

**Future Addendum to
Appendix V4A: Natural and Cultural Resource Management Analysis
Ka'ū Community Development Plan**

Draft for Public Review

March 2015

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Section 2: Introduction

Each CDP policy was developed systematically, using the best available information about Ka'ū and the range of strategies available to achieve the Community Objectives.

This Addendum summarizes the rationale behind the policies so that the systematic process of policy development is transparent. The rationale for each CDP policy is based on a Strategy Identification Matrix like the one included below (see page 39). The Matrix in this Addendum is based on information in Appendix V4A: "Natural and Cultural Resource Management Analysis," January 2013 Draft. Both the policy rationale and the Strategy Identification Matrix will be added to Appendix V4A when it is revised.

The Strategy Identification Matrix was completed with information from Appendix V4A. Endnotes in the Matrix include the specific page numbers in Appendix V4A. In some cases, the endnote indicates "To be added," which means that it references information to be added to Appendix V4A. Information to be added to Appendix V4A (and other revisions) is summarized in a separate document.

To draft the body of the CDP (including policies), alternative strategies were considered relative to the Community Objectives, and "proposed" strategies were identified. Two basic "screens" were used to "filter" alternative strategies in the appendices. The first screen is current policy (e.g., the General Plan), out of which were filtered policies that are aligned with Community Objectives and remaining policy gaps. The second screen consists of tools and initiatives available to achieve Community Objectives (from past plans, existing programs, best practices, etc.), out of which were filtered high potential tools, barriers to their use, and remaining strategy gaps.

The strategy identification process moves across the Matrix, from left to right:

- The Community Objectives are the foundation for decision-making and are listed in the left-hand column.
- The next four columns focus on policy:
 - The second column summarizes existing federal, State, and County policies that are closely aligned with and supportive of the Community Objectives. Those that are re-affirmed in the CDP are numbered and highlighted in yellow.
 - Each policy is identified in the Matrix by the letter "P" and the corresponding policy number. For example, "Policy 7" = "P7" in the Matrix.
 - The third column summarizes policy gaps – areas where current policy does not support Community Objectives.
 - The next two columns seek to address those gaps. Their headers are green to emphasize that the strategies in those columns would be newly established with adoption of the CDP.
 - The fourth column addresses gaps under County jurisdiction and identifies new policies established by the CDP. These are also highlighted in yellow.
 - The fifth column addresses gaps outside County jurisdiction and identifies elements of the CDP advocacy platform with State and federal agencies and policymakers.
- The next three columns focus on community-based, collaborative action.

- The sixth column summarizes available resources – programs, organizations, funding, best practices, etc. – that can be used to advance Community Objectives.
- The seventh column summarizes barriers to achieving Community Objectives that require action rather than policy change.
- The final, eighth column summarizes community-based, collaborative action required to achieve Community Objectives. Like columns 4 and 5, the header of column 8 is green to emphasize that the strategies in that column would be newly established with adoption of the CDP.

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Section 3: Policy Rationale – Advance Preferred Conservation and Settlement Patterns

Policy 7: The Land Use Pattern Allocation Guide (LUPAG) map in the County General Plan is a broad, flexible design intended to guide the direction and quality of future developments in a coordinated and rational manner. It indicates the general location of various land uses in relation to each other.

State land use boundary amendments, changes in zone, project districts, subdivisions, planned unit developments, use permits, variances, and plan approval must be consistent with the General Plan and the LUPAG map. Projects or applications that are not consistent with the LUPAG map require an amendment to the General Plan, which requires an Environmental Impact Statement (EIS) and approval of the County Council.

The land use categories used in the CDP Land Use Policy Map correspond with those used in the General Plan LUPAG map. For example, much of the coastal mauka and coastal areas in Ka'ū are designated Conservation or Open in the General Plan LUPAG. Likewise, agricultural lands in Ka'ū are designated agricultural. The rationale for Policies 27, 39, and 52 includes the definitions for those categories.

However, the CDP land use policies that support the preferred future settlement pattern for Ka'ū and related Community Objectives differ in some ways from the land use pattern designated in the current General Plan LUPAG map. Therefore, in order to fully implement the Ka'ū CDP, the LUPAG map requires some amendments. Table 1: Rationale behind Necessary LUPAG Map Amendments summarizes the necessary amendments and the reasoning behind them.

Table 1: Rationale behind Necessary LUPAG Map Amendments

TMK or Area	Current Category	Recommended Category	Rationale
<i>Mauka Forests</i>			
397001002	Conservation Important Agriculture	Conservation	Nature Conservancy reserves in the DLNR priority watershed areas
397001003	Conservation		
397001004	Important Agriculture Extensive Agriculture		
395015001	Extensive Agriculture		Olson reserve
398001014	Important Agriculture		State-owned Forest Reserve and Game Management Area in the DLNR priority watershed area
398001010			
398001004	Conservation Extensive Agriculture		DLNR priority watershed areas
395013001 (State)	Extensive Agriculture Important Agriculture		
397001021 (State)			
396007002 (State)			
396008039 (State)			
396008038 (KS)			
397001022 (State)			
Pu'u Enuhe (TMK 396003027 above the road)	Extensive Agriculture Important Agriculture	Conservation on pu'u Unchanged on plateau between pu'u	Scenic & Natural Beauty areas
Makenau and nearby pu'u (within TMK 395018001)			
<i>Shoreline</i>			
395006010 (State)	Extensive Agriculture	Conservation	State Forest Reserve
<i>Honu'apo</i>			
395014007	Extensive Agriculture	Conservation	Protected State land and County park
395014006			
395014005			
395014004			
395014003			
395014002			
395014027			
395014052			
395014001			
395014049			
395014046	Industrial	Extensive Agriculture ¹	Old mill site that is no longer appropriate for industrial uses

¹ Also requires an amendment to Table 14-5 in the General Plan.

Policy 10: It is important that future rezones in Ka'ū be consistent with the objectives and policies of the CDP. Pursuant to HCC 25-2-42(c)(1), when considering a proposed amendment to the zoning code, the Planning Director shall recommend a change in a district boundary only where it would, among other things, be consistent with the goals, policies and standards of the General Plan. The Director shall recommend either the approval or denial of the proposed amendment to the Planning Commission subject to conditions which would further the intent of the Zoning Code and the General Plan and other related ordinances (e.g., Community Development Plans). Though it appears that "other related ordinances" would naturally include CDPs, this policy ensures that the Planning Director's recommendations on future rezones will be consistent with the Ka'ū CDP.

Policy 11: The Planning Director can approve variances from provisions of the zoning and subdivision codes to accommodate special circumstances, where no alternatives exist, and if they are consistent with the General Plan and are not detrimental to the public welfare or cause substantial adverse impact to the area's character or adjoining properties. The Director may also impose conditions on variances. This policy simply requires that the Director consider and approve variances in a manner consistent with the Ka'ū CDP.

