

CHAPTER 226
HAWAII STATE PLANNING ACT

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Note

2050 sustainability plan; update every ten years. L Sp 2005, c 8; L 2006, c 210, §2.

Military presence in Hawaii; memorandum of understanding. L 2012, c 65.

Cross References

Climate adaptation, see chapter 225P.

Sustainable business corporations, see chapter 420D.

Law Journals and Reviews

Kaiser Hawaii Kai Development Company v. City and County of Honolulu: Zoning by Initiative in Hawaii. 12 UH L. Rev. 181.

Maha'ulepu v. Land Use Commission: A Symbol of Change; Hawaii's Land Use Law Allows Golf Course Development on Prime Agricultural Land by Special Use Permit. 13 UH L. Rev. 205.

Honolulu's Ohana Zoning Law: To Ohana or Not to Ohana. 13 UH L. Rev. 505.

The Lum Court, Land Use, and the Environment: A Survey of Hawai'i Case Law 1983 to 1991. 14 UH L. Rev. 119.

Dolan v. City of Tigard: Individual Property Rights v. Land Management Systems. 17 UH L. Rev. 193.

Avoiding the Next Hokuli'a: The Debate over Hawai'i's Agricultural Subdivisions. 27 UH L. Rev. 441 (2005).

Water Regulation, Land Use and the Environment. 30 UH L. Rev. 49 (2007).

The (Somewhat) False Hope of Comprehensive Planning. 37 UH L. Rev. 39 (2015).

"PART I. OVERALL THEME, GOALS, OBJECTIVES AND POLICIES

§226-1 Findings and purpose. The legislature finds that there is a need to improve the planning process in this State, to increase the effectiveness of government and private actions, to improve coordination among different agencies and levels of government, to provide for wise use of Hawaii's resources and to guide the future development of the State.

The purpose of this chapter is to set forth the Hawaii state plan that shall serve as a guide for the future long-range development of the State; identify the goals, objectives, policies, and priorities for the State; provide a basis for determining priorities and allocating limited resources, such as public funds, services, human resources, land, energy, water, and other resources; improve coordination of federal, state, and

county plans, policies, programs, projects, and regulatory activities; and to establish a system for plan formulation and program coordination to provide for an integration of all major state, and county activities. [L 1978, c 100, pt of §2; am L 1984, c 236, §1; am L 1986, c 276, §1; am L 1988, c 70, §1]

Cross References

Health planning and resources development, see chapter 323D.
Statewide transportation planning, see chapter 279A.

" **§226-2 Definitions.** As used in this chapter, unless the context otherwise requires:

"A-95 Clearinghouse" means the agency or agencies designated to carry out the procedures established pursuant to federal directive A-95 whereby certain applications for federal funds are reviewed and affected agencies are notified of the proposed applications.

"Advisory committee" means the committee established in section [226-55] to advise and assist in the formulation of the state functional plans.

"Ahupuaa" means a traditional native Hawaiian resource and behavioral management system that ensures respect for the air, land, water, and other scarce natural resources that make life sustainable from the mountains to the sea.

"Conform", "in conformance with this chapter" or "be in conformance with the overall theme, goals, objectives and policies," for the purposes of sections 226-52, [226-55], and [226-59], means the weighing of the overall theme, goals, objectives and policies of this chapter and a determination that an action, decision, rule or state program is consistent with the overall theme, and fulfills one or more of the goals, objectives, or policies of this chapter.

"County agency" means any department, office, board, or commission of the county.

"County development plan" means a relatively detailed plan for an area or region within a county to implement the objectives and policies of a county general plan.

"County general plan" means the comprehensive long-range plan or development plan, if any, which has been adopted by ordinance or resolution by a county council.

"Federal agency" means any federal department, office, board, or commission.

"Functional plan" means a plan setting forth the policies, statewide guidelines, and priorities within a specific field of activity, when such activity or program is proposed, administered, or funded by any agency of the State.

"Guidelines" means a stated course of action which is desirable and should be followed unless a determination is made that it is not the most desirable in a particular case; thus, a guideline may be deviated from without penalty or sanction.

"Hawaii state plan" means a long-range comprehensive plan, including the overall theme, goals, objectives, policies, priority guidelines, and implementation mechanisms established in this chapter.

"Kanakanaka maoli" means native Hawaiians.

"Office" means the office of planning.

"Petroleum" includes crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

"Policy council". DELETED.

"Priority guidelines" means those guidelines which shall take precedence when addressing areas of statewide concern.

"Socio-cultural advancement" means those collective efforts, through governmental or private organizations or both, to improve the community or social well-being by carrying out the objectives and policies as related to: housing, health, education, social services, leisure, individual rights, culture, and public safety.

"State agency" means any department, office, board, or commission of the State, or the University of Hawaii.

"State programs" means a combination of actions and activities undertaken by any state agency that are designed, coordinated, and executed to achieve an objective or set of objectives and policies within defined areas of concern.

"Sustainability" means achieving the following:

- (1) Respect of the culture, character, beauty, and history of the State's island communities;
- (2) Striking a balance between economic, social, community, and environmental priorities; and
- (3) Meeting the needs of the present without compromising the ability of future generations to meet their own needs. [L 1978, c 100, pt of §2; am L 1984, c 236, §2; am L 1986, c 276, §2; am L 1987, c 336, §4(1); am L 1988, c 70, §2; am L 1996, c 299, §3; am L 2003, c 3, §6; am L 2011, c 181, §3; am L 2015, c 38, §1]

Note

"Policy council" as established by former §226-53 was deleted by L 1991, c 76.

" **[§226-3] Overall theme.** Hawaii's people, as both individuals and groups, generally accept and live by a number of principles or values which are an integral part of society. This concept is the unifying theme of the state plan. The following principles or values are established as the overall theme of the Hawaii state plan:

- (1) Individual and family self-sufficiency refers to the rights of people to maintain as much self-reliance as possible. It is an expression of the value of independence, in other words, being able to freely pursue personal interests and goals. Self-sufficiency means that individuals and families can express and maintain their own self-interest so long as that self-interest does not adversely affect the general welfare. Individual freedom and individual achievement are possible only by reason of other people in society, the institutions, arrangements and customs that they maintain, and the rights and responsibilities that they sanction.
- (2) Social and economic mobility refers to the right of individuals to choose and to have the opportunities for choice available to them. It is a corollary to self-sufficiency. Social and economic mobility means that opportunities and incentives are available for people to seek out their own levels of social and economic fulfillment.
- (3) Community or social well-being is a value that encompasses many things. In essence, it refers to healthy social, economic, and physical environments that benefit the community as a whole. A sense of social responsibility, of caring for others and for the well-being of our community and of participating in social and political life, are important aspects of this concept. It further implies the aloha spirit--attitudes of tolerance, respect, cooperation and unselfish giving, within which Hawaii's society can progress.

One of the basic functions of our society is to enhance the ability of individuals and groups to pursue their goals freely, to satisfy basic needs and to secure desired socio-economic levels. The elements of choice and mobility within society's legal framework are fundamental rights. Society's role is to encourage conditions within which individuals and groups can approach their desired levels of self-reliance and self-determination. This enables people to gain confidence and self-esteem; citizens contribute more when they possess such qualities in a free and open society.

Government promotes citizen freedom, self-reliance, self-determination, social and civic responsibility and goals achievement by keeping order, by increasing cooperation among many diverse individuals and groups, and by fostering social and civic responsibilities that affect the general welfare. The greater the number and activities of individuals and groups, the more complex government's role becomes. The function of government, however, is to assist citizens in attaining their goals. Government provides for meaningful participation by the people in decision-making and for effective access to authority as well as an equitable sharing of benefits. Citizens have a responsibility to work with their government to contribute to society's improvement. They must also conduct their activities within an agreed-upon legal system that protects human rights. [L 1978, c 100, pt of §2]

" **§226-4 State goals.** In order to guarantee, for present and future generations, those elements of choice and mobility that insure that individuals and groups may approach their desired levels of self-reliance and self-determination, it shall be the goal of the State to achieve:

- (1) A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaii's present and future generations.
- (2) A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.
- (3) Physical, social, and economic well-being, for individuals and families in Hawaii, that nourishes a sense of community responsibility, of caring, and of participation in community life. [L 1978, c 100, pt of §2; am L 1986, c 276, §3]

" **§226-5 Objective and policies for population.** (a) It shall be the objective in planning for the State's population to guide population growth to be consistent with the achievement of physical, economic, and social objectives contained in this chapter.

(b) To achieve the population objective, it shall be the policy of this State to:

- (1) Manage population growth statewide in a manner that provides increased opportunities for Hawaii's people to pursue their physical, social, and economic aspirations while recognizing the unique needs of each county.

- (2) Encourage an increase in economic activities and employment opportunities on the neighbor islands consistent with community needs and desires.
- (3) Promote increased opportunities for Hawaii's people to pursue their socio-economic aspirations throughout the islands.
- (4) Encourage research activities and public awareness programs to foster an understanding of Hawaii's limited capacity to accommodate population needs and to address concerns resulting from an increase in Hawaii's population.
- (5) Encourage federal actions and coordination among major governmental agencies to promote a more balanced distribution of immigrants among the states, provided that such actions do not prevent the reunion of immediate family members.
- (6) Pursue an increase in federal assistance for states with a greater proportion of foreign immigrants relative to their state's population.
- (7) Plan the development and availability of land and water resources in a coordinated manner so as to provide for the desired levels of growth in each geographic area. [L 1978, c 100, pt of §2; am L 1986, c 276, §4; am L 1988, c 70, §3; am L 1993, c 213, §3]

" **§226-6 Objectives and policies for the economy--in general.** (a) Planning for the State's economy in general shall be directed toward achievement of the following objectives:

- (1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawaii's people, while at the same time stimulating the development and expansion of economic activities capitalizing on defense, dual-use, and science and technology assets, particularly on the neighbor islands where employment opportunities may be limited.
- (2) A steadily growing and diversified economic base that is not overly dependent on a few industries, and includes the development and expansion of industries on the neighbor islands.

(b) To achieve the general economic objectives, it shall be the policy of this State to:

- (1) Promote and encourage entrepreneurship within Hawaii by residents and nonresidents of the State.
- (2) Expand Hawaii's national and international marketing, communication, and organizational ties, to increase the State's capacity to adjust to and capitalize upon

economic changes and opportunities occurring outside the State.

