

Land Use Planning and Control for Cheju: Learning from Hawaii's Experience

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I . Introduction

The purpose of this paper is to review the experiences of regulating land use of the two island States, the Province of Cheju in Korea and the State of Hawaii in the United States. The two States shares many similarities as well as dissimilarities as far as land issues are concerned. Located apart from the mainland, the two States have suffered from physical isolation and have been generally perceived as an accentric significance of last frontier for mainlanders. Likenesses can be found in topographical nature of volcanic phenomena, transitional agricultural bases, inherent shortage of water resource characterized by basalt rock formation and volatile tropical ecological system. However, there are profound differences too. While the State of Hawaii is a part of the most affluent and advanced nation in the world, Cheju Province remains as one of the most backward regions in the nation which is still in the stage of economic take-off. Hawaii is a year-round heaven for vacationer on the cross-road between the East and the West and for Pacific-rim nations, but Cheju is barely beyond a national attraction in Korean peninsula.

As far as land use planning and control system is concerned, Hawaii and Cheju are not easily comparable although there are many commonalities in natural environment and developmental needs. Korea's land use controls in general are characterized by a highly centralized administrative mode in the initiation and final authorization of plan and decision-making. The procedures and ways of operating land use control system are rule-bounded and centrally determined. In other hand, Hawaii's system is locally determined, participatory in format. Emphasis is given to selec-

tivity for particular situations. In Korea, the involvement of judiciary in land use regulation and legal interpretation is almost non-existent. Dispute concerning land use regulations is largely settled within the domain of executive organization in the government. In Hawaii, judicial process in land use controls is closely intertwined with administrative process. Obviously the aforementioned rudimentary comparisons are not discrete. This study is not intended to come to those substantial issues for an indept comparative study but to highlight some issues for the further study.

II. Review of Land Use Planning and Control System

As Professor Callies pointed out, Hawaii's Land Use Law is one of the most analyzed, summarized, eulogized, and criticized statutes in the country.¹⁾ The Hawaii experience with land use controls have been inspiration and model for other island states in the different part of the world. Beside commonalities as island states, Hawaii's land use planning and control system should be greatly relevant for Cheju in the sense that the State of Hawaii has been historically characterized by centralized land management and strong intervention in state-wide land use in the United States. Cheju has also given prime concern to land use among other developmental issues.

Cheju has no lack of plans and policies dealing with land use. The first of its kind was the designation of Cheju as the Special Development Area in 1966 of which main objectives were the promotion of tourism, the construction of cross-island highway, the realignment of circle island highway, water resource development and the conservation of natural amenities. According to this scheme, cross-island highway and reservoir for drinking water supply were completed. In the meantime, accessibility to Cheju was greatly improved the opening of commercial airline from Seoul. Sporadic development took place without the deliberate control mechanism of land use. Land ownership was massively transferred from local residents to outsiders who were largely land speculators and were partly attracted by Cheju's natural environment. Land price of Cheju was inhibitorily soaring up.

1) David L. Callies, *Regulating Paradise: Land Use Controls in Hawaii*, University of Hawaii Press, 1984, p.6.

Land issues including use and ownership became more imminent. There were many incidences of high-ranking officials leaving their position because of a kick-back scandal concerning land development permit. Responding to the increased awareness of land problems, national government enacted the National Land Use and Management Law in 1972. The nation's land is required to be classified into 10 districts to provide the general and specific bases for land use control over the country as given in Table 1. Otherwise specified in other laws, the Law of 1972 has been a basic law determining the use of the nation's land. As the title of the Law implies, the Law is not only empowered to regulate land use, but also specifies legal measures of controlling land speculation and 'windfalls for wipeouts' in Hagman and Miscynaki's terms²⁾ According to the Law, the Province of Cheju is given power to formulate a provincial land use plan for the final approval of the national government. Korea is a highly centralized country in almost all spheres of national governance. Land use planning and controls are not an exception. The role of local government for land use control is minimal and is highly contingent on the direction and approval of the national government. Citizen participation in plan-making and land use control hardly goes beyond symbolic meaning.

