.

COUNTY OF MAUI

There are a total of 311,601 acres of State Conservation District land in the County of Maui, which includes the Islands of Maui, Lanai, Molokai, and Kahoolawe (Kahoolawe is comprised only of Conservation land – 28,800 acres). This amounts to 41 percent of the total land area of the county.

On the Island of Maui, the major Conservation areas encompass the West Maui Forest Reserve in the west, and the Kula Forest Reserve, the Makawao Forest Reserve, the Koolau Forest Reserve, the Kahikinui Forest Reserve, and Haleakala National Park in the east. Other significant lands in the Conservation district include the coastal lands from Lipoa Point in the northwest toward Waiehu near Kahului; Kanaha Pond Wildlife refuge in Kahului; Kealia Pond and wetlands east of Malaea Village; and most of the coastline from Cape Kinau in the southeast, toward Hana Airport in the northeast. (State Land Use District Boundary Review – Maui, Molokai, Lanai, 1992)

On the Island of Lanai, there are a total of 38,197 acres of State Conservation District land, which amounts to 42 percent of the total area of the island. Except for a few isolated pockets of land, the Conservation District represents a contiguous district encompassing the entire northwest portion of Lanai, most of its west coast, and an irregular band beginning near Kukui Point in the north, extending in a curvilinear fashion southeast toward Manele Bay. Isolated pockets of Conservation lands are also found near the northeast Rural District and interspersed between pockets of Rural lands along the southern coast. (State Land Use District Boundary Review – Maui, Molokai, Lanai, 1992)

On the Island of Molokai, there are a total of 51,972 acres of State Conservation District land. This amounts to approximate 31 percent of the total area of the island. Most of the Conservation District land is in the northeast portion of the island within the Molokai Forest Reserve. Additional lands are found along the coast and include the coastline from Ilii Point in the northwest corner of the island toward Kalaupapa where it joins with the Molokai Forest Reserve. Extending from the Molokai Forest Reserve at Hālawa Bay in the northeast, the Conservation District follows the coastline to Waialua where it meets the Rural District boundary. The Conservation District begins again at Kalaeloa Harbor and continues along the coast except for breaks between Pahiohu and Kanukuawa Fishponds, Kawela to Kuanakakai, and between Ooia Fishpond to just past Kolo Wharf. There is one more small break along the coastline between Kepuhi Beach and Kawakiu Iki. (State Land Use District Boundary Review – Maui, Molokai, Lanai, 1992)
DISCUSSION

Continuing development pressure, coastal development, changes in watersheds, and climate change will continue to challenge the statewide land use system to develop new tools and models for more effective management of our conservation resources and built environment.

CONCLUSIONS AND FINDINGS

This section of the Report summarizes the findings of this Boundary Review, discusses the implications of the findings for State and county land use policy objectives, and lists options to address areas where land use associated with existing district boundaries appears to conflict with or contradict State and county land use policy.

Specific recommendations for district boundary amendments to the Conservation District contained in the 1992 Boundary Review are being carried forward with this Report. These recommendations are summarized in Chapter 3 and Section 3.5. Currently there are no resources available to pursue individual district boundary amendment petitions under the existing LUC reclassification procedures.

URBAN DISTRICT

The mapping analysis of the conformance of State and county urban land use designations revealed:

- There is a significant amount of vacant, undeveloped Urban District lands available for development Statewide;
- There are lands in adopted county plans designated for planned urban growth that are not classified in the Urban District; and
- There are lands classified in the Urban District that are not Urban in character, such as rural centers.

SUPPLY OF URBAN DISTRICT LANDS

From 1964 to 2020, lands within the Urban District have increased from 117,800 acres in 1964 to 204,187 in 2020, an increase of 86,387 acres, or 2.1% of all land in the State. The 204,187 acres currently in the Urban District represents 5.0% of all land in the State. (Section 3.6, Table 29)

Over the years, concerns have been raised that the State District Boundary Amendment (DBA) process limits or constrains the land supply available for development, thereby increasing the cost of land and housing. In Section 4.3.5, an analysis of vacant lands based on satellite aerial imagery was undertaken to assess the extent of undeveloped lands within the Urban District. The results show there is a substantial amount of vacant developable Urban-designated lands totaling 68,650 acres Statewide. This includes 22,250 acres on Oahu, 4,263 acres on Kauai, 8,736 acres on Maui, and 30,740 acres on Hawaii Island.
The amount of Urban District lands that remain vacant and undeveloped may be attributable to a variety of economic and regulatory factors, including infrastructure needs and costs, and the overall length and timeframe for development approvals (county plan amendments, zone change, zoning, and subdivision approvals), market considerations, and developers’ ability to raise capital. In many areas, there are significant infrastructure deficiencies necessitating up-front and costly off-site infrastructure system upgrades, including highway and road improvements, and the development of sewer, water, and storm drainage systems needed to support the development. The burden for providing such infrastructure improvements has largely fallen on the private sector and is difficult to assume even for large well-capitalized landowners and developers.

Vacant and undeveloped Urban lands, especially publicly owned lands, could be developed to address a myriad of needs in Hawaii’s urban areas, such as affordable housing, social or health services, or parks or open space. OPSD has undertaken a separate GIS-based study to explore this: Affordable Rental Housing Report and Ten-Year Plan, July 2018.

Additional analysis, outside the scope of this Review, is needed to determine what would be needed to develop these vacant Urban lands as proposed when reclassified – whether this be infrastructure capacity, market readiness or financing constraints, or whether there are any other environmental or development constraints that are hindering development of these lands.

CONSISTENCY WITH COUNTY PLANS

A primary focus of this Boundary Review was to compare the Urban District boundaries with the county general and community development plans, with particular attention to areas planned for urban growth by the counties. The determination of areas planned for urban growth is a long-range planning tool used by counties to demarcate the limits of growth areas supported and planned to accommodate future urban development. The definition and labels for these growth boundaries vary among the counties. See Section 4.3.1 for a description of the counties’ plan designations and urban growth boundaries.

Comparisons of the Urban District boundaries with county plans for growth as reflected in their urban growth boundaries were undertaken. The most noteworthy aspects relate to lands which are within the counties’ urban growth boundaries, but which are not classified in the State Urban District (Section 4.3.2). Statewide, a significant portion of lands, a total of 65,792 acres, are situated within county-designated urban growth areas but are not classified as State Urban District.

In the City and County of Honolulu (City), lands not classified as Urban within the urban and community growth boundaries include parks, golf courses, quarries and landfills which are unlikely to be developed. On the Neighbor Islands, however, much more lands are likely to be subject to redistricting to Urban or Rural at some point in the future, since county plans allow or indicate urban expansion in many of these areas.

In general, the location of petition areas within the county growth boundaries is an important consideration for county and State agencies, as their inclusion in these urban growth boundaries indicate alignment and consistency with county plans for growth. County planning departments invariably support such petitions for reclassification to the Urban District, and petitioning landowners and developers nearly always ensure that their boundary amendment petitions are consistent with
county plans. An important LUC decision-making criterion is consideration of “the county general plan and all community, development, or community development plans adopted pursuant to the county general plan as they relate to the land that is the subject of the reclassification petition.”

County general plans and community development plans undergo rigorous multi-year review and extensive land use and community analyses. The County of Kauai’s General Plan, adopted in 2018, received national acclaim for excellence in community planning. The Kauai General Plan included six technical studies: socioeconomic analysis and forecast, land use buildout analysis, infrastructure analysis, climate change and coastal hazards assessment, Important Agricultural Lands study, and community health improvement plan. A broad and inclusive public engagement program involved thousands in meetings, workshops, social media, surveys, and a citizens advisory committee to inform the vision, goals, policies, objectives and actions.

The County of Maui, County of Hawaii, and the City and County of Honolulu similarly conduct in-depth and comprehensive socio-economic, land use and infrastructure technical studies along with extensive agency and community involvement processes in updating their general plans and community development plans.

At the State level, the Hawaii State Plan, HRS Chapter 226, provides an overall framework for statewide planning, but in its current form does not provide effective guidance and direction for land use decision-making. The more detailed State Functional Plans which were intended to guide the allocation of State resources are, except for the 2018 Housing Functional Plan, nearly all over 30 years old and are neither consulted nor updated by State agencies.

State agency reviews of land use have largely focused on project and site-specific development proposals and are not grounded in long-range comprehensive planning and coordinated plan implementation. The State has not developed coordinated resource protection strategies, such as an agricultural resource strategy or a unified infrastructure investment strategy for planned community development and growth. There is more typically a reliance on project-specific conditions of approval to provide necessary regional infrastructure which results in an ad hoc improvement and investment strategy based on the developer’s ability to provide such off-site improvements.

**CONSISTENCY WITH COUNTY PLANS - APPROACHES**

The mapping conducted during this Review identified areas that could be considered for:

- Reclassification of lands within county plan-designated urban growth areas to the State Urban District; and

- Reclassification of lands in the State Urban District that are not designated as urban in county plans.

Amendment of these district boundaries would increase congruence between long-range State urban land use policy with the areas identified for desired urban growth by the counties in their general plan and community development plans.

To promote consistency of the Urban District boundaries with county plans, consideration should be given to approaches that would simplify the redistricting of lands based on county plan designations.
Three potential approaches are offered for more readily accommodating the county planning process in the State district boundary amendment (DBA) process.

1. **Expedited review by the LUC for DBA petitions which are consistent with county plans.** As is done for expediting the review of affordable housing projects pursuant to HRS 201H-38, a similar review and approval of lands that are not within the Urban District but within the county growth boundaries could be allowed to undergo an expedited review process. However, the process should provide sufficient time for State review and comment.

2. **County Plan-Based Regional Boundary Amendments.** This approach involves regional petitions initiated by counties and brought before the LUC to amend district boundaries to be consistent with county plans. County general and community development plans could provide a basis for land use planning and decision making. The LUC’s role for qualifying petitions could shift to regional quasi-legislative decision-making with limited project-specific, quasi-judicial decision making. This approach could involve the following:
   - LUC could entertain regional boundary amendment petitions submitted by counties based on conformance with county general and/or development plans. LUC decision-making could be made quasi-legislative, with denials or the inclusion of conditions for mitigation imposed for demonstrated and compelling State interests.
   - Individual boundary amendment petitions to the LUC would be needed for proposals not consistent with county plan. The current quasi-judicial contested case hearing process would be followed.
   - Enabling greater State input in county planning processes would be desirable to promote the consistency of county plans with State plans and policies.
   - Appeal via LUC declaratory ruling could be enabled for boundary amendments granted based on county plans.

3. **Increase counties’ authority to reclassify lands from the Agricultural or Rural District to the Urban District if the petition area lies within the county planned growth area.** Counties currently are authorized to approve reclassifications of less than 15 acres. An expansion of county authority would recognize the considerable community involvement made by counties in undertaking their general plan and community development plans updates to comprehensively plan, assess and determine the areas for desired urban growth.

An amendment to HRS § 205-3.1 would be required, allowing counties to reclassify lands in the Agricultural and Rural Districts if they conform with county growth plans as reflected in county general plans and/or community development plans. County reclassifications could also be required to consider the other decision-making criteria provided in HRS § 205-17. This allowance could be limited to lands in the Agricultural and Rural District and could exclude lands designated as IAL and Conservation District. OPSD review and concurrence could be required for the setting of county urban growth boundaries as well as in the county district boundary amendment process, to assure that State issues and concerns are reflected in the land use plans as well as the DBAs.
State Land Use DBAs for areas greater than 15 acres planned for growth by the county are appropriate to be delegated to the counties in view of the comprehensiveness of the county planning process and their update at regular intervals. There is a more rigorous community involvement process when county plans are updated than that afforded in the project-by-project, landowner-driven State LUC boundary amendment process.

While the State LUC process helps ensure that State interests are represented and incorporated in land use decision-making, the county planning departments typically consult with State agencies such as the Department of Transportation during their county planning and zoning process.

*Town v. Land Use Commission*. The above options require consideration of the Hawaii Supreme Court decision in *Town v. Land Use Commission* (55 Haw. 538, 524 P.2d 84). In 1974, the Hawaii Supreme Court ruled that an adjoining landowner having property interests in a proposed land use boundary change and who challenges that proposed change should be afforded the rights of a party to a contested case (“quasi-judicial”) hearing as provided in HRS Chapter 91, the Administrative Procedures Act. The Court held that redistricting is adjudicative of legal rights of property interests. In 1975, the Legislature adopted Act 193 amending the law to require the LUC to follow the quasi-judicial, contested case process.

**AGRICULTURAL DISTRICT**

The analysis of the conformance of State and county agricultural land use designations in Chapter 4.5 revealed:

- The designation of Important Agricultural Lands (IAL) has not been completed statewide. This hinders efforts to designate the best lands within the Agricultural District that warrant retention for long-term agricultural use, and to focus State agricultural investments and long-term protection policies and tools on these lands Statewide;

- There are lands in the State Agricultural District where non-agricultural uses, primarily high-value large-lot residential uses, are the dominant land use and serve to drive up the cost of agricultural land; and

- There are lands in the State Agricultural District that are unsuited for agricultural use.

The Agricultural District is the source of many of the concerns with State Land Use Districts. Much of this stems from how districts were initially established and classified. When the land use district boundaries were first established in 1964, uses that were not clearly Urban or Conservation were placed in the Agricultural District, including lands not used or suited for agricultural activities. The Agricultural District included lands used and suitable for agriculture, but also became a residual category for including other open, transitional, and sparsely developed areas.

Over the years, the permissible uses for the Agricultural District have been amended considerably to broaden the uses allowed in the Agricultural District—from 5 permitted uses in 1965 to 21 permitted uses currently—which has weakened the nexus to agricultural production and bona fide farming.
HRS 205-6, Special Permits, further compromises the intent of the Agricultural District to protect agricultural uses by allowing any non-permitted uses less than 15 acres which could be deemed as “unusual and reasonable” to be approved by county planning commissions. The Special Permit has been widely used to permit non-agricultural uses, notably vacation rentals, in the Agricultural District. Counties have had difficulties controlling non-farm uses in the Agricultural District.

The Agricultural District standards, currently set at one (1) acre, contribute to the siting of non-agricultural uses in the Agricultural District by allowing minimum lot sizes and densities that are more suited for suburban or rural settings. In other states and localities, agricultural lot sizes are much larger: in Oregon, by state law, the minimum lot size for designated farmland is 80 acres. In Marin County, California, the minimum lot size is 60 acres. As a farmland protection tool, minimum lot sizes such as 80 or 60 acres, ensure that parcel sizes remain large enough to be farmed profitably while discouraging land purchases for residential use. The “impermanence syndrome” takes hold when farmers or landowners perceive that it’s only a matter of time before their lands are converted to urban use, they stop making long-term investments in the farm operation. As a result, the farm becomes less efficient and marginalized, which in turn increases the willingness to sell the property for development.

From a broader perspective, the pattern of urban reclassification of some of the State’s best agricultural lands has occurred largely because good agricultural land is also well suited for urban and other uses. From the 1980s, there has been a dramatic shift in Hawaii’s economy away from plantation agriculture to the visitor industry and land development.

According to the Statewide Agricultural Land Use Baseline 2015 (2016), in 1980, Hawaii had 350,830 acres in cropland and another 1.1 million acres in pasture use. In 2015, lands in active crop use dropped to 151,830 acres, and pasture shrunk to 761,430 acres. During the plantation era, Hawaii reached its high tide mark in terms of acres in active agricultural production. It is unlikely that Hawaii will ever see that amount of land in active crop production again. (p. 4). There is now one remaining pineapple farm in Central Oahu with less than 3,000 acres, and the last sugar company on Maui closed at the end of 2016. As a result, there is a surplus of agricultural land in the State that could be deployed for more intensive agriculture. (p. 4).

There are, however, numerous barriers to the agricultural industry’s development. As discussed in the Statewide Agricultural Land Use Baseline 2015, gentrification, lack of affordable water, lack of farm labor and leadership, and a lack of farm data are only a few of the issues that need to be resolved before Hawaii experiences a resurgence in agricultural activity (p. 6). Please see the Baseline for additional information at https://hdoa.hawaii.gov/wp-content/uploads/2016/02/StateAgLandUseBaseline2015.pdf

The protection and use of agricultural land for agricultural production are hindered by a lack of a complete picture of what lands should be protected for agricultural production into the future; lack of a cohesive strategy for increasing food security that can be applied to land use decision-making; and a need for more investment, supports, and incentives to promote and sustain long-term agricultural viability.

**IMPORTANT AGRICULTURAL LANDS**

Article XI, Section 3 of the Hawaii State Constitution requires that the State conserve and protect agricultural lands and assure the availability of agriculturally suitable lands. The Important Agricultural
Lands (IAL) amendments to Chapter 205 in 2005 required the counties to prepare and submit maps five years from enactment to the LUC for lands to be designated as IAL. However, the State did not provide funding for the county efforts, which hindered the county designation process.

The County of Kauai completed an IAL study in 2015, but then concluded that sufficient IAL was designated voluntarily by landowners to meet Kauai’s future needs. In June 2019, the City and County of Honolulu became the first county to complete its IAL designation process at the county level, and in mid-2020, the City submitted its IAL petition to the LUC for review and approval. The County of Maui initiated its IAL study in Fall 2020. The County of Hawaii has yet to begin its IAL mapping process. In addition, the State has yet to conduct its required review, identification, and designation of IAL for public lands under the jurisdiction of the Department of Agricultural and Department of Land and Natural Resources as specified by HRS 20544.5.

**IMPORTANT AGRICULTURAL LANDS FINDINGS**

The county designation of IAL is important to attaining the Constitutional mandate and should be encouraged and incentivized to allow IAL designations to be completed. Although counties generally map agricultural lands as part of their general plans, development and community plans, the process of county designation of IAL would serve to validate and ensure Statewide consistency in the identification of IAL. IAL designation would identify those productive agricultural resource lands in the State Agricultural District that should receive the strongest policy protection and agricultural investments to sustain the viability of the agricultural sector into the future.

The protection of agricultural lands with good soils should be strengthened by ensuring and funding completion of IAL designation by counties and State agencies.

Other barriers to the agricultural industry’s development persist. The availability and cost of farmland, lack of affordable water, lack of farm labor, and encroachment by more profitable uses are some of the barriers to agricultural sustainability. The protection of good agricultural lands also requires robust programs and other incentives, and assistance are needed to overcome the financial and technical obstacles to long-term sustainable agricultural production.

**NON-AGRICULTURAL USES IN THE AGRICULTURAL DISTRICT**

Over the years, communities across the State have experienced an increase in non-agricultural development in the Agricultural District. Aerial imagery analysis conducted as part of this review shows the extent of non-agricultural development in the Agricultural District. (See Section 4.5.3) The non-agricultural development in the Agricultural District involves significant amounts of residential uses, residential subdivisions, and commercial developments.

Increasingly, higher value residential, commercial, and renewable energy uses have encroached or been permitted in the Agricultural District. In large part, the policies and standards for the Agricultural District outlined in HRS Chapter 205 do not provide a strong policy framework to protect agricultural lands, do not discourage the encroachment of non-agricultural, higher valued uses in the Agricultural District, and do not ensure effective enforcement.
Notwithstanding competing renewable energy and agricultural self-sufficiency goals, land use policies have increased opportunities for siting commercial solar energy facilities that were previously prohibited or limited on the highest quality agricultural lands. Initially barred on lands rated as A, and strictly limited on lands rated as B and C by the Land Study Bureau productivity rating system, amendments in 2014 to HRS Chapter 205 allowed solar facilities to be undertaken by State Special Permit on B and C lands, provided there is compatible agricultural use. As a result, solar energy facilities, which confer higher land values with much greater revenue potential than farming, are permissible on over 95% of agricultural lands in the State. Farmers sometimes have been displaced but they certainly cannot afford or compete with these commercial facilities for good agricultural land.

Higher value residential housing uses that are not tied to farming in the Agricultural District have proliferated especially on the Neighbor Islands, mainly due to the lower cost of land. A clear definition of what constitutes a “farm” or “farm dwelling” in the State Land Use Law would make it easier for counties to enforce the law. HRS § 205-4.5(a)(4) defines “farm dwelling” as a single-family dwelling located on and used in connection with a farm, where agricultural activity provides income to the family occupying the dwelling. However, the amount of farm income needed to be considered a “farm dwelling” is not specified, and what constitutes a “farm” is unclear. Counties are thus faced with little guidance on how to determine whether actual farming is occurring on the parcel, making it difficult to enforce residential uses that do not have a bona fide farm component.

### NON-AGRICULTURAL USES IN THE AGRICULTURAL DISTRICT FINDINGS

There are two strategies for addressing the encroachment of non-agricultural uses in the State Agricultural District. One is to strengthen Agricultural District standards and policies to discourage the location of non-farm uses on agricultural lands. The second is to enable the reclassification of already established non-farm, residential areas to the Rural District, as well as lands unsuitable for agricultural use to either the Rural or Conservation District.

Chapter 205, HRS, can be strengthened by providing clear definitions of “farm” and “farm dwellings” and by providing the counties the means to enforce standards. Inadequate definitions of a bona fide farm have resulted in a proliferation of dwellings without a farm component. The subdivision of agricultural lands, increased use of condominium property regimes and other non-traditional forms of ownership interest in agricultural lands have made county enforcement of State requirements and county standards difficult to administer.

Pursuant to Act 278, SLH 2019, OPSDSD was directed to study land subdivision and condominium property regime (CPR) laws related to agricultural land on Oahu. A Stakeholders Group was convened by OPSDSD including the LUC, Department of Agriculture, Real Estate Commission, City Department of Planning and Permitting, and stakeholders including legislators, Bureau of Conveyances, Agribusiness Development Corporation, Hawaii Farm Bureau, Cattleman’s Council, Land Use Research Foundation, Aloun Farms, and Kamehameha Schools. A report was submitted to the Legislature in December 2020.

The initial Stakeholders Group recommendations was reflected in HB 247 passed by the Legislature and signed into law as Act 77 (2021). Act 77 accomplished the following:
1. Partially clarifies “farm dwelling” (amended HRS 205-4.5(4)). Specifies that farm dwellings on agricultural lands must be accessory to a farm where agricultural activity provides income to the family occupying the dwelling. A minimum farm income of $10,000 per year to the family occupying the dwelling was proposed in HB 247 but was deleted in SD2. It is acknowledged that there are a significant number of small lot owners engaged in subsistence or lifestyle farming for which an income criterion would not be feasible.

2. Allows county enforcement of unpermitted structures on subdivided leasehold subdivisions in the agricultural district (amends HRS 205-4.5(f)(2)). Agricultural structures exempted from building permits have created enforcement problems.

3. Requires county comments prior to CPR registration (amends HRS 514B-52(b)). Applications for registration of condominium property regimes of agricultural land are to include county comments regarding the availability of supportive infrastructure, any potential impact on government plans and resources, and other requirements pursuant to county ordinances and rules. Allows counties to review and alert the buyer of infrastructure and environmental deficiencies, and conformance with county codes.

The Act 278 Stakeholders Group was reconvened in Fall 2021 and expanded to include the Neighbor Island planning departments and selected interests. The Stakeholders Group had three meetings from August to October to consider additional solutions and potential legislation to address unresolved issues.

Expansion of Rural District had good support from the Group. The reclassification of established rural residential areas in the State Agricultural District would help to alleviate the constant pressure on the State Agricultural District to accommodate non-agricultural residential uses. An expanded Rural District would allow the counties to better manage and support low-intensity rural development while protecting productive agricultural lands. Such a reclassification effort could also be conducted under a county plan-based boundary amendment proceeding (See Section 5.1.2).
AGRICULTURAL SOIL CLASSIFICATION SYSTEMS

The State has used two soil classification systems to rate the quality of agricultural lands. The Agricultural Lands of Importance to the State of Hawaii (ALISH) and Land Study Bureau (LSB) are soil classifications and productivity ratings which indicate the suitability of agricultural lands for crop cultivation. The LSB ratings have regulatory implications for permissible uses in the Agricultural District pursuant to HRS §§ 205-2 and 205-4(b), particularly for solar energy facilities and subdivisions. Under ALISH-designations Statewide, there are approximately 627,600 acres of ALISH lands (Prime, Unique, and Other Important lands). Under the LSB soils ratings Statewide, there are approximately 364,400 acres of LSB A, B, and C lands.

Lacking a means to differentiate between more productive and less productive lands in the Agricultural District, the LSB ratings were incorporated in HRS §§ 205-2 and 205-4(b) as an attempt to limit permissible uses on the best lands to primarily agricultural activities. Landowners have raised concerns about continued use of the LSB ratings developed in the 1960s, due to its regulatory restrictions on permissible uses, and lack of a mechanism to revise outdated ratings.

There is a need to review how soil productivity and classification systems should be used in State agricultural land use policy and land use regulation, and whether other systems should be used in lieu of the Land Study Bureau (LSB) overall (master) productivity ratings in regulating land uses in the Agricultural District. A study and mapping project should be undertaken to: (1) develop recommendations on how a USDA soils classification system or other classification system might be used to map agricultural productivity potential in Hawaii; (2) determine how to make effective use of agricultural classifications in regulating agricultural land use; and (3) better integrate the use of productivity classification systems into IAL designation and management.

According to the Statewide Agricultural Land Use Baseline 2015 (2016), in 1980, Hawaii had 350,830 acres in cropland and another 1.1 million acres in pasture use. In 2015, lands in active crop use dropped to 151,830 acres, and pasture shrunk to 761,430 acres. During the plantation era, Hawaii reached its high tide mark in terms of acres in active agricultural production. It is highly unlikely that Hawaii will ever see that amount of land in active crop production again. (p. 4). There is now one remaining pineapple farm in Central Oahu with less than 3,000 acres, and the last sugar company on Maui closed at the end of 2016. As a result, there is a surplus of agricultural land in the State that could be deployed for more intensive agriculture. (p. 4).

There are, however, numerous barriers to the agricultural industry’s development. As discussed in the Statewide Agricultural Land Use Baseline 2015, gentrification, lack of affordable water, lack of farm labor and leadership, and a lack of farm data are only a few of the issues that need to be resolved before Hawaii experiences a resurgence in agricultural activity (p. 6). Please see the Baseline for additional information at https://hdoa.hawaii.gov/wp-content/uploads/2016/02/StateAgLandUseBaseline2015.pdf.

RURAL DISTRICT

Statewide, there are 10,454 acres in the Rural District, which amounts to only 0.3% of all lands in the State. There are no Rural-designated lands on Oahu. This scarcity of Rural District lands is largely
because the Rural District was established at the request of small landowners only after the original delineation of district boundaries was well underway Statewide. In the establishment of the original district boundaries in 1963-64, plantation towns and rural centers were designated Urban, even though urban land use and development standards are inappropriate for use in the context of rural settlements and rural infrastructure. All working and open lands not designated as Conservation were designated Agricultural, even if they had little agricultural resource value.

In retrospect, the original law and established boundaries did not adequately consider important distinctions between urban and rural communities, and the need for specialized tools for planning, servicing, and maintaining working lands for farming, ranching, and forestry.

The existing Chapter 205’s Rural District standards for rural density and permissible uses do not effectively guide rural landscapes and settlements, and instead promote low-density sprawl and increases demand for extensive infrastructure and service delivery systems. There is potential to use the Rural District to differentiate rural communities and related lifestyles from working or commercial agriculture or urban subdivision standards. Residential areas in the Agricultural and Rural Districts are effectively more urban and suburban in character than rural.

RURAL DISTRICT FINDINGS

The potential for preserving much of Hawaii’s open space, rural communities, and working lands may be realized by:

1. Redefining the policy framework for the State Rural District and revising the State Rural and Agricultural District standards in Chapter 205 to enable gradation in uses, intensity, and character to better separate higher-value non-agricultural uses from working lands; and

2. Reclassification of established rural subdivisions and rural centers from the Agricultural to the Rural District to expand the use of the Rural District to accommodate lower density rural settlement patterns and subsistence farming lifestyles.

Redefinition of the policy framework for the Rural District in Chapter 205 is needed to more effectively manage Hawaii’s rural landscape and prevent continued exurbanization of Hawaii’s agricultural and open lands. These changes are needed to enable the counties to codify land use policies and regulations for rural settlement types that vary along a continuum by their level and intensity of use and character, for example, from ‘rural centers’ to ‘rural preserve’. This would allow the counties to define expectations about settlement form, types of uses, levels of services, expected land use values, and complementary implementation tools, such as use of clustering and appropriate real property tax policies, that work to sustain the character, quality, and integrity of human and natural habitats along the urban to conservation continuum—particularly where this would apply to rural working and open lands.

Expanded use of the Rural District through reclassification of appropriate areas to the Rural District could occur following redefinition of the Rural District to avoid continued application of standards that result in urbanization of the rural landscape. The reclassification of selected Agricultural District lands to the Rural District could focus on existing areas that already have
rural-like, low density development patterns with an extensive pattern of non-farm residential use or those areas planned to remain in a rural-like setting in county general plans and community development plans. Such Rural reclassifications could also consider lands with lower quality soils not conducive to agricultural cultivation. A redefined Rural District could also allow for rural community-serving commercial uses and rural villages.

Consideration could be given to allow counties to reclassify selected Agricultural District lands to the Rural District. In areas which are already rural in character and are planned to remain in a rural-like setting, counties could be authorized to reclassify selected Agricultural District lands to the Rural District. Such Rural reclassifications could be based on lower quality soils not conducive to agricultural cultivation, and rural-like low density development patterns either in current use or reflected in county general plans and community development plans. Such rural setting could include residential and neighborhood-serving commercial uses.

Reclassification is the most effective means to achieving conformance with State and county land use policy that seeks to separate non-farm residential uses from bona fide farming in the Agricultural District. Dwellings in the Rural District do not need to be farm dwellings accessory to agricultural activity that provides income to the occupants, as is required for farm dwellings in the Agricultural District.

This would allow for increased use of the Rural District for rural residential, rural towns, and a subsistence farming lifestyle that is consistent with county community development plans.

This approach would allow counties to address non-conforming Agricultural District lands, such as in the Puna District of Hawaii County, which has large scale residential subdivisions that should be reclassified to the Rural District. Proposed reclassifications could be limited to lands with LSB soil quality of D or E, and provided such rural designations are consistent with the county general plan and community development plans.

HRS § 205-3.1 would need to be amended to allow counties to reclassify lands from the Agricultural District to the Rural District.

**CONSERVATION DISTRICT**

Continuing development pressure, coastal development, changes in watersheds, and climate change will continue to challenge the statewide land use system to develop new tools and models for more effective management of our conservation resources and built environment. No change is expected with respect to DLNR’s jurisdiction over the regulation and management of lands and conservation resources within the State Conservation District. Greater guidance from DLNR as to critical conservation resources and conservation resource lands that should be protected statewide would be extremely valuable in informing LUC decision-making for any petition involving the reclassification of lands in the Conservation District to other State land use districts.
Specific recommendations for district boundary amendments to the Conservation District that were not pursued in the 1992 Boundary Review were reviewed and found to continue to have merit. These recommendations are summarized in Chapter 3 and Section 3.5. No petitions for district boundary amendments are being pursued under this Review.

There is agreement about the value of reclassifying resource lands to the Conservation District. However, regulatory differences between administrative agencies figure considerably in decisions to reclassify lands to the Conservation District, as the Conservation District is more strictly regulated relative to permissible uses, structures, and activities. A recent petition in Hawaii County proposing the use of lands for conservation and ecosystem preservation purposes was kept in the Agricultural District due to concerns about restrictions in the Conservation District and greater flexibility in the Agricultural District. Similarly, management issues have slowed the required transfer of non-agricultural park lands from DLNR to DOA (Act 90 SLH 2003) and highlighted difficulties encountered when State lands have both agricultural and conservation uses and values, such as pasture lands and forestry/watershed resources. The DOA also has more favorable lease provisions for determining lease rates and negotiating terms than DLNR.
INTRODUCTION

This Report was prepared pursuant to Hawaii Revised Statutes (HRS), Section 205-18, as amended, which directs the Office of Planning and Sustainable Development (OPSD) to conduct a review of the land use districts covering all lands in the State, as follows:

**Review of districts.** The OPSD may undertake a review of the classification and districting of all lands in the State. The Office, in its boundary review, shall focus its efforts on reviewing the Hawaii state plan, county general plans, and county development and community plans. Upon completion of the boundary review, the OPSD shall submit a report of the findings to the commission, the Governor, Legislature, and appropriate state and county agencies. The OPSD may initiate state land use boundary amendments which it deems appropriate to conform to these plans. The OPSD may seek the assistance of appropriate state and county agencies and may employ consultants and undertake studies in making this review. (HRS § 205-18)

This review of districts was last completed in 1992 due to limited resources available to conduct the needed technical studies and for developing recommendations for potential boundary reclassifications. The current effort was enabled by the OPSD’s Geographic Information System Program which provided overlay mapping and characterization of the State land use districts. No new boundary amendments are proposed, but previously proposed boundary amendment recommendations from the 1992 boundary review are retained for future reclassification actions.

1.1. PURPOSE

The original intent of the 1961 State Land Use Law is “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.” See Act 187, Section 1, Session Laws of Hawaii (SLH) 1961. This State Land Use Review of Districts affords an opportunity to comprehensively assess the State land use districts and the appropriateness of district classifications in meeting Hawaii’s changing demands.

In previous boundary review efforts, district reclassification proposals from State and county agencies and from private landowners were reviewed from a comprehensive and long-range perspective rather than on a case-by-case basis as the current quasi-judicial process allows. State Land Use Boundary Review reclassification proposals are distinguishable from the land use district boundary amendment process in that they reflect a broad-based look at statewide, county-centered, and regional economic, environmental, and socio-cultural needs and constraints. They are intended to identify regional land use requirements rather than project-specific or individual landowner needs.

1.2. SCOPE

Pursuant to HRS, Section 205-18, the State Land Use Review of Districts must focus on the Hawaii State Plan, county general plans, and county development and community plans. This review covers State land use districts and their relationship to county plans with focus on the
Urban District with respect to county plans for urban growth and development, on the Agricultural District which has experienced the most changes in land use over the past few decades, and on the Rural District based on its potential to better accommodate the demand for a subsistence farming lifestyle.

Pursuant to HRS, Section 205-18, OPSD may initiate State land use boundary amendments which it deems appropriate (emphasis added). OPSD is not recommending any new proposals for district boundary amendments under this review, but does review and carry over recommendations from the previous boundary review. In lieu of consultant studies, this report uses geographic information system (GIS) mapping and overlays to assess the current state of land use districts, in particular the Urban and Agricultural Districts, with discussion based on the findings.

1.3. METHODOLOGY

The current boundary review has made extensive use of the State’s geographic information system (GIS) capabilities to map and characterize existing State and county data. Spatial analysis and mapping examined how the land use system is performing in key areas, which include the congruence of State land use districts with county plan and community plan boundaries, the extent of non-agricultural development in the Agricultural District, and the amount of developed and undeveloped land in the Urban District.

The data used in the mapping analyses is maintained by the following agencies:

- State Office of Planning and Sustainable Development (Statewide GIS Program)
- State Department of Agriculture (Agricultural Lands of Importance to the State of Hawaii, Land Study Bureau soil ratings)
- State Land Use Commission (State Land Use Districts, Important Agricultural Lands)
- City and County of Honolulu (Development Plan and Sustainable Communities Plan Areas)
- County of Hawaii (General Plan Land Use Pattern Allocation Guide, Community Development Plan Areas)
- County of Kauai (General Plan, Community Development Plan Areas)
- County of Maui (Maui Island Plan, Community Plan Areas)
- National Oceanic and Atmospheric Administration (Coastal Change Analysis Program)

The State GIS program maintains and provided information regarding the State land use districts and soil quality. The counties provided information regarding their various general, development and community plans, including their urban growth boundaries. National Oceanic and Atmospheric Administration (NOAA) provided information regarding the various types of land cover via the Coastal Change Analysis Program (C-CAP) Regional Land Cover and Change inventory, which is a nationally standardized, raster-based inventory that covers coastal intertidal areas, wetlands, and adjacent uplands for the coastal United States. Data in the inventory are derived from the analysis of multiple dates of remotely sensed Landsat imagery. The latest available 2010 C-CAP data was used for this study.
OPSD notes that the counties are continuously updating their general, development and community plans, and the maps herein may not reflect the most current development or community plans in the mapping analyses. Future updates will incorporate the more recent county plan adoptions.

OPSD also notes that the State does not have a complete inventory of the boundary amendments processed at the county level, which are those less than 15 acres\(^2\). As such, the acreage calculations presented in this report do not reflect those smaller boundary amendments.

GIS analyses were conducted for the Urban and Agricultural Districts since these Districts have experienced the most significant changes over the years. The following mapping assessments were conducted:

7. Lands within county urban growth boundaries not classified as State Urban
8. Lands classified as State Urban outside the county urban growth boundaries
9. Vacant lands in the Urban District
10. Important Agricultural Lands
11. Good agricultural lands (ALISH or LSB) outside urban growth boundary
12. Development in the Agricultural District outside urban growth boundary

The focus of the review with county plans is on the urban growth boundaries, a long-range planning tool used to demarcate the limits of growth areas supported and planned to accommodate future urban development. The definition and labels for these growth boundaries vary among the counties. See Section 4.3.1 for a description of the counties’ plan designations and urban growth boundaries.

\(^2\) Pursuant to Act 230, Section 4, SLH 1985, counties are permitted to reclassify areas less than 15 acres, except in the Conservation District.
2. PREVIOUS BOUNDARY REVIEW EFFORTS

To date, there have been three boundary reviews conducted pursuant to HRS, Section 205-18, in 1969, 1974, and 1992. This section examines the outcome of each of those boundary reviews.

2.1. 1969 BOUNDARY REVIEW

The first State land use boundary review was conducted in 1969 by the LUC\(^3\), with the assistance of consultants Eckbo, Dean, Austin, & Williams. The review was premised on the philosophy of Article XI, Section I, of the Hawaii State Constitution that "...elements of land, air, and sea are resources to be managed for the welfare of present and future generations."