- (3) Promote Hawaii as an attractive market for environmentally and socially sound investment activities that benefit Hawaii's people.
- (4) Transform and maintain Hawaii as a place that welcomes and facilitates innovative activity that may lead to commercial opportunities.
- (5) Promote innovative activity that may pose initial risks, but ultimately contribute to the economy of Hawaii.
- (6) Seek broader outlets for new or expanded Hawaii business investments.
- (7) Expand existing markets and penetrate new markets for Hawaii's products and services.
- (8) Assure that the basic economic needs of Hawaii's people are maintained in the event of disruptions in overseas transportation.
- (9) Strive to achieve a level of construction activity responsive to, and consistent with, state growth objectives.
- (10) Encourage the formation of cooperatives and other favorable marketing arrangements at the local or regional level to assist Hawaii's small scale producers, manufacturers, and distributors.
- (11) Encourage labor-intensive activities that are economically satisfying and which offer opportunities for upward mobility.
- (12) Encourage innovative activities that may not be labor-intensive, but may otherwise contribute to the economy of Hawaii.
- (13) Foster greater cooperation and coordination between the government and private sectors in developing Hawaii's employment and economic growth opportunities.
- (14) Stimulate the development and expansion of economic activities which will benefit areas with substantial or expected employment problems.
- (15) Maintain acceptable working conditions and standards for Hawaii's workers.
- (16) Provide equal employment opportunities for all segments of Hawaii's population through affirmative action and nondiscrimination measures.
- (17) Stimulate the development and expansion of economic activities capitalizing on defense, dual-use, and science and technology assets, particularly on the neighbor islands where employment opportunities may be limited.

- (18) Encourage businesses that have favorable financial multiplier effects within Hawaii's economy, particularly with respect to emerging industries in science and technology.
- (19) Promote and protect intangible resources in Hawaii, such as scenic beauty and the aloha spirit, which are vital to a healthy economy.
- (20) Increase effective communication between the educational community and the private sector to develop relevant curricula and training programs to meet future employment needs in general, and requirements of new or innovative potential growth industries in particular.
- (21) Foster a business climate in Hawaii--including attitudes, tax and regulatory policies, and financial and technical assistance programs--that is conducive to the expansion of existing enterprises and the creation and attraction of new business and industry. [L 1978, c 100, pt of §2; am L 1986, c 276, §5; am L 1988, c 70, §4; am L 1993, c 213, §4; am L 2009, c 167, §2; am L 2014, c 133, §2]

" **§226-7 Objectives and policies for the economy-- agriculture.** (a) Planning for the State's economy with regard to agriculture shall be directed towards achievement of the following objectives:

- (1) Viability of Hawaii's sugar and pineapple industries.
 - (2) Growth and development of diversified agriculture throughout the State.
 - (3) An agriculture industry that continues to constitute a dynamic and essential component of Hawaii's strategic, economic, and social well-being.
- (b) To achieve the agriculture objectives, it shall be the policy of this State to:
- (1) Establish a clear direction for Hawaii's agriculture through stakeholder commitment and advocacy.
 - (2) Encourage agriculture by making the best use of natural resources.
 - (3) Provide the governor and the legislature with information and options needed for prudent decision-making for the development of agriculture.
 - (4) Establish strong relationships between the agricultural and visitor industries for mutual marketing benefits.
 - (5) Foster increased public awareness and understanding of the contributions and benefits of agriculture as a major sector of Hawaii's economy.

- (6) Seek the enactment and retention of federal and state legislation that benefits Hawaii's agricultural industries.
- (7) Strengthen diversified agriculture by developing an effective promotion, marketing, and distribution system between Hawaii's food producers and consumers in the State, nation, and world.
- (8) Support research and development activities that strengthen economic productivity in agriculture, stimulate greater efficiency, and enhance the development of new products and agricultural by-products.
- (9) Enhance agricultural growth by providing public incentives and encouraging private initiatives.
- (10) Assure the availability of agriculturally suitable lands with adequate water to accommodate present and future needs.
- (11) Increase the attractiveness and opportunities for an agricultural education and livelihood.
- (12) In addition to the State's priority on food, expand Hawaii's agricultural base by promoting growth and development of flowers, tropical fruits and plants, livestock, feed grains, forestry, food crops, aquaculture, and other potential enterprises.
- (13) Promote economically competitive activities that increase Hawaii's agricultural self-sufficiency, including the increased purchase and use of Hawaii-grown food and food products by residents, businesses, and governmental bodies as defined under section 103D-104.
- (14) Promote and assist in the establishment of sound financial programs for diversified agriculture.
- (15) Institute and support programs and activities to assist the entry of displaced agricultural workers into alternative agricultural or other employment.
- (16) Facilitate the transition of agricultural lands in economically nonfeasible agricultural production to economically viable agricultural uses.
- (17) Perpetuate, promote, and increase use of traditional Hawaiian farming systems, such as the use of loko i'a, māla, and irrigated lo'i, and growth of traditional Hawaiian crops, such as kalo, 'uala, and 'ulu.
- (18) Increase and develop small-scale farms. [L 1978, c 100, pt of §2; am L 1986, c 276, §6; am L 1993, c 25, §2; am L 2009, c 167, §3; am L 2013, c 55, §2; am L 2015, c 31, §2]

" **§226-8 Objective and policies for the economy--visitor industry.** (a) Planning for the State's economy with regard to the visitor industry shall be directed towards the achievement of the objective of a visitor industry that constitutes a major component of steady growth for Hawaii's economy.

(b) To achieve the visitor industry objective, it shall be the policy of this State to:

- (1) Support and assist in the promotion of Hawaii's visitor attractions and facilities.
- (2) Ensure that visitor industry activities are in keeping with the social, economic, and physical needs and aspirations of Hawaii's people.
- (3) Improve the quality of existing visitor destination areas by utilizing Hawaii's strengths in science and technology.
- (4) Encourage cooperation and coordination between the government and private sectors in developing and maintaining well-designed, adequately serviced visitor industry and related developments which are sensitive to neighboring communities and activities.
- (5) Develop the industry in a manner that will continue to provide new job opportunities and steady employment for Hawaii's people.
- (6) Provide opportunities for Hawaii's people to obtain job training and education that will allow for upward mobility within the visitor industry.
- (7) Foster a recognition of the contribution of the visitor industry to Hawaii's economy and the need to perpetuate the aloha spirit.
- (8) Foster an understanding by visitors of the aloha spirit and of the unique and sensitive character of Hawaii's cultures and values. [L 1978, c 100, pt of §2; am L 1986, c 276, §7; am L 1988, c 70, §5; am L 2009, c 167, §4]

Cross References

Hawaii tourism authority, see chapter 201B.

Office of tourism, see chapter 201, part VII.

Tourism development, see chapter 203.

" **§226-9 Objective and policies for the economy--federal expenditures.** (a) Planning for the State's economy with regard to federal expenditures shall be directed towards achievement of the objective of a stable federal investment base as an integral component of Hawaii's economy.

(b) To achieve the federal expenditures objective, it shall be the policy of this State to:

- (1) Encourage the sustained flow of federal expenditures in Hawaii that generates long-term government civilian employment;
- (2) Promote Hawaii's supportive role in national defense, in a manner consistent with Hawaii's social, environmental, and cultural goals by building upon dual-use and defense applications to develop thriving ocean engineering, aerospace research and development, and related dual-use technology sectors in Hawaii's economy;
- (3) Promote the development of federally supported activities in Hawaii that respect statewide economic concerns, are sensitive to community needs, and minimize adverse impacts on Hawaii's environment;
- (4) Increase opportunities for entry and advancement of Hawaii's people into federal government service;
- (5) Promote federal use of local commodities, services, and facilities available in Hawaii;
- (6) Strengthen federal-state-county communication and coordination in all federal activities that affect Hawaii; and
- (7) Pursue the return of federally controlled lands in Hawaii that are not required for either the defense of the nation or for other purposes of national importance, and promote the mutually beneficial exchanges of land between federal agencies, the State, and the counties. [L 1978, c 100, pt of §2; am L 1986, c 276, §8; am L 2006, c 65, §3; am L 2009, c 167, §5]

" **§226-10 Objective and policies for the economy--potential growth and innovative activities.** (a) Planning for the State's economy with regard to potential growth and innovative activities shall be directed towards achievement of the objective of development and expansion of potential growth and innovative activities that serve to increase and diversify Hawaii's economic base.

(b) To achieve the potential growth and innovative activity objective, it shall be the policy of this State to:

- (1) Facilitate investment and employment growth in economic activities that have the potential to expand and diversify Hawaii's economy, including but not limited to diversified agriculture, aquaculture, renewable energy development, creative media, health care, and science and technology-based sectors;

- (2) Facilitate investment in innovative activity that may pose risks or be less labor-intensive than other traditional business activity, but if successful, will generate revenue in Hawaii through the export of services or products or substitution of imported services or products;
- (3) Encourage entrepreneurship in innovative activity by academic researchers and instructors who may not have the background, skill, or initial inclination to commercially exploit their discoveries or achievements;
- (4) Recognize that innovative activity is not exclusively dependent upon individuals with advanced formal education, but that many self-taught, motivated individuals are able, willing, sufficiently knowledgeable, and equipped with the attitude necessary to undertake innovative activity;
- (5) Increase the opportunities for investors in innovative activity and talent engaged in innovative activity to personally meet and interact at cultural, art, entertainment, culinary, athletic, or visitor-oriented events without a business focus;
- (6) Expand Hawaii's capacity to attract and service international programs and activities that generate employment for Hawaii's people;
- (7) Enhance and promote Hawaii's role as a center for international relations, trade, finance, services, technology, education, culture, and the arts;
- (8) Accelerate research and development of new energy-related industries based on wind, solar, ocean, underground resources, and solid waste;
- (9) Promote Hawaii's geographic, environmental, social, and technological advantages to attract new or innovative economic activities into the State;
- (10) Provide public incentives and encourage private initiative to attract new or innovative industries that best support Hawaii's social, economic, physical, and environmental objectives;
- (11) Increase research and the development of ocean-related economic activities such as mining, food production, and scientific research;
- (12) Develop, promote, and support research and educational and training programs that will enhance Hawaii's ability to attract and develop economic activities of benefit to Hawaii;

- (13) Foster a broader public recognition and understanding of the potential benefits of new or innovative growth-oriented industry in Hawaii;
- (14) Encourage the development and implementation of joint federal and state initiatives to attract federal programs and projects that will support Hawaii's social, economic, physical, and environmental objectives;
- (15) Increase research and development of businesses and services in the telecommunications and information industries;
- (16) Foster the research and development of nonfossil fuel and energy efficient modes of transportation; and
- (17) Recognize and promote health care and health care information technology as growth industries. [L 1978, c 100, pt of §2; am L 1986, c 276, §9; am L 1988, c 70, §6; am L Sp 1988, c 1, §5; am L 2009, c 156, §2 and c 167, §6; am L 2014, c 133, §3]

" **§226-10.5 Objectives and policies for the economy-- information industry.** (a) Planning for the State's economy with regard to telecommunications and information technology shall be directed toward recognizing that broadband and wireless communication capability and infrastructure are foundations for an innovative economy and positioning Hawaii as a leader in broadband and wireless communications and applications in the Pacific Region.