As shown in Table 2, seven districts were designated in Cheju. Largest area is forest conservation district by 30 percent. Next is development promotion district which is intended to encourage the development of expansive mid-slope ranges for grazing. As the lava-covered land surface restricts arable land and only limited coastal areas are hospitable for human habitation, high priority has been given to the development of up-hill land for more productive uses. Urban district is land that is currently in urban use and is reserved for foreseeable urban growth. Urban district is identical with the urban planning jurisdiction designated by the City Planning Law. The boundary of urban planning jurisdiction used to be delineated by the initiation of city planning authority. Although rationale for the delineation of urban planning jurisdiction is verbally stated in the City Planning Law, urban planning jurisdictions in Cheju are usually overbounded. General rules determining urban planning jurisdiction are not greatly different from Hawaii's. They are city-like concentrations of people, proximity to basic services, and reserve for growth based

2) D. Hagman and D. Miscynaki, *Windfalls for Wipeouts*, American Planning Association, 1978.

on 10-year projection.³⁾ In the process of delimiting urban district, conflicting views between city planning authority who is usually an expansionist and the Ministry of Agriculture, Fishery and Forestry who is responsible for the preservation of productive agricultural land and forest land are more than common. More understandable criteria for converting agricultural and forest land to urban uses are to be defined.

Once designated as urban district or urban planning jurisdiction, land use controls are subject to the statutory provisions of the City Planning Law. Land use controls in cities has long history dated back in 1934 which is largely patterned from the western concept of zoning and subdivision control. The National Land Use and Management Law of 1972 incorporated the existing land use control system of the City Planning Law as one of 10 districts i.e., urban district. Land use controls within urban district is exclusively made by the provision of the City Planning Law, although urban planning jurisdiction is concurrently designated as urban district by the National Land Use and Management Law. This system is quite comparable to Hawaii's land use control system whereas the classification of urban district is under authority of the State and, once designated as urban district, the County and City governments are entitled to have their own zoning maps and subdivision control.

According to City Planning Law, land in urban planning jurisdiction can be classified into 9 general districts and some special districts as shown in Table 1. Special districts are intended to impose additional land use and building controls with the overlap of 9 general districts. In Korea, the concept of sub-division control has not been separately devised in the City Planning Law. Therefore, special districts are introduced to complement subdivision controls like the width and depth of lot, minimum lot size, floor area ratio, the height of building, set-back and aesthetic and safety consideration. Theoretical and practical relationship between general district and special district is not clearly defined. The Comprehensive Zoning Code of the City and County of Honolulu divides the land area into 24 districts, each with its own set of permitted uses, restrictions and standards.

The Korea's system of district classification has to be fundamentally revised in order to eliminate unnecessary confusion and overlapping. Hawaii's zoning codes are expected to provide a framework for a new urban land use control system

3) David L. Callies, Op. Cit., p.7.

Table 1 Classification of Districts: A Comparison

Cheju Province	State of Hawaii (Honolulu)
I. Urban District	I. Urban District
1. Residential District	1. Residential District
1) Restricted Residential	(R-1, R-2, R-3,
2) General Residential	R-4, R-5, R-6,
3) Business Residential	R-7)
2. Apartment District	2. Apartment District
	(A-1, A-2, A-3, A-4)
3. Commercial District	3. Commercial District
	1) Neighborhood
	2) Community Business
	3) Business Residential
	4) Central Business
4. Industrial District	4. Industrial District
1) Light	1) Light
2) Heavy	2) Heavy
3) Quasi	3) Water-front
5. Preservation District	5. Preservation District
1) Natural	6. Restricted Agricultural District
2) Agricultural	
6. Special District*	
II. Rural District	II. Rural District
III. Industrial District	
IV. Tourism and Recreation District	
V. Development Promotion District	
VI. Agricultural District	III. Agricultural District
VII. Forest Conservation District	IV. Conservation District
VIII. Natural Environmental Conservation District	1) Resource
	2) Limited
	3) General
IX. Fishery Resource Conservation District	4) Protective
X. Undesignated	

