

§10-4-2 [General Plan.] Consistency with Plans.

The department shall ~~[develop and maintain a general plan providing]~~ be guided by the plans, policies, and strategies developed pursuant to subchapter 4 of this chapter for the development and use of land needed for the purposes of the act. [The general plan shall be based upon sociological, financial and economic considerations, among others. A public hearing shall be held before a general plan is adopted or amended.]
[Eff 7/30/81; am and comp 10/26/98; am and comp] (Auth: HHC Act §222) (Imp: HHC Act, all)

SUBCHAPTER 4

PLANNING SYSTEM

§10-4-51 Purpose. The purpose of the planning system is to further the objectives of the act by systematically coordinating the management of Hawaiian home lands and programs in a manner that is comprehensive, consistent, and collaborative.
[Eff and comp] (Auth: HHC Act §222)
(Imp: HHC Act, all)

§10-4-52 Definitions. As used in this subchapter, unless context clearly provides otherwise:
"Beneficiary consultation" means the department's outreach to lessees, applicants, and native Hawaiians as defined by the act, and other interested persons as part of the department's or commission's decision-making process.
"Implementing action" means those actions that implement the plans and the overall planning strategy of the department, including but not limited to,

budgeting, rulemaking, adoption of procedures, and land dispositions.

"Plans" mean the general plan, island plans, program plans, development plans, regional plans, and special area plans. [Eff and comp]
(Auth: HHC Act §222) (Imp: HHC Act, all)

§10-4-53 General framework. The planning system shall consist of a three-tier hierarchy of plans. Tier 1 is the top tier consisting of the general plan and shall establish overall policy. Tier 2 and Tier 3 are the lower tiers and shall be guided by the general plan. Tier 2 and Tier 3 focus with increasing specificity on programs or geographic areas. The planning system shall also include implementation mechanisms that link with the plans, as well as evaluation mechanisms to refine the plans and implementing actions. [Eff and comp]
(Auth: HHC Act §222) (Imp: HHC Act, all)

§10-4-54 Adoption and amendment procedures. (a) Adoption. All plans in each of the three tiers shall be adopted by a majority vote of the commission. Any comprehensive update or interim amendment requires a majority vote of the commission to be effective. Beneficiary consultation shall be required as part of any comprehensive update or interim amendment.

(b) Comprehensive update. Comprehensive updates to plans provide an opportunity to refine or refocus based on changes in conditions, new trends, emerging issues, or past performance. Unless otherwise specified, an adopted comprehensive update shall supersede and void the entire previous plan.

(1) Tier 1. The general plan in tier 1 shall be updated at least every twenty years. The department at its discretion may initiate the update sooner than the twenty years but

no later than three years before the twenty-year lapse of the general plan;

- (2) Tiers 2 and 3. The plans in tiers 2 and 3 shall be reviewed every eight years and updated at the discretion of the department if an update is justified.

(c) Interim amendments. Between comprehensive updates, any plan may be amended upon beneficiary consultation appropriate to the plan as set forth in section 10-4-60, and a majority vote by the commission. Initiation of the amendment may be as follows:

- (1) The chairman may propose, in writing, interim amendments to any of the plans by first notifying the commission and then initiating beneficiary consultation appropriate to the plan as set forth in section 10-4-60;
 - (2) Upon adoption of tier 2 plans, the commission may concurrently amend the general plan, when appropriate, with applicable polices or maps supported by the tier 2 plan and without additional beneficial consultation already conducted for the tier 2 plan;
 - (3) A beneficiary or member of the public may submit an application form requesting the chairman to initiate interim amendments to any plan. The application form shall include information prescribed by the department. Upon receipt of a completed application form, the department shall have ninety days to respond to the application. Should the department initiate an amendment, the department shall prepare a report of its recommendation and initiate beneficiary consultation appropriate to the plan as set forth in section 10-4-60.
- (d) Consistency and conflicts.
- (1) Where conflicts exist among plans, the higher tier shall prevail over the lower tier.