(b) To achieve the information industry objective, it shall be the policy of this State to:

- (1) Promote efforts to attain the highest speeds of electronic and wireless communication within Hawaii and between Hawaii and the world, and make high speed communication available to all residents and businesses in Hawaii;
- (2) Encourage the continued development and expansion of the telecommunications infrastructure serving Hawaii to accommodate future growth and innovation in Hawaii's economy;
- (3) Facilitate the development of new or innovative business and service ventures in the information industry which will provide employment opportunities for the people of Hawaii;
- (4) Encourage mainland- and foreign-based companies of all sizes, whether information technology-focused or not, to allow their principals, employees, or contractors to live in and work from Hawaii, using technology to

- communicate with their headquarters, offices, or customers located out-of-state;
- (5) Encourage greater cooperation between the public and private sectors in developing and maintaining a well-designed information industry;
 - (6) Ensure that the development of new businesses and services in the industry are in keeping with the social, economic, and physical needs and aspirations of Hawaii's people;
 - (7) Provide opportunities for Hawaii's people to obtain job training and education that will allow for upward mobility within the information industry;
 - (8) Foster a recognition of the contribution of the information industry to Hawaii's economy; and
 - (9) Assist in the promotion of Hawaii as a broker, creator, and processor of information in the Pacific.
- [L Sp 1988, c 1, §3; am L 2009, c 167, §7; am L 2014, c 133, §4]

" **§226-11 Objectives and policies for the physical environment--land-based, shoreline, and marine resources.** (a)

Planning for the State's physical environment with regard to land-based, shoreline, and marine resources shall be directed towards achievement of the following objectives:

- (1) Prudent use of Hawaii's land-based, shoreline, and marine resources.
 - (2) Effective protection of Hawaii's unique and fragile environmental resources.
- (b) To achieve the land-based, shoreline, and marine resources objectives, it shall be the policy of this State to:
- (1) Exercise an overall conservation ethic in the use of Hawaii's natural resources.
 - (2) Ensure compatibility between land-based and water-based activities and natural resources and ecological systems.
 - (3) Take into account the physical attributes of areas when planning and designing activities and facilities.
 - (4) Manage natural resources and environs to encourage their beneficial and multiple use without generating costly or irreparable environmental damage.
 - (5) Consider multiple uses in watershed areas, provided such uses do not detrimentally affect water quality and recharge functions.
 - (6) Encourage the protection of rare or endangered plant and animal species and habitats native to Hawaii.

- (7) Provide public incentives that encourage private actions to protect significant natural resources from degradation or unnecessary depletion.
- (8) Pursue compatible relationships among activities, facilities, and natural resources.
- (9) Promote increased accessibility and prudent use of inland and shoreline areas for public recreational, educational, and scientific purposes. [L 1978, c 100, pt of §2; am L 1986, c 276, §10]

" **§226-12 Objective and policies for the physical environment--scenic, natural beauty, and historic resources.**

(a) Planning for the State's physical environment shall be directed towards achievement of the objective of enhancement of Hawaii's scenic assets, natural beauty, and multi-cultural/historical resources.

(b) To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:

- (1) Promote the preservation and restoration of significant natural and historic resources.
- (2) Provide incentives to maintain and enhance historic, cultural, and scenic amenities.
- (3) Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes, and other natural features.
- (4) Protect those special areas, structures, and elements that are an integral and functional part of Hawaii's ethnic and cultural heritage.
- (5) Encourage the design of developments and activities that complement the natural beauty of the islands. [L 1978, c 100, pt of §2; am L 1986, c 276, §11]

" **§226-13 Objectives and policies for the physical**

environment--land, air, and water quality. (a) Planning for the State's physical environment with regard to land, air, and water quality shall be directed towards achievement of the following objectives:

- (1) Maintenance and pursuit of improved quality in Hawaii's land, air, and water resources.
- (2) Greater public awareness and appreciation of Hawaii's environmental resources.

(b) To achieve the land, air, and water quality objectives, it shall be the policy of this State to:

- (1) Foster educational activities that promote a better understanding of Hawaii's limited environmental resources.

- (2) Promote the proper management of Hawaii's land and water resources.
- (3) Promote effective measures to achieve desired quality in Hawaii's surface, ground, and coastal waters.
- (4) Encourage actions to maintain or improve aural and air quality levels to enhance the health and well-being of Hawaii's people.
- (5) Reduce the threat to life and property from erosion, flooding, tsunamis, hurricanes, earthquakes, volcanic eruptions, and other natural or man-induced hazards and disasters.
- (6) Encourage design and construction practices that enhance the physical qualities of Hawaii's communities.
- (7) Encourage urban developments in close proximity to existing services and facilities.
- (8) Foster recognition of the importance and value of the land, air, and water resources to Hawaii's people, their cultures and visitors. [L 1978, c 100, pt of §2; am L 1986, c 276, §12]

" **§226-14 Objective and policies for facility systems--in general.** (a) Planning for the State's facility systems in general shall be directed towards achievement of the objective of water, transportation, waste disposal, and energy and telecommunication systems that support statewide social, economic, and physical objectives.

(b) To achieve the general facility systems objective, it shall be the policy of this State to:

- (1) Accommodate the needs of Hawaii's people through coordination of facility systems and capital improvement priorities in consonance with state and county plans.
- (2) Encourage flexibility in the design and development of facility systems to promote prudent use of resources and accommodate changing public demands and priorities.
- (3) Ensure that required facility systems can be supported within resource capacities and at reasonable cost to the user.
- (4) Pursue alternative methods of financing programs and projects and cost-saving techniques in the planning, construction, and maintenance of facility systems. [L 1978, c 100, pt of §2; am L 1986, c 276, §13]

" **§226-15 Objectives and policies for facility systems--solid and liquid wastes.** (a) Planning for the State's facility

systems with regard to solid and liquid wastes shall be directed towards the achievement of the following objectives:

- (1) Maintenance of basic public health and sanitation standards relating to treatment and disposal of solid and liquid wastes.
 - (2) Provision of adequate sewerage facilities for physical and economic activities that alleviate problems in housing, employment, mobility, and other areas.
- (b) To achieve solid and liquid waste objectives, it shall be the policy of this State to:
- (1) Encourage the adequate development of sewerage facilities that complement planned growth.
 - (2) Promote re-use and recycling to reduce solid and liquid wastes and employ a conservation ethic.
 - (3) Promote research to develop more efficient and economical treatment and disposal of solid and liquid wastes. [L 1978, c 100, pt of §2; am L 1986, c 276, §14]

" **§226-16 Objective and policies for facility systems--**

water. (a) Planning for the State's facility systems with regard to water shall be directed towards achievement of the objective of the provision of water to adequately accommodate domestic, agricultural, commercial, industrial, recreational, and other needs within resource capacities.

(b) To achieve the facility systems water objective, it shall be the policy of this State to:

- (1) Coordinate development of land use activities with existing and potential water supply.
- (2) Support research and development of alternative methods to meet future water requirements well in advance of anticipated needs.
- (3) Reclaim and encourage the productive use of runoff water and wastewater discharges.
- (4) Assist in improving the quality, efficiency, service, and storage capabilities of water systems for domestic and agricultural use.
- (5) Support water supply services to areas experiencing critical water problems.
- (6) Promote water conservation programs and practices in government, private industry, and the general public to help ensure adequate water to meet long-term needs. [L 1978, c 100, pt of §2; am L 1986, c 276, §15]

" **§226-17 Objectives and policies for facility systems--**

transportation. (a) Planning for the State's facility systems

with regard to transportation shall be directed towards the achievement of the following objectives:

- (1) An integrated multi-modal transportation system that services statewide needs and promotes the efficient, economical, safe, and convenient movement of people and goods.
- (2) A statewide transportation system that is consistent with and will accommodate planned growth objectives throughout the State.

(b) To achieve the transportation objectives, it shall be the policy of this State to:

- (1) Design, program, and develop a multi-modal system in conformance with desired growth and physical development as stated in this chapter;
- (2) Coordinate state, county, federal, and private transportation activities and programs toward the achievement of statewide objectives;
- (3) Encourage a reasonable distribution of financial responsibilities for transportation among participating governmental and private parties;
- (4) Provide for improved accessibility to shipping, docking, and storage facilities;
- (5) Promote a reasonable level and variety of mass transportation services that adequately meet statewide and community needs;
- (6) Encourage transportation systems that serve to accommodate present and future development needs of communities;
- (7) Encourage a variety of carriers to offer increased opportunities and advantages to interisland movement of people and goods;
- (8) Increase the capacities of airport and harbor systems and support facilities to effectively accommodate transshipment and storage needs;
- (9) Encourage the development of transportation systems and programs which would assist statewide economic growth and diversification;
- (10) Encourage the design and development of transportation systems sensitive to the needs of affected communities and the quality of Hawaii's natural environment;
- (11) Encourage safe and convenient use of low-cost, energy-efficient, non-polluting means of transportation;
- (12) Coordinate intergovernmental land use and transportation planning activities to ensure the timely delivery of supporting transportation infrastructure in order to accommodate planned growth objectives; and

- (13) Encourage diversification of transportation modes and infrastructure to promote alternate fuels and energy efficiency. [L 1978, c 100, pt of §2; am L 1986, c 276, §16; am L 1993, c 149, §1; am L 1994, c 96, §3]

" **§226-18 Objectives and policies for facility systems--energy.** (a) Planning for the State's facility systems with regard to energy shall be directed toward the achievement of the following objectives, giving due consideration to all:

- (1) Dependable, efficient, and economical statewide energy systems capable of supporting the needs of the people;
- (2) Increased energy security and self-sufficiency through the reduction and ultimate elimination of Hawaii's dependence on imported fuels for electrical generation and ground transportation;
- (3) Greater diversification of energy generation in the face of threats to Hawaii's energy supplies and systems;
- (4) Reduction, avoidance, or sequestration of greenhouse gas emissions from energy supply and use; and
- (5) Utility models that make the social and financial interests of Hawaii's utility customers a priority.