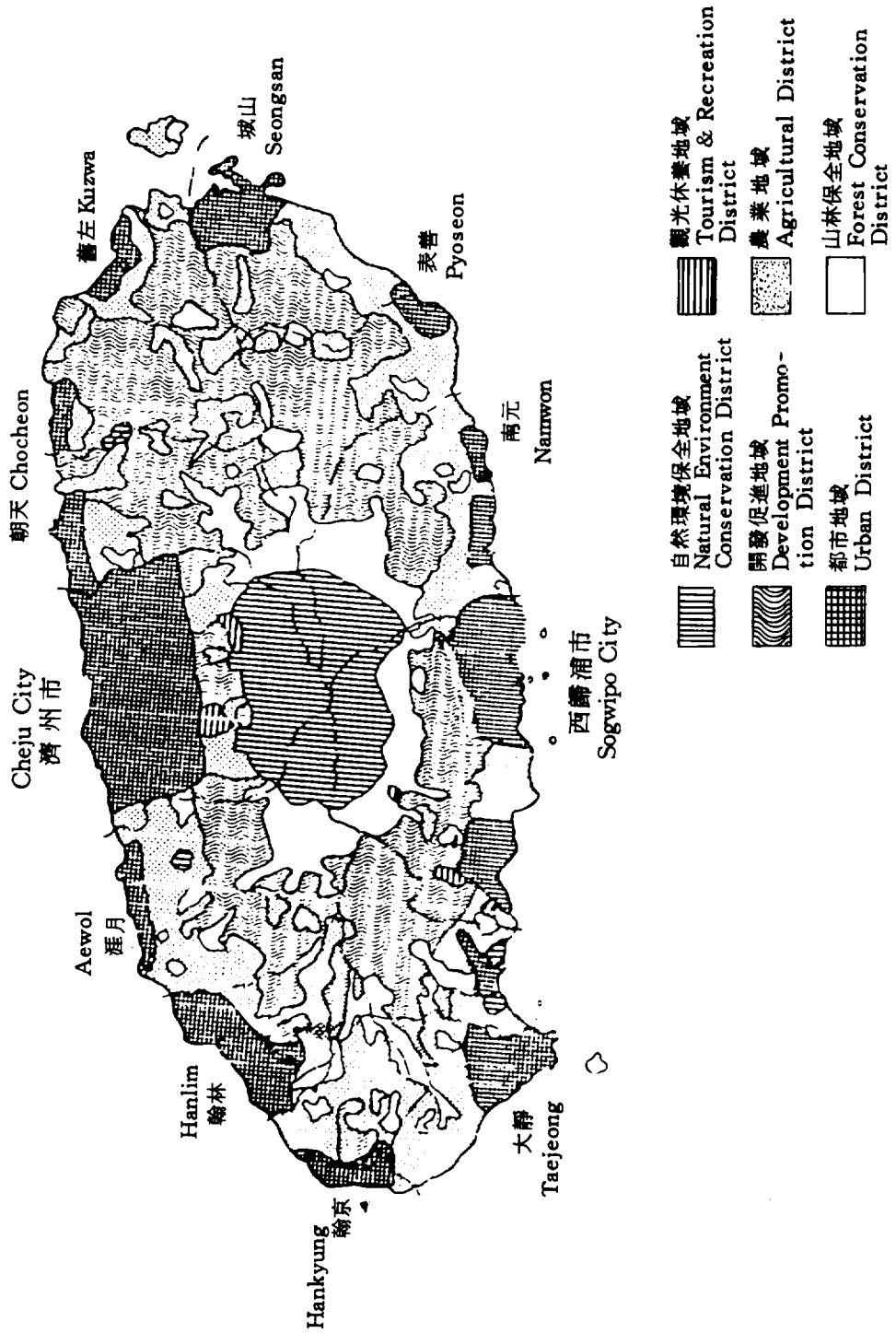
* Additional land use and building controls can be made for special purposes and specific location (airport, harbor, educational institution, throughfare, fire-hazard, historic site, scenic place, central business district, beauty, height and etc.)