The review found that there was sufficient vacant urban land available to accommodate projected population growth in Oahu and Maui Counties. Additions to the State Urban District were primarily made to include areas of existing urban use or to accommodate public facilities. The review also found that Hawaii County had a significant surplus of urban lands, and again, changes were made primarily to refine district boundaries. For Kauai County, the Urban District was sufficient to accommodate foreseeable growth, however, the location and distribution of those areas did not necessarily provide for specific locational needs determined in the County General Plan. As such, adjustments were made for residential areas, and Princeville and Keonilao Bay at Poipu were urbanized.

The review also examined shorelines, river valleys, steep slopes, and scenic resources, resulting in the addition of lands to the Conservation District. Following a series of public hearings and action meetings on various islands, the LUC adopted boundary amendment changes that went into effect in August 1969.

Regarding the Agricultural District, there were relatively minor additions to the Agricultural District on all islands.

2.2. 1974 BOUNDARY REVIEW

The second State land use boundary review was conducted in 1974 by the LUC, with the assistance of consultants, Marshall, Kaplan, Gans, Kahn, and Yamamoto, planners, and Daniel Mandelker, professor of law at Washington University in St. Louis, Missouri.

A total of 167 proposals for boundary amendments was received and considered at a series of public workshop meetings held throughout the State. After the workshop meetings were concluded, the LUC made a determination that of the 167 proposals submitted, 120 were

\(^3\) The Land Use Commission was the State agency charged with conducting the State Land Use Boundary Review until 1985 when Act 230, Section 2, SLH 1985 transferred this responsibility to the Department of Planning and Economic Development (DPED). Then in 1988, the planning function of DPED was transferred to the Office of State Planning (Act 352, 1988), later renamed the Office of Planning, which is the State agency now responsible for conducting the State Land Use Boundary Review.
worthy of further consideration by the LUC and the public. Therefore, these 120, in addition to 61 of the LUC’s own proposals, which chiefly involved “downzoning” reclassifications, were set for formal public hearings.

On a statewide basis, the LUC considered a total of 133,438 acres proposed for changes in the four land use districts, and reclassified 66,670 acres. The review resulted in new Urban District lands reclassified in Waipio, Ewa Town, and Oneula on Oahu; Waikoloa, Kaupulehu, and Kealakehe on Hawaii; Wailuku and Wailuku Heights on Maui; and Kapaa and Nukoli'i on Kauai. Landowners and developers proposed over 13,000 acres for urbanization, but the LUC ultimately decided on a significantly smaller acreage for urbanization. The review also resulted in new Agricultural District lands in Keaouh on Hawaii and Kaluakoi on Molokai. Furthermore, the review resulted in new Conservation District lands in Kahaluu, Heeia Fishpond, and Hawaii Kai on Oahu for open space and at Hapuna and Keel, South Kona in Hawaii for open space. Lastly, on Molokai, three areas planned for hotel use, Puaahala, Pialoa, and Kaluakoi, were reclassified from the Urban District to the Agricultural and Conservation Districts.

Some critics of the State Land Use Boundary Review process have asserted that the State turned away from the comprehensive five-year boundary review after the 1974 effort because of the extensive controversy and landowner pressure that prevailed throughout the review process.

2.3. 1992 BOUNDARY REVIEW

The third State land use boundary review was conducted in 1992 by the OPSD, with the assistance of consultants, Wilson Okamoto, John Ford, Munekiyo, and others. The review was based on a philosophy expressed in the first boundary review "...for the benefit of present and future generations, the State...shall conserve and protect Hawaii’s natural beauty and all-natural resources..."

The review process began in 1990 but was not completed until 1992 due to the extensive studies and surveys conducted by the consultants. Studies and surveys included the County Plans and State Land Use District Review and Mapping Study, the Urban Land Requirements Study, the Infrastructure Constraints and Opportunities Study, the Agricultural Resources Study, the Watershed and Water Recharge Areas study, the State Land Use Boundary Review Stakeholders Survey, and workshops on Native Ecosystems and Rare Species.

The review found that there was sufficient land in the Agricultural District to meet anticipated agricultural production goals. It also found that there was considerable land within the Agricultural District that contained significant natural and conservation resource value, and as such, it recommended that new areas be placed within the Conservation District. The review also recommended that certain areas be reclassified from the Agricultural District to the Urban District to meet population and economic growth needs for the next ten years, and to assure predictability in infrastructure planning.

Although OPSD did not initiate boundary reclassification requests for all the recommendations contained within its report to the LUC due to insufficient resources, the review still resulted in three years of boundary amendments. During those boundary amendments, OPSD focused its efforts on reclassifications of State lands and those on private lands in partnership with
landowners. See the tables and maps in Section 4 below for information regarding the status of the 1992 boundary review reclassification recommendations.
3. STATUS OF 1992 BOUNDARY REVIEW RECLASSIFICATION RECOMMENDATIONS

OPSD conducted a review of the 1992 Boundary Review (BR) recommendations, most of which have yet to be acted upon, and found most of these recommendations to remain valid and warrant retention. These recommendations are thus incorporated in this report and presented in the tables below. The recommendations are grouped into five (5) categories:

1. Reclassification to the Conservation District – priority #1
2. Reclassification to the Conservation District – priority #2,
3. Reclassification to the Urban District
4. Areas of Critical Concern
5. Department of Hawaiian Home Lands (DHHL) properties

Although the recommendations involving DHHL lands are listed, the 1992 Report did not recommend reclassification actions, as DHHL is not subject to HRS Chapter 205 district boundary requirements. The recommendations are further distinguished by island district. The Tables also reference the section of the 1990 Review Report where a detailed description and justification for the recommendation can be found.

Areas of Critical Concern relate to proposed reclassifications to the Conservation District which require attention and alternative methods or management to protect the resources which are present. Some of these areas are in agricultural use and that agricultural use is generally compatible with protection of the conservation resources.

The recommendations are presented by County. The 1992 Review resulted in three years of boundary amendments, from 1992-1994. The recommended reclassifications that were completed during this period are presented in the first set of tables under each County. The second set of tables contain the recommendations that remain to be acted on. Some recommended reclassifications are listed in the table of completed reclassifications and again in the table of recommendations that remain to be acted on. In these cases, the recommended reclassification was implemented for only a portion of the land and a significant area remains to be reclassified. The LUC Docket Number for the reclassification action and the amount of land reclassified is provided. The original amount of land recommended for reclassification is shown in parenthesis.

3.1 COUNTY OF HAWAII

3.1.1 HAWAII COUNTY 1992 BR RECLASSIFICATIONS COMPLETED

In the County of Hawaii, there were two boundary amendments reclassifying land to the Conservation District. In 1994, BR94-707 reclassified 171 acres of stream areas in North and South Hilo from the Agricultural District to the Conservation District. In 1993, BR 93-693 reclassified 14,204 acres in North and South Kona. There were two reclassifications to the Urban District – 660 acres in Keaau and 2,640 acres in the Kailua-Kona to Keahole area (“K-K”).
<table>
<thead>
<tr>
<th>LOCATION – TMK PLAT</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North and South Hilo Streams Laupahoehoe to Maulua Bay – (3) 3-4-002, 004; 3-5-001, 002, 003, 004, 005; 3-6-003, 005, 006 Lehuawehi Point to Alia Point – (3) 2-8-002, 004, 009, 010, 011, 012, 013, 015, 017 Maulua Bay to Haiku Point – (3) 3-2-003, 004; 3-4-001, 003 Nahaku Point to Hakalau Bay – (3) 2-9-004; 3-1-001, 003, 004 Onomea Bay to Maumau Point – (3) 2-7-002, 003, 004, 005, 007, 009, 037 Wailuku Streams (3) 2-6-009</td>
<td>BR94-707 A to C</td>
<td>171 (3,440/3,413)</td>
<td>Outstanding aquatic resources, scenic and recreational values.</td>
<td>H-7-9, H-12-14 Page 171 Page 191</td>
</tr>
<tr>
<td>State Forest Reserves Kaalaki-Ninole (3) 9-7-001</td>
<td>BR93-693 A to C</td>
<td>4,470 (3,661)</td>
<td>Watershed protection, native forest and bird habitat. Public hunting for pigs.</td>
<td>H-21 Page 227</td>
</tr>
<tr>
<td>South Kona Forest Reserves Honomalino (3) 8-9-001</td>
<td>BR93-695 A to C</td>
<td>3,818 (2,701)</td>
<td>Maintain native forest with less common and rare native species. Native forest bird habitat. Public hunting for pigs.</td>
<td>H-22 Page 235</td>
</tr>
<tr>
<td>South Kona Forest Reserves Oleomoana – (3) 8-7-012</td>
<td>BR93-695 A to C</td>
<td>(104)</td>
<td>Forestry management, native forest bird habitat. Public hunting for pigs and goats.</td>
<td>H-23 Page 235</td>
</tr>
<tr>
<td>South Kona Forest Reserves Kaohe – (3) 8-7-001</td>
<td>BR93-695 A to C</td>
<td>(408)</td>
<td>Forestry management, native forest bird habitat. Public hunting for pigs and goats.</td>
<td>H-24 Page 235</td>
</tr>
<tr>
<td>South Kona Forest Reserves Kukuiopae – (3) 8-7-001</td>
<td>BR93-695 A to C</td>
<td>(604)</td>
<td>Forestry management, native forest bird habitat. Public hunting for pigs and goats.</td>
<td>H-24 Page 235</td>
</tr>
</tbody>
</table>
### Reclassifications to the Conservation District - Priority #1

<table>
<thead>
<tr>
<th>LOCATION – TMK PLAT</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honuaula Tract 2 (3) 7-4-001</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Honuaula Tract 3 (3) 7-4-001</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Makaua-Ooma Mauka Tract – (3) 7-3-001</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 7: Reclassifications to the Urban District Completed, Hawaii County

### Reclassifications to the Urban District

<table>
<thead>
<tr>
<th>LOCATION – TMK PLAT</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keaau – (3) 1-6-003</td>
<td>BR93-699 A to U</td>
<td>660</td>
<td>To establish an urban core in Puna.</td>
<td>H-16 Page 207</td>
</tr>
<tr>
<td>K-K State lands to support Second City – (3) 7-3-009, 010</td>
<td>BR92-685 C to U A to U</td>
<td>2,640 (1,200 1,440)</td>
<td>To urbanize State-owned land and facilitate development of K-K area as the County’s Second City. West Hawaii Regional Plan (WHRP) directs future urbanization to the Kailua-Kona to Keahole Subregional planning area. The County’s K-K Development Plan designates this area for residential, commercial and industrial use. Proposed changes are consistent with the County’s Plan and WHRP.</td>
<td>H-33 Page 275</td>
</tr>
</tbody>
</table>
### Table 8: Reclassifications to the Conservation District Remaining, Hawaii County – Priority #1

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lalakea Stream – TMK (3) 4-8-003</td>
<td>A to C</td>
<td>160</td>
<td>Aquatic, riparian resources. Scenic and recreation area.</td>
<td>H-1 Page 145</td>
</tr>
<tr>
<td>Waipio Valley Rim Buffer – (3) 4-8-003, 004, 006, 007</td>
<td>A to C</td>
<td>456</td>
<td>Scenic sites with physiographic features, high potential recreation area.</td>
<td>H-2 Page 149</td>
</tr>
<tr>
<td>Upper Paauhau (Mauna Kea) – (3) 4-4-015</td>
<td>A to C</td>
<td>4,162</td>
<td>To preserve a continuous stretch of forest bird habitat. Remnant forests of mamane and naio with patches of koa. Also, essential habitat for palila.</td>
<td>H-3 Page 153</td>
</tr>
<tr>
<td>Kaohe (Mauna Kea) – (3) 4-3-010; 4-4-014, 015</td>
<td>A to C</td>
<td>5,307</td>
<td>Breeding area for endangered palila. Part of mamane forest band encircling Mauna Kea.</td>
<td>H-4 Page 157</td>
</tr>
<tr>
<td>Hakalau Forest National Wildlife Refuge (Humula) – (3) 2-9-005; 3-3-001</td>
<td>A to C</td>
<td>13,521</td>
<td>Ten species of native forest birds. Also, koa-ohia and koa-mamane forests.</td>
<td>H-10 Page 183</td>
</tr>
<tr>
<td>North and South Hilo Streams Laupahoehoe to Maulua Bay – (3) 3-4-002, 004; 3-5-001, 002, 003, 004, 005; 3-6-003, 005, 006 Lehuawehi Point to Alia Point – (3) 2-8-002, 004, 009, 010, 011, 012, 013, 015, 017 Maulua Bay to Haiku Point – (3) 3-2-003, 004; 3-4-001, 003 Nahaku Point to Hakalau Bay – (3) 2-9-004; 3-1-001, 003, 004 Onomea Bay to Maumau Point – (3) 2-7-002, 003, 004, 005, 007, 009, 037 Wailuku Streams – (3) 2-6-009</td>
<td>A to C BR94-707?</td>
<td>3,440/3,413 (171)?</td>
<td>Outstanding aquatic resources, scenic and recreational values.</td>
<td>H-7-9 H-12-14 Page 171 Page 191</td>
</tr>
<tr>
<td>State Forest Reserves Moaula – (3) 9-6-006</td>
<td>A to C</td>
<td>809</td>
<td>Watershed protection, native forest and bird habitat. Public hunting for pigs.</td>
<td>H-20 Page 227</td>
</tr>
</tbody>
</table>
### RECLASSIFICATIONS TO THE CONSERVATION DISTRICT - PRIORITY #1

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keakealaniwahine Complex – (3) 7-7-004</td>
<td>A to C</td>
<td>32</td>
<td>Protection of archeological sites for incorporation into—and expansion of—the existing State historical park makai of Alii Drive.</td>
<td>H-2 Page 257</td>
</tr>
<tr>
<td><em>Puuaawaa</em> – (3) 7-1-001, 002</td>
<td>A to C</td>
<td>12,634</td>
<td>Protect rare and endangered plants and native forest.</td>
<td>H-30 Page 261</td>
</tr>
<tr>
<td><em>Kehena</em> – (3) 5-8-002; 5-9-002</td>
<td>A to C</td>
<td>3,898</td>
<td>Watershed protection. The site has a good ohia wet forest.⁴</td>
<td>H-40 Page 311</td>
</tr>
</tbody>
</table>

Table 9: Reclassifications to the Conservation District Remaining, Hawaii County—Priority #2

### RECLASSIFICATIONS TO THE CONSERVATION DISTRICT - PRIORITY #2

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Waipunalei</em> – (3) 3-6-006; 3-7-001</td>
<td>A to C</td>
<td>1,476</td>
<td>Contains degraded examples of rare native forest types: mixed montane mesic  koa-ohia forest and koa-mamane montane dry forest. Rare pilokea plant and endangered Hawaiian hoary bats also found in area. Surrounded on two sides by Conservation District lands. (B)</td>
<td>H-6 Page 167</td>
</tr>
<tr>
<td>Kaapoko and Hakalau Streams</td>
<td>A to C</td>
<td>7</td>
<td>Aquatic and riparian resources</td>
<td>H-13,H-9 Page 183</td>
</tr>
<tr>
<td>Above Hilo Forest Reserve (Waikoloa Ponds) – (3) 2-6-018</td>
<td>A to C</td>
<td>7,048</td>
<td>Waterbird habitat. (A)</td>
<td>H-11 Page 187</td>
</tr>
<tr>
<td><em>Olaa West</em> – (3) 1-9-001</td>
<td>A to C</td>
<td>445</td>
<td>Managed by National Park Service. (C)</td>
<td>H-17 Page 213</td>
</tr>
<tr>
<td>Kilauea-Keauhou – (3) 9-9-001</td>
<td>A to C</td>
<td>18,628</td>
<td>Native forest, endangered bird and rare plant habitat. Landowner has agreed to management plan. (A)</td>
<td>H-18 Page 219</td>
</tr>
<tr>
<td>Hawaii Volcanoes National Park – (3) 9-9-001</td>
<td>A to C</td>
<td>6,324</td>
<td>Parkland. (C)</td>
<td>H-19 Page 223</td>
</tr>
<tr>
<td>Area east of Kaloko and Honokohau Fishponds – (3) 7-3-009; 7-4-008</td>
<td>U to C</td>
<td>565</td>
<td>Consistent with use as National Historic Park. (C)</td>
<td>H-32 Page 271</td>
</tr>
<tr>
<td><em>Kaupulehu</em> – (3) 7-2-002, 003</td>
<td>A to C</td>
<td>3,201</td>
<td>Protection of rare and endangered plants and native forest. Developer committed to management plan. (A)</td>
<td>H-31 Page 267</td>
</tr>
</tbody>
</table>

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⁴ A major landowner has submitted a subdivision application to the County for his property (20-acre parcels; Subdivision No. 92-115). However, OSP and the landowner are discussing options including withdrawal of the subdivision and alternative methods of protection for the property. OSP will not initiate a petition while progress is being made in these discussions.
### Reclassifications to the Conservation District - Priority #2

<table>
<thead>
<tr>
<th>Location – TMK</th>
<th>Change</th>
<th>Acres</th>
<th>Reasons</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area fronting Wailea Bay – (3) 6-6-002</td>
<td>U to C</td>
<td>6</td>
<td>State funds available for coastal recreational area; would provide more protection from sea than Hapuna Beach. Also, a continuation of recreation area fronting Puako (see below). (C)</td>
<td>H-35 Page 285</td>
</tr>
<tr>
<td>Hapuna Beach State Recreation Area – (3) 6-2-002; 6-6-002</td>
<td>A to C</td>
<td>10</td>
<td>Reclassification would make the areas consistent with remainder of park. (C)</td>
<td>H-36 Page 289</td>
</tr>
<tr>
<td>Hills of Waimea (Quad #H-25) - Hokuula - Puu Owaowaka - Puu Ki - Puu Kakanihia - Puu Maile - Puu Manu – (3) 6-4-001, 004, 018; 6-5-001</td>
<td>A to C</td>
<td>various</td>
<td>Puus necessary for water recharge areas, watershed protection, physiographic and orographic features. (B)</td>
<td>H-37 Page 293</td>
</tr>
<tr>
<td>Puus-South Kohala – (3) 5-9-001, 002; 6-1-001</td>
<td>A to C</td>
<td>various</td>
<td>Conserve, preserve and enhance scenic sites. Protect water recharge areas. (B)</td>
<td>H-38 Page 297</td>
</tr>
<tr>
<td>Waikoloa Stream/ Waiulaula Gulch – (3) 6-2-001, 007, 009, 011; 6-5-001; 6-6-001</td>
<td>A to C</td>
<td>839</td>
<td>Aquatic and riparian resources. Scenic, recreation area. (B)</td>
<td>H-39 Page 301</td>
</tr>
<tr>
<td>Lapakahi State Historical Park – (3) 5-7-001</td>
<td>A to C</td>
<td>11</td>
<td>Portion, which was omitted when area was first set aside in Conservation District. (C)</td>
<td>H-41 Page 315</td>
</tr>
<tr>
<td>Lapakahi State Historical Park – (3) 5-7-001</td>
<td>A to C</td>
<td>1,332</td>
<td>Extend park to mauka portion of what has been identified as part of Lapakahi complex. (B)</td>
<td>H-42 Page 319</td>
</tr>
<tr>
<td>Puus-North Kohala – (3) 5-5-005; 5-6-001; 5-7-001; 5-8-001, 002</td>
<td>A to C</td>
<td>various</td>
<td>Conserve, preserve and enhance scenic sites. Protect water recharge areas. (B)</td>
<td>H-45 Page 331</td>
</tr>
<tr>
<td>Extension of Conservation District at Akoakoa Point (3) 5-2-001, 002, 005</td>
<td>A to C</td>
<td>322</td>
<td>Protect scenic and recreational resources. (A)</td>
<td>H-43 Page 323</td>
</tr>
<tr>
<td>Kohala Cliffs and Valley – (3) 5-8-002; 5-9-002</td>
<td>A to C</td>
<td>720</td>
<td>Lands necessary for conservation, preservation and enhancement of scenic sites. (B)</td>
<td>H-44 Page 327</td>
</tr>
</tbody>
</table>

(A) Further information needed.
(B) Manpower/funding constraints.
(C) Government ownership with conservation objectives.
### Table 10: Reclassifications to the Urban District Remaining, Hawaii County

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keahole to Kailua – (3) 7-3-003, 005, 007, 009, 010; 7-4-008</td>
<td>A to U C to U</td>
<td>6,738 2,825</td>
<td>Urbanization of the Kailua to Keahole area consistent with K-K Development Plan and West Hawaii Regional Plan (WHRP) is supported.</td>
<td>H-34 Page 279</td>
</tr>
</tbody>
</table>

### Table 11: Areas of Critical Concern, Hawaii County

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kona Watershed – (3) 7-2-002, 007; 7-3-001; 7-4-001, 002, 003, 005; 7-5-001, 013, 014; 7-6-001, 002; 7-7-001; 7-8-001, 002, 003; 7-9-001, 002; 8-1-001, 005, 008; 8-2-001, 010, 012; 8-3-001, 002, 014, 015; 8-4-001, 002, 003; 8-5-001, 002; 8-6-001, 002, 003, 004, 006; 8-7-001, 002, 004, 006, 008, 010, 012; 8-8-001; 8-9-001, 006</td>
<td>113,112</td>
<td>Watershed. Native forest (koa, sandalwood, lama, ohia) and forest bird habitat.</td>
<td>H-46 Page 339</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kohala Mountain Watershed – (3) 5-2-002, 005, 006; 5-3-001, 002; 5-4-001; 5-7-001; 5-8-002, 003; 5-9-002; 6-1-001; 6-2-001; 6-4-001, 002; 6-5-001</td>
<td>22,500</td>
<td>Watershed and native forest.</td>
<td>H-47 Page 343</td>
</tr>
</tbody>
</table>

### Table 12: Department of Hawaiian Home Lands, Hawaii County

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>DESCRIPTION</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area adjacent to Hakalau NWR – (3) 2-9-005; 3-3-001</td>
<td>A to C</td>
<td>13,522</td>
<td>Area supports native endangered forest bird species.</td>
<td>H-10 Page 183</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>DESCRIPTION</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kanakaleonui and Keanakolu Tract – (3) 3-7-001</td>
<td>A to C</td>
<td>8,308</td>
<td>Essential feeding and nesting habitat for akiapolaau, palila, and Hawaiian Hawk. Forms an important biological bridge for migrating forest birds between Mauna Kea and Hakalau NWR.</td>
<td>H-5 Page 163</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>DESCRIPTION</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area above Waikoloa Ponds (portion) – (3) 2-6-018</td>
<td>A to C</td>
<td>7,048</td>
<td>Waterbird habitat.</td>
<td>H-11 Page 187</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>DESCRIPTION</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A to U</td>
<td>60</td>
<td>Reclassification from A to C of lots immediately adjacent to the Hilo Urban District is consistent with existing uses and low density urban designation in the County General Plan.</td>
<td>H-15 Page 201</td>
</tr>
</tbody>
</table>

---

5 Action will not be taken on DHHL lands.
Map 1: County of Hawaii – Location of 1992 Recommended State Use Reclassifications
3.2 CITY AND COUNTY OF HONOLULU (OAHU)

3.2.1 CITY AND COUNTY OF HONOLULU 1992 BR RECLASSIFICATIONS COMPLETED

In the City and County of Honolulu, there were four boundary amendments reclassifying land to the Conservation District. Three of these reclassifications occurred in 1993: BR93-691 reclassified 969 acres on the Kaena coastline from the Agricultural District to the Conservation District, BR93-690 reclassified 456 acres in Olomana from the Agricultural District to the Conservation District, and BR93-692 reclassified approximately 24 acres at the Diamond Head State Monument from the Urban District to the Conservation District. In 2009, BR09-784 reclassified 215 acres at Queen’s Beach and Sandy Beach from the Urban District to the Conservation District. There were two reclassifications to the Urban District — 67 acres at Hawaii Raceway Park and 140 acres at Barbers Point Harbor.

Table 13: Reclassifications to the Conservation District Completed, C&C Honolulu – Priority #1

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE (OWNER)</th>
<th>ACRES</th>
<th>REASONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kaena Coastline Kaena Ahupuaa, Waialua – (1) 6-9-001, 003, 004, 005</td>
<td>BR93-691 A to C P1 (State of Hawaii)</td>
<td>969</td>
<td>Significant biological, recreational and scenic resources.</td>
</tr>
<tr>
<td>Olomana Kailua/Waimanalo Ahupuaa, Koolaupoko – (1) 4-1-008, 010; 4-2-006</td>
<td>BR93-690 A to C P1 (State of Hawaii)</td>
<td>456 (503)</td>
<td>Protection of a significant scenic resource and unique physiographic features.</td>
</tr>
<tr>
<td>Diamond Head State Monument, Honolulu – (1) 3-1-042</td>
<td>BR93-692 U to C P1 (State of Hawaii)</td>
<td>23.642 (24)</td>
<td>Unique physiographic features. Only portion of monument that is not in Conservation District.</td>
</tr>
</tbody>
</table>
### Table 14: Reclassifications to the Conservation District Completed, C&C Honolulu – Priority #2

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE (OWNER)</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queen’s Beach and Sandy Beach, Maunalua – (1) 3-9-011</td>
<td>BR09-784 U to C (State of Hawaii)</td>
<td>215 (4186)</td>
<td>Significant scenic, recreational resources. Consistent with County &quot;Preservation&quot; designation. (A)</td>
<td>O-24 Page 233</td>
</tr>
</tbody>
</table>

(A) Further information needed.

### Table 15: Reclassifications to the Urban District Completed, C&C Honolulu

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE (OWNER)</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii Raceway Park Honouliuli, Ewa –(1) 9-1-075</td>
<td>BR94-711 A to U (State of Hawaii, Campbell Estate)</td>
<td>67 (59)</td>
<td>Currently in urban use. Urban district on two sides of parcel.</td>
<td>O-35 Page 283</td>
</tr>
<tr>
<td>Barbers Point Harbor Expansion Honouliuli, Ewa –(1) 9-1-014</td>
<td>A96-719 A to U (State of Hawaii)</td>
<td>140 (141)</td>
<td>Expansion of harbor facilities.</td>
<td>O-36 Page 289</td>
</tr>
</tbody>
</table>

### 3.2.2 Recommended Reclassifications Remaining

### Table 16: Reclassifications to the Conservation District Remaining, C&C Honolulu – Priority #1

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE (OWNER)</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Makaleha Stream (100 ft. corridor), Crowbar Ranch and Dillingham Field Ponds – (1) 6-8-002, 003, 007</td>
<td>A to C</td>
<td>114/114</td>
<td>Primary habitat for endangered Hawaiian coot, stilt, gallinule and koloa. Outstanding riparian resources.</td>
<td>O-3 Page 145</td>
</tr>
<tr>
<td>Paukaulia Stream (incl. Opauela and Helemano) (#4) – (1) 6-2-006, 007, 010, 011; 6-4-001, 002, 003, 004</td>
<td>A to C</td>
<td>3,406</td>
<td>Outstanding aquatic resources.</td>
<td>O-4 Page 151</td>
</tr>
</tbody>
</table>

---

6 TMKs (1) 3-9-010: por. 001, (1) 3-9-010: 047, (1) 3-9-010: 041 (fr. (1) 3-9-011: 003), and (1) 3-9-010: 042 (fr. (1) 3-9-011: 005) remain within the Urban District.
### RECLASSIFICATIONS TO THE CONSERVATION DISTRICT: PRIORITY #1

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE (OWNER)</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Anahulu Stream</strong> – (1) 6-2-004, 008</td>
<td>A to C</td>
<td>42</td>
<td>Outstanding aquatic resources.</td>
<td>O-6 Page 159</td>
</tr>
<tr>
<td><strong>Ukoa Marsh and Loko Ea Fishpond</strong> – (1) 6-2-002, 003</td>
<td>A to C</td>
<td>110</td>
<td>Primary habitat for endangered Hawaiian coot, stilt, gallinule and koloa.</td>
<td>O-7 Page 163</td>
</tr>
<tr>
<td><strong>Punahoolapa Marsh</strong> – (1) 5-6-003; 5-7-001</td>
<td>A to C</td>
<td>51</td>
<td>Primary habitat for endangered Hawaiian coot, stilt, gallinule and koloa.</td>
<td>O-8 Page 167</td>
</tr>
<tr>
<td><strong>Kahuku Wetlands</strong> Kahuku, Koolauloa –(1) 5-6-002, 003, 004</td>
<td>A to C</td>
<td>184 (208)</td>
<td>Primary habitat for endangered Hawaiian coot, stilt, gallinule and koloa.</td>
<td>O-10 Page 175</td>
</tr>
<tr>
<td><strong>Punalu'u Stream</strong> – (1) 5-3-003, 004, 007</td>
<td>A to C</td>
<td>31</td>
<td>Outstanding aquatic resources.</td>
<td>O-13 Page 187</td>
</tr>
<tr>
<td><strong>Kaaawa Stream</strong> (100 ft. corridor) – (1) 5-1-001, 004, 008, 009</td>
<td>A to C</td>
<td>63.3</td>
<td>Outstanding aquatic resources.</td>
<td>O-14 Page 191</td>
</tr>
<tr>
<td><strong>Waihee Wetlands</strong> – (1) 4-7-013, 058</td>
<td>U to C</td>
<td>22</td>
<td>Provides habitat for endangered Hawaiian coot, stilt, gallinule and koloa.</td>
<td>O-17 Page 203</td>
</tr>
<tr>
<td><strong>Waihee Valley Mauka</strong> – (1) 4-7-006</td>
<td>U to C</td>
<td>148</td>
<td>Steep slope and water recharge.</td>
<td>O-18 Page 207</td>
</tr>
<tr>
<td><strong>Heeia Marsh and Meadowlands</strong> – (1) 4-6-016</td>
<td>U to C</td>
<td>295</td>
<td>Primary habitat for endangered Hawaiian coot, stilt, gallinule and koloa.</td>
<td>O-20 Page 215</td>
</tr>
<tr>
<td><strong>Ahuimanu (Kahaluu)</strong> Taro Loi System – (1) 4-7-051</td>
<td>U to C</td>
<td>40</td>
<td>Significant archeological site. Best example of ancient Hawaiian engineering. Consistent with County &quot;Preservation&quot; designation.</td>
<td>O-19 Page 211</td>
</tr>
<tr>
<td><strong>Kawainui Complex and Maunawili Stream</strong> – (1) 4-2-001, 006, 007, 008, 009, 013, 016, 017; 4-4-034</td>
<td>U to C</td>
<td>155</td>
<td>Primary habitat for endangered Hawaiian coot, stilt, gallinule and koloa. Outstanding riparian values. Maunawili Stream and corridor recommendation is Priority #2.</td>
<td>O-22 Page 223</td>
</tr>
<tr>
<td><strong>Kalihi Valley Water Recharge Area</strong> – (1) 1-4-007, 014, 016, 018, 022</td>
<td>U to C</td>
<td>112</td>
<td>Valuable watershed lands. Steep slopes.</td>
<td>O-27 Page 245</td>
</tr>
<tr>
<td><strong>Leeward Koolau Watershed (Partial)</strong></td>
<td>A to C</td>
<td>3,862</td>
<td>Additional lands for watershed.</td>
<td>O-29 Page 253</td>
</tr>
</tbody>
</table>

---

7 OPSD filed BR94-712 to reclassify. Campbell Estate intervened and the Petition was withdrawn 11/19/96.

8 A perpetual conservation easement and/or special subzone are being discussed with the landowner of this property.
### RECLASSIFICATIONS TO THE CONSERVATION DISTRICT: PRIORITY #1

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE (OWNER)</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PUC</strong> – (1) 6-2-011; 6-4-002; 7-1-002; 9-5-003; 9-6-005; 9-7-025; 9-9-007, 008, 009, 019</td>
<td>U to C</td>
<td>410</td>
<td>Protection of aquifer and drinking water source.</td>
<td>O-30 Page 261</td>
</tr>
<tr>
<td>Hydrologic Zone of Contribution: US Navy Waialua Shaft – (1) 9-6-004, 005; 9-7-025</td>
<td>A to C</td>
<td>1,463</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table 17: Reclassifications to the Conservation District Remaining, C&C Honolulu – Priority #2**

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Northern Waianae Range</strong> – (1) 6-7-002, 003, 004; 6-8-002, 003, 007; 6-9-003</td>
<td>A to C</td>
<td>5,599</td>
<td>Protection of native plants and scenic resources. Consistent with County “Preservation” designation for portion of area. (A)</td>
<td>O-2 Page 141</td>
</tr>
<tr>
<td><strong>Haleiwa Lotus Fields</strong> – (1) 6-6-001, 003, 004, 005, 008, 009</td>
<td>A to C</td>
<td>32</td>
<td>Provides habitat for endangered Hawaiian waterbirds. (B)</td>
<td>O-5 Page 155</td>
</tr>
<tr>
<td><strong>Ko'ola Gulch</strong> – (1) 5-5-006</td>
<td>A to C</td>
<td>4</td>
<td>Outstanding aquatic resources. (D)</td>
<td>O-11 Page 179</td>
</tr>
<tr>
<td><strong>Kaluanui Stream</strong> – (1) 5-3-009, 011, 012</td>
<td>A to C</td>
<td>789</td>
<td>Abundance of native aquatic species. Lands used for State park. (B/C)</td>
<td>O-12 Page 183</td>
</tr>
<tr>
<td><strong>James Campbell NWR: Kii and Punamano</strong> – (1) 5-6-002, 003</td>
<td>A to C</td>
<td>142</td>
<td>Part of National Wildlife Refuge System. Primary habitat for endangered Hawaiian coot, stilt, gallinule and ko'ola. (C)</td>
<td>O-9 Page 171</td>
</tr>
<tr>
<td><strong>Kaaawa Valley</strong></td>
<td>A to C</td>
<td>504</td>
<td>Outstanding aquatic resources. ⁹</td>
<td>O-14 Page 191</td>
</tr>
<tr>
<td><strong>Hakipuu 200’ Elevation Area</strong> – (1) 4-9-002, 004, 005</td>
<td>A to C</td>
<td>119</td>
<td>Conformance with County “Preservation” designation and contiguous to State Conservation District. Slope is greater than 20 percent. (B)</td>
<td>O-15 Page 195</td>
</tr>
<tr>
<td><strong>Bellows AFB Wetlands</strong> – (1) 4-1-013, 015</td>
<td>U to C</td>
<td>20</td>
<td>Provides habitat for endangered Hawaiian waterbirds. (B)</td>
<td>O-23 Page 229</td>
</tr>
<tr>
<td><strong>Waikane Watershed</strong> – (1) 4-8-004, 005, 006</td>
<td>A to C</td>
<td>281</td>
<td>Steep slopes. Scenic and open space resources. Protection of Kaneohe Bay water quality. (A)</td>
<td>O-16 Page 199</td>
</tr>
<tr>
<td><strong>Koko Crater</strong> – (1) 3-9-010, 012</td>
<td>U to C</td>
<td>25</td>
<td>Unique physiographic feature. Slope greater than 20 percent. (A).</td>
<td>O-25 Page 237</td>
</tr>
<tr>
<td><strong>Pearl Harbor NWR: Waiaua Unit</strong> – (1) 9-6-001</td>
<td>U to C</td>
<td>25</td>
<td>Provides habitat for endangered waterbirds. (C)</td>
<td>O-28 Page 249</td>
</tr>
</tbody>
</table>

---

⁹ A conservation easement and/or special subzone are being discussed with the landowner of this property.
### RECLASSIFICATIONS TO THE CONSERVATION DISTRICT - PRIORITY #2

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Windward Waianae Foothills – (1) 9-2-002, 003, 004, 005</td>
<td>A to C</td>
<td>2,736</td>
<td>Steep slope and scenic resource.</td>
<td>O-32 Page 269</td>
</tr>
<tr>
<td><strong>Waikīle Wetlands</strong>&lt;sup&gt;10&lt;/sup&gt; – Adjacent to (1) 9-04-001</td>
<td>U to C</td>
<td>26</td>
<td>Provides habitat for endangered Hawaiian waterbirds.</td>
<td>O-31 Page 265</td>
</tr>
<tr>
<td>Pearl Harbor NWR: Honouliuli and Apokaa Ponds – (1) 9-1-010, 017</td>
<td>A to C</td>
<td>42</td>
<td>Provides habitat for endangered waterbirds. (C)</td>
<td>O-34 Page 279</td>
</tr>
<tr>
<td><strong>Kauaoopu (non-DHHL portion)</strong> – (1) 8-5-005, 006; 8-6-003; 8-8-001</td>
<td>A to C</td>
<td>9/43.7</td>
<td>Protection of rare plant. Steep slopes. (B)</td>
<td>O-41 Page 323</td>
</tr>
</tbody>
</table>

(A) Further information needed.
(B) Manpower/funding constraints.
(C) Government ownership or management with conservation objectives.
(D) Area is less than 15 acres.

