



Land Use Approvals in Hawaii

Overview of Jurisdictions:

Hawaii's centralized land use entitlement system involves the State Land Use Commission and the respective County Planning Commissions, Planning Departments, County Councils and Mayors. The State Land Use Commission (LUC) classifies or designates all of the lands in the state (fast and submerged lands) into one of 4 land use districts: Urban, Conservation, Rural and Agriculture. In the Rural and Agricultural Districts, the LUC not only designates the lands within these Districts but also provides management oversight on uses within these two districts.

Urban District (+/-194,000 acres) managed by the Counties through their respective General Plans, Community Plans, Development Plans, Land Use and Zoning maps. Reclassification of 15 acres or less of lands from the Agricultural District are also processed by the County and not the LUC.

Conservation District (+/-1.9 million acres) managed by the State Board of Land and Natural Resources.

Rural District (+/-10,000 acres) managed by both the State Land Use Commission and the Counties.

Agricultural District (+/-1.9 million acres) managed by both the State Land Use Commission and the Counties.

The Counties General/Development/Community plans are subsets of the State land use districts. Generally, the Counties identify existing and proposed urban areas in their respective General/Development/Community plans. County zoning is used to identify specific land uses within the Urban State Land Use District (i.e. residential, apartment, commercial, industrial, etc.). The Counties also zone uses within the State Conservation Land Use District (i.e. Preservation), and State Agricultural Land Use District (i.e. Agriculture).

Land Use Approval Process:

There are six (6) distinct elements of the Land Use Approval Process in Hawaii (see attached). In general, they are:

1. Application/Petition Preparation—usually done when the site and project have been identified.
2. County General/Development/Community Plan Amendment process—depending on which county this process occurs prior to, during or after the State Land Use Commission process.
3. State Land Use Commission Reclassification—Any major land use proposal requiring a land use district boundary amendment goes through a Land Use Commission quasi-judicial hearing process (Contested Case Hearings before Hearings Officer), with extensive information, and notice requirements. It also involves the county process with significant overlap on issue.
4. County Rezoning Process—Occurs after the Land Use Commission decision and requires much of the same information.

The first four (4) elements basically involve rezoning at the State and County levels. The next two (2) elements are more administrative and discretionary at the County level.

5. Subdivision Process:

- i. Product Development Varies

Time required for this item will vary from project to project depending upon the complexity of the specific project. The specific product needs to be developed sufficiently to have final building footprint dimensions in order to prepare an accurate site plan.

- ii. Preliminary Site Plan Varies

The Preliminary Site Plan is generally hand drawn by an architect or site planner. This is then converted to a CAD file for civil engineering design.

- iii. Final Site Plan 1 month

Time is for both map preparation and approval by Planning Department. Suggest that the Tentative Map and construction plans be submitted for review at the same time. Technically this is not permitted; however, some Planning Departments allows the individual departments and branches to review the plans. The risk is that if the plans change based on one agency comments, the plans need to be resubmitted to the reviewing agencies. Suggest applicants prepare and submit the

Tentative Map for review and approval prior to beginning design of the Roadway and Utility Plans.

- iv. Tentative Subdivision Map 3 months

Some developers combine the Mass and Pad grading plans with the Roadway and Utility Construction Plans into one set of construction plans. However, one option is to separate them in order to obtain approval of the grading plans sooner and start construction earlier. This item is done consecutively with item #6. These plans typically only require Civil Engineering Branch and Planning Department approval.

- v. Mass and Pad Grading Plan 6 months

Time includes both design and all required approvals. These plans are for all the roadway and utility improvements, including all underground utilities (sewer, water, storm drain, irrigation, electric, CATV, phone, etc.) and all surface improvements (curb and gutter, sidewalk, ramps, paving, etc.). These plans typically are approved by Urban Design Branch (street trees), Department of Transportation Services (street lights), Traffic Review Branch, Civil Engineering Branch, Wastewater Branch, Planning Department, Department of Water Supply, State Department of Health, HECO, Hawaiian Telcom and Oceanic.

- vi. Final Design and Planning Department Approval of Roadway and Utility Construction Plans 9 months

After the Roadway and Utility Plans are approved a construction cost estimate needs to be submitted for review and approval. After this construction estimate is approved a subdivision bond needs to be submitted and accepted by the County prior to final subdivision approval.

- vii. Final County Subdivision Map Approval 1 month

Allow 6 months for recordation. Up until about 2 years ago this would take between 12 and 14 weeks. A year ago the time required increased to approximately 16 weeks. More recently, this process has taken between 23 and 27 weeks.

- viii. Land Court subdivision Recordation 6 months

This time can be reduced if the construction of the project is phased. This requires an additional drawing to be submitted and approved by the County but time required for this is usually minimal.

- ix. Roadway and Utility Construction 6 months

Building construction can commence after roadway and utility construction is complete and accepted by the County Chief Inspector. Construction time for the building may be longer depending upon complexity of the building. Building permits can be obtained after County Final Subdivision Approval but do not require recordation.

x. First Building Construction Complete 3 months

Items 1, 2, 3 & 4 are sequential. Items 5 and 6 begin at the same time but follow item 4. Items 7 and 8 are sequential but are simultaneous with # 9. Item 9 cannot begin until Roadway and Utility Plans have been approved but bonding is not required for construction just for final subdivision approval.

6. Other Discretionary permits (does not include building permits)—the time frames listed after each permit or approval reflects the amount of effort or man-hours of staff time at the County. It does not reflect actual processing time for the approvals as this will vary depending on staffing levels, and work load.