(b) To achieve the energy objectives, it shall be the policy of this State to ensure the short- and long-term provision of adequate, reasonably priced, and dependable energy services to accommodate demand.

(c) To further achieve the energy objectives, it shall be the policy of this State to:

- (1) Support research and development as well as promote the use of renewable energy sources;
- (2) Ensure that the combination of energy supplies and energy-saving systems is sufficient to support the demands of growth;
- (3) Base decisions of least-cost supply-side and demand-side energy resource options on a comparison of their total costs and benefits when a least-cost is determined by a reasonably comprehensive, quantitative, and qualitative accounting of their long-term, direct and indirect economic, environmental, social, cultural, and public health costs and benefits;
- (4) Promote all cost-effective conservation of power and fuel supplies through measures, including:
 - (A) Development of cost-effective demand-side management programs;
 - (B) Education;

- (C) Adoption of energy-efficient practices and technologies; and
- (D) Increasing energy efficiency and decreasing energy use in public infrastructure;
- (5) Ensure, to the extent that new supply-side resources are needed, that the development or expansion of energy systems uses the least-cost energy supply option and maximizes efficient technologies;
- (6) Support research, development, demonstration, and use of energy efficiency, load management, and other demand-side management programs, practices, and technologies;
- (7) Promote alternate fuels and transportation energy efficiency;
- (8) Support actions that reduce, avoid, or sequester greenhouse gases in utility, transportation, and industrial sector applications;
- (9) Support actions that reduce, avoid, or sequester Hawaii's greenhouse gas emissions through agriculture and forestry initiatives;
- (10) Provide priority handling and processing for all state and county permits required for renewable energy projects;
- (11) Ensure that liquefied natural gas is used only as a cost-effective transitional, limited-term replacement of petroleum for electricity generation and does not impede the development and use of other cost-effective renewable energy sources; and
- (12) Promote the development of indigenous geothermal energy resources that are located on public trust land as an affordable and reliable source of firm power for Hawaii. [L 1978, c 100, pt of §2; am L 1986, c 276, §17; am L 1990, c 319, §2; am L 1994, c 96, §4; am L 2000, c 176, §1; am L 2007, c 205, §6; am L 2009, c 155, §17 and c 156, §3; am L 2012, c 193, §1; am L 2015, c 38, §2]

Note

L 2012, c 193, §2 provides:

"SECTION 2. There shall be consultation and public input from the Native Hawaiian community and the general public when developing projects with public land trust lands."

" **[§226-18.5] Objectives and policies for facility systems--telecommunications.** (a) Planning for the State's telecommunications facility systems shall be directed towards

the achievement of dependable, efficient, and economical statewide telecommunications systems capable of supporting the needs of the people.

(b) To achieve the telecommunications objective, it shall be the policy of this State to ensure the provision of adequate, reasonably priced, and dependable telecommunications services to accommodate demand.

(c) To further achieve the telecommunications objective, it shall be the policy of this State to:

- (1) Facilitate research and development of telecommunications systems and resources;
- (2) Encourage public and private sector efforts to develop means for adequate, ongoing telecommunications planning;
- (3) Promote efficient management and use of existing telecommunications systems and services; and
- (4) Facilitate the development of education and training of telecommunications personnel. [L 1994, c 96, §2]

" **§226-19 Objectives and policies for socio-cultural advancement--housing.** (a) Planning for the State's socio-cultural advancement with regard to housing shall be directed toward the achievement of the following objectives:

- (1) Greater opportunities for Hawaii's people to secure reasonably priced, safe, sanitary, and livable homes, located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals, through collaboration and cooperation between government and nonprofit and for-profit developers to ensure that more affordable housing is made available to very low-, low- and moderate-income segments of Hawaii's population.
- (2) The orderly development of residential areas sensitive to community needs and other land uses.
- (3) The development and provision of affordable rental housing by the State to meet the housing needs of Hawaii's people.

(b) To achieve the housing objectives, it shall be the policy of this State to:

- (1) Effectively accommodate the housing needs of Hawaii's people.
- (2) Stimulate and promote feasible approaches that increase housing choices for low-income, moderate-income, and gap-group households.
- (3) Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.

- (4) Promote appropriate improvement, rehabilitation, and maintenance of existing housing units and residential areas.
- (5) Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas.
- (6) Facilitate the use of available vacant, developable, and underutilized urban lands for housing.
- (7) Foster a variety of lifestyles traditional to Hawaii through the design and maintenance of neighborhoods that reflect the culture and values of the community.
- (8) Promote research and development of methods to reduce the cost of housing construction in Hawaii. [L 1978, c 100, pt of §2; am L 1986, c 276, §18; am L 1992, c 27, §2]

" **§226-20 Objectives and policies for socio-cultural advancement--health.** (a) Planning for the State's socio-cultural advancement with regard to health shall be directed towards achievement of the following objectives:

- (1) Fulfillment of basic individual health needs of the general public.
 - (2) Maintenance of sanitary and environmentally healthful conditions in Hawaii's communities.
 - (3) Elimination of health disparities by identifying and addressing social determinants of health.
- (b) To achieve the health objectives, it shall be the policy of this State to:
- (1) Provide adequate and accessible services and facilities for prevention and treatment of physical and mental health problems, including substance abuse.
 - (2) Encourage improved cooperation among public and private sectors in the provision of health care to accommodate the total health needs of individuals throughout the State.
 - (3) Encourage public and private efforts to develop and promote statewide and local strategies to reduce health care and related insurance costs.
 - (4) Foster an awareness of the need for personal health maintenance and preventive health care through education and other measures.
 - (5) Provide programs, services, and activities that ensure environmentally healthful and sanitary conditions.
 - (6) Improve the State's capabilities in preventing contamination by pesticides and other potentially

hazardous substances through increased coordination, education, monitoring, and enforcement.

- (7) Prioritize programs, services, interventions, and activities that address identified social determinants of health to improve native Hawaiian health and well-being consistent with the United States Congress' declaration of policy as codified in title 42 United States Code section 11702, and to reduce health disparities of disproportionately affected demographics, including native Hawaiians, other Pacific Islanders, and Filipinos. The prioritization of affected demographic groups other than native Hawaiians may be reviewed every ten years and revised based on the best available epidemiological and public health data. [L 1978, c 100, pt of §2; am L 1986, c 276, §19; am L 2014, c 155, §2]

" **§226-21 Objective and policies for socio-cultural advancement--education.** (a) Planning for the State's socio-cultural advancement with regard to education shall be directed towards achievement of the objective of the provision of a variety of educational opportunities to enable individuals to fulfill their needs, responsibilities, and aspirations.

(b) To achieve the education objective, it shall be the policy of this State to:

- (1) Support educational programs and activities that enhance personal development, physical fitness, recreation, and cultural pursuits of all groups.
- (2) Ensure the provision of adequate and accessible educational services and facilities that are designed to meet individual and community needs.
- (3) Provide appropriate educational opportunities for groups with special needs.
- (4) Promote educational programs which enhance understanding of Hawaii's cultural heritage.
- (5) Provide higher educational opportunities that enable Hawaii's people to adapt to changing employment demands.
- (6) Assist individuals, especially those experiencing critical employment problems or barriers, or undergoing employment transitions, by providing appropriate employment training programs and other related educational opportunities.
- (7) Promote programs and activities that facilitate the acquisition of basic skills, such as reading, writing, computing, listening, speaking, and reasoning.

- (8) Emphasize quality educational programs in Hawaii's institutions to promote academic excellence.
- (9) Support research programs and activities that enhance the education programs of the State. [L 1978, c 100, pt of §2; am L 1986, c 276, §20]

" **§226-22 Objective and policies for socio-cultural advancement--social services.** (a) Planning for the State's socio-cultural advancement with regard to social services shall be directed towards the achievement of the objective of improved public and private social services and activities that enable individuals, families, and groups to become more self-reliant and confident to improve their well-being.

(b) To achieve the social service objective, it shall be the policy of the State to:

- (1) Assist individuals, especially those in need of attaining a minimally adequate standard of living and those confronted by social and economic hardship conditions, through social services and activities within the State's fiscal capacities.
- (2) Promote coordination and integrative approaches among public and private agencies and programs to jointly address social problems that will enable individuals, families, and groups to deal effectively with social problems and to enhance their participation in society.
- (3) Facilitate the adjustment of new residents, especially recently arrived immigrants, into Hawaii's communities.
- (4) Promote alternatives to institutional care in the provision of long-term care for elder and disabled populations.
- (5) Support public and private efforts to prevent domestic abuse and child molestation, and assist victims of abuse and neglect.
- (6) Promote programs which assist people in need of family planning services to enable them to meet their needs. [L 1978, c 100, pt of §2; am L 1986, c 276, §21; am L 1990, c 67, §8]

" **§226-23 Objective and policies for socio-cultural advancement--leisure.** (a) Planning for the State's socio-cultural advancement with regard to leisure shall be directed towards the achievement of the objective of the adequate provision of resources to accommodate diverse cultural, artistic, and recreational needs for present and future generations.