### Table 18: Reclassifications to the Urban District Remaining, C&C Honolulu

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>State and County Building Complex – (1) 9-1-016</td>
<td>A to U</td>
<td>50</td>
<td>Development of State and County facilities.</td>
<td>O-40 Page 317</td>
</tr>
<tr>
<td><strong>Makaiwa Hills</strong> – (1) 9-1-015, 016; 9-2-003</td>
<td>A to U</td>
<td>1,356/1,413</td>
<td>To meet urban land requirements to 2000. Proximity to existing Urban District.</td>
<td>O-37 Page 295</td>
</tr>
<tr>
<td>Additional Urban Lands in Ewa – (1) 9-1-010, 014, 015, 016</td>
<td>A to U</td>
<td>1,823</td>
<td>To meet urban land requirements. Proximity to existing Urban District.</td>
<td>O-39 Page 307</td>
</tr>
<tr>
<td>Makakilo Expansion – (1) 9-2-003</td>
<td>A to U</td>
<td>87</td>
<td>To meet urban land requirements. Proximity to existing Urban District.</td>
<td>O-38 Page 301</td>
</tr>
<tr>
<td><strong>Gentry Waiawa Expansion</strong> – (1) 9-4-006; 9-6-004, 005</td>
<td>A to U</td>
<td>1,067</td>
<td>To meet urban land requirements to 2000. Proximity to existing Urban District.</td>
<td>O-33 Page 273</td>
</tr>
</tbody>
</table>

---

<sup>10</sup> Wetlands do not show up on the TMK maps, however, they are adjacent to the following TMK: (1) 9-04-01: 11, &
### Table 19: Recommendations Affecting Department of Hawaiian Home Lands Remaining, C&C Honolulu

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kauaopuu – (1) 8-5-005, 006; 8-6-003</td>
<td>A to C</td>
<td>9/43.7</td>
<td>Protection of rare plant. Steeps slopes.</td>
<td>O-41 Page 323</td>
</tr>
<tr>
<td>Nanakuli Residence Lots – (1) 8-9-007</td>
<td>A to U</td>
<td>48</td>
<td>To meet urban land requirements to 2000. Proximity to existing Urban District.</td>
<td>O-42 Page 327</td>
</tr>
</tbody>
</table>

---

11 Petitions will not be initiated for DHHL lands.
Map 2: City & County of Honolulu – Location of 1992 Recommended State Land Use Reclassifications
3.3 COUNTY OF KAUA'I

3.3.1 KAUA'I COUNTY 1992 BR RECLASSIFICATIONS COMPLETED

In the County of Kaua'i, there were two boundary amendments reclassifying land to the Conservation District. In 1994, BR94-715 reclassified 38 acres at Donkey Beach from the Agricultural District to the Conservation District. Also in 1994, BR94-715 reclassified 29 acres on the Hamakua Coastline from the Urban District to the Conservation District.

Table 20: Conservation Recommendations Completed, Kaua'i County – Priority #1

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE (OWNER)</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
</table>

Table 21: Conservation Recommendations Completed, Kaua'i County – Priority #2

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE (OWNER)</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hanamaulu Coastline Hanamaulu, Lihue–(4) 3-7-003</td>
<td>BR94-714 U to C P2 (Lihue Plantation Company)</td>
<td>29 (21)</td>
<td>Protection of scenic coastal resources. Steep slopes.</td>
<td>K-16 Page 185</td>
</tr>
</tbody>
</table>

3.3.2 RECOMMENDED RECLASSIFICATIONS REMAINING

Table 22: Conservation Recommendations Remaining, Kaua'i County – Priority #1

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE (OWNER)</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lumahai Stream and Valley – (4) 5-7-002, 003</td>
<td>A to C</td>
<td>929</td>
<td>Outstanding aquatic and riparian resources.</td>
<td>K-1 Page 111</td>
</tr>
<tr>
<td>Hanalei River and Valley and Papali‘hala Marsh – (4) 5-3-001; 5-4-003, 004; 5-5-001, 008, 009</td>
<td>A to C</td>
<td>761</td>
<td>Outstanding aquatic, riparian and estuarine resources. Threatened and endangered waterbird habitat. Wetland protection.</td>
<td>K-2 Page 117</td>
</tr>
</tbody>
</table>

¹² Portion of shoreline, including roadway, from Ahiihi Pt to Opana Pt. remains in Agricultural District; TMKs (4) 4-7-004: 006, (4) 4-8-003: 002, & (4) 4-8-003: 003 no longer exist.
<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE (OWNER)</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Puu Poa Marsh – (4) 5-4-004</td>
<td>U to C</td>
<td>17</td>
<td>Wetland. Protection of endangered waterbird habitat.</td>
<td>K-3 Page 125</td>
</tr>
<tr>
<td>Kalihiwai Stream (4) 5-3-001, 002, 003</td>
<td>A to C</td>
<td>78</td>
<td>Provide protection for the river, which has an abundance of native aquatic species.</td>
<td>K-4 Page 131</td>
</tr>
<tr>
<td>Moloaa Forest Reserve Addition – (4) 5-1-002</td>
<td>A to C</td>
<td>16</td>
<td>Protection of watershed.</td>
<td>K-5 Page 137</td>
</tr>
<tr>
<td>Upper Wailua River – (4) 3-8-002; 3-9-002</td>
<td>A to C</td>
<td>20</td>
<td>Protection of outstanding riparian resources. Wetland.</td>
<td>K-7 Page 145</td>
</tr>
<tr>
<td>Huleia Stream and Wetlands – (4) 3-1-001, 002, 003; 3-3-001, 002, 003; 3-4-006</td>
<td>A to C</td>
<td>807</td>
<td>Preservation of high quality aquatic, riparian and recreational stream resources. Portion of existing Huleia National Wildlife Refuge.</td>
<td>K-8 Page 149</td>
</tr>
<tr>
<td>Waita Reservoir – (4) 2-8-001, 002; 2-9-002</td>
<td>A to C</td>
<td>123</td>
<td>Primary waterbird habitat. Endangered waterbirds.</td>
<td>K-9 Page 155</td>
</tr>
</tbody>
</table>

13 Portion of shoreline, including roadway, from Ahihi Pt to Opana Pt. remains in Agricultural District; TMKs (4) 4-7-004: 006, (4) 4-8-003: 002, & (4) 4-8-003: 003 no longer exist.
### Table 23: Conservation Recommendations Remaining, Kauai County – Priority #2

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kilauea Point National Wildlife Refuge – (4) 5-2-004</td>
<td>A to C</td>
<td>82</td>
<td>Preservation of coastal habitat of threatened and endangered birds. Existing National Wildlife Refuge. (C)</td>
<td>K-10 Page 161</td>
</tr>
<tr>
<td>Kapaa Stream – (4) 4-6-004, 005, 006, 008, 009, 014; 4-7-002</td>
<td>A to C</td>
<td>84</td>
<td>Protection of outstanding aquatic resources. (B)</td>
<td>K-11 Page 165</td>
</tr>
<tr>
<td>Sleeping Giant Mountain – (4) 4-3-003</td>
<td>A to C</td>
<td>100</td>
<td>Protection of scenic vistas. Steep slopes. (B)</td>
<td>K-12 Page 169</td>
</tr>
<tr>
<td>Wailua River State Park – (4) 3-9-002, 006</td>
<td>A to C</td>
<td>55</td>
<td>Protection of park lands, scenic and historic areas. (C)</td>
<td>K-13 Page 173</td>
</tr>
<tr>
<td>Aahoaka – (4) 3-9-002</td>
<td>A to C</td>
<td>128</td>
<td>Protection of scenic resources. Steeps slopes. (B)</td>
<td>K-14 Page 177</td>
</tr>
<tr>
<td>Kalepa Ridge – (4) 3-8-002; 3-9-002</td>
<td>A to C</td>
<td>89</td>
<td>Protection of scenic, recreational and open space areas. (B)</td>
<td>K-15 Page 181</td>
</tr>
<tr>
<td>Kipu Kai Shoreline – (4) 3-1-001</td>
<td>A to C</td>
<td>65</td>
<td>Protection of scenic and recreational coastal resources. (B)</td>
<td>K-17 Page 189</td>
</tr>
<tr>
<td>Area surrounding Nomilu Fishpond and Palama Beach – (4) 2-3-010</td>
<td>A to C</td>
<td>38</td>
<td>Preservation of scenic and historic area. High quality coastal resources. (A/B)</td>
<td>K-18 Page 193</td>
</tr>
<tr>
<td>Salt Pond Park – (4) 1-8-008</td>
<td>U to C</td>
<td>65</td>
<td>Preservation of coastal recreation areas, historic sites, unique tidal pools. (A/B)</td>
<td>K-19 Page 197</td>
</tr>
<tr>
<td>Russian Fort Elizabeth State Historical Park – (4) 1-7-005</td>
<td>A to C</td>
<td>17</td>
<td>Provision of land for preservation of scenic, historic areas. (C)</td>
<td>K-20 Page 201</td>
</tr>
<tr>
<td>Kekaha Beach – (4) 1-2-002</td>
<td>A to C</td>
<td>85</td>
<td>Preservation of recreational and scenic resources. (A)</td>
<td>K-21 Page 205</td>
</tr>
<tr>
<td>Polihale Dunes – (4) 1-2-002</td>
<td>A to C</td>
<td>30</td>
<td>Provision of lands necessary for parks, beach reserves and wilderness. (C)</td>
<td>K-22 Page 209</td>
</tr>
</tbody>
</table>

(A) Further information needed.
(B) Manpower/funding constraints.
(C) Government or Nature Conservancy ownership with conservation objectives.

### Table 24: Urban Recommendations Remaining, Kauai County

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hanamaulu – (4) 3-6-002; 3-7-001, 002, 003</td>
<td>A to U</td>
<td>792</td>
<td>To meet urban land requirements to 2000. Proximity to existing urban area.</td>
<td>K-23 Page 213</td>
</tr>
<tr>
<td>Kauai Lagoons Resort – (4) 3-5-001</td>
<td>A to U</td>
<td>248</td>
<td>Housekeeping; 200 acres already in golf course use. Surrounded by urban land.</td>
<td>K-24 Page 219</td>
</tr>
<tr>
<td>Kukuiuila Phase II – (4) 2-6-003, 004</td>
<td>A to U</td>
<td>800</td>
<td>To meet urban land requirements to 2000. Proximity to existing urban area.</td>
<td>K-25 Page 223</td>
</tr>
</tbody>
</table>
### Table 25: Areas of Critical Concern Remaining, Kauai County

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hanalei River and Valley to Waikoko – (4) 5-6-003, 004, 002; 5-5-001, 006, 007, 008, 009; 5-3-001; 5-4-003, 004</td>
<td></td>
<td>1,871</td>
<td>Protection of habitat for endangered waterbirds and native stream species. Outstanding aquatic and riparian stream resources. Wetlands, flood hazard areas, scenic resources. Consistent with County “Open” District.</td>
<td>K-26 Page 231</td>
</tr>
<tr>
<td>Mahaulepu Coastline – (4) 2-8-022; 2-9-001, 002, 003</td>
<td>A to C</td>
<td>1,517</td>
<td>Preservation of coastal recreational resources, scenic and open space resources, unique limestone caves and archeological resources. Protection of rare flora and fauna.</td>
<td>K-27 Page 239</td>
</tr>
</tbody>
</table>

### Table 26: Department of Hawaiian Home Lands Remaining, Kauai County

<table>
<thead>
<tr>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anahola Stream – (4) 4-8-002, 003, 005, 006, 011, 012</td>
<td>A to C</td>
<td>115</td>
<td>Preservation of high quality stream resources and wetland areas.</td>
<td>K-28 Page 249</td>
</tr>
<tr>
<td>DHHL Anahola House lots – (4) 4-8-003, 4-8-019</td>
<td>A to U</td>
<td>224/ 244</td>
<td>Provision of housing to native Hawaiian beneficiaries. Proximity to existing urban areas.</td>
<td>K-29 Page 253</td>
</tr>
</tbody>
</table>

---

14 No action will be taken on DHHL lands.
Map 3: County of Kauai – Location of 1992 Recommended State Land Use Reclassifications
3.4 COUNTY OF MAUI

3.4.1 MAUI COUNTY 1992 BR RECLASSIFICATIONS COMPLETED

In the County of Maui, there were two boundary amendments reclassifying land to the Conservation District. In 1994, BR94-713 reclassified 932 acres in the East Maui Watershed area from the Agricultural District to the Conservation District. Also in 1994, BR94-709 reclassified 273 acres in Kaapahu from the Agricultural District to the Conservation District.

Table 27: Reclassifications to the Conservation and Agricultural District Completed, Maui County – Priority #1

<table>
<thead>
<tr>
<th>ISLAND</th>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maui</td>
<td>East Maui Watershed Area – (2) 2-8-008</td>
<td>BR94-713 A to C</td>
<td>932 (1,271)</td>
<td>Watershed, steep slopes.</td>
<td>M-7 Page 281</td>
</tr>
<tr>
<td>Maui</td>
<td>Kaapahu15 – (2) 1-6-010; 1-7-001</td>
<td>BR94-709 A to C</td>
<td>273 (795)</td>
<td>High quality koa/ohia forest.</td>
<td>M-9 Page 291</td>
</tr>
</tbody>
</table>

3.4.2 RECOMMENDED RECLASSIFICATIONS REMAINING

Table 28: Reclassifications to the Conservation and Agricultural District Remaining, Maui County – Priority #1

<table>
<thead>
<tr>
<th>ISLAND</th>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maui</td>
<td>Makamakaole Stream – (2) 3-1-001, 006</td>
<td>A to C</td>
<td>236</td>
<td>Abundance of native aquatic species.</td>
<td>M-18 Page 334</td>
</tr>
<tr>
<td>Maui</td>
<td>Waihee River – (2) 3-2-001, 00</td>
<td>A to C</td>
<td>148</td>
<td>Outstanding aquatic resources.</td>
<td>M-18 Page 334</td>
</tr>
<tr>
<td>Maui</td>
<td>Paukukalo Wetlands – (2) 3-3-001</td>
<td>U to C</td>
<td>34</td>
<td>Wetland. Endangered waterbird habitat.</td>
<td>M-2 Page 252</td>
</tr>
<tr>
<td>Maui</td>
<td>Wailuanui Stream (State-owned portion) – (2) 1-1-006, 008</td>
<td>A to C</td>
<td>50</td>
<td>Outstanding aquatic resources.</td>
<td>M-18 Page 334</td>
</tr>
</tbody>
</table>

15 Alternative options for Kaapahu include (1) reclassification into the Conservation District or (2) participation by the landowner in the State’s Forest Stewardship Program (FSP) or Natural Area Partnership Program (NAP) in conjunction with a perpetual conservation easement. The NAP and FSP are State cost-sharing programs with a private landowner for ongoing enhancement of wildlife and reforestation and requires an approved management plan. A conservation easement is a legally binding agreement, which may set restrictions in the range of allowable uses.
<table>
<thead>
<tr>
<th>ISLAND</th>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maui</td>
<td>Kawaoke/ Mokulehua and Kukuiula Streams – (2) 1-2-003; 1-3-002; 1-6-010</td>
<td>A to C</td>
<td>91</td>
<td>Outstanding aquatic resources.</td>
<td>M-18 Page 334</td>
</tr>
<tr>
<td>Maui</td>
<td>Waioli, Kakiweca, Hahalawe and Puualuu Streams – (2) 1-5-011</td>
<td>A to C</td>
<td>321</td>
<td>Native aquatic species, presence of Lentipes (oopu alamoo).</td>
<td>M-18 Page 334</td>
</tr>
<tr>
<td>Maui</td>
<td>Alelele Stream – (2) 1-6-010</td>
<td>A to C</td>
<td>278</td>
<td>Abundance of native aquatic species.</td>
<td>M-18 Page 334</td>
</tr>
<tr>
<td>Maui</td>
<td><strong>Kaapahu</strong>16 – (2) 1-6-010; 1-7-001</td>
<td>BR94-709 A to C</td>
<td>273 (795)</td>
<td>High quality koa/ohia forest.</td>
<td>M-9 Page 291</td>
</tr>
<tr>
<td>Maui</td>
<td>Addition to Kealia Wetland – (2) 3-8-005</td>
<td>A to C</td>
<td>615</td>
<td>Wetland. Endangered waterbird habitat. Buffer and transition zone between Kealia Pond and agricultural uses. Consistent with Community Plan Open Space designation.</td>
<td>M-14 Page 313</td>
</tr>
<tr>
<td>Maui</td>
<td><strong>Waikapu Stream</strong> – (2) 3-5-002, 004; 3-6-004; 3-8-005</td>
<td>A to C</td>
<td>140</td>
<td>Recovery habitat. Threatened and endangered birds, rare plants.</td>
<td>M-18 Page 334</td>
</tr>
<tr>
<td>Molokai</td>
<td>Papio Stream – (2) 5-8-011, 013, 015</td>
<td>A to C</td>
<td>151</td>
<td>Outstanding aquatic resources.</td>
<td>MOL-13 Page 423</td>
</tr>
<tr>
<td>Molokai</td>
<td>Honouliwai Stream – (2) 5-8-001, 002, 004, 015</td>
<td>A to C</td>
<td>250</td>
<td>Outstanding aquatic or riparian resources.</td>
<td>MOL-13 Page 423</td>
</tr>
<tr>
<td>Molokai</td>
<td>Waialua Stream – (2) 5-7-001, 002, 003</td>
<td>A to C</td>
<td>375</td>
<td>Outstanding aquatic resources.</td>
<td>MOL-13 Page 423</td>
</tr>
<tr>
<td>Molokai</td>
<td>Honomuni Stream – (2) 5-7-005</td>
<td>A to C</td>
<td>209</td>
<td>Outstanding aquatic resources.</td>
<td>MOL-13 Page 423</td>
</tr>
<tr>
<td>Molokai</td>
<td>Paialoa Pond and Wetlands – (2) 5-6-005, 007, 008, 009, 010</td>
<td>A to C</td>
<td>31</td>
<td>Contains a wetland providing habitat for endangered Hawaiian stilts and indigenous black-crowned night heron.</td>
<td>MOL-5 Page 387</td>
</tr>
<tr>
<td>Molokai</td>
<td>Kawela Stream – (2) 5-4-001, 003</td>
<td>A to C</td>
<td>386</td>
<td>Outstanding aquatic resources.</td>
<td>MOL-13 Page 423</td>
</tr>
</tbody>
</table>

16 Alternative options for Kaapahu include (1) reclassification into the Conservation District or (2) participation by the landowner in the State’s Forest Stewardship Program (FSP) or Natural Area Partnership Program (NAP) in conjunction with a perpetual conservation easement. The NAP and FSP are State cost-sharing programs with a private landowner for ongoing enhancement of wildlife and reforestation and requires an approved management plan. A conservation easement is a legally binding agreement, which may set restrictions in the range of allowable uses.
### RECLASSIFICATIONS TO THE CONSERVATION AND AGRICULTURAL DISTRICT - PRIORITY #1

<table>
<thead>
<tr>
<th>ISLAND</th>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Molokai</td>
<td><strong>Kakahaia Wetland</strong> – (2) 5-4-001, 003</td>
<td>A to C</td>
<td>16</td>
<td>National Wildlife Refuge for endangered waterbirds.</td>
<td>MOL-7 Page 395</td>
</tr>
<tr>
<td>Molokai</td>
<td><strong>Moomomi Dunes</strong> (non-DHHL portion)¹⁷ – (2) 5-1-002; 5-2-005</td>
<td>A to C</td>
<td>203</td>
<td>Historical and archaeological importance. Considered part of the best remaining sand dune ecosystem in the main Hawaiian Islands.</td>
<td>MOL-12 Page 418</td>
</tr>
</tbody>
</table>

#### Table 29: Reclassifications to the Conservation and Agricultural District Remaining, Maui County – Priority #2

<table>
<thead>
<tr>
<th>ISLAND</th>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maui</td>
<td><strong>Waihee Agricultural Area</strong>¹⁸ – (2) 3-2-010</td>
<td>U to A</td>
<td>22</td>
<td>Consistent with Land Use Commission’s Condition 3, in original Petition’s Decision and Order. (D)</td>
<td>M-1 Page 244</td>
</tr>
<tr>
<td>Maui</td>
<td><strong>Waihee Dunes</strong>³ – (2) 3-2-010</td>
<td>A to C</td>
<td>80</td>
<td>Endangered dwarf naupaka and uncommon plant communities. Potential archeological resource. Protects of coastal resources. (D)</td>
<td>M-1 Page 244</td>
</tr>
<tr>
<td>Maui</td>
<td><strong>Waihee Shoreline</strong>³ – (2) 3-2-010, 013</td>
<td>A to C</td>
<td>10</td>
<td>Consistent with Community Plan designation of Agriculture. (D)</td>
<td>M-1 Page 244</td>
</tr>
<tr>
<td>Maui</td>
<td><strong>Waihee Wetland</strong>¹⁹ – (2) 3-2-010</td>
<td>A to C</td>
<td>37</td>
<td>Endangered dwarf naupaka and uncommon plant communities. Potential archeological resource. Protects of coastal resources. (D)</td>
<td>M-1 Page 244</td>
</tr>
<tr>
<td>Maui</td>
<td><strong>Portion of Waikamoi Preserve</strong> – (2) 2-3-005</td>
<td>A to C</td>
<td>665</td>
<td>Contains native shrublands and forests, provides habitats for three endangered forest birds and at least six rare plants. Nature Conservancy preserve. (C)</td>
<td>M-8 Page 286</td>
</tr>
</tbody>
</table>

¹⁷ Alternative measures of protection for this site are under discussion with the landowner, including a perpetual conservation easement.

¹⁸ This is included in the Priority #2 category because the landowner agreed to file a petition to reclassify all land within the project area—makai of the 200-foot setback—into the Conservation District and grant a conservation easement to the State of Hawaii and/or County of Maui for portions of the sand dune, lands within the Conservation District and within 200-feet of the shoreline, whichever is greater, and portions of land along Waihee Stream as specified in the Decision and Order.

¹⁹ Developer proposed a wetlands management plan to protect and enhance the wetland.
<table>
<thead>
<tr>
<th>ISLAND</th>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maui</td>
<td>Piinaau, Kapia and Makapipi Streams – (2) 1-4-009, 010, 011; 1-2-001, 002, 003; 1-1-002, 1-1-003, 008</td>
<td>A to C</td>
<td>168</td>
<td>Outstanding aquatic or riparian resources. (B)</td>
<td>M-18 Page 334</td>
</tr>
<tr>
<td>Maui</td>
<td>Wailuanui Stream (private-owned portion) – (2) 1-1-006, 008</td>
<td>A to C</td>
<td>26</td>
<td>Outstanding aquatic resources. (B)</td>
<td>M-18 Page 334</td>
</tr>
<tr>
<td>Maui</td>
<td>La Perouse Bay/ Ahihi-Kinau NAR – (2) 2-1-004</td>
<td>A to C</td>
<td>42</td>
<td>Natural Area Reserve. (C)</td>
<td>M-10 Page 296</td>
</tr>
<tr>
<td>Maui</td>
<td>Kekaalaau – (2) 4-2-001</td>
<td>A to C</td>
<td>240</td>
<td>Contains four types of native natural communities; one of the last lowland virgin koa tracts in West Maui. (A)</td>
<td>M-17 Page 328</td>
</tr>
<tr>
<td>Maui</td>
<td>Honokohau Stream – (2) 4-1-001, 002, 003, 004</td>
<td>A to C</td>
<td>87</td>
<td>Outstanding aquatic resources. (B)</td>
<td>M-18 Page 334</td>
</tr>
<tr>
<td>Maui</td>
<td>Kahakuloa Stream – (2) 3-1-004, 005</td>
<td>A to C</td>
<td>3</td>
<td>Outstanding aquatic resources. (B)</td>
<td>M-18 Page 334</td>
</tr>
<tr>
<td>Molokai</td>
<td>Palaua Cliff tops – (2) 5-2-013, 014</td>
<td>A to C</td>
<td>565</td>
<td>Provides an open space buffer to enhance scenic and open space value of the adjoining cliffs. (B)</td>
<td>MOL-2 Page 374</td>
</tr>
<tr>
<td>Molokai</td>
<td>Wailau Trail/ Iliiopae Heiau – (2) 5-7-005, 008</td>
<td>A to C</td>
<td>200</td>
<td>Heiau is the largest on Molokai; it is considered the oldest on the island. Terrain is mountainous, rugged. (A)</td>
<td>MOL-3 Page 379</td>
</tr>
<tr>
<td>Molokai</td>
<td>Waiaukuani Gulch – (2) 5-5-001</td>
<td>A to C</td>
<td>332</td>
<td>Contains native forests and shrublands. Habitat for rare land snails. (A)</td>
<td>MOL-6 Page 391</td>
</tr>
<tr>
<td>Molokai</td>
<td>Kamiloloa–Makakupaia (portion) – (2) 5-4-003</td>
<td>A to C</td>
<td>761</td>
<td>Native forests, rare ohai shrubland and other native shrub communities. (A)</td>
<td>MOL-8 Page 399</td>
</tr>
<tr>
<td>Molokai</td>
<td>Kaunakakai Gulch System (non-DHHL portion) – (2) 5-3-003; 5-4-003</td>
<td>A to C</td>
<td>214/1,400</td>
<td>Steep slopes. Pockets of native vegetation. Sandalwood, wiliwili and koaia are present. (A)</td>
<td>MOL-9 Page 404</td>
</tr>
<tr>
<td>Molokai</td>
<td>Moomomi Preserve – (2) 5-1-002</td>
<td>A to C</td>
<td>809</td>
<td>Historical and archeological importance. Part of the best remaining sand dune ecosystem in the main Hawaiian Islands. (C)</td>
<td>MOL-11 Page 413</td>
</tr>
<tr>
<td>Molokai</td>
<td>Kalaupapa NHP and Kauhako Crater (non-DHHL portion) – (2) 6-1-001</td>
<td>A to C</td>
<td>1,917</td>
<td>Consistent with designation as National Historic Park. Area contains a rare anchialaine pool and a remnant native forest. (A)</td>
<td>MOL-1 Page 369</td>
</tr>
</tbody>
</table>
## Reclassifications to the Conservation and Agricultural District – Priority #2

<table>
<thead>
<tr>
<th>ISLAND</th>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lanai</td>
<td>Rural Area in Northeast Mountains – (2) 4-9-002</td>
<td>R to C</td>
<td>86</td>
<td>Surrounded by Conservation land. (A)</td>
<td>L-1 Page 439</td>
</tr>
<tr>
<td>Lanai</td>
<td>Shipwreck Beach – (2) 4-9-002</td>
<td>R to C</td>
<td>160</td>
<td>Consistent with Community Plan designation of Open Space. Contains rare coastal vegetation, including akoko. Lithified dunes along coast. Significant scenic and recreational resource value. (A)</td>
<td>L-2 Page 442</td>
</tr>
<tr>
<td>Lanai</td>
<td>Northeast and Southeast Slopes – (2) 4-9-002</td>
<td>A to C</td>
<td>11,000</td>
<td>Contains native grasslands, shrubland and native trees. Rare plants and largest stand of Hawaiian cotton in the State. (A)</td>
<td>L-3 Page 444</td>
</tr>
<tr>
<td>Lanai</td>
<td>Southeast Coast – (2) 4-9-002, 003</td>
<td>U to C R to C</td>
<td>888 189</td>
<td>Consistent with Lanai Community Plan designation of Open Space. Contains rare coastal vegetation, including akoko. Lithified dunes along coast. (A)</td>
<td>L-4 Page 450</td>
</tr>
</tbody>
</table>

(A) Further information needed.
(B) Manpower/funding constraints.
(C) Government or Nature Conservancy ownership with conservation objectives.
(D) Covered under Land Use Commission Decision and Order.

### Table 30: Reclassifications to the Urban and Rural Districts Remaining, Maui County

## Reclassifications to the Urban and Rural Districts

<table>
<thead>
<tr>
<th>ISLAND</th>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maui</td>
<td>Puunene Sugar Mill Expansion – (2) 3-8-006</td>
<td>A to U</td>
<td>47</td>
<td>Intended to meet mill expansion requirements. Urban designation is consistent with Wailuku-Kahului Community Plan.</td>
<td>M-3 Page 258</td>
</tr>
<tr>
<td>Maui</td>
<td>Kahului Airport Expansion – (2) 3-8-001</td>
<td>A to U</td>
<td>210</td>
<td>Area is needed for airport expansion.</td>
<td>M-4 Page 263</td>
</tr>
<tr>
<td>Maui</td>
<td>Paia Sugar Mill Expansion – (2) 2-5-005</td>
<td>A to U</td>
<td>16</td>
<td>Intended to accommodate mill expansion. Urban designation consistent with Paia-Haiku Community Plan.</td>
<td>M-5 Page 271</td>
</tr>
<tr>
<td>Maui</td>
<td>Paia-Doris Todd Memorial School – (2) 2-5-005</td>
<td>A to U</td>
<td>29</td>
<td>Proposed residential use. Adjacent to Urban District. Consistent with Paia-Haiku Community Plan.</td>
<td>M-6 Page 276</td>
</tr>
</tbody>
</table>
### RECLASSIFICATIONS TO THE URBAN AND RURAL DISTRICTS

<table>
<thead>
<tr>
<th>ISLAND</th>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maui</td>
<td>Wailea Resort Infill – (2) 2-1-008, 023</td>
<td>A to U</td>
<td>19</td>
<td>Designated for Urban use in Kihei-Makena Community Plan. A portion of the site is already in use as a golf course.</td>
<td>M-11 Page 301</td>
</tr>
<tr>
<td>Maui</td>
<td>Ohukai Subdivision – (2) 2-2-023</td>
<td>A to U</td>
<td>24</td>
<td>Proposed to conform the State land use designation to the existing use.</td>
<td>M-13 Page 309</td>
</tr>
<tr>
<td>Maui</td>
<td>Wainee Affordable Housing Site – (2) 4-6-011, 013, 014, 015, 016, 018</td>
<td>A to U</td>
<td>100</td>
<td>Master-planned affordable housing community. Consistent with Community Plan designation.</td>
<td>M-15 Page 318</td>
</tr>
<tr>
<td>Maui</td>
<td>Puukolii Affordable Housing Site – (2) 4-4-002, 006</td>
<td>A to U</td>
<td>100</td>
<td>Master-planned affordable housing community.</td>
<td>M-16 Page 323</td>
</tr>
<tr>
<td>Molokai</td>
<td>Ulalapue – (2) 5-6-002, 003, 004; 5-7-011</td>
<td>U to R</td>
<td>203</td>
<td>Molokai Community Plan designates majority of the area as Rural.</td>
<td>MOL-4 Page 383</td>
</tr>
</tbody>
</table>

**Table 31: Department of Hawaiian Home Lands Remaining, Maui County**

#### DEPARTMENT OF HAWAIIAN HOME LANDS

<table>
<thead>
<tr>
<th>ISLAND</th>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maui</td>
<td>Puu O Kali – (2) 2-2-002</td>
<td>A to C</td>
<td>1,660</td>
<td>One of the best remaining examples of lowland dry vegetation on Maui. Seven rare plant species.</td>
<td>M-12 Page 304</td>
</tr>
<tr>
<td>Molokai</td>
<td>Kalaupapa NHP and Kauhako Crater (DHHL portion) – (2) 6-1-001</td>
<td>A to C</td>
<td>488</td>
<td>Consistent with designation as National Historic Park. Area contains a rare anchialine pool and native forest.</td>
<td>MOL-1 Page 369</td>
</tr>
<tr>
<td>Molokai</td>
<td>Kamiloloa-Makakupaia (DHHL portion) – (2) 5-4-003</td>
<td>A to C</td>
<td>135</td>
<td>Native forest, rare ohia shrubland and other native shrub communities.</td>
<td>MOL-8 Page 399</td>
</tr>
<tr>
<td>Molokai</td>
<td>Umiapa Wetlands – (2) 5-2-011</td>
<td>A to C</td>
<td>160</td>
<td>Habitat for endangered Hawaiian stilt, migratory shorebirds and waterbirds and the indigenous black-crowned night heron.</td>
<td>MOL-10 Page 409</td>
</tr>
<tr>
<td>Molokai</td>
<td>Moomomi Dunes (DHHL portion) – (2) 5-1-002; 5-2-005</td>
<td>A to C</td>
<td>680</td>
<td>Historical and archeological importance. Area is considered part of the best remaining sand</td>
<td>MOL-12 Page 418</td>
</tr>
</tbody>
</table>

---

20 These areas have conservation resources. However, DHHL lands are not subject to the State Land Use Law (Hawaiian Homes Commission Act of 1920). Therefore, petitions will not be initiated for these areas.
<table>
<thead>
<tr>
<th>ISLAND</th>
<th>LOCATION – TMK</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>REASONS</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Molokai</td>
<td>Kaunakakai Gulch System (DHHL portion) –(2) 5-3-003; 5-4-003</td>
<td>A to C</td>
<td>1,183/1,400</td>
<td>Steep slopes. Pockets of native vegetation. Sandalwood, wiliwili and koaia are present.</td>
<td>MOL-9 Page 404</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>dune ecosystem in the main Hawaiian Islands.</td>
<td></td>
</tr>
</tbody>
</table>
Map 4: County of Maui – Location of 1992 Recommended State Land Use Reclassifications
3.5 SUMMARY OF 1992 BOUNDARY REVIEW RECOMMENDATIONS

Following the last 1992 Boundary Review, recommended boundary reclassifications from this Review were completed for a total of 20,817 acres including:

- Hawaii County: 14,375 acres to Conservation, 3,300 acres to Urban
- Oahu: 1,664 acres to Conservation, 207 acres to Urban
- Kauai: 67 acres to Conservation
- Maui: 1,205 acres to Conservation

Most of the 1992 boundary recommendations were not initiated or processing for district boundary amendments were not completed. Table 28 summarizes the acreage tabulations for reclassification recommendations remaining from the 1992 Review.

**Table 32: 1992 Boundary Reclassifications Remaining (in acres)**

<table>
<thead>
<tr>
<th>Recommended Reclassifications</th>
<th>Hawaii</th>
<th>Oahu</th>
<th>Kauai</th>
<th>Maui</th>
<th>Molokai</th>
<th>Lanai</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural/Urban to Conservation, Priority 1</td>
<td>44,419</td>
<td>10,898</td>
<td>2,789</td>
<td>2,186</td>
<td>1,418</td>
<td>0</td>
</tr>
<tr>
<td>Agricultural/Urban/Rural to Conservation, Priority 2</td>
<td>40,933</td>
<td>10,397</td>
<td>838</td>
<td>1,358</td>
<td>6,198</td>
<td>12,323</td>
</tr>
<tr>
<td>Agricultural/Conservation to Urban/Rural</td>
<td>9,563</td>
<td>4,383</td>
<td>1,840</td>
<td>545</td>
<td>203</td>
<td>0</td>
</tr>
<tr>
<td>Areas of Critical Concern</td>
<td>135,612</td>
<td>0</td>
<td>3,388</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>230,527</strong></td>
<td><strong>25,678</strong></td>
<td><strong>8,855</strong></td>
<td><strong>4,089</strong></td>
<td><strong>7,819</strong></td>
<td><strong>12,323</strong></td>
</tr>
</tbody>
</table>

**Recommendation:**

- The proposed 1992 recommended reclassifications to the Conservation District which were not completed are still warranted and reclassification of these sites should be pursued as resources become available.

- The proposed reclassifications to the Urban and Rural Districts from the 1992 Review should not pursued at this time. Consultation and review by the counties are first needed to determine the consistency of these previous proposals with current county general plans and community development plans.
4. ANALYSIS OF STATE LAND USE DISTRICTS

All lands in the State are classified into one of four districts: Urban, Rural, Agricultural, or Conservation. According to the 2020 State Land Use District data, the Conservation District comprises 49% of all lands in the State, the Agricultural District comprises 46%, the Urban District comprises 5%; and the Rural District comprises 0.3%. See Table 28 for the estimated acreage of State Land Use Districts on each island.

Table 33: Estimated Acreage of State Land Use Districts by Island (2020)

<table>
<thead>
<tr>
<th>Island</th>
<th>Total Acres</th>
<th>Urban</th>
<th>Conservation</th>
<th>Agricultural</th>
<th>Rural</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Total</td>
<td>4,121,957</td>
<td>204,187</td>
<td>2,022,042</td>
<td>1,885,274</td>
<td>10,454</td>
</tr>
<tr>
<td>Hawaii</td>
<td>2,584,435</td>
<td>56,348</td>
<td>1,343,140</td>
<td>1,184,075</td>
<td>873</td>
</tr>
<tr>
<td>Maui</td>
<td>466,515</td>
<td>23,150</td>
<td>204,155</td>
<td>234,876</td>
<td>4,334</td>
</tr>
<tr>
<td>Kahoolawe</td>
<td>28,562</td>
<td>0.0%</td>
<td>28,562</td>
<td>100.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Lanai</td>
<td>90,299</td>
<td>3,039</td>
<td>40,570</td>
<td>44,613</td>
<td>2,076</td>
</tr>
<tr>
<td>Molokai</td>
<td>167,386</td>
<td>2,287</td>
<td>52,511</td>
<td>110,790</td>
<td>1,798</td>
</tr>
<tr>
<td>Oahu</td>
<td>383,689</td>
<td>104,231</td>
<td>158,668</td>
<td>120,790</td>
<td>31.5%</td>
</tr>
<tr>
<td>Kauai</td>
<td>355,027</td>
<td>15,132</td>
<td>194,436</td>
<td>144,086</td>
<td>1,374</td>
</tr>
<tr>
<td>Niihau</td>
<td>46,044</td>
<td>0.0%</td>
<td>0.0%</td>
<td>46,044</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
Map 6: Kauai - State Land Use Districts
Map 8: Molokai - State Land Use Districts
Map 11: Hawaii - State Land Use District
Map 12: Hawaii (Northern Portion) - State Land Use Districts
Map 13: Hawaii (Southern Portion) - State Land Use Districts
A summary of change in acreage of the districts Statewide and change in acreage of the Urban District for each major island since the 1960’s is provided in Tables 29 and 30. The Urban District has experienced the greatest increase in acreage from 117,800 acres in 1964 to 204,187 acres in 2020, an increase of 73%. The Urban District still constitutes only 5% of the total State acres. The Agricultural and Conservation Districts comprise 95% of all lands in the State.

