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STATE OF HAWAII  
LAND USE COMMISSION

# Land Use Commission Informational Briefing: Office of Planning & Sustainable Development, State of Hawaii November 7, 2024

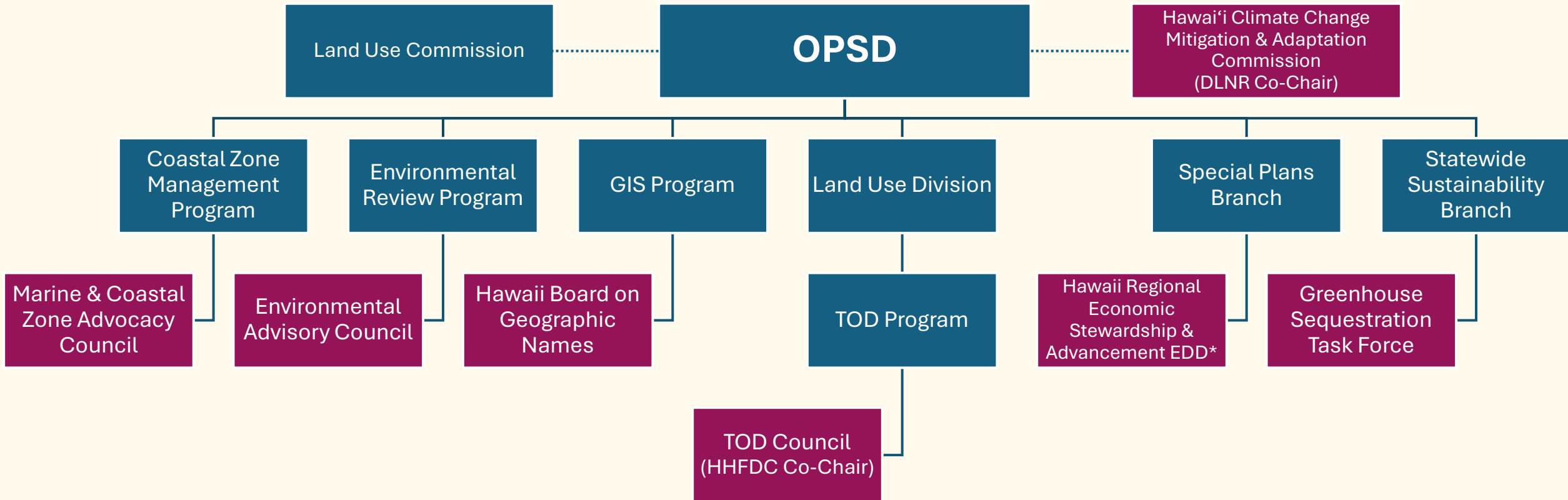


OFFICE OF PLANNING &  
SUSTAINABLE DEVELOPMENT  
STATE OF HAWAII

# OPSD STATUTES (HRS)

- **Chapter 4E,**  
Board on Geographic Names
- **Chapter 205,**  
Land Use Commission
- **Chapter 205A,**  
Coastal Zone Management
- **Chapter 225M,**  
State Planning (enabling statute)
- **Chapter 225P,**  
Hawai'i Climate Change Mitigation  
and Adaptation Initiative
- **Chapter 226,**  
Hawai'i State Planning Act
- **Chapter 341,**  
Environmental Advisory Council
- **Chapter 343,**  
Environmental Impact Statements

# OPERATIONAL ORGANIZATION



\* Pending EDA designation

# BOARDS & COMMISSIONS

- Environmental Advisory Council
- Greenhouse Gas Sequestration Task Force
- Hawai'i Board on Geographic Names
- Hawai'i Climate Change Mitigation and Adaptation Commission (co-chair with DLNR)
- Marine and Coastal Zone Advocacy Council (MACZAC)
- TOD Council (co-chair with HHFDC)
- Land Use Commission (attached with autonomy)



# COASTAL ZONE MANAGEMENT



## PURPOSE

To provide for the effective management, beneficial use, protection, and development of the coastal zone.