(b) To achieve the leisure objective, it shall be the policy of this State to:

- (1) Foster and preserve Hawaii's multi-cultural heritage through supportive cultural, artistic, recreational, and humanities-oriented programs and activities.
- (2) Provide a wide range of activities and facilities to fulfill the cultural, artistic, and recreational needs of all diverse and special groups effectively and efficiently.
- (3) Enhance the enjoyment of recreational experiences through safety and security measures, educational opportunities, and improved facility design and maintenance.
- (4) Promote the recreational and educational potential of natural resources having scenic, open space, cultural, historical, geological, or biological values while ensuring that their inherent values are preserved.
- (5) Ensure opportunities for everyone to use and enjoy Hawaii's recreational resources.
- (6) Assure the availability of sufficient resources to provide for future cultural, artistic, and recreational needs.
- (7) Provide adequate and accessible physical fitness programs to promote the physical and mental well-being of Hawaii's people.
- (8) Increase opportunities for appreciation and participation in the creative arts, including the literary, theatrical, visual, musical, folk, and traditional art forms.
- (9) Encourage the development of creative expression in the artistic disciplines to enable all segments of Hawaii's population to participate in the creative arts.
- (10) Assure adequate access to significant natural and cultural resources in public ownership. [L 1978, c 100, pt of §2; am L 1986, c 276, §22]

" **§226-24 Objective and policies for socio-cultural advancement--individual rights and personal well-being.** (a)

Planning for the State's socio-cultural advancement with regard to individual rights and personal well-being shall be directed towards achievement of the objective of increased opportunities and protection of individual rights to enable individuals to fulfill their socio-economic needs and aspirations.

(b) To achieve the individual rights and personal well-being objective, it shall be the policy of this State to:

- (1) Provide effective services and activities that protect individuals from criminal acts and unfair practices and that alleviate the consequences of criminal acts in order to foster a safe and secure environment.
- (2) Uphold and protect the national and state constitutional rights of every individual.
- (3) Assure access to, and availability of, legal assistance, consumer protection, and other public services which strive to attain social justice.
- (4) Ensure equal opportunities for individual participation in society. [L 1978, c 100, pt of §2; am L 1986, c 276, §23]

" **§226-25 Objective and policies for socio-cultural advancement--culture.** (a) Planning for the State's socio-cultural advancement with regard to culture shall be directed toward the achievement of the objective of enhancement of cultural identities, traditions, values, customs, and arts of Hawaii's people.

(b) To achieve the culture objective, it shall be the policy of this State to:

- (1) Foster increased knowledge and understanding of Hawaii's ethnic and cultural heritages and the history of Hawaii.
- (2) Support activities and conditions that promote cultural values, customs, and arts that enrich the lifestyles of Hawaii's people and which are sensitive and responsive to family and community needs.
- (3) Encourage increased awareness of the effects of proposed public and private actions on the integrity and quality of cultural and community lifestyles in Hawaii.
- (4) Encourage the essence of the aloha spirit in people's daily activities to promote harmonious relationships among Hawaii's people and visitors. [L 1978, c 100, pt of §2; am L 1986, c 276, §24]

" **§226-26 Objectives and policies for socio-cultural advancement--public safety.** (a) Planning for the State's socio-cultural advancement with regard to public safety shall be directed towards the achievement of the following objectives:

- (1) Assurance of public safety and adequate protection of life and property for all people.
- (2) Optimum organizational readiness and capability in all phases of emergency management to maintain the strength, resources, and social and economic well-being of the community in the event of civil

disruptions, wars, natural disasters, and other major disturbances.

(3) Promotion of a sense of community responsibility for the welfare and safety of Hawaii's people.

(b) To achieve the public safety objectives, it shall be the policy of this State to:

(1) Ensure that public safety programs are effective and responsive to community needs.

(2) Encourage increased community awareness and participation in public safety programs.

(c) To further achieve public safety objectives related to criminal justice, it shall be the policy of this State to:

(1) Support criminal justice programs aimed at preventing and curtailing criminal activities.

(2) Develop a coordinated, systematic approach to criminal justice administration among all criminal justice agencies.

(3) Provide a range of correctional resources which may include facilities and alternatives to traditional incarceration in order to address the varied security needs of the community and successfully reintegrate offenders into the community.

(d) To further achieve public safety objectives related to emergency management, it shall be the policy of this State to:

(1) Ensure that responsible organizations are in a proper state of readiness to respond to major war-related, natural, or technological disasters and civil disturbances at all times.

(2) Enhance the coordination between emergency management programs throughout the State. [L 1978, c 100, pt of §2; am L 1986, c 276, §25]

" **§226-27 Objectives and policies for socio-cultural advancement--government.** (a) Planning the State's socio-cultural advancement with regard to government shall be directed towards the achievement of the following objectives:

(1) Efficient, effective, and responsive government services at all levels in the State.

(2) Fiscal integrity, responsibility, and efficiency in the state government and county governments.

(b) To achieve the government objectives, it shall be the policy of this State to:

(1) Provide for necessary public goods and services not assumed by the private sector.

(2) Pursue an openness and responsiveness in government that permits the flow of public information, interaction, and response.

- (3) Minimize the size of government to that necessary to be effective.
- (4) Stimulate the responsibility in citizens to productively participate in government for a better Hawaii.
- (5) Assure that government attitudes, actions, and services are sensitive to community needs and concerns.
- (6) Provide for a balanced fiscal budget.
- (7) Improve the fiscal budgeting and management system of the State.
- (8) Promote the consolidation of state and county governmental functions to increase the effective and efficient delivery of government programs and services and to eliminate duplicative services wherever feasible. [L 1978, c 100, pt of §2; am L 1986, c 276, §26]

" **§226-28 REPEALED.** L 1986, c 276, §27.

"PART II. PLANNING COORDINATION AND IMPLEMENTATION

Note

Part heading reenacted. L 1991, c 76, pt of §1.

§226-51 Purpose. The purpose of this part is to establish a statewide planning system to coordinate and guide all major state and county activities and to implement the overall theme, goals, objectives, policies, and priority guidelines. [L 1978, c 100, pt of §2; am L 1984, c 236, §3; ree L 1991, c 76, pt of §1]

" **§226-52 Statewide planning system.** (a) The statewide planning system shall consist of the following policies, plans, and programs:

- (1) The overall theme, goals, objectives, and policies established in this chapter that shall provide the broad guidelines for the State;
- (2) The priority guidelines established in this chapter that shall provide guidelines for decisionmaking by the State and the counties for the immediate future and set priorities for the allocation of resources. The formulation and revision of state functional plans shall be in conformance with the priority guidelines;
- (3) State functional plans that shall be prepared to address, but not be limited to, the areas of agriculture, conservation lands, education, energy,

higher education, health, historic preservation, housing, recreation, tourism, and transportation. The preparing agency for each state functional plan shall also consider applicable federal laws, policies, or programs that impact upon the functional plan area. State functional plans shall define, implement, and be in conformance with the overall theme, goals, objectives, policies, and priority guidelines contained within this chapter. County general plans and development plans shall be taken into consideration in the formulation and revision of state functional plans;

- (4) County general plans that shall indicate desired population and physical development patterns for each county and regions within each county. In addition, county general plans or development plans shall address the unique problems and needs of each county and regions within each county. County general plans or development plans shall further define the overall theme, goals, objectives, policies, and priority guidelines contained within this chapter. State functional plans shall be taken into consideration in amending the county general plans; and
 - (5) State programs that shall include but not be limited to programs involving coordination and review; research and support; design, construction, and maintenance; services; and regulatory powers. State programs that exercise coordination and review functions shall include but not be limited to the state clearinghouse process, the capital improvements program, and the coastal zone management program. State programs that exercise regulatory powers in resource allocation shall include but not be limited to the land use and management programs administered by the land use commission and the board of land and natural resources. State programs shall further define, implement, and be in conformance with the overall theme, goals, objectives, and policies, and shall utilize as guidelines the priority guidelines contained within this chapter, and the state functional plans approved pursuant to this chapter.
- (b) The statewide planning system shall also consist of several implementation mechanisms, including:
- (1) Overall plan review, coordination, and evaluation. Overall plan review, coordination, and evaluation shall be conducted by the office;

- (2) The state budgetary, land use, and other decisionmaking processes. The state budgetary, land use, and other decisionmaking processes shall consist of:
- (A) The program appropriations process. The appropriation of funds for major programs under the biennial and supplemental budgets shall be in conformance with the overall theme, goals, objectives, and policies, and shall utilize as guidelines the priority guidelines contained within this chapter, and the state functional plans approved pursuant to this chapter;
 - (B) The capital improvement project appropriations process. The appropriation of funds for major plans and projects under the capital improvements program shall be in conformance with the overall theme, goals, objectives, and policies, and shall utilize as guidelines the priority guidelines contained within this chapter, and the state functional plans approved pursuant to this chapter;
 - (C) The budgetary review process of the department of budget and finance. The budgetary review and allocation process of the department of budget and finance shall be in conformance with the overall theme, goals, objectives, and policies, and shall utilize as guidelines the priority guidelines contained within this chapter, and the state functional plans approved pursuant to this chapter;
 - (D) Land use decisionmaking processes of state agencies. Land use decisions made by state agencies shall be in conformance with the overall theme, goals, objectives, and policies, and shall utilize as guidelines the priority guidelines contained within this chapter, and the state functional plans approved pursuant to this chapter. The rules adopted by appropriate state agencies to govern land use decisionmaking shall be in conformance with the overall theme, goals, objectives, and policies contained within this chapter; and
 - (E) All other regulatory and administrative decisionmaking processes of state agencies, which shall be in conformance with the overall theme, goals, objectives, and policies, and shall utilize as guidelines the priority guidelines

contained within this chapter, and the state functional plans approved pursuant to this chapter. Rules adopted by state agencies to govern decisionmaking shall be in conformance with the overall theme, goals, objectives, and policies contained within this chapter;

- (3) The strategic planning processes. The office and other state agencies shall conduct strategic planning activities to identify and analyze significant issues, problems, and opportunities confronting the State, including the examination and evaluation of state programs in implementing state policies and the formulation of strategies and alternative courses of action in response to identified problems and opportunities. Strategic planning processes may include the conduct of surveys and other monitoring instruments such as environmental scanning to assess current social, economic, and physical conditions and trends. In conducting strategic planning activities, the office and other state agencies shall ensure that general public and agency concerns are solicited and taken into consideration. The formation of task forces, ad hoc committees, or other advisory bodies comprised of interested parties may serve to facilitate public involvement in specific planning projects; and
- (4) Other coordination processes which include the use of the state clearinghouse process. The state clearinghouse shall coordinate the review of all federally-assisted and direct federal development projects which are covered under the state clearinghouse process. [L 1978, c 100, pt of §2; am L 1984, c 236, §4; am L 1985, c 68, §4; am L 1987, c 336, §4(2); am L 1988, c 70, §7; am L 1991, c 76, pt of §1]

Law Journals and Reviews

Water Regulation, Land Use and the Environment. 30 UH L. Rev. 49 (2007).