Table 34: Changes in State Land Use District Acreage, Statewide, 1964 to 2020

<table>
<thead>
<tr>
<th></th>
<th>1964</th>
<th>Percent</th>
<th>2020</th>
<th>Percent</th>
<th>Acreage Change</th>
<th>Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban</td>
<td>117,800</td>
<td>2.9</td>
<td>204,187</td>
<td>5.0</td>
<td>86,387</td>
<td>2.1</td>
</tr>
<tr>
<td>Rural</td>
<td>6,700</td>
<td>0.2</td>
<td>10,454</td>
<td>0.3</td>
<td>3,754</td>
<td>0.1</td>
</tr>
<tr>
<td>Agricultural</td>
<td>2,124,400</td>
<td>51.6</td>
<td>1,885,274</td>
<td>45.7</td>
<td>(239,126)</td>
<td>-5.9</td>
</tr>
<tr>
<td>Conservation</td>
<td>1,862,600</td>
<td>45.3</td>
<td>2,022,042</td>
<td>49.0</td>
<td>159,442</td>
<td>3.8</td>
</tr>
<tr>
<td>Total</td>
<td>4,113,464</td>
<td>100.0</td>
<td>4,124,434</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 35: Changes in Urban District Acreage, by Island, 1968 to 2020

<table>
<thead>
<tr>
<th></th>
<th>1968</th>
<th>Percent</th>
<th>2020</th>
<th>Percent</th>
<th>Acreage Change</th>
<th>Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oahu</td>
<td>4,236</td>
<td>3.4</td>
<td>104,231</td>
<td>51.2</td>
<td>99,995</td>
<td>47.8</td>
</tr>
<tr>
<td>Hawaii</td>
<td>24,455</td>
<td>19.9</td>
<td>56,348</td>
<td>27.7</td>
<td>31,893</td>
<td>7.8</td>
</tr>
<tr>
<td>Maui</td>
<td>12,442</td>
<td>10.1</td>
<td>23,150</td>
<td>11.3</td>
<td>10,486</td>
<td>1.2</td>
</tr>
<tr>
<td>Lanai</td>
<td>525</td>
<td>0.4</td>
<td>3,039</td>
<td>1.5</td>
<td>2,514</td>
<td>1.1</td>
</tr>
<tr>
<td>Molokai</td>
<td>4,551</td>
<td>3.7</td>
<td>2,287</td>
<td>1.1</td>
<td>(2,264)</td>
<td>-2.6</td>
</tr>
<tr>
<td>Kauai</td>
<td>6,918</td>
<td>5.6</td>
<td>15,132</td>
<td>7.3</td>
<td>7,947</td>
<td>1.7</td>
</tr>
<tr>
<td>Total</td>
<td>123,127</td>
<td>100.0</td>
<td>204,187</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A listing of State Land Use District Boundary Amendments approved over the last ten years from 2010 are provided below. A total of 18 petitions were approved, reclassifying 4,285 acres from the Agricultural to the Urban District, and 162 acres from the Agricultural to the Rural District. There were also 3 reversions from the Urban District to the Agricultural and Rural Districts totaling 979 acres.

Table 36: State Land Use District Boundary Amendments Since 2010

<table>
<thead>
<tr>
<th>DOCKET NO./PETITIONER</th>
<th>PROJECT</th>
<th>LOCATION</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>INITIAL FILING DATE</th>
<th>D&amp;O DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A06-771 DR Horton-</td>
<td>Hoopili</td>
<td>Ewa, Oahu</td>
<td>A-U</td>
<td>1,525</td>
<td>1/24/2007</td>
<td>6/21/2012</td>
</tr>
<tr>
<td>Shuler Homes, LLC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Partners, LLC.</td>
<td>Research &amp;</td>
<td>Technology Park</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest City Hawaii</td>
<td>Villages at</td>
<td>Keahuolou</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kona, LLC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DOCKET NO./PETITIONER</td>
<td>PROJECT</td>
<td>LOCATION</td>
<td>CHANGE</td>
<td>ACRES</td>
<td>INITIAL FILING DATE</td>
<td>D&amp;O DATE</td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------</td>
<td>----------</td>
<td>--------</td>
<td>-------</td>
<td>---------------------</td>
<td>----------</td>
</tr>
<tr>
<td>A11-790/Kula Ridge, LLC.</td>
<td>Kula Ridge</td>
<td>Makawao, Maui</td>
<td>A-U A-R</td>
<td>35 17</td>
<td>01/24/2011</td>
<td>02/21/2012</td>
</tr>
<tr>
<td>A11-792/Dept. of Housing and Human Concerns, Maui County</td>
<td>Lanai Affordable Housing</td>
<td>Lanai City, Maui</td>
<td>A-U</td>
<td>73</td>
<td>02/28/2011</td>
<td>06/09/2011</td>
</tr>
<tr>
<td>A12-795/West Maui Land Company, Inc. and Kahoma Residential, LLC.</td>
<td>Kahoma Affordable Housing</td>
<td>Lahaina, Maui</td>
<td>A-U</td>
<td>17</td>
<td>04/04/2012</td>
<td>04/05/2013</td>
</tr>
<tr>
<td>A12-796/Waiko Industrial Investment, LLC.</td>
<td>Waiko Industrial Subdivision</td>
<td>Wailuku, Maui</td>
<td>A-U</td>
<td>31</td>
<td>09/13/2012</td>
<td>05/03/2013</td>
</tr>
<tr>
<td>A13-797/CMBY 2011 Investment, LLC.</td>
<td>Puunene Industrial Subdivision</td>
<td>Wailuku, Maui</td>
<td>A-U</td>
<td>86</td>
<td>05/03/2013</td>
<td>11/22/2013</td>
</tr>
<tr>
<td>A15-798/Waikapu Properties, LLC.; MTP Land Partners, LLC.; William S. Filios, Trustee; and Waiale 905 Partners, LLC.</td>
<td>Waikapu Country Town</td>
<td>Wailuku, Maui</td>
<td>A-R A-U</td>
<td>145 342</td>
<td>04/16/2015</td>
<td>02/26/2018</td>
</tr>
<tr>
<td>A16-800/Island School</td>
<td>Island School</td>
<td>Lihue, Kauai</td>
<td>A-U</td>
<td>38</td>
<td>12/02/2016</td>
<td>08/11/2017</td>
</tr>
<tr>
<td>A16-801/University of Hawaii Community Colleges</td>
<td>Kauai Community College</td>
<td>Lihue, Kauai</td>
<td>A-U</td>
<td>148</td>
<td>11/04/2016</td>
<td>08/11/2017</td>
</tr>
<tr>
<td>A17-802/County of Kauai Housing Agency</td>
<td>Lima Ola Workforce Housing</td>
<td>Eleele, Kauai</td>
<td>A-U</td>
<td>75</td>
<td>06/13/2017</td>
<td>07/24/2017</td>
</tr>
<tr>
<td>A05-755/Southwest 7 LLC.</td>
<td>Waiehu, Maui</td>
<td>A-U U-A</td>
<td>117</td>
<td>01/05/2005 05/09/2018</td>
<td>02/12/20071 02/03/2018</td>
<td></td>
</tr>
</tbody>
</table>
### STATE LAND USE DISTRICT BOUNDARY AMENDMENTS SINCE 2010

<table>
<thead>
<tr>
<th>DOCKET NO./PETITIONER</th>
<th>PROJECT</th>
<th>LOCATION</th>
<th>CHANGE</th>
<th>ACRES</th>
<th>INITIAL FILING DATE</th>
<th>D&amp;O DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A06-767/Waikoloa Highlands, Inc.</td>
<td>Waikoloa Mauka</td>
<td>South Kohala, Hawaii</td>
<td>A-R</td>
<td>732</td>
<td>06/28/2006</td>
<td>07/10/20081</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>R-A</td>
<td></td>
<td>07/03/2018</td>
<td>1/29/2019</td>
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<td>U-A</td>
<td></td>
<td>03/29/2019</td>
<td>07/11/2019</td>
</tr>
</tbody>
</table>

*Dockets in red were reverted to the original State Land Use District.

### 4.1 HAWAII STATE PLAN

The Hawaii State Planning Act of 1978 established the Hawaii State Plan which sets forth the broad planning and policy framework and serves as a guide for the long-term development of the State. The Hawaii State Plan requires consistency among State and county plans, budget processes, and land use decision-making processes with State plan policies and priority guidelines. Embodied in HRS Chapter 226, the last major review and revision of the Hawaii State Plan was done in 1986.


Some notable amendments to the State Plan and priority guidelines have been enacted:

In 2011, Act 181 set forth priority guidelines and principles encouraging balanced economic, social, community and environmental priorities, living within the natural resource limits of the State, encouraging respect for the host culture, and considering principles of the ahupuaa system (§ 226-108);

In 2016, Act 130 added a new section to the State Planning Act establishing the Hawaii interagency council for transit-oriented development with accompanying revisions to §225M designating OPSD as the lead agency to advance smart growth and TOD planning within the State.

In 2019, Act 146 designated the Hawaii 2050 Sustainability Plan as the State’s climate and sustainability action plan to determine future actions guiding the coordination and implementation of Hawaii’s sustainability and climate adaptation goals, principles, and policies (§ 226-65)
DISCUSSION

Compliance with the Hawaii State Plan is one of the key decision-making criteria for the LUC. HRS Section 205-16 specifies that no amendment to the land use district boundaries or any other LUC action shall be adopted unless it conforms to the Hawaii State Plan. The last major update of the Hawaii State Plan was done in 1985, over 35 years ago. While most of the objectives, policies and priority guidelines remain applicable, some are clearly outdated, such as the objective of supporting the sugar and pineapple industry. The broad scope of objectives and policies are cited by petitioners to provide support for their petitions for reclassification, but where there are potentially conflicting policies, there is no mechanism and little guidance for resolving issues such as the need for economic development and housing versus the preservation of prime agricultural lands.

Likewise, most Functional Plans are over 30 years old, such that the plans do not reflect the current plans and programs of State agencies and are not followed or relied upon by agencies and the general public.

In July 2021, the Hawaii 2050 Sustainability Plan was updated to serve as the State’s climate and sustainability strategic action plan. The revised plan aligns the State’s goals, policies and actions with the United Nations Sustainable Development Goals and recommends sustainability and climate change actions for the 2020-2030 Decade of Action. The Plan will guide the coordination and implementation of Hawaii’s sustainability and climate adaption goals, principles, and polices in accordance with HRS § 226-65 and provide recommendations for a sustainable and resilient economic recovery for Hawaii.

4.2 COUNTY GENERAL AND DEVELOPMENT PLANS

At the county level, each county has adopted general plans and more detailed community plans and development plans to guide land uses in the county. County plans are governed by HRS Chapter 46 and, to a lesser extent, HRS Chapter 226, which states that these plans shall indicate desired population and physical development patterns for regions within each county, be formulated from sound rationale and analyses, consider transportation, sewer, water and public facility locations, visitor destinations, urban design, and pursue input from state and county agencies and the general public. The formulation, amendment, and implementation of county plans must further define the overall theme, goals, objectives, policies, and priority guidelines of the State Plan.

Both the Functional Plans and the county general plans must be in conformance with the State Plan (HRS § 226-59).

The current status of county general plan and community development plans is as follows:
### Table 37: Status of County Plans

<table>
<thead>
<tr>
<th>STATUS OF COUNTY PLANS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COUNTY OF HAWAII</strong></td>
</tr>
<tr>
<td>General Plan, 2005 (2040 Draft Update under review)</td>
</tr>
<tr>
<td><strong>Community Development Plans:</strong></td>
</tr>
<tr>
<td>Hamakua, 2018</td>
</tr>
<tr>
<td>Hilo, 1975</td>
</tr>
<tr>
<td>Kau, 2017</td>
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<tr>
<td>North Kohala, 2008</td>
</tr>
<tr>
<td>South Kohala, 2008</td>
</tr>
<tr>
<td>Kona, 2019</td>
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<tr>
<td>Puna, 2008</td>
</tr>
<tr>
<td><strong>CITY AND COUNTY OF HONOLULU</strong></td>
</tr>
<tr>
<td>General Plan, 2002 (Proposed Revised GP under review, Dec 2017)</td>
</tr>
<tr>
<td><strong>Community Development/Sustainable Communities Plans:</strong></td>
</tr>
<tr>
<td>Central Oahu Sustainable Communities, 2021</td>
</tr>
<tr>
<td>East Honolulu Sustainable Communities, 2021</td>
</tr>
<tr>
<td>Ewa Development, 2013; amended 2020</td>
</tr>
<tr>
<td>Koolau Loa Sustainable Communities, 2021</td>
</tr>
<tr>
<td>Koolau Poko Sustainable Communities, 2017</td>
</tr>
<tr>
<td>North Shore Sustainable Communities, 2011 (update under review)</td>
</tr>
<tr>
<td>Primary Urban Center Development, 2004 (Public review pending)</td>
</tr>
<tr>
<td>Waianae Sustainable Communities, 2012</td>
</tr>
<tr>
<td><strong>COUNTY OF KAUA’I</strong></td>
</tr>
<tr>
<td>General Plan, 2020</td>
</tr>
<tr>
<td><strong>Community Plans:</strong></td>
</tr>
<tr>
<td>West Kauai Community Plan, 2020</td>
</tr>
<tr>
<td>Kapaa-Wailua, 1973</td>
</tr>
<tr>
<td>South Kauai, 2015</td>
</tr>
<tr>
<td>Lihue, 2015</td>
</tr>
<tr>
<td>North Shore, 1980</td>
</tr>
<tr>
<td><strong>COUNTY OF MAUI</strong></td>
</tr>
<tr>
<td>Countywide Policy Plan, 2010</td>
</tr>
<tr>
<td>Maui island Plan, 2012</td>
</tr>
<tr>
<td><strong>Community Plans:</strong></td>
</tr>
<tr>
<td>Hana, 1994</td>
</tr>
<tr>
<td>Kihei-Makena, 1998</td>
</tr>
<tr>
<td>Makawao-Pukalani-Kula, 1996</td>
</tr>
</tbody>
</table>
The County of Hawaii is undertaking a comprehensive update of its general plan which was adopted in 2005. The Hawaii County General Plan 2040 strives to position Hawaii Island for economic progress while preserving the environment and strengthening community foundations. Public workshops, speakouts, and Planning Commission and County Council hearings are anticipated in 2021 – 2022.

### 4.3 STATE URBAN DISTRICT

This section reviews selected characteristics of the Urban District relative to their capacity for accommodating growth and development.

First, the lands encompassed by the Urban District are compared with each of the four counties’ plans for growth and development. This is to assess how well the Urban District boundaries align with county plans and desires for future growth. The two components assessed are: 1) lands that are within the county’s urban growth boundaries but are not in the State Urban District, and 2) lands that are within the State Urban District but are not included within the county’s growth boundaries.

Secondly, the amount of vacant and undeveloped lands within the Urban District is assessed to provide an indication of how much Urban District lands in the State are available for development. This will aid in assessing whether there is an adequate supply of developable lands to accommodate future growth and development within each county and Statewide.

#### 4.3.1 URBAN GROWTH AREAS DEFINED

The focus of the review comparing the Urban District with county plans is on the county urban growth boundaries. As urban growth boundaries are used for several analyses, it is important to first explain what these growth areas are and how they differ among the counties.

In general, an urban growth boundary is a long-range planning tool used to separate growth areas from non-growth areas. It demarcates the areas within which urban-density development requiring a full range of urban services, including roads, water and sewer systems, parks, schools, and fire and police protection, are planned to be supported in accordance with applicable land use laws. The intent of setting an urban growth boundary is to manage growth and prohibit sprawl by accommodating increases in population inside the growth boundary.
while protecting lands outside the boundary. This planning tool promote the efficient use of land, public facilities, and services within the boundary.

Areas within the urban growth boundary typically include residential, commercial, or industrial uses, while areas outside the boundary typically include agricultural, open space, preservation, or conservation uses.

The definition of an "urban growth boundary" in Hawaii varies slightly from county to county and is discussed in more detail below. Note that several of the county development plans are in the process of being updated. The urban growth boundaries or areas, and associated acreage will change as the plans are updated.

4.3.1.1 COUNTY OF HAWAII GROWTH AREAS

The County of Hawaii’s general plan is undergoing a comprehensive review and update. Accordingly, the urban growth areas in the County of Hawaii have been interpreted from the current General Plan Land Use Pattern Allocation Guide (LUPAG) maps (2005, as amended), which indicates the general location of various land uses in relation to each other, but does not demarcate any urban growth boundaries. For the purposes of this report, the urban growth areas for the County of Hawaii are defined to include the following land use categories: Low, Medium, and High Density Urban; Urban Expansion; Resort and Resort Node; University Use; and Industrial. All of these uses require a full range of urban-type services, as described above.

4.3.1.2 CITY AND COUNTY OF HONOLULU GROWTH AREAS

The City and County of Honolulu is comprised of eight development plans or sustainable communities plans. All of the plans, except for the Koolau Loa Sustainable Communities Plan, include a definition of an "Urban Community Boundary" or a "Community Growth Boundary," the equivalent of an urban growth boundary. The Koolau Loa Sustainable Communities Plan establishes only rural community, agriculture, and preservation boundaries.

The urban community boundaries and community growth boundaries in the City and County of Honolulu typically include the following land use categories: Residential, Apartment, Commercial, Industrial, or Mixed-use.

4.3.1.3 COUNTY OF KAUA'I GROWTH AREAS

The County of Kauai General Plan was adopted in 2018, establishing long range priorities for growth management and community development on Kauai. Noteworthy, the Kauai General Plan Update, Kauai Kakou, received the 2019 Daniel Burnham award, the most prestigious honor bestowed by the National American Planning Association for excellence in comprehensive planning.

The General Plan land use map establishes Urban Edge Boundaries intended to limit urban sprawl. It defines where higher density urban development should be contained. Areas outside the Urban Edge Boundary are intended for lower density land uses such as open, conservation
and agriculture. The General Plan establishes Urban Edge Boundaries in the vicinity of Lihue-Hanamaulu area.

Urban growth areas elsewhere on the island are depicted by the following land use categories: Residential Community, Urban Center, Neighborhood Center, Neighborhood General, Large Town, Small Town, Plantation Camp, Resort, University Zone, Industrial and Transportation.

4.3.1.4 COUNTY OF MAUI GROWTH AREAS

The Countywide Policy Plan (2010) provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. It provides the policy framework for the development of the Maui Island Plan and the nine Community Plans.

On the island of Maui, where 85% of the county’s population is located, the urban growth areas are defined by the Maui Island Plan (2012). The Plan establishes three types of growth areas: Urban, Small Town, and Rural. All three types of growth boundaries take into account future growth projections through 2030, the availability of infrastructure and services, environmental constraints, and an approximate density of land development to determine the placement of the boundary.

Because the Small Town Growth Boundaries encompass areas that are less intensely developed than urban areas with fewer services and a lower level of infrastructure, and because the Rural Growth Boundaries are intended to identify and protect the character of Maui’s rural communities, this analysis only uses Urban Growth Boundaries.

Because the Islands of Lanai and Molokai are not included in the Maui Island Plan, which defines urban growth areas, the urban growth areas for each of these islands were instead interpreted from the land use designations of the Lanai Community Plan (1998) and the Molokai Community Plan (2001) respectively. The "urban-type" land uses included in the urban growth areas are the following: Airport, Business Industrial, Business/Commercial, Business/Multi-family, Heavy Industrial, Hotel, Light Industrial, Multi-family Residential, Park, Park (Golf Course), Project District, Public, Road, Rural/Light Industrial, Service Business Residential, Single Family Residential.

Because there are no truly urban areas on Lanai or Molokai, the term "urban growth boundary" does not apply, and as such, the term "Urban Character Community Plan Designation" has been used instead. This term more appropriately suits the purpose and intent of the desired representation.

4.3.2 LANDS NOT IN THE STATE URBAN DISTRICT BUT WITHIN THE COUNTY GROWTH AREA

Based on how urban growth areas are defined for each county, this section examines lands that are planned by the county for urban growth but are not within the State Urban District. For this analysis, the State Land Use Urban District was overlaid with the counties' urban growth areas
defined above. Maps showing the location of lands not in the State Urban District but within the county growth area on each island follow the text descriptions.

4.3.2.1 COUNTY OF HAWAII

The overlay shows there are a total of 41,509 acres of lands that are planned by the County of Hawaii for urban growth, but which are not within the State Urban District.

In the South Kohala District, there are 16,148 acres of lands planned for urban growth but are not within the State Urban District. These non-Urban areas are dispersed throughout the planning area and include the large undeveloped areas near Waikoloa and Waikui, and the pockets of residential areas along Kawaihae Road, from Queen Kaahumanu Highway to eastern Waimea.

In the North Kona District, the 11,502 acres of land that are county-planned for growth but are outside the Urban District are dispersed throughout southern Kalaoa, northern Kailua-Kona, Holualoa, and Kealakekua. There is also a small pocket of such land in Puuanahulu.

The South Hilo District contains 8,865 acres of such land, and it is located along the outskirts of Hilo and along the coast. There are significant areas of such land mauka of Hilo, south of Kaumana Drive; and southeast of Hilo International Airport.

In the remaining planning districts, the amount of land that has been planned for growth by the county but is not within the Urban District is much smaller. The North Kohala District contains 1,884 acres, the Hamakua District contains 1,800 acres, the South Kona District contains, 843 acres, and the smallest such land areas are in the North Hilo District, wherein there are 467 acres of land that have been county-planned for growth but are not within the Urban District.

4.3.2.2 CITY AND COUNTY OF HONOLULU

The overlay shows that there are 9,275 acres of land that are planned by the City for urban growth but are not located within the State Urban District.

The Central Oahu region contains the largest amount of such lands, wherein 3,690 acres are within the City’s growth boundaries but are not within the State Urban District. Much of these areas are expected to remain as open space (e.g. Wahiawa Reservoir, Patsy T. Mink Central Oahu Regional Park, Makalena Golf Course, Waipio Soccer Park). The overlay also includes Waipio Acres and major planned communities on Waiawa Ridge.

In Ewa, there are 2,507 acres of lands planned for urban growth but are not within the State Urban District. These non-Urban areas include open areas such as the Makakilo Quarry west of the H-1 Freeway, Hawaii Prince Golf Club, and the Waimanalo Gulch Sanitary Landfill. Smaller non-Urban areas include the undeveloped lands in the following areas: south of Kapolei Parkway and east of Ka Makana Alii shopping mall; south of Makakilo and north of the H-1 Highway; and adjacent to the Campbell Industrial Park in Kualoa.

The North Shore contains 1,826 acres of land that have been planned for growth by the county but are not classified in the Urban District. Such land is located in the vicinity of Waialua and
Haleiwa, portions of which are in agricultural production. The majority of the residential lots in Pupukea are also not in the Urban District.

The remaining five planning areas each contain 500 acres or less of land that have been planned for growth but are outside the Urban District. The Koolauloa region contains 500 acres, the Primary Urban Center District contains 374 acres, the Koolaupoko District contains 167 acres, the Waianae District contains 125 acres, and the East Honolulu District contains the least amount of non-Urban land within the urban growth boundary – 88 acres. This non-Urban land in East Honolulu is primarily confined to Koko Head Park.

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4.3.2.3 COUNTY OF KAUAI

The overlay shows there are a total of 4,701 acres of land that are planned by the county for urban growth but are not within the State Urban District.

The largest such land area is in the Kapaa-Wailua District, wherein 1,451 acres are county-planned for growth but are not in the State Urban District. A large portion of this land is located in southern Anahola, and is owned by the Department of Hawaiian Home Lands. Other large concentrations of such land are found west of Wailua town, in the vicinity of the Wailua Homesteads; in the area west of Pono Kai Resort and south of Highway 581; and in the agricultural area in western Kapaa, directly south of Kawaihau Road, west of Kaehulua Road, and east of Kaapuni Road.

The Koloa-Poipu District contains 1,403 acres of land planned for urban growth but not within the State Urban District. These non-Urban areas are scattered throughout the district, and are found in the residential area of Omao, the undeveloped area surrounding Ola Pua Road, and the undeveloped areas in Kalaheo and Koloa.

The remaining four planning districts contain significantly less land that has been planned for growth by the county but is outside the Urban District. The Lihue District contains 603 acres, the North Shore District contains 576 acres, and Waimea-Kekaha District contains 282 acres, and the smallest concentration of such land is in the Hanapepe-Eleele District, which contains 282 acres.

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4.3.2.4 COUNTY OF MAUI

The overlay shows that there are 7,787 acres of land on Maui that are planned for growth but are not located within the State Urban District.

This land is primarily concentrated in three planning areas: Kihei-Makena, Lahaina, and Wailuku-Kahului. In Kihei-Makena, 3,295 acres are county-planned for growth but are not within the State Urban District. Such land is scattered throughout the planning district, but is principally found in the following areas: mauka of Piilani Highway in northeastern Kihei (at the location of planned mixed-use Kihei Mauka development); Wailea Golf Club in Wailea-Makena; Airport Village along Mokuleia Highway; the undeveloped land along Kuhihelani Highway in Waikapu Valley; and the undeveloped land surrounding the commercial industrial center along Mokulele Highway.
The Lahaina region includes 2,085 acres of land within the county-designated growth area that are not classified as State Urban. In Lahaina, the non-Urban land is located mauka of Honoapiilani Highway, primarily in the undeveloped lands surrounding the Lahaina Recreation Center Park, and including the recreation park. In Kaanapali, the non-Urban land is located in the undeveloped agricultural lands mauka of Honoapiilani Highway, in the planned mixed-use growth area of Kaanapali Town, as identified in the Maui Island Plan.

In Wailuku-Kahului, the non-Urban lands are also scattered throughout the planning district. Significant concentrations of such land are found along the edges of the Urban Growth Area and at the site of the Central Maui Landfill Refuse and Recycling Center.

The Makawao-Pukalani-Kula region contains 613 acres, and neither the Hana District nor the Paia-Haiku District contain any such land.

Based on the Urban Character Community Plan Designation, there are 741 acres of non-Urban land on Lanai. This land is found in the Manele Golf Course, the Koele Golf Course, the undeveloped land on the west side of Lahaina Town, and in the urban-character areas along Kaumalapau Highway.

Based on the Urban Character Community Plan Designation, there are 1,681 acres of non-Urban land on Molokai. Such areas include Ilia Point on northwest corner of the island, the undeveloped land surrounding Maunaloa, the Molokai Airport, and the numerous dispersed parcels between Umipaa and Kaunakakai.

4.3.2.5 DISCUSSION

Statewide, the amount of lands that lie within the county-designated urban growth areas but are not classified as State Urban District totals 65,792 acres. The majority of lands in this category, 41,509 acres or 63% of the Statewide total, is in Hawaii County.

In the City and County of Honolulu (City), 9,275 acres are within the urban and community growth boundaries but not classified in the Urban District. Much of these lands are unlikely to be developed, including open areas such as the Wahiawa Reservoir, Patsy T. Mink Central Oahu Regional Park, Hawaii Prince Golf Course, Makakilo Quarry and the Waimanalo Gulch Sanitary Landfill.

On the Island of Maui, land in this category are primarily concentrated in the Kihei-Makena, Lahaina, and Wailuku-Kahului Districts, and include the planned mixed-use Kihei Mauka development, Wailea Golf Club, Airport Village, undeveloped land surrounding the Lahaina Recreation Center Park, including the park, and the planned mixed-use growth area of Kaanapali Town.
Map 14: Hawaii – Lands within Urban Growth Boundary not Classified as State Urban
Map 15: Oahu – Lands within Urban Growth Boundary not Classified as State Urban
Kauai
Lands within Urban Growth Areas not Classified as State Urban

- Development Plan
- Major Roads
- Lands not Classified as State Urban (3,555 ac)***

*Federal lands have been removed from this analysis
**Urban Growth Area uses include the following General Plan land use designations: Urban Center, Residential Community, Resort, and Transportation.
Map 17: Maui – Lands within Urban Growth not Classified as State Urban
Map 18: Lanai – Lands within Urban Character Community Plan Designations not Classified as State Urban

[Map Image]
Map 19: Molokai – Lands within Urban Character Community Plan Designations not Classified as State Urban
4.3.3 LANDS IN THE STATE URBAN DISTRICT OUTSIDE THE COUNTY GROWTH AREA

This section identifies lands that lie beyond or outside of the County-designated growth areas but are classified as State Urban. The analysis involved overlaying the County-designated growth areas onto the State Urban District to examine the relationship between State and County designations. The resulting areas indicate inconsistencies between State and county land use designations.

4.3.3.1 COUNTY OF HAWAI'I

The overlay shows that there are 7,355 acres of State Urban land located outside the urban growth area in the County of Hawai'i.

In general, these lands are located along the coast and the periphery of the urban growth areas (in small slivers or segments), except in the North Kona District, wherein there are 2,706 acres of such land, the most of any planning district in the county. Such land includes Honokohau Marina and the undeveloped land south of the marina. Other large concentrations of such land include: the undeveloped land east of the Kona International Airport, between the agricultural area and the residential subdivision; and the Old Kona Airport State Recreation Area and the westernmost segment of Kuakini Highway.

In the South Kohala District, there are 1,782 acres of State Urban land outside the county's growth area. As noted above, these lands are primarily located along the coast and periphery of the urban growth areas, however there are small concentrations of Urban land near along Queen Kaahumanu Highway near Puako, in the undeveloped area south of Waikui, and along Waikoloa Road south of Waikoloa Village.

In the South Hilo District, there are 992 acres of State Urban land outside the urban growth area. The Hilo Municipal Golf Course accounts for a large portion of this land (186 acres, or one-fifth of the State Urban land outside the urban growth area in South Hilo). The remaining acreage in South Hilo lies along the shoreline and in Downtown Hilo's Wailoa River State Park, Bayfront Park, Hoolulu Park, Liliuokalani Park and Gardens, Banyan Golf Course, and Naniloa Volcanoes Golf Club.

In the North Kohala District, there are 656 acres of such land, which is located in small pockets in the vicinity of Hawi and Kapaa. There are larger concentrations of this land in the rural residential area north of Kawaihae.

The remaining planning districts contain significantly less acreage. The Kau District contains 520 acres, the Puna District contains 253 acres, the North Hilo district contains 206 acres, the South Kona District contains 157 acres, and the Hamakua District contains 83 acres.
4.3.3.2 CITY AND COUNTY OF HONOLULU

The overlay shows that there are 9,279 acres of State Urban land located outside the urban growth boundary in the City and County of Honolulu.

The largest such land area is in the Koolaupoko District, wherein 4,108 acres of State Urban land are outside the county-designated growth boundary. Within this district, the Urban land is primarily concentrated in Kahaluu and Heeia. Note that a portion of Heeia includes an estuary that has been designated as a National Estuarine Research Reserve (NERR). As a NERR site, there will be no restrictions to the cultural, recreational, or commercial activities that currently occur or apply to the area. Other Urban areas outside the growth boundary in this district include: the commercial businesses along Kapaa Quarry Road; the residential area of Maunawili; the residential area along Old Kalianianaole Road between Kailua and Waimanalo; Olomana Golf Club in Waimanalo; Sherwood Beach in Waimanalo; the Honolulu Polo Club in Waimanalo; and Waimanalo Beach Park.

The Waianae District contains 2,444 acres of State Urban land outside the county-designated growth boundary. The majority of such land in this planning area is concentrated in Makaha Valley, and includes all residential and commercial activities in the valley. Such land is also found in Nanakuli, on the large vacant undeveloped parcel owned by PVT Land Company, situated along Lualualei Naval Road.

The East Honolulu District also contains a significant amount of such land, amounting to 1,007 acres. This land is located primarily in the upper reaches of the valleys, notably in the area adjacent to Kamilo Nui Valley in Hawaii Kai. There is also ample Urban District land outside the City's growth boundary south of Makapuu Beach and north of the Hawaii Kai Golf Course.

Similar to East Honolulu, the majority of the Urban land outside the county growth boundary is located in the upper valleys. Specifically, such land is located in the vicinity of Pearl City, Aiea, Halawa, Kaliihi Valley, Nuuanu, and the Waahila Ridge State Recreation Area.

In the Koolaupoa District, there are 475 acres of such land, in the Central Oahu District, there are 350 acres, and in the North Shore District, there are 244 acres. The Ewa District contains the least amount of State Urban land outside the urban growth boundary, totaling 23 acres.

4.3.3.3 COUNTY OF KAUI

The overlay shows that there are a total of 3,697 acres of land classified as State Urban outside the county's growth areas.

The planning area containing the greatest amount of such land is the North Shore District, wherein there are 1,097 acres of such land. This area is primarily comprised of the Ocean Nine and Princeville Golf Courses as well as gulches. The coastal area makai of Weke Road in Hanalei Bay is also included in this area.

Similarly, in the Lihue District, the 862 acres of land classified as State Urban but outside the county's growth area is primarily comprised of golf courses, including the Puakea Golf Course and Marriott's Kauai Lagoons, as well as gulches.
In the Hanapepe-Eleele District, there are 578 acres of this land, in the Koloa-Popu District, there are 566 acres, and in the Kapaa-Wailua District, there are 337 acres. The Waimea-Kekaha District contains the least amount of such land, totaling 257 acres. This land lies along the coastline, at the periphery of the urban area (north of Waimea, near Kamenehune Ditch), and where there is existing residential development, such as in Pakala Village.

4.3.3.4 COUNTY OF MAUI

The overlay shows that there are a total of 1,982 acres of land classified as State Urban but outside the county’s urban growth boundary on Maui.

The district containing the greatest amount of such land is the Lahaina District, in which there are 899 acres of State Urban land outside the growth boundary. The majority of this land is concentrated in the undeveloped area north of Lahainaluna High School, mauka of the northern Lahaina residential subdivision. The remaining acreage of such land appears as slivers along the shoreline.

In the Wailuku-Kahului District, there are 724 acres of State Urban land outside the county-designated growth boundary. This land is located primarily along the shoreline, and includes the Maui Country Club (in Spreckelsville), the undeveloped land mauka of the country club (in Spreckelsville), the nonresidential area adjacent to the Kahului Airport, the open space area surrounding the Church of Christ Maui (in Paukukalo), and the undeveloped land mauka of the Waihee Coastal Dunes and Wetlands Refuge.

The remaining planning districts of Paia-Haiku, Makawao-Pukalani-Kula, Kihei-Makena, and Hana all contain significantly less Urban land outside the county growth boundary, with less than 200 acres of such land in each district.

Based on the "Urban Character Community Plan Designation," there are 1,062 acres of State Urban land outside of this designation on Lanai. This land is found primarily along the eastern shoreline, near the Waiopa Gulch, Lopa, and the Naha Gulch.

Based on the "Urban Character Community Plan Designation," there are 805 acres of State Urban land outside of this designation on Molokai. This land is found primarily along the shoreline, near Kepuhi Beach and Ulalue. The town of Kalaupapa is entirely within the State Urban District, but outside "Urban Character Community Plan Designation." There is also some Urban land near the Molokai Museum and Cultural Center in Kualapuu that lies outside of the urban character designation.
4.3.3.5 DISCUSSION

In total, there are 22,313 acres of land which are classified as Urban but lie outside of the county urban growth boundaries. These lands comprise 7,355 acres in the County of Hawaii, 9,279 in the City & County of Honolulu, 3,697 acres on Kauai County, and 1,982 acres in the County of Maui.

In the establishment of Urban District boundaries, HRS § 205-2 (a)(1) directs that “a sufficient reserve area for foreseeable urban growth shall be included.” Lands that are in the Urban District but not included within the county growth boundaries would indicate that the counties are not considering urban growth and development of these lands in the foreseeable future – general plans are typically undertaken for long-range, 20-year time periods and provide for sufficient lands to accommodate projected growth. Accordingly, subject to further inspection, these lands within the Urban District but not planned by counties for growth could be candidates for downzoning to the Agricultural, Rural, or Conservation Districts, as they are not needed by the counties for urban expansion.
Map 21: Oahu – Lands Classified as State Urban Outside Urban Growth Boundary
Map 23: Maui – Lands Classified as State Urban Growth Areas
Map 24: Lanai – Lands Classified as State Urban Outside Urban Character Community Plan Designations
Map 25: Molokai - Lands Classified as State Urban Outside Urban Character Community Plan Designations
4.3.4 VACANT LANDS IN THE STATE URBAN DISTRICT

This section examines vacant undeveloped lands in the State Urban District. It is intended to show the amount and location of potentially developable lands within the State Urban District. The primary tool for this GIS analysis is the National Oceanic and Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP), which uses aerial photographic maps to identify developed areas. The high-resolution C-CAP includes 23 categories of land cover; this exercise utilized two of the 23 categories: Impervious and Open Space Developed. The Impervious class contains low, medium, and high intensity developed urban or built-up lands, such as single-family housing areas, multi-family housing areas, and urban centers. The Open Space Developed class contains areas with a mixture of some constructed materials, but mostly managed grasses or low-lying vegetation planted in developed areas for recreation, erosion control, or aesthetic purposes. The exercise removed the Impervious and Open Space Developed lands from the analysis, and what remained was vacant land in the Urban District.

Note, however, that because the C-CAP analysis uses satellite imagery (without regard for parcel or other man-made boundaries) and identifies areas that are not identified as Impervious or Open Space Developed. As such, some of the acreage in this analysis does include vacant land on portions of lots that have already been developed, and may not actually be available for additional development. For example, on a residential lot that contains a single-family home, the C-CAP may identify the backyard or front yard as vacant undeveloped land, while in fact, those areas are not available for additional development. The acreage reported in this exercise, then, is simply a reporting of the undeveloped land in the Urban District, irrespective of whether the land may actually be available for further development.

Note also that lands with greater than 20 percent slope have been excluded from this analysis. Streams and gulches (with a slope less than 20 percent), however, have not been removed from this analysis.

4.3.4.1 COUNTY OF HAWAII

There are 30,740 acres of vacant land in the State Urban District in the County of Hawaii.

The North Kona planning area contains the most vacant land in the State Urban District in the County, totaling 11,829 acres. The vacant land is dispersed throughout the planning district, but is heavily concentrated in Kalaa, directly east of the Kona International Airport, on either side of Kaiminani Drive. The vacant urban land then extends south along the coast to Kahaluʻu-Keahou, to the southern end of the Kona Country Club. There is also ample vacant land in the vicinity of Kukio, primarily west of Queen Kaahumanu Highway.

The South Kohala planning area also contains a large amount of vacant land, with 6,964 acres in the State Urban District. Vacant lands are located in the vicinity of Waikoloa Village, specifically north and south of Waikoloa Village, and in the area makai of Waikoloa but mauka of Queen Kaahumanu Highway, along Waikoloa Road. There is also some vacant Urban land surrounding the Francis H. L’i Brown Golf Courses and Mauna Lani Resorts which are situated south of Puako.
and makai of Queen Kaahumanu Highway. Waikui also contains ample vacant Urban land, mauka and makai of Queen Kaahumanu Highway.