## STAFF

Debra Mendes	Christopher Liu
Josh Hekeia	Sarah Chang
Kristi Kimura	Shichao Li
Lisa Webster	Sofia Luczak
Mary-Lou Kobayashi	Susan Feeney
McKenzie Lim	Rachel Beasley

## CURRENT PRIORITIES

- Implementation of the **2020 Ocean Resources Management Plan** (HRS§205A-62)
- **Coastal Hazards:** SLR & State Facilities (HRS§225M-9), Managed Retreat Feasibility Analyses, Regional Shoreline Management
- **Land-Based Pollution:** Low-Impact Development Guide Update
- **Marine Ecosystems:** Kokua Community-based Monitoring, Statewide Estuary mapping

## FUTURE PRIORITIES

- Continue providing guidance on coastal hazard risks to support informed decision-making in mid- to long-term adaptation strategies
- Continue facilitation of cross-agency initiatives to address complex issues

## KEY HIGHLIGHTS

- Lead Agency for Federal Consistency Review (HRS§205A-3)
- Lead Agency for the administration and management of the CZM Program, including the Special Management Area Permit system (HRS§205A-3)
- Coordination of Marine and Coastal Zone Advocacy Council (HRS§205A-3.5)
- Avenue for Bipartisan Infrastructure Law Funding—habitat restoration/climate resilience projects

# ENVIRONMENTAL REVIEW PROGRAM



## PURPOSE

To facilitate Hawai'i's environmental review process (commonly known as HEPA), pursuant to Chapter 343, Hawai'i Revised Statutes.

## STAFF

Tom Eisen  
Kim Ishimoto  
Kayli Yoshioka  
Jen Ching

## CURRENT PRIORITIES

- Publish The Environmental Notice twice monthly to announce the availability of new environment documents (EAs & EISs) and associated agency determinations
- Maintain online library of thousands of EAs & EISs
- Provide guidance and support to various stakeholders of the environmental review process (agencies, applicants, consultants, legislators, special interest groups, public)
- Provide staff support to Environmental Advisory Council

## FUTURE PRIORITIES

- With newly-filled positions, provide additional guidance, support and training to involve agencies
- Enhance the website with geographic information

## KEY HIGHLIGHTS

- Pursuant to HRS Chapter 343, *The Environmental Notice* has been consistently published over 50 years



# LAND USE DIVISION



## PURPOSE

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.

## STAFF

Katia Balassiano  
Seiji Ogawa  
Ruby Edwards  
Carl Miura  
Aaron Setogawa  
Brandon A. Soo  
Megumi Nakayama

## CURRENT PRIORITIES

- Conducting the “Soil Classification Systems & Use in Regulating Agricultural Lands” study (HRS 205, HRS 225M)
- Representing the State’s interests before the Land Use Commission (HRS 205)
- Reviewing County and State HRS §205-6 Special Permits, HRS 201H applications, and HRS 343 environmental disclosures

## ONGOING PRIORITIES

- Protecting agriculture lands and reducing the regulatory burden for reasonable non-agricultural activities on unproductive lands
- Making the best use of the 15,500 acres of State or county lands in the Urban District near bus and rail transit

## KEY HIGHLIGHTS

- Supporting housing opportunities for local families
- HUD PRO Housing award
- “State Land Use Review of Districts” (completed 2022)

# TRANSIT-ORIENTED DEVELOPMENT



## PURPOSE

To coordinate State agency TOD planning and facilitate collaboration between the State and the counties on smart growth initiatives.

## STAFF

Katia Balassiano  
Seiji Ogawa  
Ruby Edwards  
Carl Miura

## CURRENT PRIORITIES

- Conducting the “East Kapolei Infrastructure Master Plan” study
- Implementing the HI Brownfields Cleanup Revolving Loan Fund
- Managing TOD Capital Improvement Planning funds (since 2016, 23 projects were awarded planning funds statewide)
- Staffing the HI Interagency Council for TOD (Act 130, SLH 2016)

## FUTURE PRIORITIES

- Implementing the “TOD Infrastructure Financing and Delivery Strategy” (completed 12/23)
- Coordinating with sister agencies, counties, and developers to produce mixed-use projects near transit
- Updating the State’s “Strategic Plan for TOD”

## KEY HIGHLIGHTS

- TOD has the transformative potential to create compact mixed-use neighborhoods that offer housing choices with convenient access to transit, jobs, goods, and services



# GIS PROGRAM



## PURPOSE

To plan, coordinate and maintain a comprehensive, shared statewide planning and geographic information system and associated geospatial database.