- (2) Implementation actions set forth in section 10-4-58 shall be consistent with applicable plans. A commission member, beneficiary, or interested member of the public, may request the commission review a proposed or past action by the department for consistency. The request must detail the disputed action and describe why the petitioner believes disputed action is inconsistent with a particular plan. The commission may direct the chairman to prepare a response to the request.
- (3) Upon declaration of an emergency by the governor or mayor, the department may proceed with an action that is inconsistent with a plan, provided that the chairman has notified the commission. The chairman shall propose an amendment to the relevant plan or plans at the earliest practicable time to restore consistency.

(d) Repository. The department shall make available to the public through its website all current adopted plans as may be amended.

[Eff and comp] (Auth: HHC Act §222)
(Imp: HHC Act, all)

§10-4-55 General plan (tier 1). Based on the act, the general plan shall establish statewide polices that guide land management and programs. At a minimum, the general plan shall:

- (1) Establish a uniform system of land use designations that all island plans shall use;
- (2) Incorporate the most recent land use maps from adopted island plans;
- (3) Establish the relationship between land use designations and the applicable types of land dispositions;
- (4) Establish criteria to identify suitable lands for homesteading;

- (5) Establish criteria to determine available lands not required for homesteading within the planning period;
- (6) Establish criteria to identify lands for revenue generation;
- (7) Establish criteria to identify lands for community use and policies to govern how the community could manage such lands for community building;
- (8) Establish level of service standards for infrastructure and community facilities, or specify a program plan or methodology to develop such standards; and
- (9) Specify indicators to measure progress and evaluate effectiveness in meeting policy goals. [Eff and comp]
(Auth: HHC Act §222) (Imp: HHC Act, all)

§10-4-56 Island and program plans (tier 2). (a)

Island plans. Island plans shall be prepared for islands where there are over one hundred acres of Hawaiian home lands. If the landholdings are less than one hundred acres, the department may initiate a tier 3 plan. At a minimum, island plans shall:

- (1) Apply the criteria from the general plan to identify suitable homestead lands, including areas for new development, infill, and redevelopment;
- (2) Apply criteria to determine available lands not required for homesteading, including areas for revenue generation, community use, and other non-homesteading uses designated in the general plan;
- (3) Prioritize the development or redevelopment of designated homestead lands based on defined criteria;
- (4) Identify infrastructure requirements; and
- (5) Determine the relationship to county zoning

and infrastructure standards and implications for enforcement and maintenance.

(b) Program plans. Program plans are statewide plans that inform or carry out general plan policies and priorities for specific functional areas, such as housing, native Hawaiian development, and water resources. Program plans may be specified in the general plan or initiated by the chairman. To initiate a program plan, the chairman shall propose the subject matter and scope of the plan to the commission, and upon a majority vote in favor, proceed with the preparation of the plan. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act, all)

§10-4-57 Development, regional, and special area plans (tier 3).

(a) Development plans. Development plans provide more detail for specific projects identified in island plans for purposes of establishing feasibility, budget, and schedule. To assess feasibility, the development plan shall consider a diversity of housing types and prices appropriate for the target wait list, estimate development costs, and estimate the costs to be respectively borne by the department and the prospective lessees or licensees as the case may be. The budget presented in the adopted development plan shall be the basis for CIP budget requests. The chairman may select the projects identified in the island plan that require a development plan, and proceed with the preparation of the development plan upon notice to the commission.

(b) Regional plans. Regional plans build a sense of community and capacity, stimulate partnerships for development and improvements, facilitate beneficiary participation in issues and areas of concern, and identify priority projects within existing and planned homestead areas. The plan may focus on a particular homestead community or

several homestead communities in the region. At a minimum, the regional plan shall document current conditions and trends and identify a prioritized list of projects important to the community and the department. The chairman may initiate a regional plan by proposing the scope of the plan to the commission, which require a majority vote of the commission to proceed with the preparation of the plan.