In the Puna District, there are 4,578 acres of vacant Urban land dispersed throughout the planning area, in Keaau, Hawaiian Beaches, Nanawele Estates, and Volcano. In the South Hilo District, there are 3,835 acres of vacant Urban land scattered throughout Hilo, however, there are concentrations of such land in the vicinity south of the Hilo International Airport, surrounding the residential subdivisions along Kaumana Drive, and in the vicinity south of Puainakao Street.

The South Hilo District also contains a large amount of vacant land, totaling 3,835 acres. While there are small areas of vacant Urban land all along the shoreline, the areas with significant amounts of such land are directly south of the Hilo International Airport; in the vicinity of Kaumana Drive; in the vicinity of University of Hawaii – Hilo; and throughout the residential area of south Hilo.

The North Kohala District contains 1,587 acres of such land, the Kau district contains 921 acres, the Hamakua District contains 489 acres, the South Kona District contains 370 acres, and the North Hilo District contains 206 acres.

4.3.4.2 CITY AND COUNTY OF HONOLULU

There are 22,250 acres of vacant land in the Urban District in the City and County of Honolulu.

The Ewa District contains the greatest amount of such land, amounting to 7,976 acres. This land is primarily concentrated in two areas. One area is in the vicinity of east Kapolei, makai of the H1 Freeway and along Kualakai Parkway. Large landowners in this area include D.R. Horton-Schuler Homes, who is developing the 1,600-acre master-planned, transit-oriented development, mixed-use community of Hoopili, and the State of Hawaii (University of Hawaii - West Oahu, Department of Land and Natural Resources, and the Hawaii Housing Finance and Development Corporation). The other large area of vacant Urban land in the Ewa District is located in the industrial area between Ko Olina and Kalaeloa, makai of Barbers Point Harbor. There are also scattered areas of vacant land near Makakilo, Kalaeloa, and along the coast.

The Central Oahu District also contains a large amount of vacant land in the Urban District, amounting to 3,770 acres. There are three areas in which this land is primarily concentrated. Two such areas are in the vicinity of Waipio, east and west of the H2 Freeway. The vacant land west of the freeway is the Castle and Cooke's Koa Ridge development, a 576-acre master-planned mixed-use community. A portion of the vacant land east of the H2 Freeway is the future Castle and Cooke's Waiawa development. In 2020, Kamehameha Schools revised its Waiawa master plan to develop 2,010 acres of residential and commercial uses.

The third area in which significant portions of vacant Urban land is located is the Royal Kunia Phase II area located north of Royal Kunia/Village Park and is bounded by Kunia Road on the west and Kipapa Stream on the east. As in the Ewa District, there are also scattered areas of vacant land throughout the remainder of the Central Oahu District.
The Koolaupoko District and the Primary Urban Center District also contain significant amounts of vacant land in the Urban District, however, unlike in the Ewa and Central Oahu Districts, vacant land in Koolaupoko and the Primary Urban Center is generally located on lots that have already been developed, and likely contain a private residential structure. In Heeia, however, there is a large area of vacant, undeveloped land located makai of Kahekili Highway and mauka of Kamehameha Highway, directly mauka of the Heeia Pond. Note that the majority of this site was designated as a National Estuarine Research Reserve (NERR) and is protected for long-term research, water-quality monitoring, education, and coastal stewardship. It is not a ban on existing uses or activities in the area. More information on the site selection and nomination process can be found at http://planning.hawaii.gov/czm/initiatives/nerrs-site-proposal-process/.

The Primary Urban Center District also contains a significant amount of vacant Urban land, totaling 3,204 acres, however, similar to the Koolaupoko District, many of the lots on which this land is located have already been developed, and what remains is a vacant front or back yard. In the non-residential areas, there are potentially numerous underdeveloped parcels.

The Waianae District contains 1,673 acres of vacant Urban land, while the East Honolulu District contains 957 acres, the North Shore District contains 664 acres, and the Koolauloa District contains the least amount of vacant Urban land, amounting to 582 acres.

4.3.4.3 COUNTY OF KAUA`I

The County of Kauai contains 4,263 acres of vacant land in the State Urban District.

The Koloa-Poipu District contains the most vacant Urban land in the county, with 1,246 acres of such land. Large areas of vacant land can be found in Poipu, along the east and west sides of Poipu Road, specifically, in the vicinity of Kiahuna Golf Club, extending mauka to Smith Ditch, and makai of Kukuiula Golf Course, extending to Ala Kinoiki. There are also pockets of vacant Urban land in Kalaheo and Lawai.

In the Lihue District, there are 1,130 acres of vacant land in the Urban District. These lands are primarily located in the vicinity of the Lihue Airport, along north and south side of Ahukini Road. There is also a significant area of vacant Urban land directly northwest of the airport, and northeast of King Kaumaulii Elementary School. Smaller parcels of vacant Urban land also lie along the Nawiliwili Stream, and elsewhere throughout the planning district.

In the Kapaa-Wailua District, there are 632 acres of vacant land in the Urban District. Such land is concentrated in the vicinity of Anahola Bay, Kapaa, Wailua, and Wailua Homesteads. In Kapaa, significant parcels are located north of Kapaa Town Park; at the northern intersection of Cane Haul Road and Kuhio; along Laipo Road; makai of Kapaa High School; and directly east of the Kapaa Shopping Center.

The North Shore District contains 488 acres, while the Waimea-Kekaha District contains 397 acres, and the Hanapepe-Elele District contains the least amount of vacant Urban land, amounting to 371 acres. Such land is located primarily in the vicinity of the Port Allen Airport and in Elele.
4.3.4.4 COUNTY OF MAUI

In the County of Maui, there are a total of 11,400 acres of vacant land in the State Urban District. The Island of Maui contains the greatest amount of such land, with 8,736 acres, while Lanai and Molokai contain 1,313 acres and 1,352 acres respectively.

On the Island of Maui, the Wailuku-Kahului, Lahaina, and Kihei-Makena District contain the greatest amount of vacant Urban land. In Wailuku-Kahului, a large area of vacant land extends from southeastern edge of Waikapu, along Kuiliana Highway, to the southern edge of Wailuku, near Maui Memorial Park. This area is bounded by residential subdivisions to the north, and agricultural lands to the south. Nearby, also in southern Wailuku, there is another large area of vacant Urban land, directly west of Puu Kukui Elementary School. There is also vacant Urban land in Spreckelsville, makai of Hana Highway; in Puunene, south of the Maui Marketplace; in Pauukalao, west of Kahekili Highway; and elsewhere throughout the planning district in smaller concentrations.

In the Lahaina District, there are 2,624 acres of vacant Urban land. This land is primarily concentrated between Lahaina and Kaanapali, mauka of Honoapiilani Highway. There are also smaller pockets of vacant Urban land in Kaanapali, mauka of the residential subdivision; throughout Napili-Honokowai, mauka of Honoapiilani Highway; and in Kapalua, mauka of Honoapiilani Highway, however, the land in this area is punctured with gulches and there are few contiguous land areas.

In the Kihei-Makena District, there are 2,411 acres of vacant land in the Urban District. Such land is dispersed throughout the planning area, however, there is a large concentration of vacant land in Wailea, mauka of the Grand Wailea Resort. There are also significant vacant parcels in Kihei, located adjacent to Kihei Regional Park; along Lipoa Parkway; makai of Safeway along Liloa Road; and south of the shopping center at Piilani Highway and Ohukai Road. There is also a strip of vacant Urban land in northern Kihei, between Waialakoa Gulch and the residential subdivision, extending from the coast to the eastern edge of the subdivision.

The remaining planning districts contain significantly less vacant Urban land. The Makawao-Pukalani-Kula District contains 559 acres, and Paia-Haiku District contains 304 acres, and the Hana District contains the least amount of vacant land in the Urban District, amounting to 108 acres.

On the Island of Lanai, there are 1,313 acres of vacant land in the Urban District. Such land is dispersed throughout Lanai City, and otherwise found along the coast in Manele; in the vicinity of Waiopae Gulch; extending from Makawao to Kikoa Point; and in the vicinity of Kapua.

Similar to the Island of Lanai, the Island of Molokai contains 1,352 acres of vacant land in the Urban District. In general, there are significant concentrations of vacant land in all Urban areas on the island, save for Kualapuu and Maunaloa.
4.3.4.5 DISCUSSION

The results of this analysis of vacant lands based on satellite aerial imagery analysis show there are significant amounts of undeveloped lands within the Urban District on all islands, including approximately 22,500 acres on Oahu, 4,263 acres on Kauai, 8,736 acres on Maui, and 30,740 acres on Hawaii Island, for a total of 68,654 acres Statewide.

Table 38: Undeveloped Lands within the State Urban District

<table>
<thead>
<tr>
<th>Island</th>
<th>Undeveloped Lands</th>
<th>Total Urban Land</th>
<th>% Undeveloped</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kauai</td>
<td>4,263</td>
<td>14,865</td>
<td>28.68%</td>
</tr>
<tr>
<td>Oahu</td>
<td>22,250</td>
<td>104,232</td>
<td>21.35%</td>
</tr>
<tr>
<td>Molokai</td>
<td>1,352</td>
<td>2,287</td>
<td>59.12%</td>
</tr>
<tr>
<td>Lanai</td>
<td>1,313</td>
<td>3,039</td>
<td>43.21%</td>
</tr>
<tr>
<td>Maui</td>
<td>8,736</td>
<td>22,928</td>
<td>38.10%</td>
</tr>
<tr>
<td>Hawaii</td>
<td>30,740</td>
<td>56,348</td>
<td>54.55%</td>
</tr>
<tr>
<td>Total</td>
<td>68,654</td>
<td>203,699</td>
<td>33.70%</td>
</tr>
</tbody>
</table>

It should be noted that the C-CAP aerial imagery analysis has limitations, but closer inspection can discern the large tracts which are planned but not yet developed by the private and public owners or reveal potential areas for infill development opportunities.
Map 26: Hawaii – Vacant Land in the Urban District
Map 27: Oahu - Vacant Land in the Urban District
Map 28: Kauai - Vacant Land in the Urban District

Kauai Vacant Land in the Urban District

County Development Plan Areas
Vacant Land in the Urban District (4,263 ac)*

Urban District
Land with slope greater than 20% and Federal land has been removed from the analysis.
Map 29: Maui - Vacant Lands in the Urban District

*Land with slope greater than 20% and Federal land has been removed from the analysis.*
Map 30: Lanai - Vacant Land in the Urban District

- County Community Plan Area
- Major Roads
- Urban District
- Vacant Land in the Urban District (1,313 ac*)

*Land use that is greater than 20% and Federal land has been removed from the analysis.
Map 31: Molokai - Vacant Land in the Urban District

- Molokai Vacant Land in the Urban District
- County Community Plan Area
- Major Roads
- Vacant Land in the Urban District (1,352 ac)\(^*\)

\(^*\) Land with slope greater than 20% and Federal and State land has been removed from the analysis.
4.4 STATE RURAL DISTRICT

4.4.1 STATE RURAL DISTRICT LANDS BY COUNTY AND PLANNING AREAS

This section discusses the acreage and location of State Rural District lands within each county.

Rural Districts are composed primarily of small farms intermixed with low-density residential lots with a minimum size of one-half acre. Jurisdiction over the Rural District is shared by the State Land Use Commission and county governments. Permitted uses include those relating or compatible to agricultural use and low-density residential lots.

4.4.1.1 COUNTY OF HAWAI'I

There are a total of 1,611 acres of State Rural District land in the County of Hawai'i. The Rural District includes parts of Kapaa and Halawa in North Kohala; Ninole in North Hilo; Eleven-Mile Homestead and small areas near Pahoa in Puna; Kealia in South Kona and mauka Keauhou, Kahaluu, and Holualoa in North Kona.

The South Kohala District contains the greatest amount of such land, totaling 845 acres. The Hamakua District contains the least of such land, totaling 13 acres.

4.4.1.2 CITY AND COUNTY OF HONOLULU

There are no State Rural District lands in the City and County of Honolulu – there are only State Urban, Agriculture, and Conservation District lands in the county.

4.4.1.3 COUNTY OF KAUAI

There are a total of 1,374 acres of land in the State Rural District in the County of Kauai, the least of all counties in the state. The rural lands are dispersed throughout the county, and appear in all planning districts. The Kapaa-Wailua District contains the most rural land, amounting to 580 acres. Such land is primarily found in the western areas of Wailua, along Kuamoo Road and among the Wailua Homesteads residential subdivision.

The Koloa-Poipu District also contains a large amount of Rural District land, amounting to 426 acres. This land is situated primarily in the residential area of Omao, along the Omao Stream. The residential area north of Kala'au, along Puuwai Road, also contains some Rural District land. The Hanapepe-Eleele and Lihue Districts contain the least amount of Rural District land, amounting to 58 and 6 acres respectively.

There Island of Niihau does not contain any State Rural District land.
4.4.1.4 COUNTY OF MAUI

There are a total of 4,197 acres of State Rural lands on the Island of Maui, the most of all islands in the State. There are scattered pockets of Rural-designated lands throughout the island, but they are primarily located in the Makawao-Pukalani-Kula District, wherein there are 2,349 acres of Rural lands. The Kihei-Makena and Hana Districts contain 577 and 507 acres of Rural land respectively.

On Lanai, there are a total of 2,074 acres of Rural land.

On Molokai, there are a total of 1,793 acres of Rural land, which is concentrated in three areas along the coast: at Umipaa; along the southeast coast between Kaluaaha and Waialua; and the area north of Ke Nani Kai Resort.

4.4.1.5 DISCUSSION

There is limited use and comparatively low acreage in the Rural district – 11,600 acres total or 0.3% of all lands in the State. The Rural District was defined after the original district boundaries were established upon the request of small landowners. In the establishment of the original district boundaries in 1963-64, plantation towns and rural centers were designated Urban, even though urban land use and development standards are inappropriate for use in the context of rural settlements and rural infrastructure. All working and open lands not designated as Conservation were designated Agricultural, even if they had little agricultural resource value. Currently, less than one percent of land statewide is classified in the Rural District, with no Rural-designated lands on Oahu.
Map 32: Hawaii - Rural District Lands
Map 33: Kauai - Rural District Lands
Map 34: Maui - Rural District Lands
Map 36: Molokai - Rural District Lands
4.5 STATE AGRICULTURAL DISTRICT

4.5.1 IMPORTANT AGRICULTURAL LANDS

In 1978, a significant amendment to the Hawaii State Constitution was passed that sought to preserve and protect Hawaii’s agricultural resources. Article XI, Section 3 of the Constitution, requires the State to “conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands.” It was not until Act 183 in 2005, however, that the Important Agricultural Lands (IAL) Law was enacted pursuant to the Constitutional amendment. Provisions of the IAL Law are specified in Part III of HRS Chapter 205.

IAL is defined in HRS § 205-42(a) as those lands:

- capable of producing sustained high yields when treated and managed according to accepted farming methods and technology;

- contribute to the State economic base and produce agricultural commodities for export or local consumption; and

- are needed to promote the expansion of agricultural activities and income for the future, even if currently not in production.

IAL is intended to meet the following policy requirements under HRS, § 205-43:

(9) Promote the retention of important agricultural lands in blocks of contiguous, intact, and functional land units large enough to allow flexibility in agricultural production and management;

(10) Discourage the fragmentation of important agricultural lands and the conversion of these lands to nonagricultural uses;

(11) Direct nonagricultural uses and activities from important agricultural lands to other areas and ensure that uses on important agricultural lands are actually agricultural uses;

(12) Limit physical improvements on important agricultural lands to maintain affordability of these lands for agricultural purposes;

(13) Provide a basic level of infrastructure and services on important agricultural lands limited to the minimum necessary to support agricultural uses and activities;

(14) Facilitate the long-term dedication of important agricultural lands for future agricultural use through the use of incentives;

(15) Facilitate the access of farmers to important agricultural lands for long-term viable agricultural use; and
(16) Promote the maintenance of essential agricultural infrastructure systems, including irrigation systems.

The Land Use Commission (LUC) is authorized to designate IAL through a voluntary or a county-initiated process subject to LUC approval as set forth in Part III of HRS Chapter 205. The counties were prohibited from designating IAL until July 2011 after incentives for voluntary landowner designation had been established.

### 4.5.1.1 VOLUNTARY LANDOWNER IAL DESIGNATION

HRS § 205-45 allows farmers and landowners to file a petition to the LUC for a declaratory order to designate the lands as IAL. The option of voluntarily seeking designation of lands as IAL is accompanied by incentives such as grant assistance and tax credits for qualified agricultural costs. Importantly, if a majority of the landowner’s holdings are designated as IAL, HRS § 205-49(a)(3) provides that no additional lands may be designated as IAL. Since 2008, the LUC has received 18 petitions for voluntary IAL designation, of which 3 were withdrawn and 15 were approved. The lands voluntarily designated IAL by private landowners Statewide totals 136,489 acres, including 56,772 acres on Hawaii Island, 15,205 acres on Oahu, 37,410 acres on Kauai, and 27,102 acres on Maui.

<table>
<thead>
<tr>
<th>County of Hawaii</th>
<th>Owner</th>
<th>Acreage</th>
<th>District – Tax Map Key No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parker Ranch, Inc. (DR11-45)</td>
<td>56,772</td>
<td>Hamakua and South Kohala – (3) 4-4-015, (3) 4-4-014, (3) 6-7-001</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City &amp; County of Honolulu</th>
<th>Owner</th>
<th>Acreage</th>
<th>District – Tax Map Key No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Castle &amp; Cooke Homes Hawaii, Inc. (DR10-42)</td>
<td>679</td>
<td>Waialua, Wahiawa, and Waiekele – (1) 1-6-008, (1) 1-7-001, (1) 1-9-004</td>
<td></td>
</tr>
<tr>
<td>Trustees of the Estate of Bernice Pauahi Bishop dba Kamehameha Schools (DR14-52)</td>
<td>9,592</td>
<td>Kawaiola &amp; Punalu – (1) 6-1-005, (1) 6-1-006, (1) 6-1-007, (1) 6-2-009, (1) 6-2-010, (1) 6-2-011, (1) 5-3-001, (1) 5-3-003, (1) 5-3-004, (1) 5-3-007</td>
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</tr>
<tr>
<td>Monsanto Company (DR17-59)</td>
<td>1,550</td>
<td>Kunia – (1) 9-2-001, (1) 9-2-004</td>
<td></td>
</tr>
<tr>
<td>Hartung Brothers Hawaii LLC (DR18-61)</td>
<td>463</td>
<td>Kunia – (1) 9-2-004</td>
<td></td>
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<tr>
<td>Kualoa Ranch, Inc. (DR18-62)</td>
<td>762</td>
<td>Kaaawa – (1) 4-9-002, (1) 4-9-004, (1) 4-9-005, (1) 5-1-001, (1) 5-1-004, (1) 5-1-007</td>
<td></td>
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<tr>
<td>Malaekahana Hui West, LLC (DR18-63)</td>
<td>230</td>
<td>Kahuku – (1) 5-006-018</td>
<td></td>
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<tr>
<td>Robinson Kunia Land LLC (DR18-64)</td>
<td>1,239</td>
<td>Kunia – (1) 9-4-003, (1) 9-4-004</td>
<td></td>
</tr>
<tr>
<td>Pomaikai Partners, LLC (DR19-66)</td>
<td>690</td>
<td>Paalaa Uku, Haleiwa – (1) 6-4-001</td>
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</table>
### Voluntary Important Agricultural Lands Designations

#### County of Kauai

<table>
<thead>
<tr>
<th>Owner (LUC Docket No.)</th>
<th>Acreage</th>
<th>District – Tax Map Key No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexander &amp; Baldwin, Inc. (DR08-37)</td>
<td>3,773</td>
<td>Koloa and Waimea – (4) 1-9-001, (4) 1-9-002, (4) 1-9-003, (4) 2-1-001, (4) 2-2-001, (4) 2-3-004, (4) 2-3-010, (4) 2-4-006, (4) 2-5-004, (4) 2-5-006, (4) 2-5-010</td>
</tr>
<tr>
<td>Mahaulepu Farm LLC (DR11-43)</td>
<td>1,533</td>
<td>Koloa – (4) 2-9-001, (4) 2-9-003</td>
</tr>
<tr>
<td>Grove Farm Company, Inc. (DR12-48)</td>
<td>11,026</td>
<td>Haupu and Lihue – (4) 2-8-001, (4) 2-8-002, (4) 3-4-001, (4) 3-4-005, (4) 3-8-001, (4) 3-8-002</td>
</tr>
<tr>
<td>Trustees of the Estate of Bernice Pauahi Bishop dba Kamehameha Schools (DR13-50)</td>
<td>190</td>
<td>Hanalei – (4) 5-6-003, (4) 5-6-004, (4) 5-7-002, (4) 5-7-003</td>
</tr>
<tr>
<td>Robinson Family Partners (DR16-56)</td>
<td>20,888</td>
<td>Makaweli – (4) 1-7-001, (4) 1-7-005, (4) 1-7-006, (4) 1-8-001</td>
</tr>
</tbody>
</table>

#### County and Island of Maui

<table>
<thead>
<tr>
<th>Owner (LUC Docket No.)</th>
<th>Acreage</th>
<th>District – Tax Map Key No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexander &amp; Baldwin, Inc. (DR09-38)</td>
<td>27,102</td>
<td>Wailuku and Makawao – (2) 2-5-001, (2) 2-5-002, (2) 2-5-003, (2) 2-5-004, (2) 2-5-005, (2) 3-8-001, (2) 3-8-003, (2) 3-8-004, (2) 3-8-005, (2) 3-8-006, (2) 3-8-008</td>
</tr>
</tbody>
</table>

### 4.5.1.2 County of Hawaii

Hawaii County has yet to undertake its IAL designation process. There has been one voluntary private landowner designation approved by the LUC in Hawaii County for 56,772 acres by Parker Ranch in 2011.

### 4.5.1.3 City and County of Honolulu

The City and County of Honolulu (City) completed its IAL study in 2018, and the Honolulu City Council adopted the DPP’s IAL designation recommendations in June 2019. The Council resolution and report have been transmitted to the LUC and is pending review and hearings in 2021. The City is the first county to seek LUC approval of its IAL mapping and parcel recommendations.

The City used resource-based mapping in consultation with a technical advisory committee, focus groups and community meeting in deriving the IAL recommended lands. Lands which met any one of three IAL criteria – 1) currently in agricultural production, 2) soil qualities to support agricultural production, and 3) sufficient quantities of water – were considered eligible for IAL designation.

Of the 128,000 acres in the Agricultural District on Oahu, approximately 45,400 acres are being recommended for IAL designation, including high quality lands on Oahu most suited for farming. The majority of the recommended land is in Central Oahu (Mililani, Kunia and Wahiawa) and the
North Shore (Haleiwa and Waialua), along with several large tracts along the Waianae coast and in Windward Oahu.

From voluntary IAL designations since 2010, a total of 15,205 acres from voluntary landowner IAL designations have been approved by the LUC on Oahu. Including the 45,400 acres of IAL-recommended lands by the City, a total of approximately 67,600 acres or 52% of the Agricultural District lands on Oahu could be designated as IAL.

4.5.1.4 COUNTY OF KAUAÍ

In August 2015, Kauai County completed an IAL study as the initial step in the process of county designation of IAL lands. The study defined, operationalized, and mapped lands that meet the IAL criteria under Act 183. A system was developed to grade agricultural lands for potential IAL designation to prioritize lands of importance to the County. It also provided a legal review of Act 183 and related State and County policies to identify gaps and discrepancies. No specific IAL designation was recommended. It was intended that the maps of potential IAL candidates would be used in a subsequent process by the Kauai County Council to identify IAL for LUC approval.

The study developed one threshold for the amount of agricultural land needed for food self-sufficiency, a minimum of 21,158 acres. And within 10 years, it was anticipated that a maximum of 20,125 acres of additional land would be needed, for a total of 41,283 acres.

However, by the end of September 2016, there had been five voluntary landowner IAL designations approved by the LUC in Kauai County for a total of 37,410 acres. Subsequently, Kauai County determined that due to the amount of voluntary landowner IAL designations, no additional county-designated IAL is necessary at this time.

4.5.1.5 COUNTY OF MAUI

Maui County has awarded a contract in mid-2020 to a private consultant to prepare a report identifying and mapping lands suitable for IAL designation on Maui, Molokai, and Lanai. A two to three-year timeframe is anticipated for completion of Maui’s IAL designation. There has been one voluntary landowner IAL designation approved by the LUC in 2009 for 27,102 acres on the Island of Maui by A&B Inc. There have been no voluntary landowner IAL designations on Lanai and Molokai.
Map 37: Hawaii - Important Agricultural Lands
Map 38: Oahu - Important Agricultural Lands
Map 40: Maui - Important Agricultural Lands
4.5.2 AVAILABILITY OF GOOD AGRICULTURAL LANDS IN THE STATE AGRICULTURAL DISTRICT (OUTSIDE URBAN GROWTH AREAS)

This section examines the amount and location of good agricultural lands outside of the county growth boundaries. Good agricultural lands are defined here as Prime, Unique, or Other Important Agricultural Lands under the Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system, or as "A," "B," or "C" lands under the Land Study Bureau's (LSB) Detailed Land Classification system. The combined ALISH and LSB maps are provided below. Separate ALISH and LSB maps were also produced for each island and will be made available as online appendices for the boundary review study. Lands outside the county growth boundaries was selected to account for potential future growth and reclassification of Agricultural District in the areas planned by the counties for future growth.

The ALISH system is an agricultural productivity rating system adopted by the State of Hawaii Board of Agriculture in January 1977, intended to identify agriculturally important lands to provide decision-makers with a tool for use in agricultural preservation, planning, and development. The soil rating system considers soil properties, climatic factors, growing season, moisture supply, drainage, and crop yields. Soils rated under ALISH are classified as Prime, Unique, or Other Important Agricultural Land.

The LSB Overall Productivity Rating, Detailed Land Classification system is a soil productivity rating system in which soils are grouped into land types based on soil and productive capabilities. Factors considered for productivity include soil properties, topography, climate, technology, and crop type. Soils are rated from “A” (very good) to “E” (very poor/not suitable). “A” and “B” rated lands represent those areas with the highest agricultural productivity rating according to the LSB. Lands rated "C" are generally located immediately mauka of the "A" and "B" lands.

Lands with a slope greater than 20 percent have been removed from this analysis, as steep slopes limit agricultural use of those lands, and typically hinder machinery and labor operations due to geographic features such as ravines, gulches, and steep terrain and poorer soil quality.

4.5.2.1 COUNTY OF HAWAII

The overlay shows that there are 402,667 acres of ALISH-designated lands and 197,935 acres of LSB-rated "A," "B," or "C" lands outside the county’s urban growth areas on Hawaii Island. Generally, the good agricultural lands are located in Hilo and along the Hamakua Coast, in the Volcano area, in Kau, north and west of Punalu'u, in pockets along the Kona coffee belt area, in Waimea, North Kohala, and to some extend in Puna.

While the LSB-rated "A," "B," or "C" lands account for a smaller portion of the lands in agricultural use on the Island of Hawaii, there are successful agricultural operations on lands designated LSB "D" and "E". In the South Kona District, for example, the soil is poorly rated under the LSB system (and contains the least amount of good agricultural land on the island), yet the land supports an array of successful orchard crops such as coffee, macadamia nuts, avocado, and mango.
Under both the ALISH and LSB the soil rating systems, the Hamakua District contains the greatest amount of good agricultural land, amounting to 104,532 acres and 73,194 acres respectively. Such land extends from the coast to the upper slopes of Mauna Kea. The land is now primarily used for pasture and forestry.

4.5.2.2 CITY AND COUNTY OF HONOLULU

There are 54,238 acres of ALISH-designated lands and 43,344 acres of LSB-rated "A," "B," or "C" lands outside the county's urban growth areas on Oahu. Generally, the good agricultural lands are located in the fertile central plain between the Waianae and Koolau mountain ranges; along the coastline and in the valleys in the North Shore, Koolaupoko, and Koolauloa planning areas; in Kaneohe and Waimanalo; in East Honolulu; in Lualualei; and in the flatter areas along the coast at Makaha. The LSB-rated "A," "B," and "C" lands go from near sea level on the North Shore to the 1,000 foot contour line in Central Oahu. The ALISH-rated lands follow the same pattern, and extend slightly mauka of the good LSB lands.

Under both rating systems, the majority of good agricultural lands are located on the North Shore and in Central Oahu. The North Shore District contains 22,136 acres of ALISH-rated lands and 20,120 acres of LSB-rated "A," "B," and "C" lands. The Central Oahu District contains 12,675 acres of ALISH-rated lands and 11,323 acres of LSB-rated "A," "B," and "C" lands.

4.5.2.3 COUNTY OF KAUAI

There are 71,290 acres of ALISH-designated lands and 55,488 acres of LSB-rated "A," "B," or "C" lands on Kauai. The good agricultural lands form a band around Kauai, excluding the northwest corner of the island from about Wainiha in the east to the northern edge of Poilihale State Park in the west. Generally, the LSB-rated "A," "B," and "C" lands go from near sea level to the 500 foot contour line, while the ALISH-rated lands go slightly mauka of the LSB-rated lands. The ALISH-rated lands extend to the 1,000-foot contour line, and can be found as high as the 2,500 foot contour line near the Waimea Canyon Lookout.

Under both rating systems, the Lihue and Waimea-Kekaha Districts contain the largest amount of good agricultural lands. The Lihue District contains 16,397 acres of ALISH-rated lands and 11,546 acres of LSB-rated "A," "B," and "C" lands. The Waimea-Kekaha District contains 15,688 acres of ALISH-rated lands and 11,585 acres of LSB-rated "A," "B," and "C" lands. The North Shore, Koloa-Poipu, and Hanapepe-Eleele Districts contain the least amount of good agricultural land under both the ALISH and LSB rating systems.

While the Island of Niihau is comprised entirely of State Agricultural land, the soils are not rated under the ALISH or LSB systems, and as such, are not included in this analysis.

4.5.2.4 COUNTY OF MAUI

On the Island of Maui, there are 99,442 acres of ALISH-designated lands and 67,646 acres of LSB-rated "A," "B," or "C" lands. The good agricultural lands are primarily concentrated in the central isthmus connecting the two mountain ranges, and along the upcountry and makai slopes of Haleakala. While the LSB-rated lands can be found as high as the 6,000 foot contour line, and
the ALISH-rated lands extend as high as the 7,000 foot contour line, the larger, more contiguous parcels are found below the 1,100 foot contour line. Good agricultural land is also located along the western slopes of the West Maui Mountains, and both LSB- and ALISH-rated lands generally extend to the 200 foot contour line in this area.

Note that the majority of the good agricultural lands in the central isthmus are owned by Alexander & Baldwin (A&B), a Hawaii company with interests in real estate development, commercial real estate, agriculture, natural resources, and infrastructure construction. A&B announced in early 2016 that the company will close their 36,000-acre sugar plantation (extending from the coast to the 1,100 foot contour line) at Hawaiian Commercial & Sugar Co. by the end of 2016. The company will then convert Hawaii's last remaining sugar plantation to a diversified agricultural model.

On the Island of Lanai, there are 17,931 acres of ALISH-designated lands and 3,861 acres of LSB-rated "A," "B," or "C" lands. The ALISH-designated lands are primarily found on the island's upland areas, and there are some smaller areas of good agricultural land along the northeast slopes of the island. While the good LSB lands comprise a significantly smaller area of land, they generally follow the same pattern as the ALISH-designated lands, and are primarily located northwest and southeast of Lanai City.

On the Island of Molokai, there are 32,340 acres of ALISH-designated lands and 3,215 acres of LSB-rated "A," "B," or "C" lands. The ALISH-designated lands are primarily located in western end of the island and in the narrow band along the eastern coast. The good LSB lands comprise a significantly smaller area of the island, and are primarily located in central Molokai, near Kualapuu and the Palauau State Park.

4.5.2.5 DISCUSSION

This analysis uses soil classifications and productivity ratings from ALISH and LSB to determine how much good agricultural lands remain the Agricultural District. The LSB ratings have regulatory implications for permissible uses in the Agricultural District as referenced in HRS §§ 205-2 and 205-4(b), particularly for solar energy facilities and subdivisions.

Under ALISH-designations Statewide, there are approximately 627,600 acres of ALISH lands. Hawaii Island has 402,700 acres, Oahu has 54,200 acres, Kauai has 71,300 acres, and Maui County has 99,400 acres designated as ALISH.

Under the LSB soils ratings Statewide, there are approximately 364,400 acres of LSB A, B, and C lands. Hawaii Island has 197,900 acres, Oahu has 43,300 acres, Kauai has 55,490 acres, and Maui has 67,600 acres.
Map 41: Hawaii - Good Agricultural Lands Outside Urban Growth Boundary
Map 43: Kauai - Good Agricultural Lands Outside Urban Growth Boundary
Map 44: Maui - Good Agricultural Lands Outside Urban Growth Boundary
Map 45: Lanai - Good Agricultural Lands Outside Urban Character Community Plan Designations
Molokai
Good Agricultural Lands (ALISH or LSB (A,B,C))
Outside Urban Character
Community Plan Designations (UCCPD)

* Lands with slope greater than 20% and Federal lands have been removed
  from this analysis.
** UCCPD uses include: Airport, Business Industrial, Business/Commercial,
  Business/Multi-family, Heavy Industrial, Hotel, Light Industrial, Multi-family
  Residential, Park, Park (Golf Course), Project District, Public, Road, Rural/
4.5.3 EXTENT OF DEVELOPMENT IN THE STATE AGRICULTURAL DISTRICT OUTSIDE URBAN GROWTH AREAS

This section examines the extent of development in the State Agricultural District outside urban growth areas. The GIS analysis uses the National Oceanic and Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP), which uses aerial photographic maps to identify developed areas, including buildings, parking lots, roads, and developed open space (e.g. yards in single-family housing lots, golf courses, landscaped vegetation).

Note that this analysis includes both agricultural (cane haul roads and other roads used to transport machinery, crop yields, etc.) and non-agricultural roads. Due to the structure of the C-CAP data layer, it was not possible to remove only the agricultural roads without also removing other types of roads and development associated with non-agricultural uses.

Maps showing the results of the C-CAP aerial photographic analysis are presented in this section.

The maps are indicative of the extent of development in the Agricultural District outside of planned growth areas, including residential uses, subdivisions, and commercial developments. However, the limitations of the imagery analysis noted above make it difficult to clearly separate agricultural from non-agricultural development. OPSD intends to investigate ways to refine this analysis for future Boundary Reviews, which may need to include field inspections to verify uses.
Map 47: Hawaii - Development in Agricultural District Outside Urban Growth Boundary
Map 48: Oahu - Development in Agricultural District Outside Urban Growth Boundary
Map 50: Maui - Development in Agricultural District Outside Urban Growth Boundary
Map 51: Lanai - Development in Agricultural District Outside Urban Character Community Plan Designations
Map 52: Molokai - Development in Agricultural District Outside Urban Character Community Plan Designations
4.6 STATE CONSERVATION DISTRICT LANDS BY COUNTY AND PLANNING AREAS

This section examines the acreage and location of Conservation District lands within each county.

Conservation lands are comprised primarily of lands in existing forest and water reserve zones and include areas necessary for protecting watersheds and water sources, scenic and historic areas, parks, wilderness, open space, recreational areas, habitats of endemic plants, fish and wildlife, and all submerged lands seaward of the shoreline. The conservation District also includes lands subject to flooding and soil erosion.

Conservation Districts are administrated by the State Board of Land and Natural Resources and uses are governed by rules promulgated by the State Department of Land and Natural Resources.

4.6.1 COUNTY OF HAWAII

There are 1,341,727 acres of State Conservation District land in the County of Hawaii, which amounts to 52 percent of the total area of the island.

The Conservation District includes the peaks and upper slopes of Mauna Kea (at elevations of 7,000-8,000 feet) and Mauna Loa mountains (to the Saddle Road on the north, to the 5,000 foot contour at Kapapala and the 3,000 foot contour in Kau excluding the southern portion which extends only to the 6,000 foot contour; and to the 7,500-foot contour in South Kona) and the summit of Hualalai and its northwest and western slopes.

The windward side of the Kohala Mountains and coastline, cliffs, and valleys are included in the Conservation District, as are several major river valleys along the Hamakua Coast.

In the North and South Hilo Districts, a band of Conservation District land extends from the 2,000-foot contour to the 5,000-5,500 foot contour. This band includes State forest reserve lands and a Federal wildlife refuge. The Puna District also contains large acreages of Conservation District lands, much of which consists of the Hawaii Volcanoes National Park.

Conservation District lands in southeastern Kau and the South Kona Districts include coastal lands with scenic, wilderness and natural area resources.

In North and South Kona in the mauka areas, State forest reserve lands are included in the Conservation District and there is a band of Conservation land along the shoreline, broken intermittently with State Agricultural or Urban land. Also in North Kona, a band of Conservation District land extends inland from the shoreline to the 1,000 foot contour and includes beach, coastal scenic, and environmental resources and open space areas.

In addition, numerous areas along the shoreline are included in the Conservation District.
4.6.2 CITY AND COUNTY OF HONOLULU

There are 157,954 acres of land in the State Conservation District on the Island of Oahu, which accounts for 41 percent of the total land area of the island. The Conservation District on Oahu is comprised of two principal areas: the Koolau mountain range and the Waianae mountain range. They are significant as water resource areas, wilderness and scenic areas. Other significant sites included in the Conservation District include Diamond Head, Punchbowl, Koko Head, and Ulupau Crater. Shorelines included in the Conservation District are the Kaena Point, Mokapu Point, and Koko Head shorelines. Kawainui Marsh in Kailua and the Laulaulu Island Fishpond in West Loch are also included in the Conservation District.

4.6.3 COUNTY OF KAUA‘I

There are a total of 194,454 acres of State Conservation District lands in the County of Kauai, which includes the Island of Niihau (although there are no Conservation lands on Niihau). This amounts to 49 percent of the total area of the county (or 55 percent if Niihau is excluded).