Table 2. Classification and Area of District in Cheju Province

Districts Cities & Counties	Total	Urban District	Agricultural District	Rural District	Forest Conservation District	Development Promotion District	Natural Environment Conservation District	Tourism & Recreation District
Cheju City	252.2	115.9	25.3	0.8	77.6	32.6	61.9	5.3
Seoguiipo City	252.5	70.4	31.6	1.3	98.8	50.2	41.1	2.2
Buk Cheju County	703.9	81.7	172.8	9.7	194.1	245.6	33.8	0.7
Nam Cheju County	610.9	70.9	165.3	7.4	176.8	190.6	33.0	1.0
Total (%)	(100.0) 1,819.5	(18.6) 339.0	(21.7) 394.8	(1.1) 19.2	(30.1) 547.4	(28.5) 518.9	169.8	9.3

* Natural environment conservation district and tourism and recreation district can be designated with the overlap of other districts except urban district.

Map 1. Land Use Planning Map of Cheju Province



including zoning and sub-division control in Cheju. Urban land use control in Korea which is contained in the City Planning Law is universally applied to all cities irrespective of their size and local conditions and is highly centralized in its authorization. Although the city governments of Korea have power to formulate their own local plans and zoning maps, plans and official maps should be approved by the provincial and central governments. Throughout the process of provincial and central government's intervention, the original intention of local plan and zoning map has been greatly distorted against local conditions, not to mention administrative delay and frustration on the part of city government. The classification of districts in the City of Cheju would not be same with other cities in the mainland. Four counties of Honolulu, Kauai, Maui and Hawaii in the State of Hawaii have their own systems of district classification, reflecting their unique environmental characteristics and developmental needs. Learning from Hawaii's lesson, the classification of districts in zoning control is needed to give great discretion to local government.

The intervention of central government into local land use planning and controls should be minimized. In the process of controlling land use, a certain degree of administrative flexibility is necessary for a variety of reasons. Legal rigidity of the City Planning Law and a highly centralized land use control system used to result in the disuse and misuse of precious urban land in Korea. The procedures and provisions for amendments by appeal, special and conditional uses, variance and non-conforming uses are needed to be set out either the Law or local zoning code.

III . Issues and Suggestions

After a quarter century's suspension of local autonomy, the government is to restore local autonomy as a part of political reform movement which is underway. A fullfledged local self-government is expected to be installed in the near future. As we have seen in the preceding section, Korea's land use planning and control system is featured by the top-down rigidity of decision-making. The central government have intervened almost all spheres of local affairs in the absense of local councils which were dissolved in 1962. All local plans have been subject to central approval. Uniform standards and criteria have been imposed on local

land use planning and land use control. It is necessary to reexamine the whole structure of local land use planning and regulation system for the restoration of local autonomy. Local sovereignty for the planning and management of local land use should be respected. The Korean people are becoming less tolerant to centralized administration.

Cry for citizen participation in planning and general local governance cannot be suppressed. The role of local council in land use planning and regulation should be given. Various community organizations need to be institutionalized in order to give them proper representation in land use planning. Certainly, the nature of the conventional decision-making process in local government and the nature of planning and regulatory work tends to frustrate the development of agreeable solution which can accommodate a meaningful degree of participation from a variety of sources. Citizen participation is one of the least known administrative process in Korea. Although public hearing is required for general land use plan under the name of citizen participation, the generality of issues and the lack of representation criteria tends to result in citizen's indifference.