Policy 12: Section 23-26 of the County's Subdivision Code specifies that "Outstanding natural or cultural features such as scenic spots, water courses, fine groves of trees, heiaus, historical sites and structures shall be preserved as provided by the director." Moreover, pursuant HCC section 23-6, the Subdivision Code shall be applied and administered within the framework of the County General Plan, including comprehensive or general plans for sections of the County which may be adopted as amendments to or portions of the County general plan.

In the Community Objectives for Ka'ū, the following outstanding natural and cultural features are identified: forest and shoreline ecosystems, viewscapes, archeological and historic sites, and historic buildings. Moreover, the "Policy Intent" in the CDP is to protect areas endowed with natural beauty and scenic vistas, including views to and along the shoreline. These natural and cultural features are defined in other policy documents and in the CDP as follows:

- Forest and shoreline ecosystems: The official Ka'ū CDP Land Use Policy Map designates the shoreline and mauka forests in Ka'ū as open space to be preserved, protected, and connected to Ka'ū's rich network of natural and cultural resources. These areas fall within the "Conservation" and "Open" LUPAG categories in the Policy Map.
- Viewscapes and scenic vistas: The General Plan list of natural beauty sites includes the scenic view of shoreline between Pāhala and Punalu'u, the view of Mauna Loa from Volcano-Ka'ū Highway, and the lava flows of 1868, 1887, & 1907, mauka and makai of the stretch of highway between Kahuku Ranch and the Ocean View subdivisions. Based on public input, the Ka'ū CDP Community Profile also identifies the scenic lookout between Whittington Beach Park and Nā'ālehu on the makai side of highway as a breathtaking panoramic view of the shoreline.
- Areas endowed with natural beauty: The General Plan identifies natural beauty sites, including Pōhue Bay, South Point, Mahana Bay, Waiakukini, Ka'alu'alu Bay, Honu'apo, Kāwā Bay, Nīnole Cove, Punalu'u, and prominent pu'u (cinder cones): 'Enuhe, Makaanau, Kaiholena, and One.
- Archeological and historic sites: These are sites on the National and State Registers of Historic Places as well as other known archaeological sites, many (but not all) of which are catalogued by the State Historic Preservation Division.

- Historic buildings: HRS section 6E-2 defines “historic property” as any building, structure, object, area or site, including heiau and underwater sites, which is over fifty years old.

This policy is intended to protect those outstanding natural and cultural features as much as possible without infringing on the Planning Director’s authority to make informed judgments based site- and use-specific characteristics.

Policy 13: This policy is intended to require the Planning Director to use the authority in HCC sections 23-6, 23-7, and 25-2-11 to achieve Community Objectives, which specify that the public welfare will be advanced by protecting forest and shoreline ecosystems, assuring public access, preserving agricultural land, enhancing viewsapes, concentrating new development in town/village centers, and protecting historic buildings and archeological and historic sites.

Because of regulations specific to parcel consolidation and resubdivision of pre-existing lots of record (PLOR), the 1,800 acres directly mauka of Nā’ālehu, the 3,000 acres makai of Nā’ālehu, the 1,500 acres mauka of Honu’apo, and 300 acres mauka of Punalu’u may be subdivided into relatively small lots with limited or no infrastructure improvements and in a manner that may not be consistent with Community Objectives.

However, the Planning Director must confer with the Director of Public Works and the Manager of the Department of Water Supply and may confer with other agencies. In addition, the Planning Director may require improvements to further the public welfare and safety.

Given the location of the parcels in Ka’ū with PLOR, the Director of Planning should confer with the DLNR’s State Historic Preservation Division (SHPD) for recommended historical and archaeological resource management practices, the USDA’s Natural Resource Conservation Service (NRCS) for recommended natural resource best management practices, and the State Department of Transportation if the area abuts a State highway.

Policy 14: Plan approval allows closer inspection of certain types of development in certain zones in order to ensure conformance with the General Plan, the Zoning Code, and conditions of previous approvals related to the development. For example, plan approval is required for telecommunication antennas and towers, all development outside Single-family Residential or Agricultural districts, and in the Agricultural district prior to the development of any trailer park, major agricultural products processing facility, or agricultural tourism activity. Plan approval may be required as a condition of approval of any use permit, variance, or other action relating to a specific use.

Upon receipt of a detailed site plan, the Planning Director may issue plan approval subject to conditions or changes in the proposal which, in the director’s opinion, are necessary to carry out and further the purposes of the Zoning Code. In addition, the Director considers the proposed structure, development or use in relation to the surrounding property, improvements, streets, traffic, community characteristics, and natural features and may require conditions or changes to assure proper siting is provided for; proper landscaping is provided that is commensurate with the structure, development or use and its surroundings; unsightly areas are properly screened or eliminated; and within reasonable limits, any natural and man-made features of community value are preserved. The Director shall require any conditions or changes in the proposal which, in the director’s opinion, are necessary to carry out the purposes above.

In the Community Objectives for Ka’ū, the following community characteristics, natural features, and natural and man-made features of community value are identified: forest and shoreline ecosystems,

agricultural lands, viewscapes, archeological and historic sites, and historic buildings. Moreover, the consistent “Policy Intent” in the CDP is to protect open space, areas endowed with natural beauty, and scenic vistas, including views to and along the shoreline. These community features are defined in other policy documents and in the CDP as follows:

- Forest and shoreline ecosystems: The official Ka’ū CDP Land Use Policy Map designates the shoreline and mauka forests in Ka’ū as open space to be preserved, protected, and connected to Ka’ū’s rich network of natural and cultural resources. These areas fall within the “Conservation” and “Open” LUPAG categories in the Policy Map.
- Agricultural lands: The official Ka’ū CDP Land Use Policy Map designates agricultural lands in Ka’ū as areas to be preserved for agriculture and open space. These areas fall within the “Important Agriculture Land” and “Extensive Agriculture” LUPAG categories in the Policy Map.
- Open space: The official Ka’ū CDP Land Use Policy Map designates the shoreline, agricultural lands, and mauka forests as open space to be preserved and protected. These areas fall within the “Conservation,” “Open,” “Important Agriculture Land,” and “Extensive Agriculture” LUPAG categories in the Policy Map.
- Viewscapes and scenic vistas: The General Plan list of natural beauty sites includes the scenic view of shoreline between Pāhala and Punalu’u, the view of Mauna Loa from Volcano-Ka’ū Highway, and the lava flows of 1868, 1887, & 1907, mauka and makai of the stretch of highway between Kahuku Ranch and the Ocean View subdivisions. Based on public input, the Ka’ū CDP Community Profile also identifies the scenic lookout between Whittington Beach Park and Nā’ālehu on the makai side of highway as a breathtaking panoramic view of the shoreline.
- Areas endowed with natural beauty: The General Plan identifies natural beauty sites, including Pōhue Bay, South Point, Mahana Bay, Waiakukini, Ka’alu’alu Bay, Honu’apo, Kāwā Bay, Nīnole Cove, Punalu’u, and prominent pu’u (cinder cones): ‘Enuhe, Makanau, Kaiholena, and One.
- Archeological and historic sites: These are sites on the National and State Registers of Historic Places as well as other known archaeological sites, many (but not all) of which are catalogued by the State Historic Preservation Division.
- Historic buildings: HRS section 6E-2 defines “historic property” as any building, structure, object, area or site, including heiau and underwater sites, which is over fifty years old.