On the Island of Kauai, the Conservation District includes the natural and scenic resource areas of the Na Pali Coast, Alakai Wilderness Preserve, and Waimea Canyon. It contains most of the forested and steep lands of the central mountain area and most the steep topography and forest land of the Haupu mountain range. Major river valleys, such as the Hanalei, Kaliihiwai, AnaloHa, Waialua, Hanapepe, and Waimea are also included in the Conservation District.

4.6.4 COUNTY OF MAUI

There are a total of 311,601 acres of State Conservation District land in the County of Maui, which includes the Islands of Maui, Lanai, Molokai, and Kahoolawe (Kahoolawe is comprised only of Conservation land – 28,800 acres). This amounts to 41 percent of the total land area of the county.

On the Island of Maui, the major Conservation areas encompass the West Maui Forest Reserve in the west, and the Kula Forest Reserve, the Makawao Forest Reserve, the Koolau Forest Reserve, the Kahikinui Forest Reserve, and Haleakala National Park in the east. Other significant lands in the Conservation district include the coastal lands from Lipoa Point in the northwest toward Waiehu near Kahului; Kanaha Pond Wildlife refuge in Kahului; Kealia Pond and wetlands east of Maalaea Village; and the majority of the coastline from Cape Kinau in the southeast, toward Hana Airport in the northeast. (State Land Use District Boundary Review – Maui, Molokai, Lanai, 1992)

On the Island of Lanai, there are a total of 38,197 acres of State Conservation District land, which amounts to 42 percent of the total area of the island. With the exception of a few isolated pockets of land, the Conservation District represents a contiguous district encompassing the entire northwest portion of Lanai, the majority of its west coast, and an irregular band beginning near Kukui Point in the north, extending in a curvilinear fashion southeast toward Manele Bay. Isolated pockets of Conservation lands are also found near the northeast Rural
District and interspersed between pockets of Rural lands along the southern coast. (State Land Use District Boundary Review – Maui, Molokai, Lanai, 1992)

On the Island of Molokai, there are a total of 51,972 acres of State Conservation District land. This amounts to approximately 31 percent of the total area of the island. The majority of the Conservation District land is located in the northeast portion of the island within the Molokai Forest Reserve. Additional lands are found along the coast and include the coastline from Ilio Point in the northwest corner of the island toward Kalaupapa where it joins with the Molokai Forest Reserve. Extending from the Molokai Forest Reserve at Halawa Bay in the northeast, the Conservation District follows the coastline to Waialua where it meets the Rural District boundary. The Conservation District begins again at Kalaeloa Harbor and continues along the coast except for breaks between Pahiomu and Kanukuawa Fishponds, Kawela to Kuanakakai, and between Ooa Fishpond to just past Kolo Wharf. There is one more small break along the coastline between Kepuhi Beach and Kawakiu Iki. (State Land Use District Boundary Review – Maui, Molokai, Lanai, 1992)

4.6.5 DISCUSSION

Continuing development pressure, coastal development, changes in watersheds, and climate change will continue to challenge the statewide land use system to develop new tools and models for more effective management of our conservation resources and built environment.
Map 53: Hawaii - Conservation District Lands
Map 54: Oahu - Conservation District Lands
Map 56: Maui - Conservation District Lands
Map 57: Lanai - Conservation District Lands
Map 58: Molokai - Conservation District Lands
Map 59: Kahoolawe - Conservation District Lands
5. CONCLUSIONS AND FINDINGS

This section summarizes the findings of this Boundary Review, discusses the implications of the findings for State and county land use policy objectives, and lists options to address areas where land use associated with existing district boundaries appears to conflict with or contradict State and county land use policy.

Specific recommendations for district boundary amendments to the Conservation District contained in the 1992 Boundary Review are being carried forward with this Report. These recommendations are summarized in Chapter 3 and Section 3.5. Currently there are no resources available to pursue individual district boundary amendment petitions under the existing LUC reclassification procedures.

5.1 URBAN DISTRICT

The mapping analysis of the conformance of State and county urban land use designations revealed:
- There is a significant amount of vacant, undeveloped Urban District lands available for development Statewide;
- There are lands in adopted county plans designated for planned urban growth that are not classified in the Urban District; and
- There are lands classified in the Urban District that are not Urban in character, such as rural centers.

5.1.1 SUPPLY OF URBAN DISTRICT LANDS

From 1964 to 2020, lands within the Urban District have increased from 117,800 acres in 1964 to 204,187 in 2020, an increase of 86,387 acres, or 2.1% of all land in the State. The 204,187 acres currently in the Urban District represents 5.0% of all land in the State. (See Section 3.6, Table 29)

Over the years, concerns have been raised that the State District Boundary Amendment (DBA) process limits or constrains the land supply available for development, thereby increasing the cost of land and housing. In Section 4.3.5, an analysis of vacant lands based on satellite aerial imagery was undertaken to assess the extent of undeveloped lands within the Urban District. The results show there is a substantial amount of vacant developable Urban-designated lands totaling 68,650 acres Statewide. This includes 22,250 acres on Oahu, 4,263 acres on Kauai, 8,736 acres on Maui, and 30,740 acres on Hawaii Island.

The amount of Urban District lands that remain vacant and undeveloped may be attributable to a variety of economic and regulatory factors, including infrastructure needs and costs, and the overall length and timeframe for development approvals (county plan amendments, zone change, zoning, and subdivision approvals), market considerations, and developers’ ability to raise capital. In many areas, there are significant infrastructure deficiencies necessitating up-front and costly off-site infrastructure system upgrades, including highway and road improvements, and the
development of sewer, water, and storm drainage systems needed to support the
development. The burden for providing such infrastructure improvements has largely
fallen on the private sector, and is difficult to assume even for large well-capitalized
landowners and developers.

Vacant and undeveloped Urban lands, especially publicly owned lands, could be
developed to address a myriad of needs in Hawaii’s urban areas, such as affordable
housing, social or health services, or parks or open space. OPSD has undertaken a
separate GIS-based study to explore this: Affordable Rental Housing Report and Ten-
Year Plan, July 2018.

Additional analysis, outside the scope of this Review, is needed to determine what
would be needed to develop these vacant Urban lands as proposed when reclassified –
whether this be infrastructure capacity, market readiness or financing constraints, or
whether there are any other environmental or development constraints that are
hindering development of these lands.

5.1.2 CONSISTENCY WITH COUNTY PLANS

A main focus of this Boundary Review was to compare the Urban District boundaries
with the county general and community development plans, with particular attention to
areas planned for urban growth by the counties. The determination of areas planned
for urban growth is a long-range planning tool used by counties to demarcate the limits
of growth areas supported and planned to accommodate future urban development.
The definition and labels for these growth boundaries vary among the counties. See
Section 4.3.1 for a description of the counties’ plan designations and urban growth
boundaries.

Comparisons of the Urban District boundaries with county plans for growth as reflected
in their urban growth boundaries were undertaken. The most noteworthy aspects
relate to lands which are within the counties’ urban growth boundaries but which are
not classified in the State Urban District (Section 4.3.2). Statewide, a significant amount
of lands, a total of 65,792 acres, are situated within county-designated urban growth
areas but are not classified as State Urban District.

In the City and County of Honolulu (City), lands not classified as Urban within the urban
and community growth boundaries include parks, golf courses, quarries and landfills
which are unlikely to be developed. On the Neighbor Islands, however, much more
lands are likely to be subject to redistricting to Urban or Rural at some point in the
future, since county plans allow or indicate urban expansion in many of these areas.

In general, the location of petition areas within the county growth boundaries is an
important consideration for county and State agencies, as their inclusion in these urban
growth boundaries indicate alignment and consistency with county plans for growth.
County planning departments invariably support such petitions for reclassification to the
Urban District, and petitioning landowners and developers nearly always ensure that
their boundary amendment petitions are consistent with county plans. An important
LUC decision-making criterion is consideration of “the county general plan and all community, development, or community development plans adopted pursuant to the county general plan as they relate to the land that is the subject of the reclassification petition.”

County general plans and community development plans undergo rigorous multi-year review and extensive land use and community analyses. The County of Kauai’s General Plan, adopted in 2018, received national acclaim for excellence in community planning. The Kauai General Plan included six technical studies: socioeconomic analysis and forecast, land use buildout analysis, infrastructure analysis, climate change and coastal hazards assessment, Important Agricultural Lands study, and community health improvement plan. A broad and inclusive public engagement program involved thousands in meetings, workshops, social media, surveys, and a citizens advisory committee to inform the vision, goals, policies, objectives and actions.

The County of Maui, County of Hawaii, and the City and County of Honolulu similarly conduct in-depth and comprehensive socio-economic, land use and infrastructure technical studies along with extensive agency and community involvement processes in updating their general plans and community development plans.

At the State level, the Hawaii State Plan, HRS Chapter 226, provides an overall framework for statewide planning, but in its current form does not provide effective guidance and direction for land use decision-making. The more detailed State Functional Plans which were intended to guide the allocation of State resources are, with the exception of the 2018 Housing Functional Plan, nearly all over 30 years old and are neither consulted nor updated by State agencies.

State agency reviews of land use have largely focused on project and site-specific development proposals and are not grounded in long-range comprehensive planning and coordinated plan implementation. The State has not developed coordinated resource protection strategies, such as an agricultural resource strategy or a unified infrastructure investment strategy for planned community development and growth. There is more typically a reliance on project-specific conditions of approval to provide necessary regional infrastructure which results in an ad hoc improvement and investment strategy based on the developer’s ability to provide such off-site improvements.

5.1.2.1 CONSISTENCY WITH COUNTY PLANS - APPROACHES

The mapping conducted during this Review identified areas that could be considered for:

- Reclassification of lands within county plan-designated urban growth areas to the State Urban District; and
- Reclassification of lands in the State Urban District that are not designated as urban in county plans.
Amendment of these district boundaries would increase congruence between long-range State urban land use policy with the areas identified for desired urban growth by the counties in their general plan and community development plans.

To promote consistency of the Urban District boundaries with county plans, consideration should be given to approaches that would simplify the redistricting of lands based on county plan designations. Three potential approaches are offered for more readily accommodating the county planning process in the State district boundary amendment (DBA) process.

4. ** Expedited review by the LUC for DBA petitions which are consistent with county plans.** As is done for expediting the review of affordable housing projects pursuant to HRS 201H-38, a similar review and approval of lands that are not within the Urban District but within the county growth boundaries could be allowed to undergo an expedited review process. However, the process should provide sufficient time for State review and comment.

5. **County Plan-Based Regional Boundary Amendments.** This approach involves regional petitions initiated by counties and brought before the LUC to amend district boundaries to be consistent with county plans. County general and community development plans could provide a basis for land use planning and decision making. The LUC’s role for qualifying petitions could shift to regional quasi-legislative decision-making with limited project-specific, quasi-judicial decision making. This approach could involve the following:

   - LUC could entertain regional boundary amendment petitions submitted by counties based on conformance with county general and/or development plans. LUC decision-making could be made quasi-legislative, with denials or the inclusion of conditions for mitigation imposed for demonstrated and compelling State interests.

   - Individual boundary amendment petitions to the LUC would be needed for proposals not consistent with county plan. The current quasi-judicial contested case hearing process would be followed.

   - Enabling greater State input in county planning processes would be desirable to promote the consistency of county plans with State plans and policies.

   - Appeal via LUC declaratory ruling could be enabled for boundary amendments granted based on county plans.

6. **Increase counties’ authority to reclassify lands from the Agricultural or Rural District to the Urban District if the petition area lies within the county planned growth area.** Counties currently are authorized to approve reclassifications of less than 15 acres. An expansion of county authority would recognize the considerable community involvement made by counties in undertaking their
general plan and community development plans updates to comprehensively plan, assess and determine the areas for desired urban growth.

An amendment to HRS § 205-3.1 would be required, allowing counties to reclassify lands in the Agricultural and Rural Districts if they conform with county growth plans as reflected in county general plans and/or community development plans. County reclassifications could also be required to consider the other decision-making criteria provided in HRS § 205-17. This allowance could be limited to lands in the Agricultural and Rural District, and could exclude lands designated as IAL and Conservation District. OPSD review and concurrence could be required for the setting of county urban growth boundaries as well as in the county district boundary amendment process, to assure that State issues and concerns are reflected in the land use plans as well as the DBAs.

State Land Use DBAs for areas greater than 15 acres planned for growth by the county are appropriate to be delegated to the counties in view of the comprehensiveness of the county planning process and their update at regular intervals. There is a more rigorous community involvement process when county plans are updated than that afforded in the project-by-project, landowner-driven State LUC boundary amendment process.

While the State LUC process helps ensure that State interests are represented and incorporated in land use decision-making, the county planning departments typically consult with State agencies such as the Department of Transportation during their county planning and zoning process.

*Town v. Land Use Commission*. The above options require consideration of the Hawaii Supreme Court decision in *Town v. Land Use Commission* (55 Haw. 538, 524 P.2d 84). In 1974, the Hawaii Supreme Court ruled that an adjoining landowner having property interests in a proposed land use boundary change and who challenges that proposed change should be afforded the rights of a party to a contested case (“quasi-judicial”) hearing as provided in HRS Chapter 91, the Administrative Procedures Act. The Court held that redistricting is adjudicative of legal rights of property interests. In 1975, the Legislature adopted Act 193 amending the law to require the LUC to follow the quasi-judicial, contested case process.

## 5.2 AGRICULTURAL DISTRICT

The analysis of the conformance of State and county agricultural land use designations in Chapter 4.5 revealed:

- The designation of Important Agricultural Lands (IAL) has not been completed statewide. This hinders efforts to designate the best lands within the Agricultural District that warrant retention for long-term agricultural use, and to focus State agricultural investments and long-term protection policies and tools on these lands Statewide;
There are lands in the State Agricultural District where non-agricultural uses, primarily higher-value large-lot residential uses, are the dominant land use and serve to drive up the cost of agricultural land; and

There are lands in the State Agricultural District that are unsuited for agricultural use.

The Agricultural District is the source of many of the concerns with State Land Use Districts. Much of this stems from how districts were initially established and classified. When the land use district boundaries were first established in 1964, uses that were not clearly Urban or Conservation were placed in the Agricultural District, including lands not used or suited for agricultural activities. The Agricultural District included lands used and suitable for agriculture, but also became a residual category for including other open, transitional, and sparsely developed areas.

Over the years, the permissible uses for the Agricultural District have been amended considerably to broaden the uses allowed in the Agricultural District—from 5 permitted uses in 1965 to 21 permitted uses currently—which has weakened the nexus to agricultural production and bona fide farming.

HRS 205-6, Special Permits, further compromises the intent of the Agricultural District to protect agricultural uses by allowing any non-permitted uses less than 15 acres which could be deemed as “unusual and reasonable” to be approved by county planning commissions. The Special Permit has been widely used to permit non-agricultural uses, notably vacation rentals, in the Agricultural District. Counties have had difficulties controlling non-farm uses in the Agricultural District.

The Agricultural District standards, currently set at one (1) acre, contribute to the siting of non-agricultural uses in the Agricultural District by allowing minimum lot sizes and densities that are more suited for suburban or rural settings. In other states and localities, agricultural lot sizes are much larger: in Oregon, by state law, the minimum lot size for designated farmland is 80 acres. In Marin County, California, the minimum lot size is 60 acres. As a farmland protection tool, minimum lot sizes such as 80 or 60 acres, ensure that parcel sizes remain large enough to be farmed profitably while discouraging land purchases for residential use. The “impermanence syndrome” takes hold when farmers or landowners perceive that it’s only a matter of time before their lands are converted to urban use, they stop making long-term investments in the farm operation. As a result, the farm becomes less efficient and marginalized, which in turn increases the willingness to sell the property for development.

From a broader perspective, the pattern of urban reclassification of some of the State’s best agricultural lands has occurred largely because good agricultural land is also well suited for urban and other uses. From the 1980s, there has been a dramatic shift in Hawaii’s economy away from plantation agriculture to the visitor industry and land development.

According to the Statewide Agricultural Land Use Baseline 2015 (2016), in 1980, Hawaii had 350,830 acres in cropland and another 1.1 million acres in pasture use. In 2015, lands in active crop use dropped to 151,830 acres, and pasture shrank to 761,430 acres. During the plantation era, Hawaii reached its high tide mark in terms of acres in active agricultural
production. It is unlikely that Hawaii will ever see that amount of land in active crop production again. (p. 4). There is now one remaining pineapple farm in Central Oahu with less than 3,000 acres, and the last sugar company on Maui closed at the end of 2016. As a result, there is a surplus of agricultural land in the State that could be deployed for more intensive agriculture. (p. 4).

There are, however, numerous barriers to the agricultural industry’s development. As discussed in the Statewide Agricultural Land Use Baseline 2015, gentrification, lack of affordable water, lack of farm labor and leadership, and a lack of farm data are only a few of the issues that need to be resolved before Hawaii experiences a resurgence in agricultural activity (p. 6). Please see the Baseline for additional information at https://hdoa.hawaii.gov/wp-content/uploads/2016/02/StateAgLandUseBaseline2015.pdf

The protection and use of agricultural land for agricultural production are hindered by a lack of a complete picture of what lands should be protected for agricultural production into the future; lack of a cohesive strategy for increasing food security that can be applied to land use decision-making; and a need for more investment, supports, and incentives to promote and sustain long-term agricultural viability.

### 5.2.1 IMPORTANT AGRICULTURAL LANDS

Article XI, Section 3 of the Hawaii State Constitution requires that the State conserve and protect agricultural lands and assure the availability of agriculturally suitable lands. The Important Agricultural Lands (IAL) amendments to Chapter 205 in 2005 required the counties to prepare and submit maps five years from enactment to the LUC for lands to be designated as IAL. However, the State did not provide funding for the county efforts, which hindered the county designation process.

The County of Kauai completed an IAL study in 2015, but then concluded that sufficient IAL was designated voluntarily by landowners to meet Kauai’s future needs. In June 2019, the City and County of Honolulu became the first county to complete its IAL designation process at the county level, and in mid-2020, the City submitted its IAL petition to the LUC for review and approval. The County of Maui initiated its IAL study in Fall 2020. The County of Hawaii has yet to begin its IAL mapping process. In addition, the State has yet to conduct its required review, identification, and designation of IAL for public lands under the jurisdiction of the Department of Agricultural and Department of Land and Natural Resources as specified by HRS 205-44.5.

### 5.2.1.1 IMPORTANT AGRICULTURAL LANDS FINDINGS

The county designation of IAL is important to attaining the Constitutional mandate and should be encouraged and incentivized to allow IAL designations to be completed. Although counties generally map agricultural lands as part of their general plans, development and community plans, the process of county designation of IAL would serve to validate and ensure Statewide consistency in the identification of IAL. IAL designation would identify those productive agricultural resource lands in the State.
Agricultural District that should receive the strongest policy protection and agricultural investments to sustain the viability of the agricultural sector into the future.

The protection of agricultural lands with good soils should be strengthened by ensuring and funding completion of IAL designation by counties and State agencies.

Other barriers to the agricultural industry’s development persist. The availability and cost of farmland, lack of affordable water, lack of farm labor, and encroachment by more profitable uses are some of the barriers to agricultural sustainability. The protection of good agricultural lands also requires robust programs and other incentives and assistance are needed to overcome the financial and technical obstacles to long-term sustainable agricultural production.

5.2.2 NON-AGRICULTURAL USES IN THE AGRICULTURAL DISTRICT

Over the years, communities across the State have experienced an increase in non-agricultural development in the Agricultural District. Aerial imagery analysis conducted as part of this review shows the extent of non-agricultural development in the Agricultural District. (See Section 4.5.3) The non-agricultural development in the Agricultural District involves significant amounts of residential uses, residential subdivisions, and commercial developments.

Increasingly, higher value residential, commercial, and renewable energy uses have encroached or been permitted in the Agricultural District. In large part, the policies and standards for the Agricultural District outlined in HRS Chapter 205 do not provide a strong policy framework to protect agricultural lands, do not discourage the encroachment of non-agricultural, higher valued uses in the Agricultural District, and do not ensure effective enforcement.

Notwithstanding competing renewable energy and agricultural self-sufficiency goals, land use policies have increased opportunities for siting commercial solar energy facilities that were previously prohibited or limited on the highest quality agricultural lands. Initially barred on lands rated as A, and strictly limited on lands rated as B and C by the Land Study Bureau productivity rating system, amendments in 2014 to HRS Chapter 205 allowed solar facilities to be undertaken by State Special Permit on B and C lands, provided there is compatible agricultural use. As a result, solar energy facilities, which confer higher land values with much greater revenue potential than farming, are permissible on over 95% of agricultural lands in the State. Farmers sometimes have been displaced but they certainly cannot afford or compete with these commercial facilities for good agricultural land.

Higher value residential housing uses that are not tied to farming in the Agricultural District have proliferated especially on the Neighbor Islands, mainly due to the lower cost of land. A clear definition of what constitutes a “farm” or “farm dwelling” in the State Land Use Law would make it easier for counties to enforce the law. HRS § 205-4.5(a)(4) defines “farm dwelling” as a single-family dwelling located on and used in
connection with a farm, where agricultural activity provides income to the family occupying the dwelling. However, the amount of farm income needed to be considered a “farm dwelling” is not specified, and what constitutes a “farm” is unclear. Counties are thus faced with little guidance on how to determine whether actual farming is occurring on the parcel, making it difficult to enforce residential uses that do not have a bona fide farm component.

### 5.2.2.1 Non-Agricultural Uses in the Agricultural District Findings

There are two strategies for addressing the encroachment of non-agricultural uses in the State Agricultural District. One is to strengthen Agricultural District standards and policies to discourage the location of non-farm uses on agricultural lands. The second is to enable the reclassification of already established non-farm, residential areas to the Rural District, as well as lands unsuitable for agricultural use to either the Rural or Conservation District.

Chapter 205, HRS, can be strengthened by providing clear definitions of “farm” and “farm dwellings” and by providing the counties the means to enforce standards. Inadequate definitions of a bona fide farm has resulted in a proliferation of dwellings without a farm component. The subdivision of agricultural lands, increased use of condominium property regimes and other non-traditional forms of ownership interest in agricultural lands have made county enforcement of State requirements and county standards difficult to administer.

Pursuant to Act 278, SLH 2019, OPSDSD was directed to study land subdivision and condominium property regime (CPR) laws related to agricultural land on Oahu. A Stakeholders Group was convened by OPSDSD including the LUC, Department of Agriculture, Real Estate Commission, City Department of Planning and Permitting, and stakeholders including legislators, Bureau of Conveyances, Agribusiness Development Corporation, Hawaii Farm Bureau, Cattleman’s Council, Land Use Research Foundation, Aloun Farms, and Kamehameha Schools. A report was submitted to the Legislature in December 2020.

The initial Stakeholders Group recommendations was reflected in HB 247 passed by the Legislature and signed into law as Act 77 (2021). Act 77 accomplished the following:

4. Partially clarifies “farm dwelling” (amended HRS 205-4.5(4)). Specifies that farm dwellings on agricultural lands must be accessory to a farm where agricultural activity provides income to the family occupying the dwelling.

A minimum farm income of $10,000 per year to the family occupying the dwelling was proposed in HB 247 but was deleted in SD2. It is acknowledged that there are a significant number of small lot owners engaged in subsistence or lifestyle farming for which an income criterion would not be feasible.
5. Allows county enforcement of unpermitted structures on subdivided leasehold subdivisions in the agricultural district (amends HRS 205-4.5(f)(2)). Agricultural structures exempted from building permits have created enforcement problems.

6. Requires county comments prior to CPR registration (amends HRS 514B-52(b)). Applications for registration of condominium property regimes of agricultural land are to include county comments regarding the availability of supportive infrastructure, any potential impact on government plans and resources, and other requirements pursuant to county ordinances and rules. Allows counties to review and alert the buyer of infrastructure and environmental deficiencies, and conformance with county codes.

The Act 278 Stakeholders Group was reconvened in Fall 2021 and expanded to include the Neighbor Island planning departments and selected interests. The Stakeholders Group had three meetings from August to October to consider additional solutions and potential legislation to address unresolved issues.

Expansion of Rural District had good support from the Group. The reclassification of established rural residential areas in the State Agricultural District would help to alleviate the constant pressure on the State Agricultural District to accommodate non-agricultural residential uses. An expanded Rural District would allow the counties to better manage and support low-intensity rural development while protecting productive agricultural lands. Such a reclassification effort could also be conducted under a county plan-based boundary amendment proceeding (See Section 5.1.2).

5.2.3 AGRICULTURAL SOIL CLASSIFICATION SYSTEMS

The State has used two soil classification systems to rate the quality of agricultural lands. The Agricultural Lands of Importance to the State of Hawaii (ALISH) and Land Study Bureau (LSB) are soil classifications and productivity ratings which indicate the suitability of agricultural lands for crop cultivation. The LSB ratings have regulatory implications for permissible uses in the Agricultural District pursuant to HRS §§ 205-2 and 205-4(b), particularly for solar energy facilities and subdivisions. Under ALISH-designations Statewide, there are approximately 627,600 acres of ALISH lands (Prime, Unique, and Other Important lands). Under the LSB soils ratings Statewide, there are approximately 364,400 acres of LSB A, B, and C lands.

Lacking a means to differentiate between more productive and less productive lands in the Agricultural District, the LSB ratings were incorporated in HRS §§ 205-2 and 205-4(b) as an attempt to limit permissible uses on the best lands to primarily agricultural activities. Landowners have raised concerns about continued use of the LSB ratings developed in the 1960s, due to its regulatory restrictions on permissible uses, and lack of a mechanism to revise outdated ratings.

There is a need to review how soil productivity and classification systems should be used in State agricultural land use policy and land use regulation, and whether other systems
should be used in lieu of the Land Study Bureau (LSB) overall (master) productivity ratings in regulating land uses in the Agricultural District. A study and mapping project should be undertaken to: (1) develop recommendations on how a USDA soils classification system or other classification system might be used to map agricultural productivity potential in Hawaii; (2) determine how to make effective use of agricultural classifications in regulating agricultural land use; and (3) better integrate the use of productivity classification systems into IAL designation and management.

According to the Statewide Agricultural Land Use Baseline 2015 (2016), in 1980, Hawaii had 350,830 acres in cropland and another 1.1 million acres in pasture use. In 2015, lands in active crop use dropped to 151,830 acres, and pasture shrunk to 761,430 acres. During the plantation era, Hawaii reached its high tide mark in terms of acres in active agricultural production. It is highly unlikely that Hawaii will ever see that amount of land in active crop production again. (p. 4). There is now one remaining pineapple farm in Central Oahu with less than 3,000 acres, and the last sugar company on Maui closed at the end of 2016. As a result, there is a surplus of agricultural land in the State that could be deployed for more intensive agriculture. (p. 4).

There are, however, numerous barriers to the agricultural industry’s development. As discussed in the Statewide Agricultural Land Use Baseline 2015, gentrification, lack of affordable water, lack of farm labor and leadership, and a lack of farm data are only a few of the issues that need to be resolved before Hawaii experiences a resurgence in agricultural activity (p. 6). Please see the Baseline for additional information at https://hdoa.hawaii.gov/wp-content/uploads/2016/02/StateAgLandUseBaseline2015.pdf.

5.3 RURAL DISTRICT

Statewide, there are 10,454 acres in the Rural District, which amounts to only 0.3% of all lands in the State. There are no Rural-designated lands on Oahu. This scarcity of Rural District lands is largely because the Rural District was established at the request of small landowners only after the original delineation of district boundaries was well underway Statewide. In the establishment of the original district boundaries in 1963-64, plantation towns and rural centers were designated Urban, even though urban land use and development standards are inappropriate for use in the context of rural settlements and rural infrastructure. All working and open lands not designated as Conservation were designated Agricultural, even if they had little agricultural resource value.

In retrospect, the original law and established boundaries did not adequately consider important distinctions between urban and rural communities, and the need for specialized tools for planning, servicing, and maintaining working lands for farming, ranching, and forestry.

The existing Chapter 205’s Rural District standards for rural density and permissible uses do not effectively guide rural landscapes and settlements, and instead promote low-density sprawl and increases demand for extensive infrastructure and service delivery systems. There is potential to use the Rural District to differentiate rural communities and related lifestyles from working or
commercial agriculture or urban subdivision standards. Residential areas in the Agricultural and Rural Districts are effectively more urban and suburban in character than rural.

### 5.3.1 RURAL DISTRICT FINDINGS

The potential for preserving much of Hawaii’s open space, rural communities, and working lands may be realized by:

1. Redefining the policy framework for the State Rural District and revising the State Rural and Agricultural District standards in Chapter 205 to enable gradation in uses, intensity, and character to better separate higher-value non-agricultural uses from working lands; and

2. Reclassification of established rural subdivisions and rural centers from the Agricultural to the Rural District to expand the use of the Rural District to accommodate lower density rural settlement patterns and subsistence farming lifestyles.

Redefinition of the policy framework for the Rural District in Chapter 205 is needed to more effectively manage Hawaii’s rural landscape and prevent continued exurbanization of Hawaii’s agricultural and open lands. These changes are needed to enable the counties to codify land use policies and regulations for rural settlement types that vary along a continuum by their level and intensity of use and character, for example, from ‘rural centers’ to ‘rural preserve’. This would allow the counties to define expectations about settlement form, types of uses, levels of services, expected land use values, and complementary implementation tools, such as use of clustering and appropriate real property tax policies, that work to sustain the character, quality, and integrity of human and natural habitats along the urban to conservation continuum—particularly where this would apply to rural working and open lands.

Expanded use of the Rural District through reclassification of appropriate areas to the Rural District could occur following redefinition of the Rural District to avoid continued application of standards that result in urbanization of the rural landscape. The reclassification of selected Agricultural District lands to the Rural District could focus on existing areas that already have rural-like, low density development patterns with an extensive pattern of non-farm residential use or those areas planned to remain in a rural-like setting in county general plans and community development plans. Such Rural reclassifications could also consider lands with lower quality soils not conducive to agricultural cultivation. A redefined Rural District could also allow for rural community-serving commercial uses and rural villages.

Consideration could be given to allow counties to reclassify selected Agricultural District lands to the Rural District. In areas which are already rural in character and are planned to remain in a rural-like setting, counties could be authorized to reclassify selected Agricultural District lands to the Rural District. Such Rural reclassifications could be based on lower quality soils not conducive to agricultural cultivation, and rural-like low density development patterns either in current use or reflected in county general plans.
and community development plans. Such rural setting could include residential and neighborhood-serving commercial uses.

Reclassification is the most effective means to achieving conformance with State and county land use policy that seeks to separate non-farm residential uses from bona fide farming in the Agricultural District. Dwellings in the Rural District do not need to be farm dwellings accessory to agricultural activity that provides income to the occupants, as is required for farm dwellings in the Agricultural District.

This would allow for increased use of the Rural District for rural residential, rural towns, and a subsistence farming lifestyle that is consistent with county community development plans.

This approach would allow counties to address non-conforming Agricultural District lands, such as in the Puna District of Hawaii County, which has large scale residential subdivisions that should be reclassified to the Rural District. Proposed reclassifications could be limited to lands with LSB soil quality of D or E, and provided such rural designations are consistent with the county general plan and community development plans.

HRS § 205-3.1 would need to be amended to allow counties to reclassify lands from the Agricultural District to the Rural District.

5.4 CONSERVATION DISTRICT

Continuing development pressure, coastal development, changes in watersheds, and climate change will continue to challenge the statewide land use system to develop new tools and models for more effective management of our conservation resources and built environment. No change is expected with respect to DLNR’s jurisdiction over the regulation and management of lands and conservation resources within the State Conservation District. Greater guidance from DLNR as to critical conservation resources and conservation resource lands that should be protected statewide would be extremely valuable in informing LUC decision-making for any petition involving the reclassification of lands in the Conservation District to other State land use districts.

Specific recommendations for district boundary amendments to the Conservation District that were not pursued in the 1992 Boundary Review were reviewed and found to continue to have merit. These recommendations are summarized in Chapter 3 and Section 3.5. No petitions for district boundary amendments are being pursued under this Review.

There is agreement about the value of reclassifying resource lands to the Conservation District. However, regulatory differences between administrative agencies figure considerably in decisions to reclassify lands to the Conservation District, as the Conservation District is more strictly regulated relative to permissible uses, structures, and activities. A recent petition in Hawaii County proposing the use of lands for conservation and ecosystem preservation purposes was kept in the Agricultural District due to concerns about restrictions in the Conservation District and greater flexibility in the Agricultural District. Similarly, management
issues have slowed the required transfer of non-agricultural park lands from DLNR to DOA (Act 90 SLH 2003) and highlighted difficulties encountered when State lands have both agricultural and conservation uses and values, such as pasture lands and forestry/watershed resources. The DOA also has more favorable lease provisions for determining lease rates and negotiating terms than DLNR.
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APPENDIX

A. AGENCY COMMENTS AND RESPONSES

1. COUNTY OF MAUI DEPARTMENT OF PLANNING

[Image of the Department of Planning logo]

May 21, 2021

Ms. Lucy Alice Evans, Director
Office of Planning
Department of Business, Economic Development & Tourism
State of Hawaii
P.O. Box 3359
Honolulu, Hawaii 96814-2359

Dear Director Evans,

SUBJECT: STATE LAND USE PERIODIC BOUNDARY REVIEW

Thank you for your efforts in reviewing the classifications and districting of all lands in the State, pursuant to Section 205-18, Hawaii Revised Statutes. We also appreciate being given the opportunity to review your draft report and to attend the briefing that your office provided.

The County of Maui Department of Planning offers the following comments:

1. The report’s background information, historical review and analysis of current state land use climate is very helpful and will prove to be a useful resource.

2. We support the recommendations that you offer in Section 5.1.2.1, relating to consistency with county plans, particularly recommendation 2 allowing the counties to approve district boundary amendments from Agricultural and Rural to Urban if the land is within the county urban growth boundary.

3. We support the recommendation that you offer in Section 5.2.1.1, relating to Important Agricultural Lands, and hope that this will include defining “farm site farming operations” in a way that is enforceable. Similarly, we support the recommendations that you offer in Section 5.2.2.1, relating to non-agricultural development in the Agricultural District, and look forward to having a definition of “farm dwelling” that is enforceable.

4. As noted in Section 5.2.3, we share your concern with the state continuing to use the ALISH and LSB ratings to characterize whether lands are viable for active (e.g., commercial) agriculture use and to distinguish permitted lands. These
rating systems are extremely outdated (the LSB does not even exist anymore) and do not take into account how different types of agriculture, or different farming or ranching methods, can be viable on lands that are poorly rated or deemed non-productive under these rating systems. A cooperative effort among your office, the counties, the Department of Agriculture, and other agencies and stakeholders could result in a more fair and accurate rating system for agricultural lands.

5. We support recommendation no. 2 in Section 5.3.1, relating to the Rural District, allowing the counties to file Declaratory Order petitions to reclassify lands from the Agricultural to the Rural District.

6. With this boundary review’s completion, we hope that the next five-year review, in 2026, will include recommendations to amend district boundaries. We are confident that the counties would be active partners in such an effort.

Again, thank you for the opportunity to review and comment on your draft report. If you have any questions or require additional information, please feel free to contact me.

Sincerely,

MICHELE MCLEAN, AICP
Planning Director

Cc: Jordan Hari, Deputy Director (pdf)
    Pamela Eaton, Planning Program Manager (pdf)
    Clayton Yoshida, Planning Program Manager (pdf)

S:ALL: Michele/LUCIOP 5year boundary review.docx
August 11, 2021

Michelle McLean, Director
Department of Planning
County of Maui
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Dear Director McLean:

Subject: Maui Planning Department Comments on State Land Use Periodic Boundary Review 2021 Draft

Thank you for your comments of May 21, 2021 on the Office of Planning and Sustainable Development’s (OPSD) Draft 2021 State Land Use Periodic Boundary Review (Report).

We appreciate your support for the Report’s findings regarding approaches to improve consistency with county plans (Section 5.1.2.1), in particular to allow the counties to approve district boundary amendments from Agricultural and Rural Districts to Urban if the land is within the county urban growth boundary and to file Declaratory Order petitions to reclassify land from the Agricultural to the Rural District (Section 5.3.1).

We also appreciate your support for the findings regarding Important Agricultural Land (Section 5.2.1.1) and those relating to non-agricultural development in the Agricultural District and for a definition of “farm dwelling” that is enforceable (Section 5.2.2.1). To this end, our revised 2021 Report will include a finding to strengthen the definition of “farm dwelling” as part of a follow-up to Act 77 HD247 SD2 and in conjunction with OPSD’s Act 278 Study of Subdivisions and CPRs on Agricultural Lands.

We note your comment regarding the shortcomings of the current ALISH and LSB rating systems. The Hawaii County Planning Director expressed the same concern. We will be adding a finding that the Legislature fund a study to identify a replacement for the LSB/ALISH soil productivity classification system.
Ms. Michelle McLean  
August 11, 2021  
Page 2

We anticipate finalizing the Report by the end of this year. If you should have any questions regarding this matter, please contact Aaron Setogawa of our Land Use Division at aaron.h.setogawa@hawaii.gov.

Mahalo,

Mary Alice Evans  
Director

cc. Jordan Hart, Deputy Director  
Pamela Eaton, Planning Program Manager  
Clayton Yoshida, Planning Program Manager
June 3, 2021

Ms. Mary Alice Evans  
Director, Office of Planning  
Department of Business, Economic Development & Tourism  
235 South Beretania Street, 6th Floor  
Honolulu, Hawaii 96813

Dear Ms. Evans:

SUBJECT: State Land Use Periodic Boundary Review- Hawaii County Comments

We are in receipt of your email dated April 19, 2021 requesting preliminary review and comments from this office regarding the draft State Land Use Periodic Boundary Review 2021 Report.

The Report consists of three general sections and we have organized our comments within those sections.