## STAFF

Arthur Buto  
Joan Delos Santos

## CURRENT PRIORITIES

- Maintain the State's authoritative geodatabase with more than 400 data sets from federal, State, and county agencies
- Manage and administer statewide enterprise GIS platform – software licenses and online geospatial mapping and analysis platform

## FUTURE PRIORITIES

- Continue to maintain and expand the State's authoritative geodatabase
- Continue to consult with and support State agencies in their GIS efforts
- Increase collaboration efforts with federal, State, and county partners
- Work with the Office of Enterprise Technology Services (ETS) to establish data governance, data sharing, and data security policies and procedures

## KEY HIGHLIGHTS

- 25+ years of providing free online public access to authoritative geospatial data
- 1,000+ users of GIS resources in State agencies and the Legislature
- Roles in the State's responses to the COVID-19 pandemic and the Maui Wildfires



# SPECIAL PLANS BRANCH



## PURPOSE

To improve planning processes in the State, increase the effectiveness of government and private actions, improve coordination among different agencies and levels of government, provide for the wise use of Hawai'i's resources, and guide the future development of the State.

## STAFF

Lauren Primiano  
David Kobayashi  
Scott Allen  
Leighna Lariosa

## CURRENT PRIORITIES

- Hawai'i Economic Recovery & Resilience (HIERR) Project (est. completion 10/2024)
  - COVID-19
  - Maui wildfires support (Community Planning & Capacity Building RSF, Economic RSF/ERC)
- Pursuing statewide Economic Development District (EDD) designation to increase access to EDA funds

## FUTURE PRIORITIES

- Build out EDD program to support CEDS/HIERR implementation
- Support DBEDT Military & Community Relations Office (MACRO) with planning research and process design

## KEY HIGHLIGHTS

- Provides necessary flexibility to address emergent issues and opportunities that fall outside of the statutory or federally funded responsibilities of OPSD's other programs
- Responsible for CEDS since inaugural plan (2005)

# STATEWIDE SUSTAINABILITY BRANCH



## PURPOSE

To develop, organize, and promote policies and programs that advance Hawai'i's sustainability and climate goals.

The Sustainability Branch evaluates and recommends legislative, regulatory, and policy changes to the Governor, Legislature, government agencies, private entities, and other organizations, to encourage actions that best sustain, protect, and enhance Hawai'i's environment, economy, and community for the long-term benefit of its people.

## STAFF

Danielle Bass

## CURRENT PRIORITIES

- Coordinate Hawai'i 2050 Sustainability Plan as State Climate and Sustainability Plan (HRS §226-65)
- Coordinate statewide climate and sustainability statutory goals (HRS §225M-8)
- Provide planning, actionable policy recommendations, and assistance regarding climate change and sustainability to state, county, private, and nongovernmental entities (HRS §225M-2(b)(9) and HRS §225M-8)
- **Expand staff capacity** to strengthen statewide climate and sustainability engagement, policy development, and climate adaptation efforts.

## FUTURE PRIORITIES

- **Create a state-run climate and sustainability dashboard** to track progress on Hawai'i's 26+ statutory climate and sustainability targets.
- **Develop Hawai'i's first Statewide Climate Adaptation and Resilience Plan** to strengthen long-term preparedness

## KEY HIGHLIGHTS

- **National Merit Award for Excellence in Sustainability** – American Planning Association (National)
- **Best Practice Award** – American Planning Association (Hawai'i Chapter)
- **Publisher's Choice Award** – Pacific Edge Magazine Business Achievement Awards



# ADMINISTRATION



## PURPOSE

Support the six programs, seven boards, eight state statutes plus session laws that define various roles of OPSD.

## STAFF

Dan Yashima  
Mei-Lynn Nakano  
Mary Alice Evans

## CURRENT PRIORITIES

- Ensure compliance with federal grant awards and state fiscal policies and procedures
- Support staff to achieve successful outcomes for all programs

## FUTURE PRIORITIES

- Obtain sufficient staff and funding to carry out the mandated programs and projects.