This policy is intended to protect those community features as much as possible without infringing on the Planning Director’s authority to make informed judgments based site- and use-specific characteristics.

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Section 4: Policy Rationale – Protect and Enhance Natural and Cultural Resources

4.1 Expand the Local System of Preserves

Policy 21: This is simply an affirmation of existing General Plan policy 14.9.3(e): “Support the U.S. Department of Interior, National Park Service’s expansion plans for the Hawai’i Volcanoes National Historic Park.” As part of its General Management Plan (GMP) process, Hawai’i Volcanoes National Park identifies the Great Crack parcels (TMKs (3)9-6-013:003, (3)9-6-013:008, (3)9-6-013:009) as acquisition priorities.

Policy 22: Pu’u ‘Enuhe, Makanau, and nearby Pu’u Pākua and Pu’u ‘Iki are significant geologic and cultural features. They are also privately owned, in the State Agricultural District, and zoned agricultural, so they are relatively unprotected. Kamehameha Schools owns Pu’u ‘Enuhe. The Olsen Trust has already identified Makanau, Pu’u Pākua, and Pu’u ‘Iki as priority sites for conservation easements because they feature pristine native low land forest. This policy reinforces those priorities and establishes the County as a partner in those conservation efforts.

Policy 23: Certain resources are valuable and vulnerable enough to secure in public trust (fee simple or by easement), and a wide range of resources are available for easements and acquisition (see Appendix V4A). Nearly all of Ka’ū’s sensitive mauka lands are protected as public lands, and large portions of Ka’ū’s shoreline are protected by County, State, or Federal government ownership.

However, eleven private coastal parcels have development potential. The purchase of coastal parcels at Punalu’u, the Road to the Sea, and Kaunāmano has been authorized, and the General Plan directs the County to acquire land surrounding Whittington Beach Park (12.5.9.2(h)), but other areas remain vulnerable. This policy makes it a County priority to secure the remaining, vulnerable parcels.

Resources for establishing reserves are limited, and Ka’ū must compete with other communities locally, statewide, nationally, and globally, so it is important to establish shoreline reserve priorities. Relative priorities should be established using criteria similar to those used by the PONC:

- Benefit to the general public
- Level of community support
- Identified management/maintenance partners
- Urgency
- Land or property entitlements are available for acquisition
- Special opportunity for acquisition exists (e.g., special funding is available, landowner willing, etc.)
- Resources can be leveraged through partnerships with other government, private, or nonprofit entities.

The following properties appear to be strong candidates to secure in public trust (in order of priority):

1. **Road to the Sea parcel** (TMK (3)9-2-001:075): Pursuant to Resolutions 49-11 and 314-12, the County Council has authorized the purchase of this parcel, and the Board of Land and Natural Resources has authorized use of Recovery Land Acquisition funds for the purchase.

2. **Kaunāmano parcels** (including TMKs (3)9-5-011:001 & 004, (3)9-5-012:001): Pursuant to Resolution 351-14, the County Council has authorized the Director of Finance to enter into negotiations for acquisition of these parcels.
3. **Land surrounding Whittington Beach Park** (most notably TMK (3)9-5-014:060): General Plan Course of Action 12.5.9.2(h) encourages land acquisition surrounding Whittington Beach Park to allow for its expansion and the construction of a parking area, and the County has been in negotiations with the landowner for some time.
4. **Kawala parcel** (TMK (3)9-5-010:001): This parcel has extensive, significant archaeological resources, expansive scenic views, public access trails, the Ala Kahakai National Historic Trail corridor, and a subdivision application pending that would locate 11 lots near the coastline, each of which could be developed.
5. **Kahilipali and Kahilipali-nui parcel** (TMKs (3)9-5-007:005, 008, & 016): This parcel has extensive, significant archaeological resources, expansive scenic views, public access trails, the Ala Kahakai National Historic Trail corridor, anchialine pools, and 22 pre-existing lots of record that could be reconfigured to locate small parcels near the coastline.
6. **Parcel containing Pōhue Bay** (TMK (3)9-2-001:072): This parcel has extensive, significant archaeological resources, expansive scenic views, public access trails, the Ala Kahakai National Historic Trail corridor, anchialine pools, and turtle nesting sites. It has also been targeted twice for resort development near the coastline. It is a lower priority because development potential is limited in the State Conservation district.
7. **Parcel next to the Road to the Sea parcel** (TMK (3)9-2-001:076): This parcel has public access trails, the Ala Kahakai National Historic Trail corridor, and scenic view from Ocean View subdivisions. It is a lower priority because development potential is limited in the State Conservation district.
8. **Ka'alu'alu Bay** (TMK (3)9-4-001:009): This parcel has archaeological resources, expansive scenic views, public access trails, the Ala Kahakai National Historic Trail corridor, anchialine pools, fish ponds, and potential for development as a rustic coastal camp site. It is a lower priority because the owner is proposing to keep development well mauka of the coastline and agreed to dedicate 15 coastal acres to the County.
9. **Punalu'u**: The County Council authorized the purchase, but this is a low priority as long as the County retains a lease for the beach park, comprehensive plans for the area are unclear, and the owner lacks interest in selling.

4.2 Protect the Coast from Development

Policy 24: This is an affirmation of General Plan policy 8.3(d): “Protect the shoreline from the encroachment of man-made improvements and structures.”

Policy 25: This is an affirmation of the General Plan policy 8.3(c): “Maintain the shoreline for recreational, cultural, education, and/or scientific uses in a manner that is protective of resources and is of the maximum benefit to the general public.”

Policy 26: This is an affirmation of General Plan policy 8.4: “The following shall be considered for the protection and conservation of natural resources: (a) Areas necessary for the protection and

propagation of specified endangered native wildlife, and conservation for natural ecosystems of endemic plants, fish and wildlife; (b) Lands necessary for the preservation of forests, park lands, wilderness and beach areas; (c) Lands with a general slope of 20 per cent or more that provide open space amenities or possess unusual scenic qualities;...(f) The Coastal Zone and Special Management Area as defined by statute and in accordance with the adopted objectives and guidelines.”