1. Recommendations from the 1992 Boundary Review. Although the current Report does not recommend any boundary amendments, we believe the 1992 recommendations remain valid and include them for future consideration.
   a. Table 28 of the report lists 230,527 acres of recommended reclassifications for Hawaii County. These are significant and would require a more thorough spatial analysis of the Community Development Plans and General Plan for the various locations.

2. Spatial analysis and mapping using existing State and county data to examine how the land use system is performing. State Land Use Districts are analyzed and discussed by county.
   a. This section contains the use and definition of Urban Growth Areas. The urban growth areas for the County of Hawaii are defined to include the following land use categories: Low, Medium, and High Density Urban; Urban Expansion; Resort and Resort Node; Rural; University Use; and Industrial. However, given the unique nature of our large subdivisions in Puna and Kau that have been
Ms. Mary Alice Evans  
Director, Office of Planning  
Department of Business, Economic Development & Tourism  
June 3, 2021  
Page 2

designated as Rural by our 2005 General Plan, we note that these Rural designations should not be included within the Urban Growth Areas as most do not have urban densities and lack adequate access to infrastructure.

b. We reviewed the lands identifies as beyond or outside of the County-designated growth areas but classified as State Urban and noted that the largest areas seem to be places that have or have had developed golf courses. We have recently seen proposals to convert these areas to other urban uses. However, in most cases they lack access to adequate infrastructure and the urban uses may not be consistent with the Community Development Plans. We recommend a more specific analysis of this.

c. We note that the Department of Agriculture recently updated their Agricultural Land Use Baseline Study and we would encourage the use of this study as well to analyze agricultural productivity rather than relying on the outdated ALISH and LSB studies.

d. This section included an analysis of development in the State Agricultural District outside of urban growth areas. The report should describe how "development" is defined. It seems from the use of the imagery analysis that it would be difficult to parse out agriculture from non-agriculture development. Also, as the report states roads have been included as development which disproportionally inflates the acres of land reported as developed especially in places like Puna that contain large subdivisions with private road systems or Hamakua and North Hilo that contain a lot of roads in limbo or old sugar cane roads.

3. **Recommended options to address the issues raised by the spatial analysis and mapping results.**

a. We generally agree with the recommendations to promote consistency of the Urban District boundaries with county plans. We note that some of our Community Development Plans specifically recommend this consistency. We would be interested in continuing to participate in discussions and development of legislative proposals to implement these recommendations.

If you have additional questions, or if you need further assistance, please feel free to contact me or Bethany Morrison at (808) 961-8138.

Sincerely,

ZENDO KIRN
Planning Director
August 11, 2021

Dear Mr. Kern:

Subject: Hawaii County Comments on State Land Use Periodic Boundary Review 2021 Draft

Thank you for your comments of June 3, 2021 on the subject draft Report. The Office of Planning and Sustainable Development (OPSD) offers the following response:

1. 1992 Recommendations: We agree that a more thorough spatial analysis of the Community Development Plans and General Plan for the relevant location would be required before pursuing a specific reclassification action. The 1992 recommendations are presented for reference purposes and consideration if a future opportunity arises.

2. We note your request to remove the large subdivisions in Puna and Kau, designated as Rural in 2005 General Plan, from the county’s Urban Growth Areas as these do not have urban densities and lack adequate access to infrastructure.

3. We appreciate your concern that the largest areas of lands outside the county growth area but in the State Urban District seem to be golf courses, most of which lack access to infrastructure and urban uses may not be consistent with Community Development Plans. Our findings regarding discrepancies between the State Land Use Districts and county plans would give the counties more authority to reclassify Agricultural and Rural District lands to conform with their general and community development plans.
Mr. Zendo Kern  
August 11, 2021  
Page 2

4. We note your comment regarding the shortcomings of the current ALISH and LSB rating systems. The Maui County Planning Director expressed the same concern. We will be adding a finding that the Legislature fund a study to identify a replacement for the LSB/ALISH soil productivity classification system.

5. We agree that use of imagery analysis makes it difficult to separate agricultural from non-agricultural development in the State Agricultural District outside of urban growth areas. The Report will be revised to clarify the purpose of this analysis, and we will investigate ways to refine this analysis in future Reports.

6. We appreciate your general agreement with our findings to promote consistency of the Urban District boundaries with county plans.

We anticipate finalizing the Report by the end of this year. If you should have any questions regarding this matter, please contact Aaron Setogawa of our Land Use Division at aaron.h.setogawa@hawaii.gov.

Mahalo,

Mary Alice Evans  
Director

cc. Bethany Morrison
May 21, 2021

Mary Alice Evans
Director, Office of Planning
Department of Business, Economic Development & Tourism
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

Dear Ms. Evans,

Thank you for opportunity to comment on the draft of the State Land Use Periodic Boundary Review 2021 Report. We also appreciate the informational presentation conducted by Office of Planning staff on April 30, 2021. Please see our comments below.

Comments on analysis for Kaua‘i County:

- **Update the matrix on “Status of County Plans.”** Replace the Wai‘anae-Kekaha and Hanapepe-Eleele Plans with the West Kaua‘i Community Plan (2020). Also note that the General Plan was amended in 2020.
- **Add designations in Section 4.3.1.3, County of Kaua‘i Growth Areas (Page 53).** Remove “Provisional Agriculture” and “Provisional Resort” designations. Add “Plantation Camp” designation.
- **Define Growth Area.** In Section 4.3.2.3, “Lands not within the Urban District but within the County Growth Area,” please explain what an “urban growth area” is. For example, the County has a “homestead” designation for certain agricultural lots but they are not considered a “growth area.” Is “growth area” simply any area not designated agriculture or conservation in a general plan?

Comments on the recommended options:

- What would an expedited DBA process at the LUC look like?
- Please mention the “Town Opinion” in this section, especially when recommending an option to move the responsibility of larger DBAs to the County.
- Page 134: It is not correct to say all agencies have substantial planning staff. On Kaua‘i, the regulatory and long-range planning divisions are understaffed.
- Regarding recommendations for the Rural District: What is transect planning? Do you mean form-based code or smart code? What purpose would such a code serve in the rural district? Please define “transect planning.”
- Include a description of the pros and cons of redistricting existing Agriculture District to Rural District (for areas that are already developed, e.g. Wai‘ale Homesteads).
We are concerned that this action would facilitate zoning that could exacerbate sprawl in areas without adequate infrastructure.

**General Comments:**

- The report contains a useful summary on the status of long-range land use plans across the four counties.
- Is there a public review component to this report? If so, consider utilizing a story map format as the maps in the report are difficult to read.

If you have any further questions or concerns, please contact Marie Williams of our staff at (808) 639-7745 or at mwilliams@kauai.gov.

Mahalo,

Ka‘aina Hull
August 11, 2021

Kaiana Hull, Director
Department of Planning
County of Kauai
4444 Rice Street, Suite A473
Lihue, Hawaii 96766

Dear Mr. Hull:

Subject: Kauai County Comments on State Land Use Periodic Boundary Review 2021 Draft

Thank you for your comments of May 21, 2021 on the subject draft 2021 Report. The Office of Planning and Sustainable Development’s (OPSD) response to your comments follows:

1. The “Status of County Plans” matrix will be updated, and the county growth areas will be corrected.

2. If the finding to grant counties to seek an expedited DBA process at the LUC is adopted, the specific process would need to be developed. The Report suggests the current expedited process for 201H affordable housing projects as a general example.

3. The finding to allow counties to process regional DBAs if consistent with their General and community plans will be revised to include reference to the Hawaii Supreme Court’s “Town” decision.

4. We note that some county Planning Departments may not have sufficient staff to accommodate increased District Boundary reclassification responsibility and the findings will be revised accordingly.

5. The findings regarding the Rural District will be reexamined and clarified in the revised Report. We share your concern that there is a risk of sprawl in areas
without adequate infrastructure if the Rural classification is not applied correctly.

We anticipate finalizing the Report by the end of this year. If you should have any questions regarding this matter, please contact Aaron Setogawa of our Land Use Division at aaron.h.setogawa@hawaii.gov.

Mahalo,

Mary Alice Evans
Director

c. Marie Williams
Ms. Mary Alice Evans  
Director  
Office of Planning  
State of Hawaii  
P.O. Box 2359  
Honolulu, Hawaii 96804-2359

Dear Ms. Evans:

SUBJECT: Draft State Land Use Periodic Boundary Review  
Dated January 21, 2021

Thank you for the opportunity to comment on the subject matter. Overall, the draft is well-organized and concise with informative map illustrations. Our comments are as follows:

1. Relating to Updated Metrics and Minor Corrections:
   a) Section 2.2, second paragraph, last sentence: missing a word between “set” and “the.”
   b) Section 2.2, third paragraph, it is unclear how the acreage reported as reclassified in 1974 (66,670 acres) is related to the acreage reported in Table 1.
   c) Section 4.2, Table 32, update the table to reflect that updates to the Central Oahu Sustainable Communities Plan (SCP), East Honolulu SCP, and Koolau Loa SCP, which were adopted in 2021, and an amendment to the Ewa Development Plan that was adopted in 2020. The North Shore SCP is currently under review.
   d) Section 4.3.1.2, first paragraph, last two sentences, delete as it is no longer true.
   e) Section 4.3.3.2, fifth paragraph, first sentence, change “count” to “county.”
f) Section 4.3.4, the methodology needs further refinement for the results to be more useful. As it states in the second paragraph, it is simply a reporting of the undeveloped land irrespective of whether the land is developable. However, what is counted as undeveloped land is what appears to be undeveloped in aerial photos and should be further checked whether it is developable. Perhaps a follow-up project should be recommended in this section.

g) Section 4.3.4.2, second paragraph, “Koa Ride” should be “Koa Ridge.”

h) Section 4.3.4.5, Table 33 should have footnotes stating that the acreages are estimates because residential yards, streams, and gulches may be included; otherwise the table can be misleading.

i) Section 4.5.2.2, title: “Honolulu” should be “Honolulu.”

j) Section 4.5.3.2, it is unclear whether the 5,247 acres of developed land outside the county’s growth boundary, but within the State Land Use Agricultural District (Agricultural District) on Oahu, includes lands that: 1) Have farm dwellings; 2) Are owned by Department of Hawaiian Home Lands; or 3) Are federal lands.

k) Map 21, Oahu - Lands Classified as State Urban outside the Urban Growth Boundary (UGB), should be amended to align and be consistent with the recently adopted East Honolulu SCP (Ordinance No. 21-11, Exhibit 2-1). More specifically, the area makai of Kalanianaole Highway, between Sandy Beach and Makapuu, should not be shown as State Urban Lands outside UGB (red on map). The 215 acres, identified by Tax Map Key (TMK) 3-9-011: Portion 002, was reclassified into the Conservation District on June 29, 2010 by Docket No. BR09-784. In addition, TMKs 3-7-004: 001, 002, 020, and 021 were determined to be within the Community Growth Boundary on November 5, 2012. The map should be amended to remove the red area in the back of Niu Valley. (See attached exhibit from the East Honolulu SCP).

l) Section 5.2, third paragraph, first sentence, delete “a” from “furthers.”

2. Relating to Section 5.1.2.1 Consistency with County Plans - Recommendations:

Regarding Items 1 and 2, the Department of Planning and Permitting (DPP) generally supports your recommendations to delegate to the counties the final authority to reclassify Agricultural District lands to the State Land Use Urban District (Urban District) if these lands are located within the counties’ growth boundaries. This would permit the counties to achieve the establishment of
Ms. Mary Alice Evans, Director
June 24, 2021
Page 3

desirable projects in less time and funding without undertaking a separate land use permitting process. We do not oppose seeking the Office of Planning's review and concurrence of proposals for the Urban District classification.

3. Relating to Section 5.2.1.1 Important Agricultural Lands (IAL) - Recommendations:

Due to the ongoing City IAL mapping project which is before the LUC, the DPP suggests eliminating any portion of the subject draft report referencing additional protective measures for IAL. Many IAL candidate landowners expressed concerns of future restrictions should their land be designated IAL. In the future, should additional protective measures be considered, it should only be proposed with a stronger set of additional incentives.

4. Relating to Section 5.2.2.1 Non-Agricultural Development in the Agricultural District - Recommendations:

“Fake farms” or subsistence farming and varying levels of farm production have their basis in the State Land Use Law. Section 205-4.5(a)(3), Hawaii Revised Statutes (HRS), allows animal husbandry “for personal use.” Note that it is interpreted by state and county attorneys that uses permitted in Section 204-4.5, HRS, are also permitted in Land Study Bureau Classes C, D, E, and U lands. Therefore, the raising of livestock, including poultry, bees, fish, or other animal or aquatic life that are propagated for economic or “for personal use”, is widely permitted in the Agricultural District. Thus, “fake farms” with minimal livestock or aquatic life, including merely the production of marine plant species, constitute a permitted use in the Agricultural District. Until the “for personal use” provision is addressed, the DPP remains concerned that any dwelling in the Agricultural District, irrespective of whether they are a farm dwelling or not, is an abuse of the agricultural designation if the occupants are claiming the qualifying income from said agricultural production is based on the “for personal use” exemption. With no income minimums established for farm dwelling occupants, verification is difficult to enforce when the occupants claim their agricultural activity is “for personal use” or subsistence farming.

Moreover, Section 205-4.5(b), HRS, states that lots created prior to June 4, 1976, permit the establishment or continuation of single-family dwellings and are not required to be farm dwellings. We assume this section of Chapter 205, HRS, recognizes that the counties’ zoning at the time did not require farm dwelling occupants to derive income from farming the land. It is recommended that further analysis of Section 205-4.5(b), HRS, be included in this report. Specifically, Session Laws of Hawaii 1976, Act 199, relating to the exemption of the construction of single-family dwellings on lots existing before June 4, 1976 in the Agricultural District should be investigated.
In Section 5.2.2.1, Definitions of farming, farm dwellings, unpermitted structures, and acceptable accessory uses should first be amended to be extensive and clear before any action is taken on other recommendations.

5. Relating to Rural Districts:

At this time, the City continues to discuss the implications of establishing Rural Districts on Oahu, especially those that may exist outside the growth boundary. Larger, Country-zoned lots appear to have agricultural uses but are not extensive across the lots. Many agricultural operations appear to abut small Country-zoned lots primarily used for dwelling use. A few notable examples of Country-zoned lots outside the growth boundary in Haulea and Waianae are depicted in the attachments. These examples, the DPP believes, provide credence to the establishment of Rural Districts on Oahu. We welcome further discussions with the Office of Planning on the Declaratory Order recommendation.

Should you have any questions, please contact Franz Kraintz, of our staff, at (808) 768-8046 or via email at fkraintz@honoilu.gov.

Very truly yours,

Dean Uchida
Director

DU:ah

Attachments
Waianae Makai:
Waianae:
Hauula:
August 11, 2021

Dean Uchida, Director
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Uchida:

Subject: City and County of Honolulu Comments on State Land Use Boundary Review 2021 Draft (Ref.2021/ELOG-764(FK))

Thank you for your comprehensive and detailed comments of June 24, 2021 on the subject draft Report. The Office of Planning and Sustainable Development (OPSD) has the following response:

1. The typographical errors, factual inaccuracies and clarifications noted in your comments will be corrected in the revised Report.

2. We agree that aerial identification of undeveloped land in the Urban District (Section 4.3.4) only indicates potential lands for development and a more detailed analysis would be useful. As you suggest, we will consider this as a follow-up objective for the next State Land Use Boundary Review.

3. The 5,247 acres of developed land outside the county growth boundary but within State Agricultural District (Section 4.5.3.2) does not include federal lands but may include lands owned by the Department of Hawaii Home Lands or those containing farm dwellings.

4. We appreciate your support for findings to allow the counties the authority to reclassify lands from the State Agricultural District to the Urban District if these lands are within the counties’ growth boundaries (Section 5.1.2.1).
Given the current controversy at the Land Use Commission over the City’s IAL designation, we will withdraw all findings and references to adding protective measures for IAL (Section 5.2.1.1). As the first county IAL designation, it is important that the City be allowed to complete the process. Additional protection of IAL lands paired with added incentives can be pursued in the future after further landowner and public education regarding the benefits.

Thank you for your detailed comments on “fake farms” or subsistence farming and the shortcomings of HRS, Section 205-4.5 (a) (3), “personal use” exemption. Our revised 2021 Report will include a finding to strengthen the definition of “farm dwelling” as part of a follow-up to Act 77 HB247 SD2 and in conjunction with OPSD’s Act 278 Study of Subdivisions and CPRs on Agricultural Lands.

We anticipate finalizing the Report by the end of this year. If you should have any questions regarding this matter, please feel free to contact Aaron Setogawa of our Land Use Division at aaron.h.setogawa@hawaii.gov.

Mahalo,

Mary Alice Evans
Director
VIA EMAIL: dbedt.op.lud@hawaii.gov

TO: MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT (OPSD)

THRU: RODNEY FUNAKOSHI
PLANNING PROGRAM ADMINISTRATOR
OPSD, LAND USE DIVISION

FROM: JADE T. BUTAY
DIRECTOR OF TRANSPORTATION

SUBJECT: STATE LAND USE REVIEW OF DISTRICTS, 2021 DRAFT REPORT

December 8, 2021

Thank you for your email on November 15, 2021 requesting the review and comments for the State Land Use Review of Districts, 2021 Draft Report. The Hawaii Department of Transportation (HDOT) understands OPSD has prepared the 2021 Draft Report pursuant to Hawaii Revised Statutes § 205-18.

Considering there are no changes proposed in the current report and the 1992 recommendations remain valid, HDOT’s Highways and Harbors Division have no comments on the 2021 Draft Report.

Our Airports Division (HDOT-A) has the following comments:

1. The main objective of the review was to compare the Urban District boundaries with county general and community development plans, with particular attention to areas planned for urban growth by counties. The HDOT-A supports approach #1 in Section 5.1.2.1, which expedites review by the Land Use Commission for district boundary amendment petitions which are consistent with county plans.

2. In section 4.3.3.1, page 64 (PDF page 69) and in section 4.3.4.1, page 74 (PDF page 79), there are references to the “Kona International Airport.” The name “Kona International Airport” was changed in 2017 to “Ellison Onizuka Kona International Airport at Keahole”, therefore HDOT-A requests that references to that Airport should be corrected to the current proper name.
If there are any questions, please contact Mr. Blayne Nikaido of the HDOT Statewide Transportation Planning Office at (808) 831-7979 or via email at blayne.h.nikaido@hawaii.gov.
STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT

January 7, 2022

TO: Jade T. Butay, Director
    Department of Transportation

FROM: Mary Alice Evans, Director
    Office of Planning and Sustainable Development

SUBJECT: DOT COMMENTS ON STATE LAND USE REVIEW OF DISTRICTS, 2021 DRAFT REPORT

Thank you for your December 8, 2021 (STP 8.3316) comments on the subject draft report. We appreciate the Airports Division’s support of approach #1 in Section 5.1.2.1 that expedites reviews by the Land Use Commission for district boundary amendments which are consistent with county plans. We also note your comment on the correct name for the Kona International Airport and have replaced this with the “Ellison Onizuka Kona International Airport at Keahole”.
Ms. Mary Alice Evans, Director
Office of Planning & Sustainable Development
Department of Business, Economic Development & Tourism
235 South Beretania Street, 6th Floor
Honolulu, HI 96813

SUBJECT: Comments on the 2021 report entitled State Land Use Review of Districts

Dear Ms. Evans:

Thank you for the opportunity to review the subject document. The Land Division has reviewed the draft report and respectfully requests that the site of the Department’s proposed industrial and business park at Pulehuului, Maui, further identified as Tax Map Key (TMK) (2) 3-8-008: portion of 001, be reclassified to the Urban District which would be consistent with the Maui Island Plan designation of these lands within the Urban Growth Boundary by the Maui County Council (see attached Figures).

Should you have questions regarding this matter, please feel free to contact me at (808) 587-0419.

Sincerely,

Russell Tsuji

RUSSELL Y. TSUJI
Land Division Administrator

Attachment

c: Central Files
LOCATION MAP
DLNR INDUSTRIAL AND BUSINESS PARK
PULEHJNUI, MAUI

FIGURE 1
Image Source:
Munekiyo Hiraga
MAUI ISLAND PLAN MAP
DLNR INDUSTRIAL AND BUSINESS PARK
PULEHUNUI, MAUI

KEY
- Urban Growth Boundary
- Project Site

FIGURE 2
Image Source:
Munekiyo Hiraga
STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2209, Honolulu, Hawaii 96804

DAVID Y. IGE
GOVERNOR
MARY ALICE EVANS
DIRECTOR
Telephone: (808) 587-2546
Facsimile: (808) 587-2524
Web: https://planning.hawaii.gov/

January 7, 2022

TO: Russell Y. Tsuji, Land Division Administrator
Department of Land and Natural Resources

FROM: Mary Alice Evans, Director
Office of Planning and Sustainable Development

SUBJECT: Land Division Comments on State Land Use Review of Districts 2021 Draft Report

Thank you for your recommendation that the Department of Land and Natural Resources’ proposed industrial and business park at Puʻunēnē, Maui be reclassified to the State Urban District consistent with the Maui Island Plan designation of these lands within the Urban Growth Boundary. Unfortunately, the Office of Planning and Sustainable Development does not have the resources to initiate this reclassification at the present time. Some of the new approaches to State Land Use District Boundary Amendments in the draft report are intended to improve this process.
7. DEPARTMENT OF LAND AND NATURAL RESOURCES COMMSSION ON WATER RESOURCE MANAGEMENT

Sent via email to: maryalice.evans@hawaii.gov

Ms. Mary Alice Evans, Director
Office of Planning and Sustainable Development
Department of Business, Economic Development & Tourism
235 South Beretania Street, 6th Floor
Honolulu, Hawai‘i 96813

Aloha e Ms. Evans:

Comments on State Land Use Review of Districts, 2021 Draft Report

The Commission on Water Resource Management (CWRM) provides the following comments to the State Land Use Review of Districts, 2021 Draft Report.

General Comments

CWRM is working to improve the connection between land use planning decisions and policies and water resource management and planning in the State of Hawai‘i. We recognize that the most impactful coordination between land use and water policies is at the State land use designation level. The Commission promulgates it’s protection and use policies through the Hawai‘i Water Plan. The Hawai‘i Water Plan and it’s component plans create policies and provide guidance that balance the protection of water resources with reasonable and beneficial uses, including the public trust purposes of water: (1) domestic uses, (2) water for environmental purposes, (3) water for traditional and customary Native Hawaiian practices, and (4) water reservations for the Department of Hawaiian Home Lands. We believe that better coordination at all levels of planning can ensure protection of water resources and the availability of water for current and future needs, as well as adapting to the impacts of climate change on the availability of our precious water resources.

CWRM respectfully requests that any land use designation reclassification docket be sent to us in a timely manner so that we may have an opportunity to perform a thorough review.

Hawai‘i Revised Statutes §205-17(3)(B) states that the Land Use Commission shall consider the impacts to maintenance of valued cultural, historical, or natural resources when reviewing a proposed reclassification of land use designation. We ask that the Land Use Commission and the Office of Planning & Sustainable Development (OPSD) carefully consider water availability and impacts to water when making any land use reclassification to the Urban and Agricultural Districts. Specific considerations include:
Ms. Mary Alice Evans, Director
January 7, 2022
Page 2

- Has there been consultation with the Counties on consistency with their respective Water Use and Development Plans?
- Is there a source or an adequate source of water to meet water demands for the proposed land use?
- Even if water is available, what are the alternatives to meet water demands, and what are the efficiencies of existing or proposed water delivery systems?
- What are the effects of climate change on water availability in the area?
- What are the impacts of the land use on public trust purposes of water?
- Does the reclassification involve land within a designated water management area?
- Does the reclassification involve streams with established instream flow standards?

Specific Comments

Page 36, Recommendations. Regarding the proposed 1992 recommended reclassifications (85,352 ac.) to the Conservation District should be pursued as resources become available, and the 1992 proposed reclassification (9,563 ac.) to the Urban and Rural Districts should not be pursued at this time before consultation with the counties: CWRM requests that reclassification of lands to Conservation, which benefit recharge areas, watershed protection, aquatic and riparian resources, stream corridors, native habitat, and exercise and protection of traditional and customary practices of Native Hawaiians be prioritized over other purposes. Moreover, CWRM concurs that reclassification to the Urban and Rural Districts should not be pursued at this time before consultation with the counties and careful investigation of available water resources. This is supported by this report’s findings that there is significant amount of vacant, undeveloped Urban District lands available for development Statewide.

Page 67, Sec. 4.3.3.5. Discussion. CWRM agrees that the lands within the Urban District but not planned by counties for growth could be candidates for downzoning to Agriculture, Rural, or Conservation Districts, as they are not needed by the counties for urban expansion – provided that appropriate water availability for the land use is considered.

Section 5.1.2, Consistency with County Plans. This report has done a careful analysis of looking at consistency of land use designations with the counties’ urban growth boundaries and proposed three approaches to promoting more consistency between land use designations and county land use plans. However, no explicit consideration is given to water availability and impact to water. We submit that urban development would not be possible without the provision of water. One way to close this analysis gap is for OPSD and LUC to review the strategies for water development in each of the County water use and development plans along with the land use plans when recommending lands suitable for reclassification to Urban Designation. We also note that this is allowable and required under §205-17(3)(B), HRS, since water is considered a valued natural resource.

Section 5.2, Agricultural District. We agree with the analysis that broadened permitted uses in the Agricultural District has weakened the nexus to agricultural production and bona fide farming operations. We also acknowledge the numerous barriers to the growth of Hawai‘i’s agriculture industry and the importance of reliable and affordable water for Important Agricultural Lands (IAL) lands.
Ms. Mary Alice Evans, Director  
January 7, 2022  
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Section 5.2.1, Important Agricultural Lands (IAL). When reviewing an application for IAL, the LUC should carefully evaluate the practicable availability of water with respect to the proximity of the water source to arable lands, existing water transmission infrastructure, impacts to public trust uses of water, competing uses of water, affordability of water, whether the source is in a designated water management area, and presence of practicable alternative sources of water such as recycled wastewater.

Section 5.4, Conservation District. We reiterate that any reclassification to Conservation District should be prioritized by the land’s inherent value or purpose for aquifer recharge, watershed protection, aquatic and riparian resources, stream corridors, native habitat, and exercise and protection of traditional and customary practices of Native Hawaiians.

We appreciate this opportunity to review and comment on this important report. Land use boundary amendments can have serious impacts to water resources. It is critical that we improve the coordination between land use planning and water resource management so that our finite water resources are utilized in a holistic and efficient manner for the people of Hawai‘i and future generations. We look forward to continued collaboration between CWRM and OPSD.

Ola i ka wai,

M. KALEO MANUEL  
Deputy Director

c. Rodney Funakoshi, OPSD
February 11, 2022

TO: M. Kaleo Manuel, Deputy Director
    Department of Land and Natural Resources
    Commission on Water Resources Management

FROM: Mary Alice Evans, Director
    Office of Planning and Sustainable Development


Thank you for the Commission on Water Resources Management (CWRM) comments on the State Land Use Review of Districts 2021 draft report. The Office of Planning and Sustainable Development (OPSD) agrees that better coordination at all levels of planning can help to ensure the protection of water resources and will make every effort to provide State Land Use reclassification dockets to CWRM for review in a timely manner.

**District Boundary Amendment Process**

We appreciate your outlining specific water resource management and planning issues to consider, including public trust purposes of water and listing of specific considerations in assessing water availability and impacts. To provide reviewing agencies with adequate time for review, we have asked the Land Use Commission (LUC) to provide OPSD a minimum of 60 days to file the State’s position on State Land Use District Boundary Amendments (DBA) once the LUC has deemed the DBA petition complete. During this period, OPSD tries to give State agencies a minimum of 30 days to review the petition and provide comments. Typically, OPSD solicits comments from the Department of Land and Natural Resources (DLNR) and depends on the Department to transmit this request to its various Divisions as well as CWRM.

In addition to this procedure, we would be happy to send a copy of our request for comments directly to CWRM. Also, OPSD welcomes agency comments at any time and occasionally, a petitioner will provide OPSD with an advance draft of their petition prior to officially filing it with the LUC. We can share these with CWRM if you like. We would be glad to meet with you to discuss these or any other measures to improve coordination between us on DBAs.
Deputy Director M. Kaleo Manuel
February 11, 2022
Page 2

Please know that the existence of an adequate source of water and whether the proposed site is within a designated water management area is a major consideration for OPSD when reviewing petitions for DBAs. The county in which the lands subject to the DBA are situated is a required party to the petition and OPSD relies on the county to review the consistency of the reclassification with their water use and development plans.

1992 Boundary Recommendations
The recommendations for reclassification to the Conservation District are listed as “Priority 1” and “Priority 2”. And we also appreciate your concurrence that the 1992 recommended reclassifications to the Urban and Rural Districts should not be pursued at this time before consultation with the counties, and we agree that an analysis of available water resources should also be considered.

Water Availability, Important Agricultural Lands
We agree that any State Land Use District reclassification to be consistent with county general and community development plans should consider water availability and impacts. We expect that this would also be an important consideration during the county planning process for the designation of Important Agricultural Lands (IAL). We also agree that proximity to a water source and whether it is in a designated water management area, water infrastructure, public trust uses, competing uses, affordability, and the presence of alternative sources of water such as recycled wastewater should be carefully evaluated in the designation of IAL. Please note that among the eight criteria the LUC is required to consider in determining the designation of IAL are Hawai’i Administrative Rules § 15-15-120 (c) (5) and § 15-15-120 (c) (8) relating to sufficient quantities of water and support infrastructure including water, respectively.

Again, thank you for your comments. We would be glad to meet with you to discuss ways to improve our regular consultation procedure and better our coordination. Please feel free to contact Rodney Funakoshi of our Land Use Division at rodney.v.funakoshi@hawaii.gov.
Ms. Mary Alice Evans, Director
Office of Planning and Sustainable Development
P. O. Box 2359
Honolulu, Hawaii  96804-2359

Dear Ms. Evans:

Subject: State Land Use Review of Districts Draft – November 9, 2021

Thank you for the opportunity to review and provide comment on the subject report.

This is an important document that brings many of the challenges faced by agencies responsible for protecting and making available the agricultural resources necessary to increase agricultural production to achieve the State’s constitutional mandates of increasing agricultural self-sufficiency and assuring the availability of agricultural suitable lands (Article XI, Section 3). Current legislative and administrative goals comport with these mandates and call for increasing local food self-sufficiency and doubling local food production by 2030.

The Department limited its review to the agricultural-related conclusions and findings found in Section 5.

Section 5.2 Agricultural District (pages 131-136)
The 3 major findings sum up well the state of the State Agricultural District:

1. Important Agricultural Land (IAL) designation statewide is not complete. IAL identifies the best agricultural lands that warrant long-term retention via the targeted availability of incentives. Without the completion of the county identification and designation process described in the IAL law (Part III of
Chapter 205), State investments in agricultural production and long-term agricultural resource protection policies will continue to be unfocused.

2. Non-agricultural uses such as large-lot residential uses that drive up the cost of agricultural land to reflect this non-agricultural use, rather than cost of agricultural land based on agricultural productivity potential.

3. There are lands in the State Agricultural District that are unsuited for agricultural use. Initial establishment and classification of Agricultural District lands contained anomalies like residual lands that are open space, transitional and sparsely developed. The list of permissible uses in Chapter 205 (Section 205-4.5, HRS) grew from 5 to 21, weakening the nexus to agricultural production and bona fide farming. Special Permits allows any non-permitted use of less than 15 acres approved by the county planning commissions if deemed “unusual and reasonable”.

The last paragraph in Section 5.2 (page 132) is an excellent segue to the Important Agricultural Lands sections (5.2.1 and 5.2.1.1)

Section 6.2.1 Important Agricultural Lands (pages 132-133)
The Department strongly agrees that the continuing county efforts to identify qualified agricultural lands and have them designated as Important Agricultural Lands (IAL) should be completed. As the report states, IAL designation identifies those productive agricultural resource lands that should receive the strongest State and county policy protection and agricultural investment to sustain the agricultural sector. The Department also strongly agrees that the long-standing obstacles to establishing and sustaining agricultural development (high cost of access to agricultural land, irrigation water, farm laborers, and competing land uses such as renewable energy and affordable housing) requires public commitment in the form of investments and protections not unlike what is offered to renewable energy development.

Section 5.2.2 Non-Agricultural Uses in the Agricultural District (pages 133-135)
With respect to renewable energy, the Department also laments the history of legislative action that has resulted in the possibility of renewable energy development on 95 percent of agricultural land in the State. Adding to this adverse outcome is the ability of renewable energy projects to outbid agricultural production on the same lands. Legislation to direct the siting of new renewable energy development to “D” and “E” before considering higher-rated agricultural land, notwithstanding current law, is needed
Ms. Mary Alice Evans
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to bring a temporary pause to the proliferation of these facilities on prime agricultural land.

The ongoing struggle to control the long-standing scourge of primarily residential use of agricultural land is being spearheaded by OP/SD and has resulted in statutory clarification that a "farm dwelling" is to be located on and accessory to a farm. Next steps will be defining what constitutes a "farm". The Department continues to strongly support a reasonable gross income from sale of agricultural products grown on the property where the "farm dwelling" is located.

Section 6.2.3 Agricultural Soil Classification Systems (page 135-136)
The Department supports a study and mapping project to determine a potential update or replacement of the Land Study Bureau's (LSB) Detailed Land Classification series of reports done for the entire State. The Department strongly recommends that the LSB's land type (physical characteristics) and selected productivity ratings (approximate potential yields for each land type) be part of this study.

Section 6.3.1 Rural District Findings (pages 137-138)
The Department supports the concept of diverting the demand for large-lot residential use from the Agricultural District to the Rural District. Combined with current efforts by OP/SD to bring quantitative definition of a "farm dwelling" and what constitutes sufficient agricultural activity, this could reduce the demand for small agricultural lots with little if any agricultural activity.

Subdivisions of Agricultural District lands often result in uses and activities that are not consistent with agricultural production are subject to far less scrutiny that land use district reclassifications. As described earlier, subdivisions of agricultural land increase the value of a subdivided agricultural lot disproportionately to the income from sales of agricultural products from agricultural activities.

The Department supports county-adjudicated reclassification of "D" and "E" rated Agricultural District land to Rural that are supported by existing community and county general plans. The Department has strong concerns about including "C" rated ag lands unless stricter standards are applied – in terms of potential productivity, "D" and "E" are not equivalent to "C" rated lands. Further, the Department is concerned about developer/landowner proposed amendments to county community/general plans to create more Rural in these plans. This would circumvent or, at least, diminish the regional perspective that amendments to community plans should be scrutinized with.
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This concludes our comments and suggestions.

Should you have any questions, please contact Earl Yamamoto at earl.j.yamamoto@hawaii.gov.

Sincerely,

Phyllis Shimabukuro-Geiser  
Chairperson, Board of Agriculture

c: Rodney Funakoshi, Planning Program Administrator, OP/SD
January 24, 2022

TO: Phyllis Shimabukuro-Geiser, Chairperson
Board of Agriculture

FROM: Mary Alice Evans, Director
Office of Planning and Sustainable Development

SUBJECT: Department of Agriculture Comments on State Land Use Review of Districts 2021 Draft Report

Thank you for your comments on the State Land Use Review of Districts 2021 draft report. We appreciate your support for the Important Agricultural Lands (IAL) finding (Section 5.2.1) that would ensure and fund completion of IAL designation by the counties and State agencies, and for greater public investment and protection to overcome other obstacles to sustainable agricultural development such as the high cost of access to agricultural land, irrigation water, farm laborers, and competing land uses.

We also appreciate your support for a study and mapping project to potentially update or replace the Land Study Bureau’s (LSB) Land Classification system (Section 5.2.3) and accept your recommendation that the study should include the LSB land type (physical characteristics) and selected productivity ratings (approximate potential yields for each land type).

Finally, we appreciate your support for the Section 5.3.2 Rural District findings, including for authorizing county reclassification of “D” and “E” rated Agricultural District lands consistent with county community and general plans. We note your concern with including “C” rated lands in this finding without stricter standards. The final report will limit this finding to “D” and “E” rated lands at this time. We also note your concern over the developer/landowner-initiated amendments to county community plans that might create rural parcels contrary to a regional county planning approach. We will consider ways to mitigate this possibility such as limiting the county authority to a one-time reclassification.

cc. Earl Yamamoto
MEMORANDUM

To: Mary Alice Evans
   Director, Office of Planning and Sustainable Development

From: Daniel Orodenker
   Executive Officer, Land Use Commission


Dear Mary Alice;

We are in receipt of your request to address the Land Use Commission at a scheduled hearing with regard to the report entitled “State Land Use Review of Districts”. While we appreciate your continued concern with regard to this report, we can’t recommend the report be published in its current state. As set forth below, the report has serious technical flaws which should be remedied before it moves forward. Absent correction of these flaws we don’t believe the report useful guidance without significant revision.

Process Comments:

1. Again, and as discussed previously, we believe it is and was a fatal flaw not to have engaged with the Land Use Commission at a very early stage in its development to get input, and set the scope and guidelines for the review. Under HRS Chapter 205, The LUC is the primary agency concerned with classification of State land use district boundaries and should have been included in development of the document. This situation is analogous to developing the Hawai‘i 2050 plan’s energy recommendations without engaging DBEDT’s Energy Division.

2. While we understand your desire to move this matter forward as a listed accomplishment, recent revisions to HRS Section 205-18 removed any time requirement for development and submittal of the report. As such we believe there is ample time to correct the flaws contained in the document.

3. While the data analysis underscores that there is a significant amount of urbanized land that remains vacant or undeveloped, there is no discussion as to why that is
occurring, how it can be rectified, and the impact development of that land would have on the economy or housing inventory. Absent such analysis, any proposed changes to the process that would expedite the urbanization of additional lands would only serve to enhance sprawl, reduce agricultural lands needed for food sustainability, and significantly alter the infrastructure requirements for a designated area leading to long term viability problems for water, sewer and roadway infrastructure.