## KEY HIGHLIGHTS

- Include community voices in all planning projects
- Increase attainable housing for all Hawai'i's families
- Add climate change adaptations to all State programs
- Collaborate with all four counties for planning for sustainable communities
- Collaborate with the DBEDT Director and Deputy and DBEDT agencies

## Agenda for the Remainder of the Session

# Deeper Dive: OPSD & the LUC

- Types of Matters Before the LUC
  - District Boundary Amendments, incl. status reviews
  - Important Agricultural Lands
  - Special Permits / Declaratory Orders
- Frequently Issues
- Future Matters of Interest

## Types of Matters

# District Boundary Amendments

- OPSD is a mandatory, formal party to DBA hearings
- OPSD's Role
  1. Reviews the Petition and supporting documents
  2. Discusses issues with Petitioner throughout process
  3. Solicits comments on the Petition from State agencies
  4. Works with State agencies
  5. Conducts its own analysis and evaluation
  6. Drafts and submits the State's position and testimony

## Types of Matters

# District Boundary Amendments (cont.)

7. OPSD considers whether there is a factual basis in the record to demonstrate a “nexus” between the state interest and the condition, and that a “rough proportionality” exists between the impact and the condition

***conditions are intended to mitigate impacts***

## Types of Matters

# District Boundary Amendments (cont.)

8. Identifies and presents state documents and witnesses; cross-examines witnesses, presents arguments and recommendations, answers questions
9. Decision & Order (D&O)
  - A. If in agreement with Petitioner on outcome → OPSD reviews (& revises, if necessary) Petitioner's proposed D&O
  - B. If not in agreement with Petitioner on outcome → OPSD drafts D&O
  - C. Stipulations: parties come to an agreement, but the LUC is not required to honor the agreement



## Types of Matters

# District Boundary Amendments (cont.)

## 10. Post-hearing motions

- A. Motion to amend; motion to reconsider; order to show cause
- B. Typically follows the DBA process, but is usually limited to the particular issue raised
- C. OPSD regularly requests extensions from the 7-day deadlines in the Admin Rules, because agency comments must be sought

## 11. Status Review

# Important Agricultural Land Designations

- OPSD is not a mandatory party, but can be a participant on landowner petitions
- OPSD is available to consult with LUC on county Petitions
- OPSD's Role in IAL Petitions
  1. Reviews the Petition and supporting documents
  2. Discusses issues with Petitioner, as necessary
  3. Solicits comments (primarily from DOA)
  4. Conducts its own analysis and evaluation
  5. Drafts and submits the State's position, identifying major issues

## Types of Matters

# Special Permits / Declaratory Orders

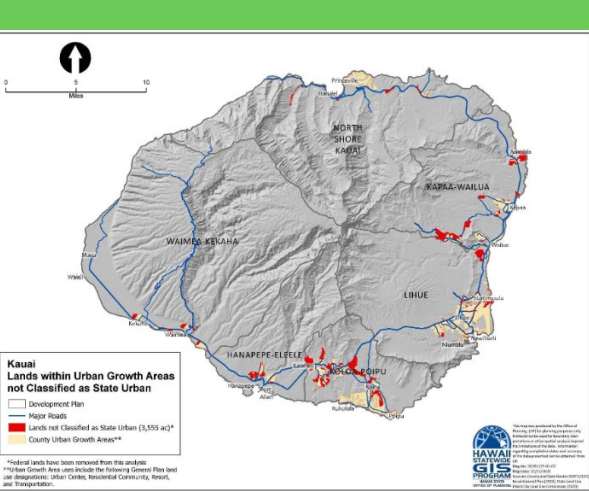
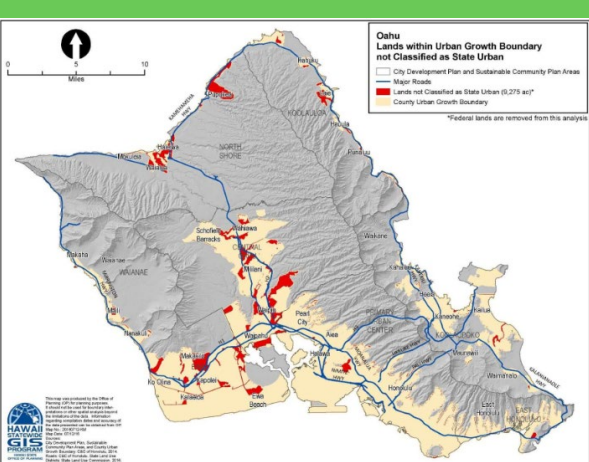
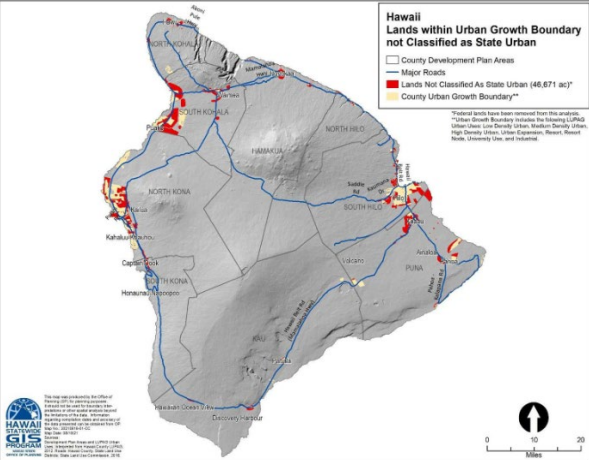
- Special Permits
  - OPSD is not a party, unless we intervene at the county level
  - Mandated recipient of special permit applications
  - Comments provided to counties on all special permit applications
- Declaratory Orders
  - OPSD is not a party, unless we intervene at the LUC level