Policy 27: This builds on the State Coastal Zone Management (CZM) policy in HRS 205A-2(c)(3)(D): “Encourage those developments that are not coastal dependent to locate in inland areas.” All County policies and regulations must be consistent with CZM policies, which are binding upon actions by all agencies within the scope of their authority.

Policy 28: Coastal areas have overlapping jurisdiction and fall under multiple layers of regulation. Coastal waters are managed by the State Department of Land and Natural Resources (DLNR) (for aquatic resources and boating), the State Department of Health (DOH) (for water quality), and the Federal Army Corps of Engineers (COE). Any activity impacting coastal waters, including wetlands and anchialine pools, must be permitted by the Army Corps of Engineers for compliance with the Clean Water Act, the Coastal Zone Management Act, the Endangered Species Act, the National Historic Preservation Act, and other statutes. Other agencies that have jurisdiction in the shoreline area include the DOH (for wastewater and underground injection) and the DLNR for wells.

In addition, all coastal areas in Ka’ū are in the State Conservation district, where all uses and activities require a conservation district use permit from the Board of Land and Natural Resources or other written approval from the Department of Land and Natural Resources Office of Conservation and Coastal Lands (OCCL). With the exception of the stretch of coastline from Pu’u Hou in Pakini to Hanalua near South Point, which is in the Limited subzone, the entire coastline is in the Resource subzone. In those two subzones, a single-family residence on each legal lot of record is permitted with approval of the Board of Land and Natural Resources.

Though this policy does not supersede the authority of the State, it serves as a clear expression of the community’s desire to protect and limit development in coastal areas. In the State Conservation district, there is no county zoning, per se, because the State DLNR has jurisdiction. Nevertheless, much of Ka’ū’s coastal area is designated Conservation or Open in the General Plan LUPAG map. The Open designation limits future uses to “Parks and other recreational areas, historic sites, and open shoreline areas,” and the Conservation designation includes “Forest and water reserves, natural and scientific preserves, areas in active management for conservation purposes, areas to be kept in a largely natural state, with minimal facilities consistent with open space uses, such as picnic pavilions and comfort stations, and lands within the State Land Use Conservation District.” Other proposed uses would require an amendment to the General Plan, which requires an EIS and approval of the County Council.

Policy 29: Historically, shoreline structure siting standards have not been science-based, and they have not consistently protected the shoreline or structures and, in some cases, have led to the hardening of the shoreline, the loss of beach systems, and loss of coastal access for the public. Pursuant to HRS section 205A-43(a), the shoreline setback is not less than 20 feet and not more than 40 feet inland from the shoreline, but the counties are given the option of establishing setbacks at distances greater than 40 feet (HRS section 205A-45). Planning Department Rule 11-5 establishes the minimum shoreline setback at 40 feet for most lots abutting the shoreline, but the County has no protocol for establishing shoreline setbacks.

The 2011 report “Sea-Level Rise and Coastal Land Use in Hawai’i: A Policy Tool Kit for State and Local Governments” from UH Sea Grant’s Center for Island Climate Adaptation and Policy (ICAP)

recommended, among other things, to plan for hazards as early as possible in the development process, to use data and information to assess natural hazards, and to site buildings early in the development process (i.e., in the community planning, zoning, and early subdivision stages) when the owner's investment-backed expectations are low.

In July 2012, UH Sea Grant released the "Adaptive Planning for Sea-level Rise in Maui and Hawai'i Counties" report. The purpose of the report was to provide a foundation for improving shoreline planning for coastal hazards, including sea level rise, at the local level. The recommendations were developed by shoreline planners from the Counties of Maui and Hawai'i and are intentionally focused on issues that can be addressed within the context of the existing County regulatory frameworks. One recommendation relates to Ka'u's community objectives: "Require a Hazard Assessment that includes a determination of the shoreline and the shoreline setback area at the earliest stages of the land use planning and development process. Determining hazard buffers that are based on scientific data such as erosion rates early in the land use planning process will result in the least economic impact to the landowner while avoiding dangerous hazard risks to life and property through proper planning." Specific recommended actions include:

- An erosion zone should be determined considering an annual average erosion rate, the life expectancy of a structure, buffers for storm erosion, safety design, errors and sea level rise.
- A multi-hazard analysis is recommended that includes threats from erosion, wave inundation, and flooding, whatever the cause, either working as a sole factor or in combination with other factors.
- Guidance should be provided in the rules, or outside the rules in a policy statement or guidance document, on how long the hazard assessment with shoreline setback determination is valid.

Examples of related policies and programs include:

- The following West Maui Community Plan policy: "Protect the shoreline and beaches by preserving waterfront land as open space wherever possible. This protection should be based on a study and analysis of the rate of shoreline retreat plus a coastal hazard buffer zone. Where new major waterfront structures or developments are to be approved, preservation should be for 50-100 years by employing a shoreline setback based on the rate established by the appropriate study."
- The requirement to do a hazard assessment and determine the setback at the earliest stages of development for community planning changes, zoning amendments and subdivision approvals is required under the Kaua'i Shoreline Setback Rules.

The Planning Department is in the process of considering options for establishing a countywide shoreline setback policy.

Pursuant to HRS section 205A, the goals of the shoreline setback are to:

- Restrict development in areas vulnerable to severe damage due to the impact of wave action and to protect private property from flood hazards and wave damage
- Ensure the preservation of sandy beaches and public access to and along the shoreline
- Preserve and enhance views of scenic or prominent landscapes and coastal aesthetic values
- Protect and effectively manage open space and the shoreline

- Protect the shoreline from the encroachment of man-made improvements and structures
- Protect and conserve natural resources, including areas necessary for the protection and propagation of specified endangered native wildlife and the conservation of natural ecosystems of endemic plants, fish and wildlife.

The first option in this CDP policy is based on 1) an assessment of the distance of coastal resources from the shoreline in Ka'ū (as mapped in Appendix V4A) and 2) the ¼-mile standard used by planners to assess the “walkable” distance to sites of interest.

The second option in this policy is intended to implement suggestions from the reports referenced above and to include in shoreline assessments the full range of considerations required by CZM policies and objectives.

Policy 30: This policy makes explicit the steps mandated in HRS 205A and Planning Commission Rule 9 that are necessary to ensure that coastal resources in Ka'ū are appropriately protected. The goal is to implement a number of CDP objectives and policies related to protecting the shoreline and cultural assets, limiting development at the shoreline, assuring access, preserving open space and viewsapes, preserving agricultural land, concentrating new development (particularly if it is not coastal dependent) on vacant land in town/village centers (before converting agricultural land to residential uses), and discouraging speculative residential development.