" **§226-53 [OLD] REPEALED.** L 1991, c 76, pt of §1.

§226-53 Office of planning; duties. The office shall provide technical assistance in administering this chapter. To further the intent and purpose of this chapter, the office shall:

- (1) Provide recommendations to the governor and state and county agencies on conflicts between and among this chapter, state functional plans approved by the governor, county general plans and development plans, and state programs;
- (2) Review and evaluate this chapter and recommend amendments as needed to the legislature;
- (3) Review, as necessary, major plans, programs, projects, and regulatory activities proposed by state and county agencies, and provide advisory opinions and reports to the governor as needed;
- (4) Analyze existing state policies, planning and program operations, laws, rules, and practices relative to formulation, implementation, and coordination of the state plan;
- (5) Review state capital improvement projects for consistency with this chapter and as necessary report findings and recommendations to the governor prior to allocation of funds;
- (6) Conduct strategic planning by identifying and analyzing significant issues, problems, and opportunities confronting the State, and formulating strategies and alternative courses of action in response to identified problems and opportunities;
- (7) Conduct special studies and prepare reports that address major policy issues relating to statewide growth and development;
- (8) Cooperate with all public agencies to ensure an ongoing, uniform, and reliable base of data and projections;
- (9) Assist the legislature in conducting reviews of parts I, II, and III as necessary;
- (10) Provide other technical assistance to the governor and state and county agencies as needed; and
- (11) Prepare a report identifying emerging issues for use in the revision of parts I and III, including the updating of state functional plans. The report may include a scan of conditions and trends in population, the economy, and the environment, linking the findings of the state scanning project with policy and program activities.

The office may contract with public and private agencies and persons for special research and planning assistance. [L 1978, c 100, pt of §2; am L 1984, c 236, §6; am L 1987, c 336, §4(5); am L 1988, c 141, §18; am and ren L 1991, c 76, pt of §1; am L 1996, c 299, §3]

" **§226-54 [OLD] REPEALED.** L 1991, c 76, pt of §1.

§226-54 Amendments to this chapter. Amendments to this chapter shall be adopted in accordance with the legislative review process. Proposals from the general public to initiate amendments to any provision of this chapter, shall be subject to the following provisions:

- (1) Any person may submit proposals to amend this chapter to the office and the legislature; and
- (2) The office shall review proposed amendments and submit its findings and recommendations to the legislature thirty days prior to the convening of the next legislative session. [L 1978, c 100, pt of §2; am L 1984, c 236, §7; am L 1987, c 336, §4(6); am and ren L 1991, c 76, pt of §1]

" **§226-55 Functional plans; preparation.** (a) The state agency head primarily responsible for a given functional area shall prepare the functional plan for the area. In the preparation of the functional plan, the state agency head shall work in close cooperation with the advisory committee, respective officials, and people of each county. In the formulation of the functional plan, the preparing agency shall solicit public views and concerns. The formulation and revision of a state functional plan shall conform to the provisions of this chapter and shall take into consideration the county general plans. Functional plans and any revisions thereto shall be approved by the governor to serve as guidelines for funding and implementation by state and county agencies.

(b) The functional plan shall identify priority issues in the functional area and shall contain objectives, policies, and implementing actions to address those priority issues. Actions may include organizational or management initiatives, facility or physical infrastructure development initiatives, initiatives for programs and services, or legislative proposals.

(c) For each functional plan, the governor shall establish an advisory committee, where an advisory body which meets the criteria set out hereunder is not already in existence, whose membership shall be composed of at least one public official from each county to be nominated by the mayor of each county; members of the public; experts in the field for which a functional plan is being prepared; and state officials. The governor shall request the nominations from each of the respective mayors and shall appoint the public official nominated by the mayor of the respective county to serve on the advisory committee. If the nominations of county officials by a mayor are not submitted to the governor within sixty days

following the date of the governor's request for such nominations, the governor shall appoint at least one public official from that county to serve on the advisory committee without nominations from that mayor. The committee shall advise the state agency in preparing, implementing, monitoring, and updating the functional plan to be in conformance with the overall theme, goals, objectives, policies, and priority guidelines contained within this chapter. The draft functional plan shall be submitted to relevant federal, state, and county agencies for review and input. The advisory committee shall serve as a permanent advisory body to the state agency responsible for preparing each respective functional plan. The terms of members from the public and experts in the field for which a functional plan is prepared shall be for four years. Each term shall commence on July 1 and expire on June 30. No member from the public or expert in the field shall be appointed consecutively to more than two terms. These appointments shall not be subject to senate confirmation, and shall be exempt from sections 26-34(a) and 78-4(a) regarding the appointment to boards and commissions. [L 1978, c 100, pt of §2; am L 1980, c 225, §2; am L 1984, c 236, §8 and c 237, §2; am L 1985, c 44, §2; am L 1987, c 336, §4(7); am and ren L 1991, c 76, pt of §1]

" **§226-56 Functional plans; form and submittal.** (a) Functional plans shall be prepared to further define and implement statewide goals, objectives, policies, and priority guidelines contained in this chapter.

(b) Functional plans shall be prepared and revised in accordance with guidelines developed by the office of planning.

(c) The governor shall transmit approved state functional plans to the legislature for its information. [L 1978, c 100, pt of §2; am L 1980, c 225, §3; am L 1984, c 236, §9; am L 1987, c 336, §4(8); am and ren L 1991, c 76, pt of §1; am L 2001, c 59, §2]

" **§226-57 Functional plans; implementation.** (a) Functional plans shall be used to guide the allocation of resources for the implementation of state policies adopted by the legislature.

(b) The legislature, upon a finding of overriding statewide concern, may determine in any given instance that the site for a specific project may be other than that designated in the county general plan; provided that any proposed facility or project contained in a county general plan shall not require the actual development or implementation of that facility or project or its inclusion in any state functional plan by any state agency. The implementation of functional plans shall conform to existing laws, rules, standards, and this chapter. [L 1978, c

100, pt of §2; am L 1984, c 236, §10; am L 1987, c 336, §4(9); am and ren L 1991, c 76, pt of §1]

" **§226-58 County general plans.** (a) The county general plans and development plans shall be formulated with input from the state and county agencies as well as the general public.

County general plans or development plans shall indicate desired population and physical development patterns for each county and regions within each county. In addition, county general plans or development plans shall address the unique problems and needs of each county and regions within each county. The county general plans or development plans shall further define applicable provisions of this chapter; provided that any amendment to the county general plan of each county shall not be contrary to the county charter. The formulation, amendment, and implementation of county general plans or development plans shall take into consideration statewide objectives, policies, and programs stipulated in state functional plans approved in consonance with this chapter.

(b) County general plans shall be formulated on the basis of sound rationale, data, analyses, and input from state and county agencies and the general public, and contain objectives and policies as required by the charter of each county.

Further, the county general plans should:

- (1) Contain objectives to be achieved and policies to be pursued with respect to population density, land use, transportation system location, public and community facility locations, water and sewage system locations, visitor destinations, urban design, and all other matters necessary for the coordinated development of the county and regions within the county; and
- (2) Contain implementation priorities and actions to carry out policies to include but not be limited to land use maps, programs, projects, regulatory measures, standards and principles, and interagency coordination provisions. [L 1978, c 100, pt of §2; am L 1984, c 236, §11; am and ren L 1987, c 336, §4(11); am and ren L 1991, c 76, pt of §1]

" **§226-59 State programs.** (a) The formulation, administration, and implementation of state programs shall be in conformance with the overall theme, goals, objectives, and policies, and shall utilize as guidelines the priority guidelines contained within this chapter, and the state functional plans approved pursuant to this chapter.

(b) The director of the office of planning shall assist the governor in assuring that state programs are in conformance

with this chapter. [L 1978, c 100, pt of §2; am L 1984, c 236, §12; am and ren L 1987, c 336, §4(12); ren L 1991, c 76, pt of §1; am L 1996, c 299, §3]

Case Notes

Requirements not violated by city ordinance. 70 H. 179, 767 P.2d 815.

" **§226-60 [OLD] REPEALED.** L 1987, c 336, §4(10).

" **§226-61 Renumbered as §226-59.**

" **§226-62 REPEALED.** L 1991, c 76, pt of §1.

" **[\$226-63] Hawaii interagency council for transit-oriented development.** (a) There is established the Hawaii interagency council for transit-oriented development, which shall be an advisory body exempt from section 26-34, to coordinate and facilitate state agency transit-oriented development planning, and facilitate consultation and collaboration between the State and the counties on transit-oriented development initiatives. The Hawaii interagency council for transit-oriented development shall be established within the department of business, economic development, and tourism for administrative purposes.