## Special Permits / Declaratory Orders (cont.)

- OPSD's Role in Special Permits / Declaratory Orders
  1. Reviews the application and documents
  2. Discussions with Petitioner and involvement of State agencies are less likely, happens occasionally
  3. Conducts its own analysis and evaluation
  4. Provides a recommendation based upon a statewide land use perspective and HRS 205

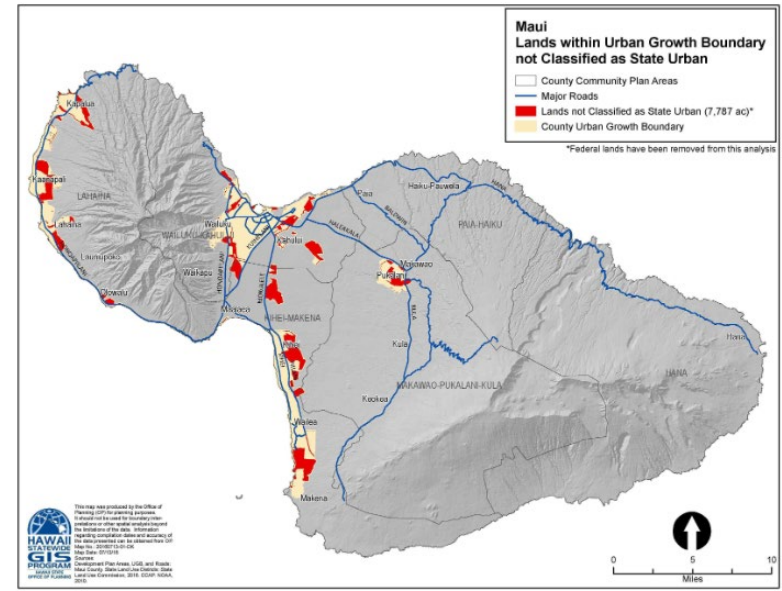
# Frequent Issues

- Balancing agricultural, housing, renewable energy, and other worthwhile goals
- HRS 343: an environmental disclosure process or regulatory process
- Satisfying Ka Pa‘akai
- Reconciling competing agency interests
- Accomplishing both regional planning and parcel-specific matters
- The role of county General and Development Plans



# OPSD Future Matters of Interest

- PRO Housing – grant rounds 1 & 2
  - Infrastructure to expedite housing production
  - Staff to streamline regulations
  - A revolving loan program or infrastructure bank
- Updates to HRS 226 (Hawai‘i State Planning Act)
- 2025 Legislation
  - State Land Use District Mapping
  - County-initiated DBAs
  - IAL Incentives
  - Soils Project: Phase II
  - Integrated Land Use Study



*Mahalo!*



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