The Special Management Area (SMA) permit is a management tool to assure that developments in the SMA are designed and carried out in compliance with the Coastal Zone Management (CZM) objectives, CZM policies, and SMA guidelines. Generally, because the CZM objectives and policies are so comprehensive, the SMA is the most resource-protective land use policy overlay. CZM policies address recreational resources, historic resources, scenic and open space resources, coastal ecosystems, coastal hazards, management of development, beach protection, and marine resources. Therefore, SMA review is one of the few opportunities to holistically consider coastal resources and their interrelationships. Moreover, because CZM review requires consideration of the cumulative impacts of proposed development in the SMA, SMA review is thorough, and SMA permits include conditions to protect coastal resources and mitigate impacts.

The SMA permitting system regulates development within SMAs extending from the shoreline inland, as designated on maps filed with the County Planning Commission. Along most of Ka'ū's shoreline, the SMA extends ~500 feet mauka, but between Punalu'u and Honu'apo, it extends to the highway, and at South Point, it extends ~5,000 feet inland.

Because Ka'ū's coastal resources are so unique and so vulnerable to hazards, most uses or activities in the Special Management Area will likely have a cumulative impact or a significant adverse environmental or ecological effect on the SMA, as defined in Planning Commission Rule 9-10(h). However, the application forms currently used by the Planning Department do not explicitly request information about the full range of potential impacts of development. Therefore, this policy requires that all information necessary to assess impacts is provided by SMA applicants. The bulleted points in the policy are those potential impacts that are not otherwise explicitly addressed in the Planning Department's SMA application forms.

This policy also requires that development in the SMA be subject to terms and conditions that achieve CZM and CDP objectives. Of particular concern are large parcels makai of Nā'ālehu, which are zoned A-20a and have pre-existing lots of record (some smaller than 20 acres). These are longstanding

pasturelands and feature significant archaeological resources, scenic views across the landscape, mauka-makai and coastal trails, and unique coastal features. They also include portions within the State Urban district, within the Low Density Urban (LDU) category of the General Plan LUPAG map and the Ka'ū CDP Land Use Policy Map, and within the Special Management Area (SMA).

Because of regulations specific to parcel consolidation and resubdivision of pre-existing lots of record, these parcels may be subdivided into lots smaller than 20 acres with limited or no infrastructure improvements and in manner that may not be consistent with community objectives. Further, the zoning allows for a single-family dwelling on each parcel.

However, the Planning Director may require improvements to further the public welfare and safety and may prohibit lots smaller than one acre in the State Land Use Agricultural district. Moreover, subdivision within the SMA triggers SMA review, which requires consistency with the General Plan and CDPs, among other provisions of State law and County regulations. The Planning Director may, for example, require that subdivision position lots that are smaller than 20 acres on portions of the parcels in or adjacent to lands in the SLU Urban district and/or urban LUPAG categories.

Policy 31: Along most of the Ka'ū shoreline, the Special Management Area (SMA) extends ~500 feet mauka, but between Punalu'u and Honu'apo, it extends to the highway, and at South Point, it extends ~5,000 feet inland. Generally, because the Coastal Zone Management (CZM) objectives and policies are so comprehensive, the SMA is the most resource-protective land use policy overlay. Therefore, in order to better protect known recreational, historic, open space, ecosystem, beach, and/or marine resources as well as scenic views toward the coastline from the highway, the County should review SMA boundaries in Ka'ū and initiate appropriate amendments.

In 2012, the Planning Department initiated a review of SMA boundaries in Hawai'i County. Some preliminary findings that may have implications in Ka'ū include:

- The State Conservation District boundary extends further inland than the SMA in the following areas:
 - From Manukā southeast to a portion of TMK (3)9-3-001:006, including the Road to the Sea parcel, the 16,000 acre parcel owned by Nani Kahuku 'Āina that includes Pohue Bay, and a portion of Kamehameha Schools' Pakini parcel.
 - TMK (3)9-6-002:005, the State-owned parcel northeast of Punalu'u that includes Kamehame Beach.
- Areas designated Open on the General Plan LUPAG map extend further inland than the SMA in the following areas:
 - In the vicinity of the Road to the Sea parcel
 - Near Ka'alu'alu Bay
 - Near Waiapele Bay (TMK (3)9-6-013:006).
- The coastal flood zone extends further inland than the SMA in the following areas:
 - The vicinity of Ka'alu'alu Bay
 - The vicinity of Waikapuna bay.
- The tsunami evacuation zone extends further inland than the SMA in the following areas:

- The vicinity of Ka‘alu‘alu Bay
- The Honu‘apo area.

The intent of this policy is to complete the SMA boundary review in Ka‘ū and make appropriate adjustments. As with shoreline setback determinations, this review should include the full range of considerations required by CZM policies and objectives, including:

- A regional, landscape perspective
- View plane and line-of-sight analysis, toward the sea from the state highway nearest the coast and along the shoreline
- Shoreline public access
- The Ala Kahakai National Historic Trail corridor
- Cultural and historic resources
- Shoreline hydrology, including drainage ways, springs, anchialine pools, and wetlands
- Coastal ecosystems, including native, endemic, and threatened species and other sensitive coastal and near shore species
- Coastal erosion rates
- Projected sea level rise
- Flooding and flood zones, including storm surge inundation
- Subsidence.

4.3 Protect Agricultural Lands & Open Space

Policy 32: This is an affirmation of:

- Article XI, Section 3, of the Constitution of the State of Hawai‘i, which requires that the State conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands.
- General Plan policy 2.3(a&s)), 14.1.2(b), & 14.2.2(a)): “[P]rotect...important agriculture lands on the island of Hawaii.”

Policy 33: This is an affirmation of the following General Plan policies:

- 14.2.2(b): “Preserve the agricultural character of the island.”
- 14.2.3(d): “Agricultural land may be used as one form of open space or as green belt.”

Policy 34: This is an affirmation of General Plan policy 9.3(x): “Vacant lands in urban areas and urban expansion areas should be made available for residential uses before additional agricultural lands are converted into residential uses.”

Policy 35: This is an affirmation of General Plan policies:

- 14.2.3(j): “Ensure that development of important agricultural land be primarily for agricultural use.”

- 14.2.3(t): “Discourage speculative residential development on agricultural lands.”
- 14.2.3(i): “Designate, protect and maintain important agricultural lands from urban encroachment.”

Policy 36: This is an affirmation of General Plan policy 14.2.3(s): “Important agricultural lands shall not be rezoned to parcels too small to support economically viable farming units.”