(b) The Hawaii interagency council for transit-oriented development shall:

- (1) Serve as the State's transit-oriented development planning and policy development entity with representation from state and county government and the community;
- (2) Formulate and advise the governor on the implementation of a strategic plan to address transit-oriented development projects, including mixed use and affordable and rental housing projects, on state lands in each county;
- (3) Facilitate the acquisition of funding and resources for state and county transit-oriented development programs, including affordable and rental housing projects, on state lands;
- (4) Monitor the preparation and conduct of plans and studies to facilitate implementation of state transit-oriented development plans prepared pursuant to this section, including but not limited to the preparation of site or master plans and implementation plans and studies;

- (5) Review all capital improvement project requests to the legislature for transit-oriented development projects, including mixed use and affordable and rental housing projects, on state lands within county-designated transit-oriented development zones or within a one-half-mile radius of public transit stations, if a county has not designated transit-oriented development zones;
 - (6) Recommend policy, regulatory, and statutory changes, and identify resource strategies for the successful execution of the strategic plan;
 - (7) Assemble accurate fiscal and demographic information to support policy development and track outcomes;
 - (8) Consider collaborative transit-oriented development initiatives of other states that have demonstrated positive outcomes; and
 - (9) Report annually to the governor, the legislature, and the mayor of each county on the progress of its activities, including formulation and progress on the strategic plan no later than twenty days prior to the convening of each regular session.
- (c) The strategic plan developed by the Hawaii interagency council for transit-oriented development shall:
- (1) Coordinate with the counties on transit-oriented development;
 - (2) For each county, compile an inventory of state, county, and private sector transit-oriented development projects lacking infrastructure, identifying the type of infrastructure each project lacks, and the approximate time frame when additional capacity is needed;
 - (3) Prioritize the development of transit-oriented development projects, including mixed use and affordable and rental housing projects, on state lands;
 - (4) Identify financing and prioritize state financing for the public infrastructure, facility, and service investments required to support transit-oriented development, mixed use, and affordable and rental housing project plans; and
 - (5) Encourage and promote partnerships between public and private entities to identify, renovate, and secure affordable housing options on state lands within county-designated transit-oriented development areas or within a one-half-mile radius of public transit stations, if a county has not designated transit-oriented development zones. [L 2016, c 130, pt of §2]

" **[\$226-64] Hawaii interagency council for transit-oriented development[;] membership.** (a) The Hawaii interagency council for transit-oriented development shall be composed of the following members:

- (1) Director of the office of planning, who shall serve as co-chair;
- (2) Executive director of the Hawaii housing finance and development corporation, who shall serve as co-chair;
- (3) Chief of staff, office of the governor;
- (4) Chairperson of the board of land and natural resources;
- (5) Director of transportation;
- (6) Comptroller;
- (7) Director of health;
- (8) Director of human services;
- (9) Director of public safety;
- (10) Chairperson of the Hawaiian homes commission;
- (11) Chairperson of the stadium authority;
- (12) President of the University of Hawaii;
- (13) Superintendent of education;
- (14) Executive director of the Hawaii community development authority;
- (15) Executive director of the Hawaii public housing authority;
- (16) One member of the house of representatives to be designated by the speaker of the house of representatives; provided that the speaker of the house of representatives may designate a second member of the house of representatives to serve as an alternate;
- (17) One member of the senate to be designated by the president of the senate; provided that the president of the senate may designate a second member of the senate to serve as an alternate;
- (18) The mayor of each county;
- (19) A representative of the Honolulu field office of the United States Department of Housing and Urban Development, who shall be requested to serve on a nonvoting ex officio basis by the governor;
- (20) A representative of the business community, to be designated by the governor;
- (21) A representative of the community who is a housing advocate, to be designated by the governor; and
- (22) A representative of the community with experience in housing and real estate development, to be designated by the governor.

(b) The nongovernmental members of the Hawaii interagency council for transit-oriented development shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

(c) Except as provided in subsection (a)(16) and (17), if a member of the Hawaii interagency council for transit-oriented development is unable to attend a meeting, that member may appoint a designee to attend and to act on the member's behalf during the meeting. [L 2016, c 130, pt of §2]

"PART III. PRIORITY GUIDELINES

Note

Part heading amended by L 1986, c 276, §28.

§226-101 Purpose. The purpose of this part is to establish overall priority guidelines to address areas of statewide concern. [L 1978, c 100, pt of §2; am L 1984, c 236, §14]

" **§226-102 Overall direction.** The State shall strive to improve the quality of life for Hawaii's present and future population through the pursuit of desirable courses of action in seven major areas of statewide concern which merit priority attention: economic development, population growth and land resource management, affordable housing, crime and criminal justice, quality education, principles of sustainability, and climate change adaptation. [L 1978, c 100, pt of §2; am L 1986, c 276, §29; am L 2011, c 181, §4; am L 2012, c 286, §3]

" **§226-103 Economic priority guidelines.** (a) Priority guidelines to stimulate economic growth and encourage business expansion and development to provide needed jobs for Hawaii's people and achieve a stable and diversified economy:

(1) Seek a variety of means to increase the availability of investment capital for new and expanding enterprises.

(A) Encourage investments which:

- (i) Reflect long term commitments to the State;
- (ii) Rely on economic linkages within the local economy;
- (iii) Diversify the economy;
- (iv) Reinvest in the local economy;
- (v) Are sensitive to community needs and priorities; and

- (vi) Demonstrate a commitment to provide management opportunities to Hawaii residents; and
- (B) Encourage investments in innovative activities that have a nexus to the State, such as:
 - (i) Present or former residents acting as entrepreneurs or principals;
 - (ii) Academic support from an institution of higher education in Hawaii;
 - (iii) Investment interest from Hawaii residents;
 - (iv) Resources unique to Hawaii that are required for innovative activity; and
 - (v) Complementary or supportive industries or government programs or projects.
- (2) Encourage the expansion of technological research to assist industry development and support the development and commercialization of technological advancements.
- (3) Improve the quality, accessibility, and range of services provided by government to business, including data and reference services and assistance in complying with governmental regulations.
- (4) Seek to ensure that state business tax and labor laws and administrative policies are equitable, rational, and predictable.
- (5) Streamline the processes for building and development permit and review and telecommunication infrastructure installation approval and eliminate or consolidate other burdensome or duplicative governmental requirements imposed on business, where scientific evidence indicates that public health, safety, and welfare would not be adversely affected.
- (6) Encourage the formation of cooperatives and other favorable marketing or distribution arrangements at the regional or local level to assist Hawaii's small-scale producers, manufacturers, and distributors.
- (7) Continue to seek legislation to protect Hawaii from transportation interruptions between Hawaii and the continental United States.
- (8) Provide public incentives and encourage private initiative to develop and attract industries which promise long-term growth potentials and which have the following characteristics:
 - (A) An industry that can take advantage of Hawaii's unique location and available physical and human resources.

- (B) A clean industry that would have minimal adverse effects on Hawaii's environment.
 - (C) An industry that is willing to hire and train Hawaii's people to meet the industry's labor needs at all levels of employment.
 - (D) An industry that would provide reasonable income and steady employment.
- (9) Support and encourage, through educational and technical assistance programs and other means, expanded opportunities for employee ownership and participation in Hawaii business.
- (10) Enhance the quality of Hawaii's labor force and develop and maintain career opportunities for Hawaii's people through the following actions:
- (A) Expand vocational training in diversified agriculture, aquaculture, information industry, and other areas where growth is desired and feasible.
 - (B) Encourage more effective career counseling and guidance in high schools and post-secondary institutions to inform students of present and future career opportunities.
 - (C) Allocate educational resources to career areas where high employment is expected and where growth of new industries is desired.
 - (D) Promote career opportunities in all industries for Hawaii's people by encouraging firms doing business in the State to hire residents.
 - (E) Promote greater public and private sector cooperation in determining industrial training needs and in developing relevant curricula and on- the-job training opportunities.
 - (F) Provide retraining programs and other support services to assist entry of displaced workers into alternative employment.
- (b) Priority guidelines to promote the economic health and quality of the visitor industry:
- (1) Promote visitor satisfaction by fostering an environment which enhances the Aloha Spirit and minimizes inconveniences to Hawaii's residents and visitors.
 - (2) Encourage the development and maintenance of well-designed, adequately serviced hotels and resort destination areas which are sensitive to neighboring communities and activities and which provide for adequate shoreline setbacks and beach access.

- (3) Support appropriate capital improvements to enhance the quality of existing resort destination areas and provide incentives to encourage investment in upgrading, repair, and maintenance of visitor facilities.
 - (4) Encourage visitor industry practices and activities which respect, preserve, and enhance Hawaii's significant natural, scenic, historic, and cultural resources.
 - (5) Develop and maintain career opportunities in the visitor industry for Hawaii's people, with emphasis on managerial positions.
 - (6) Support and coordinate tourism promotion abroad to enhance Hawaii's share of existing and potential visitor markets.
 - (7) Maintain and encourage a more favorable resort investment climate consistent with the objectives of this chapter.
 - (8) Support law enforcement activities that provide a safer environment for both visitors and residents alike.
 - (9) Coordinate visitor industry activities and promotions to business visitors through the state network of advanced data communication techniques.
- (c) Priority guidelines to promote the continued viability of the sugar and pineapple industries:
- (1) Provide adequate agricultural lands to support the economic viability of the sugar and pineapple industries.
 - (2) Continue efforts to maintain federal support to provide stable sugar prices high enough to allow profitable operations in Hawaii.
 - (3) Support research and development, as appropriate, to improve the quality and production of sugar and pineapple crops.
- (d) Priority guidelines to promote the growth and development of diversified agriculture and aquaculture:
- (1) Identify, conserve, and protect agricultural and aquacultural lands of importance and initiate affirmative and comprehensive programs to promote economically productive agricultural and aquacultural uses of such lands.
 - (2) Assist in providing adequate, reasonably priced water for agricultural activities.
 - (3) Encourage public and private investment to increase water supply and to improve transmission, storage, and

irrigation facilities in support of diversified agriculture and aquaculture.

- (4) Assist in the formation and operation of production and marketing associations and cooperatives to reduce production and marketing costs.
 - (5) Encourage and assist with the development of a waterborne and airborne freight and cargo system capable of meeting the needs of Hawaii's agricultural community.
 - (6) Seek favorable freight rates for Hawaii's agricultural products from interisland and overseas transportation operators.
 - (7) Encourage the development and expansion of agricultural and aquacultural activities which offer long-term economic growth potential and employment opportunities.
 - (8) Continue the development of agricultural parks and other programs to assist small independent farmers in securing agricultural lands and loans.
 - (9) Require agricultural uses in agricultural subdivisions and closely monitor the uses in these subdivisions.
 - (10) Support the continuation of land currently in use for diversified agriculture.
 - (11) Encourage residents and visitors to support Hawaii's farmers by purchasing locally grown food and food products.
- (e) Priority guidelines for water use and development:
- (1) Maintain and improve water conservation programs to reduce the overall water consumption rate.
 - (2) Encourage the improvement of irrigation technology and promote the use of nonpotable water for agricultural and landscaping purposes.
 - (3) Increase the support for research and development of economically feasible alternative water sources.
 - (4) Explore alternative funding sources and approaches to support future water development programs and water system improvements.
- (f) Priority guidelines for energy use and development:
- (1) Encourage the development, demonstration, and commercialization of renewable energy sources.
 - (2) Initiate, maintain, and improve energy conservation programs aimed at reducing energy waste and increasing public awareness of the need to conserve energy.
 - (3) Provide incentives to encourage the use of energy conserving technology in residential, industrial, and other buildings.