The division of role between central and local governments and between provincial and city and county governments has to be clearly defined. As pointed out, central government and higher local government like provincial government find room for interference into plan-making and regulation in the absence of the clear provision of related authority. Relation between the national land use plan and local land use plan is usually dictated by one-sided conformity to national plan. In Hawaii, county and city development plans are not required to conform to the State general plan and functional plans. The State plan is only advisory. However, zoning and subdivision control has to conform to county development.

The tendency toward over-regulation of the development process is also observed in Hawaii and Cheju.⁴⁾ In addition to the provincial land use plan by National Land Use and Management Law, developers and land owners have to go through many other regulatory permits. An extreme case is required more than twenty separate permit before actual development takes place. They are overlapping and redundant in many cases. Simplicity is not always a solution but so-called 'permit explosion' tends to bring about the disuse and misuse of precious land of island state.

4) David L. Callies, "The Quiet Revolution Revisited," *American Planning Association Journal*, April 1980, p.137.

There are many technical issues which can be learnt from Hawaii. Very extensive land use survey is carried out before any regulatory measure is introduced. Practical technicality for the grading of agricultural land and the boundary reclassification of district should be provided to defend landowner's petition. The process and criteria of shoreline management area permit and park dedication ordinance of Hawaii is directly transferable lesson to Cheju. The conservation of scarce water resource in relation to land use regulation is also one of the areas to learn from Hawaii. Lessons from Hawaii's land use plan and controls never be exhaustive for Cheju. This is a beginning of mutual fertilization in land development and land use regulations. More theoretical and practical studies are waiting to be done.

討 論 (IV)

과 장: Forrest R. Pitts (하와이大·地理學)

토론자: 朴富贊 (濟州道·副知事)

(*) 박부찬: 제가 평소에 존경하고 학교에도 같이 다닌 적이 있는 崔박사님과 하고 이러한 자리를 함께 하게 되어 대단히 기쁩니다.

요컨대 저는 崔박사님께서 지방자치 실시와 민주화 과정 이후에 올 권한배분과 의사결정을 어떻게 보고 계시는지에 대해 여쭙고 싶습니다.

(*) 최상철: 민주화 특히 지방자치제가 실시된다면 토지이용에 관한 결정이 지방으로 이양될 것입니다. 과거의 경우 중앙정부가 그 결정을 하면 지방행정가로서는 늘 중앙정부의 지침을 이행하는 것에 그쳤는데 앞으로는 더 이상 그렇게 될 수가 없을 것입니다.

(*) James Shon: 崔박사님께서 지역주민의 참여란 것이 실제 의사결정 과정에 있어서 종종 상징적인 것이었다고 말씀하셨습니다. 만일 여러분에게 공공의 의사와 공공의 발언이 구분되는 전통이 있다면, 어떻게 향후의 제주도 지방정부가 공공의 참여를 얻을 수 있겠습니까? 어떻게 해서 여러분이 제주도의 농민, 교육자, 도시민들로부터 동등한 종류의 교환을 받아내는 것이지요? 관광에 관한 공공의 의사를 구하는 데 최소한의 참여를 유도하기 위해서는 어떻게 해야 하겠습니까?

(*) 최상철: 제 발표에서 말씀드린 대로 한국에는 공공의 참여 즉 주민참여라는 것이 전통적으로不在했고, 따라서 저희는 하와이로부터 이러한 것을 배워야 할 것입니다. 다시 말하자면 저희는 어떻게 해서 사회구성원 — 농민, 사업가, 공무원, 정치가 등 — 의 참여를 이끄는지를 배워야 하는 것입니다.

만일 저희가 정책집행역할을 수행하는 지방의회를 갖게 된다면 그 과정에서 수많은 정치적 참여가 표출될 것입니다. 새로운 제도하에서는 정부의 시책발표가 줄어들 것이며, 다만

지방적 청문활동으로부터 나오는 발표만이 있을 것입니다. 아직까지 대다수의 주민들은 공청회가 언제 진행됐었는지를 알지 못하고 있습니다. 그러므로 미래에는 공공청문활동이 폭넓게 고지되어야 할 것입니다.

(일동 박수로써 회의를 마칩.)