Policy 39: Agricultural land in Ka’ū is in the State Land Use (SLU) Agricultural District. Pursuant to HRS section 205-5(b), the minimum lot size in the Agricultural District is one acre. Pursuant to HRS sections 205-2 and 205-4.5, the following uses are permitted in the SLU Agricultural District (bulleted summary below and detailed in Table 2: Permitted Uses in State Agricultural District and County Agricultural Zone).

- Agricultural and animal production
- Renewable energy, including crops for bioenergy, biofuel production, solar energy, wind energy, geothermal
- Uses and services accessory to agricultural production and bio, solar, and wind renewable energy production: employee housing, processing, storage
- Agricultural-based commercial operations
- Agricultural education and tourism
- Open area recreational facilities, including day camps, picnic grounds, parks, and riding stables
- Wireless communication antennas
- Dwellings: single-family, farm dwelling.

It is important to note that:

- “Agricultural-based commercial operations” is defined broadly as long as the operations promote the use of products grown in the State of Hawai’i.
- Industrial renewable energy facilities are also permitted and currently only require plan approval and building permits.

Agricultural land in Ka’ū is zoned Agricultural, and the vast majority of it has minimum lots sizes of 20 acres. The minimum building site area in the County Agricultural district is five acres. Pursuant to HCC section 25-5-72, the uses are permitted in the agricultural zone are detailed in Table 2: Permitted Uses in State Agricultural District and County Agricultural Zone.

The land use pattern in the General Plan is a broad, flexible design intended to guide the direction and quality of future developments in a coordinated and rational manner. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map indicates the general location of various land uses in relation to each other. Any changes in zone have to be consistent with the General Plan, and agricultural lands in Ka’ū have two LUPAG designations:

- Important Agricultural Land: Important agricultural lands (not to be confused with State IAL) are those with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors. Because of the scale of the Land use Pattern Allocation Guide maps

used to designate Important Agricultural Land, the location of these lands should be verified by more detailed mapping when considering specific land use decisions.

- Extensive Agriculture: This designation includes lands that are not capable of producing sustained, high agricultural yields without the intensive application of modern farming methods and technologies due to certain physical constraints such as soil composition, slope, machine tillability, and climate. Other less intensive agricultural uses such as grazing and pasture may be included in the Extensive Agriculture category.

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Table 2: Permitted Uses in State Agricultural District and County Agricultural Zone

State Agricultural District	County Agricultural Zone
Cultivation of crops, flowers, vegetables, foliage, fruits, orchards, forage, and forestry/timber	Crop production Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboretums, floriculture, and similar uses dealing with the growing of plants Forestry
Animal husbandry and raising of livestock, including poultry, bees, fish	Livestock production, provided that piggeries, apiaries, and pen feeding of livestock shall only be located on sites approved by the State department of health and the director, and must be located no closer than one thousand feet away from any major public street or from any other zoning district.
Game and fish propagation	Game and fish propagation
Aquaculture	Aquaculture
Wind generated energy production and facilities; wind machines and wind farms	Wind energy facilities
Crops for bioenergy	
Biofuel production	
Biofuel processing facilities	
Solar energy facilities (depending on LSB rating)	
Bona fide agricultural services and uses that support the agricultural activities and accessory to any of the above activities:	
Farm dwellings	Dwelling, single-family Farm dwellings
Employee housing	
Farm buildings	
Mills	
Storage facilities	
Processing facilities	Agricultural products processing, major and minor
Photovoltaic	
Biogas	
Other small renewable energy systems for the ag activities	
Agriculture energy facilities	
Vehicle and equipment storage areas	Vehicle and equipment storage areas that are directly accessory to aquaculture, crop production, game and fish propagation, livestock grazing and livestock production
Plantation community subdivisions	
Small-scale meteorological, air quality, noise, and other scientific and environmental data collection and monitoring facilities	
Agricultural parks	Agricultural parks

State Agricultural District	County Agricultural Zone
Agricultural tourism	Agricultural tourism
Open area recreational facilities	
Geothermal resources exploration and geothermal resources development	
Agricultural-based commercial operations, including: roadside stand, retail activities, retail food establishment (with restrictions)	Roadside stands for the sale of agricultural products grown on the premises
Public institutions and buildings that are necessary for agricultural practices	
Agricultural education programs conducted on a farming operation	
Public and private open area types of recreational uses, including day camps, picnic grounds, parks, and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps	Parks, playgrounds, and other similar open area recreational facilities
Public, private, and quasi-public utility lines and roadways, transformer stations, communications equipment buildings, solid waste transfer stations, major water storage tanks, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, treatment plants, corporation yards, or other similar structures	Public uses and structures which are necessary for agricultural practices Public uses and structures, other than those necessary for agricultural practices (with Special Permit) Utility substations
Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest	Retention, restoration, rehabilitation, or improvement of building or sites of historic or scenic interest
Construction and operation of wireless communication antennas	Telecommunication antennas and towers (with use permit)

Policy 40: Urban Growth Boundaries (UGB) identify areas to be protected for agriculture and areas where growth will be encouraged. UGBs are intended to accommodate anticipated growth and to separate areas appropriate for future development from areas intended for agricultural use. This is sometimes referred to as “Town and Country” zoning, which requires that development occur only in towns and villages, with the surrounding rural areas remaining undeveloped and available for farming, forestry, natural area preservation, and recreation.

The LUPAG map includes land use categories that effectively establish an UGB between the agricultural categories (Orchard, Extensive Agriculture, and Important Agriculture) and the urban categories (Rural, Low, Medium, and High Density Urban, Industrial, Urban Expansion, and Resort).

This policy clarifies that the UGB established with the Ka’ū CDP Land Use Policy Map establishes parcel-specific UGBs. Some areas are excluded because the LUPAG category boundaries in those areas are intentionally not parcel-specific.

Policy 41: The purpose of this policy is to preserve prime and other viable agricultural lands and concentrate new residential development in town/village centers. Too often, rezones of agricultural land create quasi-rural subdivision sprawl and loss of open space rather than greater agricultural opportunity.

Specifically, Agricultural Project Districts (APDs) are designed, in part, to “satisfy the demand for a rural lifestyle on marginal agricultural land, while decreasing the pressure to develop important agricultural land, so they allow for a mix of small scale agricultural activities and associated residential uses.” But the more “marginal” agricultural land in Ka’ū is mostly pasture and in areas unlikely to be under pressure for development (i.e., rezoning and subdivision), while the most valuable agricultural land is closer to existing amenities like roads, water, and towns, making them more likely targets for speculative development. So APDs are more likely to be used in Ka’ū for rural residential development than agriculture.

Moreover, current agricultural zoning (mostly 20 acres) is appropriate in the Ka’ū CDP planning area. The vast majority of agricultural land under production in Ka’ū is pasture. There are also approximately 5,000 acres in macadamia nut production, and significant acreage in commercial forestry. Biomass production might also be viable in Ka’ū. None of these uses require lot sizes small than 20 acres.