(c) Special area plans. Where an island plan designates special districts, the chairman may initiate a special area plan by proposing, in writing, the scope of the plan to the commission, which require a majority vote of the commission to proceed with the preparation of the plan. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act, all)

§10-4-58 Implementation. (a) Budgets, rules, procedures, land dispositions and other implementing actions shall be guided by the plans. The chairman shall develop a rational overall strategy to prioritize and allocate resources and present this strategy to the commission in the first year of the chairman's term, which the chairman may amend and present to the commission as needed from time to time. At a minimum, the overall strategy shall: link budgets to policies, programs, and plans; establish homestead and revenue-generation development priorities; establish disposition strategies for unencumbered lands; and prioritize regional plan projects.

(b) Fiscal implementation. The department shall maintain a multi-year capital improvement program to be updated annually and approved by a majority vote of the commission. The funded projects shall be reasonably consistent with the plans and overall strategy. The initial fiscal year of the budget shall be a committed budget. The projected amounts for future years shall be for information only. The intent of the multi-year projection is to identify the funding needs for future phases of a project. The

budget shall identify existing and potential funding sources that would be considered. The operational budget shall be reasonably consistent with the plans and overall strategy.

(c) Legal implementation. Legal implementation mechanisms include, without limitation, legislative amendments to the act; adoption, amendment, or repeal of administrative rules; and adoption of internal procedures. The chairman may pursue any of these mechanisms guided by the plans and overall strategy, with final approval by a majority vote of the commission.

(d) Land dispositions. The land dispositions issued by the department and approved by a majority vote of the commission shall be guided by the general plan, island plans, overall strategy, and any other applicable plan or policy adopted by the commission.

[Eff and comp] (Auth: HHC Act §222)
(Imp: HHC Act, all)

§10-4-59 Evaluation. The purpose of an evaluation system is to improve the planning system and implementation effectiveness. The chairman shall present an annual evaluation report to the commission, which may be combined with the report required under section 222 of the act. The general plan shall specify evaluation indicators, and the department shall collect and analyze pertinent data in the evaluation report. The chairman may include other measures of performance and effectiveness. The annual evaluation report shall include recommendations for improvements as applicable. The chairman shall bring to the attention of the commission development plans that are completed or outdated, and a majority vote of the commission shall void or update such plans.

[Eff and comp] (Auth: HHC Act §222)
(Imp: HHC Act, all)

§10-4-60 Beneficiary Consultation. (a)

Meaningful and timely consultation with beneficiaries promotes trust, partnership, and civic engagement. The type of consultation shall be appropriate to the potential impact of the decision or action.

(b) Types of consultation. The type of consultation is determined by the type of plan or implementing action:

- (1) Comprehensive. Comprehensive consultation is statewide. Notice shall be provided to all existing homesteaders, all waiting lists applicants, and other native Hawaiians who have registered with the department. The notice shall describe the proposed action and the date, time, and place of a public meeting to be held on each island. Comprehensive consultation shall apply to the preparation and amendment of Tier 1 plans, preparation and amendment of program plans, and promulgation of administrative rules.
- (2) Place-based. Place-based consultation is geographically specific. Notice shall be provided to existing homesteaders, waiting lists applicants, and other native Hawaiians who have registered with the department and who are associated with a geographic area impacted by the proposed action. The chairman shall determine the appropriate scope of the notice. The notice shall describe the proposed action and the date, time, and place of a public meeting to be held within the geographic area. Place-based consultation shall apply to the preparation and amendment of island plans, preparation and amendment of tier 3 plans, and proposed projects that require an environmental assessment or environmental impact statement.
- (3) Ad hoc. Ad hoc consultation consists of the formation of an advisory body to provide input to the department for the preparation

and amendment of any plan or implementing action. The chairman may select the advisory body, subject to consultation and ratification by the commission, for the preparation or amendment of any plans. Such ad hoc consultation for the preparation and amendment of plans shall supplement and not replace comprehensive or targeted consultation. The chairman may select an ad hoc body for an implementing action and provide a report to the commission.

(c) Consultation methods. The department shall use its best effort to employ diverse and creative notification and participation methods that reach the intended audience in the most effective yet efficient manner. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act, all)