4. There is no discussion of climate change and sustainability issues or a recognition of the requirements contained within the 2050 Plan.

General Comments on Technical Aspects:

1. While we applaud the efforts of OPSD in developing the data driven sections of the document (Sections 4.1 to 4.6), we can’t see any nexus between the assembled data and the conclusions in sections 5.1-5.4. In sum, there does not appear to be any support for the conclusions and recommendations contained in these sections such that they appear to be random and nothing more than the sentiment of the author. Of significant concern is that there is no evidence to support the proposed resolutions to problems that may or may not exist. This is a serious technical flaw that undercuts the credibility of the document as a whole.

2. Of serious concern as well is that, even assuming the conclusions and recommendations are legitimately derived, there is no recognition of the Towne case and its impact on procedural requirements for agencies and Constitutional Due Process. Failure to recognize the limitations imposed on land use decisions by the Hawai‘i Supreme Court renders the recommendations unworkable and incompatible with the legal system. Each and every recommendation should be analyzed in light of the limitations on government decision making set forth in various Supreme Court decisions.

3. Alarmingly, given the legal mandates of the LUC and the OPSD, there is no discussion of the duties imposed on government by the Public Trust Doctrine. As we enter this period of Hawaiian Renaissance and a deep-seated concern for sustainability and climate change issues, as well as rising political activism, failure to address how these issues could and should be addressed, is a significant flaw and impacts the usefulness of the document.

Specific Comments:

1. Generally, and as previously stated, the data analysis and update on the current state of the district boundaries is technically accurate.

2. Section 5.1.2.1 is lacking in any type of analysis on whether or not new “approaches” are even warranted or necessary given the substantial identified acreage that has already been urbanized. Analysis should show the connection between the data and identified problems in land distribution that the new approaches are being recommended to address.
3. Section 5.1.2.1 on page 131 of the document, setting forth “approaches to simplify the redistricting of lands”, proposal 2 is completely lacking in any reference to or analysis of whether or not such a process is possible under various Hawai‘i Supreme Court cases such as the Town decision. In particular, “regional quasi-legislative decision making is specifically contrary to the constitutional due process requirements that the Hawai‘i Supreme Court has specifically enumerated. A complete discussion of the limitations the Supreme Court has placed on district boundary amendments is lacking in the document. Reference to this type of process should therefore be deleted from the “approaches”.

4. Item 3 on page 132 is objectionable in its entirety. It is not supported by any analysis in the document, is a one-sided capitulation to the desires of the development community, and in complete disregard of the position of the environmental and cultural community including the Office of Hawaiian Affairs and the Sierra Club. This section should be removed from the document. The statements made in this section are conclusory with regard to the “more rigorous community involvement” in the community planning process. There are so many things wrong with this paragraph that the LUC will likely issue a letter refuting the conclusions should this section be included and transmit the same to the Governor, Legislature and all interested parties. OPSD is, and should be, very much aware that the controversy over this type of proposal led to the failure of the omnibus housing bill’s passage in prior legislative sessions. To resurrect this proposal without supplying any legal analysis or supporting data as to its impact is certainly deaf to the political realities. More specifically objections include:
   a. Public Trust Doctrine Analysis implications are not recognized;
   b. OPSD review is contrary to chapter 205 HRS. Such review, if it were to exist, is the responsibility of the LUC;
   c. Again, while county plans may have public involvement they lack public trust doctrine analysis;
   d. The last paragraph only refers to one portion of the State’s obligation and duty under Chapter 205;
   e. There is no due process analysis contained in this section. Under State constitutional law the counties would have to engage in contested case hearings and the same analysis as the LUC to approve ANY projects within the county growth areas. Thus, any assertion of streamlining or simplification of the process is suspect.

5. Section 5.2.2 on page 137 is also technically flawed. As OPSD is aware, this is also a “hot button” or highly contested area. A change in the definition of “farm dwelling” would need to be thoroughly vetted with the community before changes could be made. There is also no discussion on whether or not there are due process implications to changing to a more restrictive definition and whether it would result in significant claims for “taking” under the Constitution.

6. Section 5.3.1 on page 140 is also deficient in that it does not reflect or contain any discussion of due process implications and the constitutional limitations on reclassification.
We'd like to recognize that some of the data gathered is interesting and might be useful; however, we believe that an opportunity has been missed to work on district boundary classification issues in a more collaborative fashion with the staff of the Land Use Commission. This may be rectified by not pushing this report forward at this time and instead sitting down with LUC staff and county planners to identify issues of mutual concern and information that would support better decision-making.

Very Truly Yours;

[Signature]

Daniel F. Oronelt
Executive Officer
November 15, 2021

TO: Daniel E. Orodeneker  
Executive Officer, Land Use Commission

FROM: Mary Alice Evans  
Director, Office of Planning and Sustainable Development

SUBJECT: State Land Use Review of Districts, September 23, 2021 Draft

Thank you for your memorandum (Memorandum) dated October 28, 2021 on the subject Review. Your comments address several key areas: Land Use Commission (LUC) involvement in the report’s development, the connection between GIS map analysis and possible remedies, the impact of the Town decision on possible remedies, and the lack of discussion of climate change or the 2050 State Sustainability Plan.

Lack of LUC Involvement

The LUC Memorandum states that the LUC should have been involved in the early development of the Review and “set the scope and guidelines for the review.” However, under Hawaii Revised Statutes (HRS), § 205-18 as amended, the responsibility lies solely with the Office of Planning and Sustainable Development (OPSD) to review “the classification and districting of all lands in the State. The Office, in its boundary review, shall focus its efforts on reviewing the Hawaii state plan, county general plans, and county development and community plans. Upon completion of the boundary review, the OPSD shall submit a report of the findings to the commission, the Governor, Legislature, and appropriate state and county agencies.”

Nevertheless, OPSD has consistently solicited LUC staff comments during the process of compiling the Review. The county planning departments were briefed on an earlier version of the Review on April 30, 2021. The Review, along with written comments received from the county planning departments, was shared with the LUC staff, and a similar opportunity to be briefed was offered to the staff. A presentation was prepared for July 22, 2021. OPSD’s offer was not accepted. Subsequently, the Review was revised based on the county planning departments’ comments and the
revised Review was also shared with the LUC staff along with another request for comment. There have been several requests for LUC staff comments since.

The October 28, 2021 memorandum is the first comments on the Review we have received from the LUC staff and is much appreciated.

**Connection Between GIS Analysis Data and Possible Remedies**

The Memorandum states that there is no nexus between the data presented in Sections 4.1 to 4.6 (Analysis of State Land Use Districts) and the approaches in Section 5.1 to 5.4.

The analysis of Vacant Lands in the State Urban District (Section 4.3.4) and of Development in the State Agricultural District Outside of the County Growth Boundary (Section 4.5.3) is based on the U.S. National Oceanic and Atmospheric Administration’s (NOAA) Coastal Change Analysis Program (C-CAP) which uses aerial photographic maps. The limits to the use of aerial imagery are noted in both Sections. Nevertheless, the analysis of vacant lands in the State Urban District is a useful guide for closer inspection to discern large tracts of planned but not yet developed land or potential areas for infill development, and the possible reasons for the vacant lands are discussed in Section 5.1.1. The analysis of development in the State Agricultural District outside of the county Growth Boundary is similarly useful, and Review states OPSD’s intent to investigate ways to refine this analysis for future Boundary Reviews, which may require field inspections to verify uses.

The analyses of Land Not in the State Urban District but in the County Urban Growth Boundary (Section 4.3.2) and of Land in the State Urban District but Not in the County Urban Growth Boundary (Section 4.3.3) was done by overlaying the State Urban District boundaries on the county Urban Growth Areas. While the cause for each individual discrepancy is not discussed its existence represents a hindrance to the counties’ ability to direct growth consistent with community consensus and county infrastructure resources. In their comments on the Review, the county Planning Departments acknowledged the problem and expressed an interest in addressing it. Thus, the discussion of possible approaches in Sections 5.1.2.1, 5.2.2.1, and 5.3.1 to resolving these discrepancies, other than relying on the current status quo, is appropriate.

**Town Decision Impacts/Public Trust Doctrine**

The Memorandum states that the Review does not recognize the Hawaii Supreme Court’s Town case and its impacts on the procedural requirement for agencies and Constitutional Due Process and there is no discussion of the duties imposed on government by the Public Trust Doctrine.

OPSD agrees the impact of the Town decision needs to be noted in any discussion of possible approaches that would revise the current State Land Use system, and reference has been added to the November draft to be publicly disseminated.
Executive Officer Daniel E. Orodenker
November 15, 2021
Page 3

OPSD recognizes and expects that any of the possible approaches to a solution suggested in Section 5 of the Review will require detailed refinement and a thorough review by the public, landowners, State and county agencies, and the Legislature before it might be implemented. And of course, any approach outside of the current status quo must address the issues raised by the Hawaii Supreme Court in its Town decision. However, this potential limitation should not preclude a discussion of possible alternatives.

OPSD appreciates the LUC Memorandum and respects the LUC staff’s right to disagree. However, we are surprised at your objection to the third approach to promote consistency of the Urban District boundaries with county plans, to increase the county’s authority to reclassify lands from the Agricultural or Rural District to the Urban District if the petition area lies within the county-planned growth area. The counties already have the authority under HRS, § 205-3.1 to reclassify lands less than 15 acres from the State Agricultural to the Rural or Urban Districts provided it is not Important Agricultural Lands. Furthermore, consistency with county plans is one of the LUC’s six decision-making criteria for reclassification under HRS § 205-17. To suggest that increasing the counties’ authority in this case “…is a one-sided capitulation to the desires of the development community, and in complete disregard of the position of the environmental and cultural community…” misrepresents the counties’ planning process.

Climate Change, 2050 State Sustainability Plan

Finally, the Memorandum notes that the Review does not discuss climate change and sustainability issues or recognized the requirements of the 2050 State Sustainability Plan.

Although not specifically stated, the Review is consistent with sustainability principles. The suggested approaches toward consistency between State District boundaries and county growth areas are consistent with the sustainable practice of concentrating developments in areas with adequate existing infrastructure. The suggested approaches toward promoting Important Agricultural Lands, enhancing the enforcement of existing requirements in the State Agricultural District, and allowing existing non-conforming uses to be reclassified to the more suitable Rural District are consistent with promoting sustainable food production.

Nevertheless, the question of how sustainable the current State Land Use system is compared to other jurisdictions, how can it promote sustainable development, and its role in addressing climate change would be important topics for future reviews.

Again, thank you for your detailed comments. We look forward to further discussion with the LUC on these issues as the Review moves toward completion.
January 10, 2022

Mary Alice Evans
Director, Office of Planning & Sustainable Development (OPSD)

RE: OPSD “Draft Boundary Review”

Dear Director Evans,

The Land Use Commission (LUC) appreciates the OPSD presentation on the State Land Use District Boundary Review (“Review”) at our November 23, 2021 meeting. The subsequent discussion with you and the staff on the Review, how the information had been developed and the conclusions or “options” contained in the report was particularly enlightening. The Commissioners acknowledged the work put in by OPSD to develop the Review’s statistical data.

However, the Commissioners expressed a number of concerns. As a result, a motion was made and unanimously adopted that the Commission prepare a letter summarizing its concerns and requesting a response as to how those concerns were going to be addressed. In the discussion and by way of reference the Commission also adopted and affirmed the concerns set forth by staff in its October 28, 2021 letter with regard to this matter. A copy of that letter is attached. While all the Commissioner’s concerns were wide ranging and interrelated, they are organized here in the following categories:

- The conclusions (“options”) contained in the Review
- Public and Agency Participation and Engagement
- The Need, Purpose, and Goals for the Review
- Lack of Legal Context and Analysis
- The Public Trust Doctrine
- Limitations of reliance on County General Plans and Community Plans
- Climate Change and Sustainability Mandates
- Undeveloped Urban District Land, County Growth Boundaries, and Infrastructure
- Disconnect Between Findings and “Options”

We discuss each of these in turn.

The recommended actions (“options”) contained in the Review

While the concerns of the Commissioners were interrelated and wide ranging, it was the inclusion of recommended actions for the Legislature to consider – which the report characterized as “options” – which elevated all of the other concerns of the Commission. Had
the report not contained these “options”; the other categories of concern would still exist, but would be less consequential. The Commissioners’ concerns with the “options” are twofold. First, the sense of the Commissioners was that the use of the term “options” was a word choice designed to propose recommended actions to the Legislature while rhetorically removing any allocation of responsibility to OPSD if the recommendations were taken up. Second, as detailed further below, the Commissioners believed that the lack of community engagement, legal analysis, and other factors led to the proposed “options” to be deeply problematic for the state, our people and our resources. Community and agency engagement could have addressed these issues, which we next review.

Public and Agency Participation and Engagement

Commissioners repeatedly expressed extreme concern with the lack of broad community engagement. The document appears to have been prepared solely with input from selected personnel in the county planning departments. We note the following:

a. **Broad community involvement:**
   i. There does not appear to have been any community or constituent outreach in the development of the Review. As a result, the concerns of the community are not represented in the document, and hence they are not recognized as concerns or examined.
   ii. The Commission does not feel that simply posting the document on the OPSD website will result in any meaningful input from the community. The Commissioners expressed OPSD should take affirmative measures to engage organizations and individuals.
   iii. As a minimum initial part of outreach, it would be expected that outreach would occur organizations that regularly appear before the LUC and/or comment on proposed alterations to LUC powers, such as the Sierra Club, the Maui Tomorrow Foundation, the Native Hawaiian Legal Corporation, business and labor interests, and other organizations involved in the boundary reclassification process.
   iv. The LUC believed that the posting of a complete document prior to such engagement will additionally make meaningful engagement extremely difficult. Many stakeholders may believe, as the LUC was inclined to conclude, that their input would never be meaningfully considered. Not engaging the community prior to finalization of the review is likely to result in “backlash”. The Commission specifically stated that such lack of engagement and notice is “why people don’t like government”.

b. **LUC and LUC staff involvement:**
   i. Of significant concern is that the Land Use Commission and its staff were not brought into the discussion until after meetings had been held and a draft generated that already contained conclusions and recommendations (“options”)
   ii. It was stated on November 23 that comments made by LUC staff were only incorporated into the plan where they “matched the counties.” This would appear to render LUC concerns irrelevant.
The Need, Purpose, and Goals for Review at this Time

Commissioners repeatedly requested clarification on why the Review was done (the report did not state a need it was addressing) and why there appears to be a rush to submit the report before the start of the next legislative session. Because the recently revised statute removed language referencing the 5-year periodic review and removed mandatory language, such that the review is now discretionary (“may” rather than “shall”), Commissioners strongly indicated that a re-examination of the Report’s development process and its conclusions after more comprehensive participation is warranted.

a. OPSD’s timeline will not allow for community input to be fully incorporated.
b. The review begins with analysis of current conditions but does not state its purpose in doing so, what the Review is intended to accomplish, why the report has been developed, nor the issues that need to be examined.
c. If there are no goals identified, and the Review was done to adhere to the requirements of HRS 205, then sections 5.1 to 5.4, which developed what are described as “options” do not logically follow and so should not be included.
d. Since the report is no longer mandated, Commissioners wanted OPSD to more clearly articulate why it feels compelled to move forward at this time.
e. Overall, the Commission questioned whether the review should have expanded beyond its statutory purpose as set forth in Section 205-18 of examining boundaries and making recommendations for changes to district boundaries.

Lack of Legal Context and Analysis

Of significant concern is the lack of legal analysis done on the “options”. Commissioners expressed concern that the report does not recognize the Constitutional and case law constraints placed on reclassification of lands.

a. Generally, the Review lacks any meaningful discussion of the quasi-judicial process required under the Town decision or a discussion of how the proposals contained in the report could pass legal scrutiny.
b. Before proposals or “options” are developed they should be vetted for constitutionality and legal adherence. Contested case hearings are required for district boundary amendments under various legal principles. Those rights stem from due process and constitutional considerations. Constraints have been placed on the district boundary amendment process by the State Supreme Court and the Constitution that raise due process requirements.
c. There is a very real concern that OPSD is engaged in process seeking to go around Town and that due process and property rights are not being respected.
d. Commissioner Okuda strongly suggested that a review of current law with regard to those requirements be done by the attorney general prior to making recommendations which are violative of those principals.
e. The Legislature cannot simply change the process to “streamline” the system. The Commission is extremely concerned with regard to statements by OPSD that the Legislature can pass laws of questionable constitutionality or legality and then leave it to the Supreme Court to decide. This will create tremendous uncertainty with regard
to property rights and will have significant costs (particularly to developers caught in the appeals process).

The Public Trust Doctrine

The Commissioners expressed similar concerns that there was no analysis of the ramifications of the “options” on the constitutional and statutory mandates associated with the Public Trust doctrine.

   a. During the discussion, there appeared to be some confusion on OPUSD’s part as to the training provided by OHA on Native Hawaiian issues and the Public Trust Doctrine. Native Hawaiian issues, which are intertwined with some public trust issues, are only one component of any government agency’s public trust obligations.
   b. The Public Trust Doctrine is much more complex and includes water, environmental and other issues not recognized in the OPUSD Review. How those obligations can be met under the “options” have not been analyzed or discussed. A section detailing the implications of the public trust doctrine and all of its components should be included as a part of the Review and its recommendations or “options”.

Limitations of reliance on County General Plans and Community Plans

Of particular concern was the Commission’s direct experience, in at least two cases, with the inadequacy of the County General Plan process and its translation into urban boundary recommendations. It was clearly expressed that reliance on the notion that county general plans are developed with superior community input and community agreement or support is unfounded.

Any “option” that relies on the general plans as including comprehensive agreements on expansion of the urban core is misguided. Both the Olowalu (Maui) and North Kona examples are evidence of the inadequacy of reliance on the county general plans, as urban growth lines clearly conflict with public trust concerns and community wishes.

Climate Change and Sustainability Mandates

The Commissioners further believed mandated state concerns related to sustainability and climate change are not properly addressed. This includes a lack of analysis on how pressing issues of increased competition for agricultural land and how the need for renewable energy, housing and agriculture can be balanced. Commissioners expressed serious concern on the lack of analysis or recognition of the constitutional requirements to preserve agricultural lands, the state policy goals of retaining or developing food sustainability, renewable energy mandates, and affordable housing mandates.

   a. The Hawai‘i 2050 Sustainability Plan should be discussed and addressed. Failing to do so is a significant omission. While not specifically identified in HRS section 205-18 as one of the documents to focus on, it is one of the most significant current policy documents that will impact land use decisions now and into the future.
   b. Commissioners expressed that the Review should contain an analysis of the implications of energy projects, the associated mandates and their tax structure. A
complete understanding of those implications should be provided before moving forward any of the related “options”.

c. The underlying implication of the “options” appears to be that the counties should be managing these policy goals and balancing the interests. However, these are State government policy goals that have statewide policy implications. Land for these competing issues needs to be assessed and analyzed at the State level; the “options” leave unaddressed how this would occur.

d. There are a significant number of subdivisions in the State Agricultural district that might be more properly placed into the State Rural district. Proposals to rectify this existing problem need to be developed – but only after significant public outreach is undertaken and a legal analysis has been done on any proposed solutions.

e. There is little discussion of the Important Agricultural Lands (“IAL”) mandate under the State Constitution and HRS 205, and its potential impact on district boundary amendments. IAL results from a constitutional mandate, is required by statute, and therefore must be taken into consideration in developing the Review.

Undeveloped Urban District Land, County Growth Boundaries, and Infrastructure

Commissioners felt there was little to no recognition or discussion of the implications of the large tracts of already urbanized but undeveloped land. Relatedly, there was no analysis of the reasons why housing promised on those lands has not been developed and a related blind faith that additional urbanization of lands would result in housing.

a. The Review should identify impediments to development of already urbanized lands, what can be done to encourage development in those areas, and the impact of full buildout of all currently undeveloped urbanized areas on the housing shortage before any significant reclassification of lands into the State Agricultural district is recommended as an “option”.

b. The Review seems to assume that impediments to free market development are the inherent problem in the housing crisis without providing any analysis and support for such a proposition.

c. OPSD should perform the necessary analysis, in conjunction with the LUC, on why these already urbanized lands have not been developed, what the impediments to development are, and then make substantive recommendations on how they can be overcome. OPSD was a mandatory party under statute in the regulatory process that reclassified these lands for development in the past and so is qualified to comment on these issues.

d. Recommendations based on such an analysis should be implemented before further expansion into county urban growth boundaries to better ensure that infrastructure costs are born by the appropriate parties evenly. Cost effective development will require infrastructure costs be evenly distributed. Otherwise, there are implications on housing costs.

e. Infrastructure inadequacies and the public policy issues revolving around infrastructure have not been addressed or analyzed in this Review. This is a significant issue that could have long range implications on the cost of affordable housing, State expenditures, and the viability of the “options” provided in this Review.

f. Concurrency requirements for infrastructure development should be discussed from a policy standpoint.
Disconnect Between Findings and “Options”

To expand on our first point, the Commissioners believed there was little to no connection between the information contained in the Review and the conclusions or “options” then presented.

   a. The Review recommends making it easier for the counties to reclassify more lands even though the Review does not show additional Urban District lands are needed or the problems that will be resolved if the “options” are adopted.
   b. There is no useful information or discussion of infrastructure adequacy within the county urban growth boundaries. If there are no plans to provide infrastructure, then reclassification of such lands would be pre-mature.
   c. As mentioned in the attached memorandum from LUC staff, the Commission is concerned that the proposed options are not grounded in any factual analysis but seem to reflect the policy of the private sector developer community revolving around a position that the fewer protections for the public associated with the development process the more housing will be built. This has not been supported by any reasoned, statistical, or practical analysis or data.
   d. The Review does not identify the next steps or policy guidelines associated with its findings.
   e. The “options” are not logically related to the statistical analysis presented.
   f. There is no discussion of the long-term impacts of the stated “options” should they be implemented.

Conclusion

I apologize for the length of this letter and the degree to which portions of it are repetitive; the Commission’s discussion was (as you know) wide ranging and lengthy.

Overall, the LUC is concerned if any of the proposed “options” contained in the report may evolve into legislation. Beyond our concerns with the “options” described above and our lack of input into them, they are in fact in direct opposition to LUC positions in prior legislative sessions. Hence, if pursued the LUC would be put in a position of directly opposing recommendations that OPSD has put forward. This would create, at the very least, an awkward situation if not one that impacts the credibility of the organizations. It is imperative that this be worked out before the Review is delivered to the legislature. OPSD’s decision to include controversial policy “options” devoid of any recognition of the controversies of the past few legislative sessions can exacerbate conflict between our agencies.

Generally, the LUC encourages OPSD to spend more time in discussion with a broader group of interested parties who interact with the land use district boundary reclassification process to better scope out perceived problems prior to submitting recommendations for statutory changes to the Governor, Legislature, LUC, and other state and county agencies. The LUC believes there is no immediate need for OPSD to release this document. The Commission feels very strongly that the Review should be retracted until the process has been rectified and the community engaged.
As set forth at the November 23, 2021 hearing the LUC would request a response to the issues presented by this letter. If you have any questions please contact the LUC Executive Officer, Mr. Daniel E Orodenker.

Very Truly Yours,

Jonathan Likeke Scheuer, Ph.D.
Chair, Land Use Commission
STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2239, Honolulu, Hawaii 96804

Coastal Zone Management Program
Environmental Review Program
Land Use Commission
Land Use Division
Special Plans Branch
State Transit-Oriented Development
Statewide Geographic Information System
Statewide Sustainability Program

February 7, 2022

Jonathan Likeke Scheuer, Ph.D.
Chair, Land Use Commission
Department of Business, Economic Development and Tourism
235 South Beretania Street
Honolulu, Hawaii 96813

Subject: Land Use Commission Comments on State Land Use Review of Districts 2021 Draft Report

Dear Chair Scheuer,

Thank you for your January 10, 2022 letter providing the Land Use Commission’s (LUC) detailed comments on the State Land Use Review of Districts 2021 draft report. The Office of Planning and Sustainable Development (OPSD) understands that the letter is a follow-up to OPSD’s presentation of the report at the Commission’s November 23, 2021 meeting. We appreciate the Commission’s comments at the November 23rd meeting and your subsequent letter.

The Commission’s comments address several key areas: the choice of “options” instead of recommendations, lack of community engagement, lack of LUC and LUC staff involvement in the report’s development, the purpose and need for the report, lack of legal analysis, the limitations of the counties’ general plan and community plan processes, the lack of discussion of the 2050 State Sustainability Plan, lack of detailed analysis of causes for undeveloped Urban District land, and the disconnect between “Findings” and “Options”.

Difference Between Options and Recommendations
OPSD chose to present “Options” because we believe these are plausible ways to address the discrepancy between county growth boundaries and State Land Use District classifications and we cannot at this time “recommend” any one option over another. In fact, other valid options may emerge in the subsequent discussion that are not presented in the report. The intent is to provide a starting point for discussion to determine if there is interest in pursuing the development a particular option or group of options.
Lack of Community Involvement
The Commission states that “as a minimum initial part of outreach” organizations that regularly appear before the LUC such as the Sierra Club, Native Hawaiian Legal Corporation, business and labor interests and other organizations should have been involved in the development of the review. Such a comprehensive approach is appropriate in the development of county general plans and community development plans that may impact individual property rights. But to apply this approach in the development of the Boundary Review that does not affect individual property rights or interests would be unwieldy and unnecessary.

OPSD welcomes public comment on the Review. In addition to posting the draft on our public website, and in response to the Commissioners’ comments at the November 23, 2021 meeting, OPSD notified everyone on the Commission’s public distribution list of the availability of the review and invited comments. To date, we have seen no evidence of the public “backlash” mentioned in the LUC’s letter because no individual property rights or interests are threatened by the review. All public and agency comments received have been included in the Report’s Appendix.

Furthermore, OPSD believes that should any of the options presented in the review be pursued further, county or State legislation would be required and there would be more opportunities for extensive public review and comment.

Lack of LUC Involvement
The LUC Executive Director’s Memorandum states that the LUC should have been involved in the early development of the Review and “set the scope and guidelines for the review.” However, under Hawaii Revised Statutes (HRS), § 205-18 as amended, the responsibility lies solely with the Office of Planning and Sustainable Development (OPSD) to review “the classification and districting of all lands in the State. The Office, in its boundary review, shall focus its efforts on reviewing the Hawaii state plan, county general plans, and county development and community plans. Upon completion of the boundary review, the OPSD shall submit a report of the findings to the commission, the Governor, Legislature, and appropriate state and county agencies.”

Nevertheless, OPSD has consistently solicited LUC staff comments during the process of compiling the Review. The county planning departments were briefed on an earlier version of the Review on April 30, 2021; the LUC staff was also offered a briefing but did not respond. The Review, along with written comments received from the county planning departments, was shared with the LUC staff, and another opportunity to be briefed was offered to the staff. A presentation was even prepared for July 22, 2021. OPSD’s offer was not accepted. Subsequently, the Review was revised based on the county planning departments’ comments and the revised Review was also shared with the LUC staff along with another request for comment. There have been several requests for LUC staff comments since.
The October 28, 2021 memorandum from the LUC Executive Director was the first comments on the Review we have received from the LUC staff and is much appreciated. We also offered to brief the Commission early in the Review and the first opportunity we were given was the November 23, 2021 meeting.

**Purpose, Scope and Timing of the Review**
The purpose, scope, and timing of the Review is consistent with HRS § 205-18 as amended, that as we have cited previously gives OPSD the responsibility to review “the classification and districting of all lands in the State. The Office, in its boundary review, shall focus its efforts on reviewing the Hawaii state plan, county general plans, and county development and community plans. Upon completion of the boundary review, the OPSD shall submit a report of the findings to the commission, the Governor, Legislature, and appropriate state and county agencies.”

Our Geographical Information System (GIS) analysis showed discrepancies between county development and community plans and State Land Use Districts and the options presented are possible means to address these discrepancies. Important Agricultural Lands (IAL) are a critical element of the State’s Agricultural District and is an appropriate subject for the Review. Analysis of IAL as part of a review of the Agricultural District lands should not be excluded simply because it does not directly pertain to District Boundary lines. Regarding the timing of the Review, the GIS analysis was mainly completed in 2016 and Legislators during recent sessions have asked about the review, therefore it is appropriate that OPSD to release the review while the Legislature is in session.

**Lack of Legal Context and Analysis: Town Decision/Public Trust Doctrine**
The LUC is concerned that the Review does not recognize the Hawaii Supreme Court’s Town case and its impacts on the procedural requirement for agencies and Constitutional Due Process and there is no discussion of the duties imposed on government by the Public Trust Doctrine.

OPSD agrees the impact of the Town decision needs to be noted in any discussion of possible approaches that would revise the current State Land Use system, and this is included in Section 5.1.2.1 of the most recent version of the Review.

OPSD recognizes and expects that any of the possible approaches to a solution suggested in Section 5 of the Review will require detailed refinement and a thorough review by the public, landowners, State and county agencies, including the Department of the Attorney General, and the Legislature before it might be implemented. And of course, any approach outside of the current status quo must address the issues raised by the Hawaii Supreme Court in its Town decision. However, discussion of possible alternatives should not prevented because of the potential impact of the Town decision on efficacy of certain options. It should be noted that options such as expedited district boundary amendments in a quasi-judicial LUC process is already allowed by under State law for affordable housing projects. Requiring legal analysis of
the Constitutional implications of every option prior to any discussion would be unnecessary and premature.

Similarly, measures to ensure that the Public Trust doctrine is carried out should be part of the discussion should any option or group of options is pursued.

Limits of County Plans
The counties already have the authority under HRS, § 205-3.1 to reclassify lands less than 15 acres from the State Agricultural to the Rural or Urban Districts provided it is not Important Agricultural Lands. Furthermore, consistency with county plans is one of the LUC’s six decision-making criteria for reclassification under HRS § 205-17. Nevertheless, we recognize that there are limits to the county planning processes. For example, Option 6 (Sec. 5.1.2.1.) would allow the counties to reclassify land from the Agricultural or Rural Districts to the Urban District provided this is consistent with county plans. In addition, OPSD review and concurrence would be required in the establishment of county urban growth boundaries and in county district boundary amendments to ensure State interests are protected. Other safeguards may be necessary should any of the options be pursued.

Hawaii 2050 Sustainability Plan
The Commission states that Review should have discussed the Hawaii 2050 Sustainability Plan along with the Hawaii State Plan and county plans, although the Commission also acknowledges this is not a requirement under HRS § 205-18.

Although not specifically stated, the Review is consistent with sustainability principles. The suggested approaches toward consistency between State District boundaries and county growth areas is consistent with the sustainable practice of concentrating developments in areas with existing or planned infrastructure. The suggested approaches toward promoting Important Agricultural Lands, enhancing the enforcement of existing requirements in the State Agricultural District, and allowing existing non-conforming uses to be reclassified to the more suitable Rural District are consistent with promoting sustainable food production.

The Commission also states there is little discussion of the Important Agricultural Lands. On the contrary, the Review presents the legal mandate and status of IAL, including maps for each island (Section 4.5.1.) and discusses findings for IAL (Section 5.2.1.1.).

In addition, the LUC expresses the need for an analysis of “how pressing issues of increased competition for agricultural land and how the need for renewable energy, housing and agriculture can be balanced.” OPSD agrees and the Review touches on this issue in the context of discussing the obstacles to the development of the agricultural industry in Section 5.2 and the encroachment of non-agricultural uses in the Agricultural District in Section 5.2.2. However, this is an issue that requires a broader policy analysis and discussion beyond the scope of a State Land Use Boundary Review.
Undeveloped Land in the Urban District
The Commission states that there is a need to identify impediments to development of vacant lands in the Urban District and ways to encourage full buildout, particularly given the housing shortage. Section 5.1.1 discusses likely reasons why urbanized lands sit undeveloped, noting that: “In many areas, there are significant infrastructure deficiencies necessitating up-front and costly off-site infrastructure system upgrades, including highway and roadway improvements, and the development of sewer, water, and storm drainage systems needed to support the development. The burden for providing such infrastructure improvements has largely fallen on the private sector, and are difficult to assume even for large well-capitalized landowners and developers.”

The Review acknowledges the limitation of aerial imagery analysis used in identifying vacant lands in the State Urban District. Some vacant lands may not be suitable or appropriate for development. For example, although lands with slopes greater than 20% were excluded, streams and gulches with slopes less than 20% were included, and some lands may be large front yards of otherwise developed parcels or public parks. The Review also states that some of the vacant parcels may be publicly owned and noted that OPSD has a separate GIS-based study, “Affordable Rental Housing Report and Ten Year Plan, July 2018”. The Review states that further analysis is required, including the need for site inspections, and this may be the subject of future reviews.

As the Commission recommends, OPSD would be happy to perform the necessary analysis in conjunction with the LUC on the impediments to development of these already urbanized lands and make substantive recommendations to overcome these obstacles, if the necessary funding is provided since the study may require field inspections. However, requiring this study to be completed before options to allow the counties to make State Land Use Boundaries consistent with their urban growth areas can be discussed is not reasonable. Several of the vacant parcels are likely to be privately-owned and the county has no power to compel “full buildout”.

Disconnect Between Findings and Options
The Commission states that there is no nexus between the data presented in Sections 4.1 to 4.6 (Analysis of State Land Use Districts) and the approaches in Section 5.1 to 5.4.

The analysis of Vacant Lands in the State Urban District (Section 4.3.4) and of Development in the State Agricultural District Outside of the County Growth Boundary (Section 4.5.3) is based on the U.S. National Oceanic and Atmospheric Administration’s (NOAA) Coastal Change Analysis Program (C-CAP) which uses aerial photographic maps. The limits to the use of aerial imagery are noted in both Sections. Nevertheless, the analysis of vacant lands in the State Urban District is a useful guide for closer inspection to discern large tracts of planned but not yet developed land or potential areas for infill development, and the possible reason for the vacant lands is discussed in Section 5.1.1. The analysis of development in the State Agricultural
District outside of the county Growth Boundary is similarly useful, and Review states OPSD’s intent to investigate ways to refine this analysis for future Boundary Reviews, which may require field inspections to verify uses.

The analyses of Land Not in the State Urban District but in the County Urban Growth Boundary (Section 4.3.2) and of Land in the State Urban District but Not in the County Urban Growth Boundary (Section 4.3.3) was done by overlaying the State Urban District boundaries on the county Urban Growth Areas. While the cause for each individual discrepancy is not discussed its existence represents a hindrance to the counties’ ability to direct growth consistent with community consensus and county infrastructure resources. In their comments on the Review, the county Planning Departments acknowledged the problem and expressed an interest in addressing it. Thus, the discussion of possible approaches in Sections 5.1.2.1, 5.2.2.1, and 5.3.1 to resolving these discrepancies, other than merely relying on the current status quo, is appropriate.

Again, thank you for your detailed comments. We look forward to further discussion with the LUC on these important issues.

Sincerely,

Mary Alice Evans
Director
B. OTHER ORGANIZATIONS AND INDIVIDUALS COMMENTS

1. JON WINSLEY

From: Funakoshi, Rodney Y
To: Jon Winsley
Cc: Evans, Mary Alice; Setoawas, Aero H.; Takaragawa, Margaret
Subject: RE: [EXTERNAL] comment on 5 year boundary review
Date: Monday, December 6, 2021 8:20:07 AM

Aloha Mr. Winsley,

Thank you for your comments which will be included in the final State Land Use Review of Districts report. We are not proposing specific reclassifications at this time, but your suggestion will be retained for consideration during the next boundary review study.

Mahalo,
Rodney

Rodney Y. Funakoshi
Planning Program Administrator
Land Use Division
State of Hawaii Office of Planning and Sustainable Development
Dept. of Business, Economic Development & Tourism
235 S. Beretania Street, 6th Floor
Honolulu, Hawaii 96813
Telephone: (808) 587-2985

From: Jon Winsley <jon@windblown.us>
Sent: Friday, December 3, 2021 7:56 PM
To: Funakoshi, Rodney Y <rodney.y.funakoshi@hawaii.gov>
Subject: [EXTERNAL] comment on 5 year boundary review

Rodney,

Hello, are you who we submit comments to on the OPSD review of land use districts? I would like to propose the Rural zoning that is at the base of the Hanapepe Valley on Kauai be extended up through 4-1-9-002-029 or maybe a little farther. This area is similar to the rural area in lot size and residence.

Jon Winsley
808 651 8963
2. CINDY EVANS

From: Furukoshi, Rodney Y
To: CINDY EVANS
Cc: Evans, Mary Alice; Setogawa, Agnes II; Nakayama, Mecury
Subject: RE: State Land Use Review of Districts report
Date: Monday, December 6, 2021 8:25:48 AM

Aloha Ms. Evans,

Thank you for your comments which will be included in the final State Land Use Review of Districts report. We are not proposing specific reclassifications at this time (other than carrying over recommendations from the 1992 study), but your suggestions will be retained for consideration during the next boundary review study.

Mahalos,
Rodney

Rodney Y. Furukoshi
Planning Program Administrator
Land Use Division
State of Hawaii Office of Planning and Sustainable Development
Dept. of Business, Economic Development & Tourism
235 S. Beretania Street, 6th Floor
Honolulu, Hawaii 96813
Telephone: (808) 587-2885

------Original Message------
From: CINDY EVANS <cyntihiaevans@aol.com>
Sent: Sunday, December 5, 2021 9:02 AM
To: Furukoshi, Rodney Y <rodney.y.furukoshi@hawaii.gov>
Subject: [EXTERNAL] State Land Use Review of Districts report

Aloha Mr. Furukoshi,

It is unclear in the note I got but I have to assume you’re the contact for my comments on the above mentioned report.

1. Please protect Waipio Valley Rim and complete amendment.
2. Please protect bird habitat and complete amendment to lands on the slopes of Mauna Kea, Hawaii County.
3. Not clear from map, but want to point out need to protect rim of Pololu Valley, North Kohala, Hawaii County and request this become a priority.

Please confirm my comments are in the official record of comments.

Mahalos

Regards,
Cindy Evans
808-345-5810

Sent from my iPad