There are also almost 600 acres in coffee, and more than 400 acres in tropical fruit and truck crop production. Under the right conditions, these types of agricultural enterprises can be viable on approximately 5-10 acres. However, in areas where these crops can be grown, current lot sizes already accommodate smaller scale enterprises:

- Wood Valley features coffee, flowers, truck crops, and tropical fruit on lots mostly between 5 and 25 acres in size.
- Between Wood Valley and Pāhala, the Olson Trust leases small acreage to farmers producing mostly coffee and truck crops.
- The Hester Agricultural Project District (APD) mauka of Pāhala features 17, 5-acre lots.
- The Moa’ula Coffee Farm Planned Unite Development (PUD) features 98 farm lots ranging from 6 to 25 acres in size, with an average size of 14 acres.

- The area mauka of Discovery Harbour between Wai'ōhinu and Lorenzo Road features fruit and nut orchards on lots mostly between 5 and 100 acres in size.
- Ocean View includes many one and three acre lots, some of which are in truck and other specialty crops.

Moreover, farm subdivisions can be created and leased as legal lots of record for mortgage lending purposes and are exempt from county subdivision standards, which would allow for an even greater number of small acreage lots.

See Appendix V4C for more information about the status of and prospects for agriculture in Ka'ū.

Policy 42: Rather than amend State Land Use (SLU) district boundaries and/or rezone, landowners in the SLU agricultural district often apply for a special permit, as permitted by HRS section 205-6. The LUC (or, for parcels 15 acres in size or smaller, the County Planning Commissions) may permit certain unusual and reasonable uses within agricultural district other than those for which the district is classified. (Uses permitted in HRS are listed in Table 2 above.)

This policy is intended to encourage diversified business enterprises but limit them to those uses that are truly appropriate on agricultural lands in Ka'ū, including Ocean View makai. Below are definitions of some of the uses that may not be self-explanatory:

- Guest ranch: an establishment with its surrounding land which offers recreational facilities for activities such as riding, swimming and hiking, and living accommodations
- Home occupation: any activity intended to provide income that is carried on within a dwelling, within an accessory structure to a dwelling, or on a portion of a building site used principally for dwelling purposes
- Community building: a public or privately-owned building for civic, social, educational, cultural, and recreational activities which is not operated primarily for financial gain
- Public use, building, or structure: a use conducted by or a structure or building owned or managed by the federal government, the State of Hawai'i or the County to fulfill a governmental function, activity or service for public benefit and in accordance with public policy. Excluded are uses which are not purely a function, activity or service of government and structures leased by government to private entrepreneurs or to nonprofit organizations.

Planning Commission Rule 6-8 allows the Planning Commission approve a Special Permit (or recommend its approval to the State Land Use Commission) with appropriate performance conditions.

See Policy 43 below for a discussion of quarries.

Policy 43: Rather than amend State Land Use (SLU) district boundaries and/or rezone, landowners in the SLU agricultural district often apply for a special permit, as permitted by HRS section 205-6. The LUC (or, for parcels 15 acres in size or smaller, the County Planning Commissions) may permit certain unusual and reasonable uses within agricultural district other than those for which the district is classified. Planning Commission Rule 6-8 allows the Planning Commission approve a Special Permit (or recommend its approval to the State Land Use Commission) with appropriate performance conditions.

This policy is intended to encourage diversified business enterprises but limit them to those uses that are truly appropriate in Green Sands, Mark Twain, Discovery Harbour, and Hawaiian Ocean View Estates. Below are definitions of some of the uses that may not be self-explanatory:

- Guest ranch: an establishment with its surrounding land which offers recreational facilities for activities such as riding, swimming and hiking, and living accommodations
- Home occupation: any activity intended to provide income that is carried on within a dwelling, within an accessory structure to a dwelling, or on a portion of a building site used principally for dwelling purposes
- Community building: a public or privately-owned building for civic, social, educational, cultural, and recreational activities which is not operated primarily for financial gain
- Meeting facility: a permanent facility for nonprofit recreational, social or multi-purpose use, which has no overnight accommodations, and which may be for organizations operating on a membership basis for the promotion of members' mutual interests or may be primarily intended for community purposes. Typical uses include private clubs, union halls, community centers, and student centers.
- Public use, building, or structure: a use conducted by or a structure or building owned or managed by the federal government, the State of Hawai'i or the County to fulfill a governmental function, activity or service for public benefit and in accordance with public policy. Excluded are uses which are not purely a function, activity or service of government and structures leased by government to private entrepreneurs or to nonprofit organizations.

The quarries in mauka Hawaiian Ocean View Estates present a challenge. For some time, a number of land owners in the vicinity of Mahimahi Drive, Lurline Lane, Kailua Blvd., and Liliana Lane have been digging large cinder pits. Some operations are grandfathered, some have Special Permits, and some are unpermitted (and have been issued violations by the Planning Department). On the one hand, these quarries are sources of important material for construction and contributors to the local economy. On the other hand, there are safety concerns about the mining methods, there are disputes between property owners about boundaries and ownership, adjacent roads have been closed due to undercutting, and the hauling trucks put considerable wear and tear on the subdivision roads.

A more comprehensive approach to the quarry operations in this area should be developed and implemented for these activities to continue in a safe manner. In the Special Permit (SPP 09-000076) issued to Arrow of Oregon/Hawai'i, LLC, a condition of approval requires preparation of a geotechnical report and oversight by a soils engineer to make sure that there were buffers, benching, and adequate sloping for the quarry operation. Building on this condition, before any additional Special Permits are issued, a Master Plan for the area should be developed that comprehensively addresses the issues in the area, including geotechnical, engineering (i.e., buffers, benching, slopes), safety, ownership, private road use, and oversight.

Policy 44: This policy is intended to promote a viable alternative to conventional subdivision. Farm subdivisions are a cost-effective way to provide small acreage agricultural lots without the risk of quasi-rural subdivision sprawl and loss of open space.

Agricultural lands may be subdivided as "farm subdivisions" and leased for agricultural uses provided that no permanent or temporary dwellings or farm dwellings are constructed on the leased area. Lots created and leased pursuant to this section are legal lots of record for mortgage lending purposes and are exempt from county subdivision standards, including water and roads, provided that a roadway

maintenance agreement is executed for all roadways within the farm subdivision and adequate access from a government road is provided that meets the requirements of the Department of Public Works.