- (4) Encourage the development and use of energy conserving and cost-efficient transportation systems.
- (g) Priority guidelines to promote the development of the information industry:
 - (1) Establish an information network, with an emphasis on broadband and wireless infrastructure and capability, that will serve as the foundation of and catalyst for overall economic growth and diversification in Hawaii.
 - (2) Encourage the development of services such as financial data processing, a products and services exchange, foreign language translations, telemarketing, teleconferencing, a twenty-four-hour international stock exchange, international banking, and a Pacific Rim management center.
 - (3) Encourage the development of small businesses in the information field such as software development; the development of new information systems, peripherals, and applications; data conversion and data entry services; and home or cottage services such as computer programming, secretarial, and accounting services.
 - (4) Encourage the development or expansion of educational and training opportunities for residents in the information and telecommunications fields.
 - (5) Encourage research activities, including legal research in the information and telecommunications fields.
 - (6) Support promotional activities to market Hawaii's information industry services.
 - (7) Encourage the location or co-location of telecommunication or wireless information relay facilities in the community, including public areas, where scientific evidence indicates that the public health, safety, and welfare would not be adversely affected. [L 1978, c 100, pt of §2; am L 1984, c 236, §15; am L 1986, c 276, §30; am L Sp 1988, c 1, §6; am L 1989, c 250, §2; am L 2013, c 55, §3; am L 2014, c 133, §5]

" **§226-104 Population growth and land resources priority guidelines.** (a) Priority guidelines to effect desired

statewide growth and distribution:

- (1) Encourage planning and resource management to insure that population growth rates throughout the State are consistent with available and planned resource capacities and reflect the needs and desires of Hawaii's people.

- (2) Manage a growth rate for Hawaii's economy that will parallel future employment needs for Hawaii's people.
- (3) Ensure that adequate support services and facilities are provided to accommodate the desired distribution of future growth throughout the State.
- (4) Encourage major state and federal investments and services to promote economic development and private investment to the neighbor islands, as appropriate.
- (5) Explore the possibility of making available urban land, low-interest loans, and housing subsidies to encourage the provision of housing to support selective economic and population growth on the neighbor islands.
- (6) Seek federal funds and other funding sources outside the State for research, program development, and training to provide future employment opportunities on the neighbor islands.
- (7) Support the development of high technology parks on the neighbor islands.
- (b) Priority guidelines for regional growth distribution and land resource utilization:
 - (1) Encourage urban growth primarily to existing urban areas where adequate public facilities are already available or can be provided with reasonable public expenditures, and away from areas where other important benefits are present, such as protection of important agricultural land or preservation of lifestyles.
 - (2) Make available marginal or nonessential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district.
 - (3) Restrict development when drafting of water would result in exceeding the sustainable yield or in significantly diminishing the recharge capacity of any groundwater area.
 - (4) Encourage restriction of new urban development in areas where water is insufficient from any source for both agricultural and domestic use.
 - (5) In order to preserve green belts, give priority to state capital-improvement funds which encourage location of urban development within existing urban areas except where compelling public interest dictates development of a noncontiguous new urban core.
 - (6) Seek participation from the private sector for the cost of building infrastructure and utilities, and maintaining open spaces.

- (7) Pursue rehabilitation of appropriate urban areas.
- (8) Support the redevelopment of Kakaako into a viable residential, industrial, and commercial community.
- (9) Direct future urban development away from critical environmental areas or impose mitigating measures so that negative impacts on the environment would be minimized.
- (10) Identify critical environmental areas in Hawaii to include but not be limited to the following: watershed and recharge areas; wildlife habitats (on land and in the ocean); areas with endangered species of plants and wildlife; natural streams and water bodies; scenic and recreational shoreline resources; open space and natural areas; historic and cultural sites; areas particularly sensitive to reduction in water and air quality; and scenic resources.
- (11) Identify all areas where priority should be given to preserving rural character and lifestyle.
- (12) Utilize Hawaii's limited land resources wisely, providing adequate land to accommodate projected population and economic growth needs while ensuring the protection of the environment and the availability of the shoreline, conservation lands, and other limited resources for future generations.
- (13) Protect and enhance Hawaii's shoreline, open spaces, and scenic resources. [L 1978, c 100, pt of §2; am L 1984, c 236, §16; am L 1986, c 276, §31]

" **§226-105 Crime and criminal justice.** Priority guidelines in the area of crime and criminal justice:

- (1) Support law enforcement activities and other criminal justice efforts that are directed to provide a safer environment.
- (2) Target state and local resources on efforts to reduce the incidence of violent crime and on programs relating to the apprehension and prosecution of repeat offenders.
- (3) Support community and neighborhood program initiatives that enable residents to assist law enforcement agencies in preventing criminal activities.
- (4) Reduce overcrowding or substandard conditions in correctional facilities through a comprehensive approach among all criminal justice agencies which may include sentencing law revisions and use of alternative sanctions other than incarceration for persons who pose no danger to their community.

- (5) Provide a range of appropriate sanctions for juvenile offenders, including community-based programs and other alternative sanctions.
- (6) Increase public and private efforts to assist witnesses and victims of crimes and to minimize the costs of victimization. [L 1978, c 100, pt of §2; am L 1984, c 236, §17; am L 1986, c 276, §32]

" **§226-106 Affordable housing.** Priority guidelines for the provision of affordable housing:

- (1) Seek to use marginal or nonessential agricultural land and public land to meet housing needs of low- and moderate-income and gap-group households.
- (2) Encourage the use of alternative construction and development methods as a means of reducing production costs.
- (3) Improve information and analysis relative to land availability and suitability for housing.
- (4) Create incentives for development which would increase home ownership and rental opportunities for Hawaii's low- and moderate-income households, gap-group households, and residents with special needs.
- (5) Encourage continued support for government or private housing programs that provide low interest mortgages to Hawaii's people for the purchase of initial owner-occupied housing.
- (6) Encourage public and private sector cooperation in the development of rental housing alternatives.
- (7) Encourage improved coordination between various agencies and levels of government to deal with housing policies and regulations.
- (8) Give higher priority to the provision of quality housing that is affordable for Hawaii's residents and less priority to development of housing intended primarily for individuals outside of Hawaii. [L 1986, c 276, §33; am L 1989, c 250, §3]

" **§226-107 Quality education.** Priority guidelines to promote quality education:

- (1) Pursue effective programs which reflect the varied district, school, and student needs to strengthen basic skills achievement;
- (2) Continue emphasis on general education "core" requirements to provide common background to students and essential support to other university programs;

- (3) Initiate efforts to improve the quality of education by improving the capabilities of the education work force;
- (4) Promote increased opportunities for greater autonomy and flexibility of educational institutions in their decisionmaking responsibilities;
- (5) Increase and improve the use of information technology in education by the availability of telecommunications equipment for:
 - (A) The electronic exchange of information;
 - (B) Statewide electronic mail; and
 - (C) Access to the Internet.
 Encourage programs that increase the public's awareness and understanding of the impact of information technologies on our lives;
- (6) Pursue the establishment of Hawaii's public and private universities and colleges as research and training centers of the Pacific;
- (7) Develop resources and programs for early childhood education;
- (8) Explore alternatives for funding and delivery of educational services to improve the overall quality of education; and
- (9) Strengthen and expand educational programs and services for students with special needs. [L 1986, c 276, §34; am L 1999, c 178, §18]

Cross References

E-mail accounts for students, see §302A-446.

" **[\$226-108] Sustainability.** Priority guidelines and principles to promote sustainability shall include:

- (1) Encouraging balanced economic, social, community, and environmental priorities;
- (2) Encouraging planning that respects and promotes living within the natural resources and limits of the State;
- (3) Promoting a diversified and dynamic economy;
- (4) Encouraging respect for the host culture;
- (5) Promoting decisions based on meeting the needs of the present without compromising the needs of future generations;
- (6) Considering the principles of the ahupuaa system; and
- (7) Emphasizing that everyone, including individuals, families, communities, businesses, and government, has the responsibility for achieving a sustainable Hawaii. [L 2011, c 181, §2]

" **[\$226-109] Climate change adaptation priority guidelines.** Priority guidelines to prepare the State to address the impacts of climate change, including impacts to the areas of agriculture; conservation lands; coastal and nearshore marine areas; natural and cultural resources; education; energy; higher education; health; historic preservation; water resources; the built environment, such as housing, recreation, transportation; and the economy shall:

- (1) Ensure that Hawaii's people are educated, informed, and aware of the impacts climate change may have on their communities;
- (2) Encourage community stewardship groups and local stakeholders to participate in planning and implementation of climate change policies;
- (3) Invest in continued monitoring and research of Hawaii's climate and the impacts of climate change on the State;
- (4) Consider native Hawaiian traditional knowledge and practices in planning for the impacts of climate change;
- (5) Encourage the preservation and restoration of natural landscape features, such as coral reefs, beaches and dunes, forests, streams, floodplains, and wetlands, that have the inherent capacity to avoid, minimize, or mitigate the impacts of climate change;
- (6) Explore adaptation strategies that moderate harm or exploit beneficial opportunities in response to actual or expected climate change impacts to the natural and built environments;
- (7) Promote sector resilience in areas such as water, roads, airports, and public health, by encouraging the identification of climate change threats, assessment of potential consequences, and evaluation of adaptation options;
- (8) Foster cross-jurisdictional collaboration between county, state, and federal agencies and partnerships between government and private entities and other nongovernmental entities, including nonprofit entities;
- (9) Use management and implementation approaches that encourage the continual collection, evaluation, and integration of new information and strategies into new and existing practices, policies, and plans; and
- (10) Encourage planning and management of the natural and built environments that effectively integrate climate change policy. [L 2012, c 286, §2]