Policy 45: This policy is intended to preserve prime and other viable agricultural lands and concentrate new residential development in town/village centers. The minimum lot size in the State Land Use Agricultural district is one acre. However, landowners with pre-existing lots of record (PLORs) may reconfigure the lots to suit their plans for the property without having to conform to the Subdivision Code, subject to improvements required by the Planning Director. Moreover, pre-existing lots of record are sometimes smaller than one acre in size, and property owners often seek to retain those small lot sizes when reconfiguring property that contains pre-existing lots. In these situations, if the County finds that unreasonable economic hardship to the owner or lessee of land cannot otherwise be prevented or where land utilization is improved, the County may allow lot sizes of less than one acre. Typically, smaller lots are used for residential purposes, so they should only be permitted in agricultural areas when appropriate.

Policy 46: Pursuant HCC section 23-6, the Subdivision Code shall be applied and administered within the framework of the County General Plan, including comprehensive or general plans for sections of the County which may be adopted as amendments to or portions of the County general plan. Pursuant HCC sections 23-84 and following, subdivision of large parcels into smaller parcels requires the following improvements:

- A water system meeting the minimum requirements of the County Department of Water Supply. Prior to subdivision approval, the Department of Water Supply must confirm water availability, considering the capacity of its system's sources, storage, transmission, and pressure service zone. If the DWS system cannot accommodate the proposed number of lots and units, the landowner is responsible for the improvements.
- Meet the minimum requirements of the State health department relating to sewage disposal.
- Streets constructed in accordance with the subdivision code specifications and those on file with the Department of Public Works.
- Land surface drainage.
- Street lights.

However, pursuant to HCC sections 23-15 and 25-2-51, a variance from the provisions of the zoning or subdivision codes may be granted by the Planning Director if the following is found:

- There are special or unusual circumstances applying to the subject real property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available, or to a degree which obviously interferes with the best use or manner of development of that property; and
- There are no other reasonable alternatives that would resolve the difficulty; and
- The variance is consistent with the general purpose of the district, the intent and purpose of the code, and the general plan, and will not be materially detrimental to the public welfare or cause substantial, adverse impact to an area's character or to adjoining properties.

Conditions imposed by the director shall bear a reasonable relationship to the variance granted.

Variations must be consistent with the General Plan. As it relates to water systems, the General Plan includes these policies and standards:

- 11.2.2(b): “All water systems shall be designed and built to Department of Water Supply standards.”
- 11.2.3(a): “Public and private water systems shall meet the requirements of the Department of Water Supply and the Subdivision Control Code.”

Water variances for catchment systems on agriculturally-zoned properties are permitted for subdivisions of up to six lots if the property has 60 or more inches of rain per year. Subdivisions resulting in lots at least 20 acres in size and averaging four times the minimum lot size allowed by zoning may be granted exceptions to the minimum rainfall requirement and the six lot limit (up to a maximum of 20 lots).

However, those constraints do not apply to variances for private, non-catchment water systems that do not meet DWS standards, which could be as simple as water catchment systems supplemented with water supplied by tanker truck from a private well, as was the case for the Moa’ula Coffee Farm PUD.

Therefore, this policy is intended to prevent the further subdivision of agricultural land to accommodate residential development with substandard infrastructure, which is contrary to the General Plan and to Community Objectives to preserve agricultural land and concentrate new residential development in town/village centers.

Policy 47: Pursuant HCC section 25-5-72, the following uses are permitted in the agricultural district:

- One single-family dwelling or one farm dwelling. A farm dwelling is a single-family dwelling that is located on or used in connection with a farm or if the agricultural activity provides income to the family occupying the dwelling.
- Additional farm dwellings may be permitted only upon the following conditions: (1) A farm dwelling agreement for each additional farm dwelling, on a form prepared by the director, shall be executed between the owner of the building site, any lessee having a lease on the building site with a term exceeding one year from the date of the farm dwelling agreement, and the County. The agreement shall require the dwelling to be used for farm-related purposes. (2) The applicant shall submit an agricultural development and use program, farm plan or other evidence of the applicant’s continual agricultural productivity or farming operation within the County to the director. Such plan shall also show how the farm dwelling will be utilized for farm-related purposes.

However, the County does not consistently enforce additional farm dwelling agreements. There is no reporting or inspection process, and it is unclear what the implications should be if agricultural activity on the property ceases.

This policy is intended to preserve agricultural land and concentrate residential development in town/village centers by strengthening the County’s farm dwelling policies and practices.

Policy 48: Property tax reduction programs provide a reduction in taxes and reduce operating costs for farm operations and rural landowners who rent their land to farmers. In Hawai’i County, owners of agricultural land have two tax reduction options:

- Dedicated: Pursuant HCC section 19-60, landowners may dedicate their land to commercial agricultural use for 10 years and be taxed at a reduced “agricultural use value” rate. The land in dedicated agricultural use must be used on a continuous and regular basis for agriculture on lands zoned by the County to be in the districts of agricultural (A), residential and agricultural (RA), family

agricultural (FA), intensive agricultural (IA), and agricultural project district (APD). Farm dwellings are assessed at the highest commercial agriculture use value, and all portions of land that are not dedicated for commercial agricultural use are assessed based on the proportional market value of the total property. If there is a breach of the terms of the dedication, the owner must pay up to 10 years in deferred taxes and a 10% penalty.

- Nondedicated: Pursuant HCC section 19-57, lands classified and used for agriculture and that are not dedicated are assessed at two times the dedicated rate. If the property is rezoned for non-agricultural use and subdivided into parcels of less than five acres in size, the owner must pay up to 3 years in deferred taxes and a 10% penalty.

According to the Hawai'i County Food Self-Sufficiency Baseline 2012, as currently implemented, these programs have no mechanisms requiring landowners to submit periodic evidence that productive agricultural activity is still occurring. The current systems also assign the lowest assessment rates to landowners who do the least amount of regular farm work on their property by installing exterior fencing and stock water for pasture use. Landowners who work to produce commercial food products for the local market are taxed at a higher rate.

It might be appropriate to update these programs so that they incentivize landowners to seek qualified farmers and ranchers to increase local food production on their property. Another option would be to consider ways that landowners could report farm revenue annually by providing evidence of General Excise taxes paid from agricultural activities or to provide receipts of food donations to the Hawai'i Island Food Basket or other safety net programs.

The intent of this policy is to preserve agricultural land and concentrate residential development in town/village centers by strengthening the County's property tax reduction programs.

Policy 49: Save Land for the Future (SLF) mitigation ordinances and policies require developers to permanently protect an equivalent or greater amount of farmland in the event that agricultural land is converted to other uses. Similarly, Transfer of Development Rights (TDR) programs enable the transfer of development potential from one parcel of land to another and are typically established by local zoning ordinances. Localities often use market-driven TDR to shift development from agricultural land (sending areas) to designated growth zones (receiving areas) located closer to municipal services.

Successful TDR programs have been in place throughout the country since 1980 and have protected tens of thousands of acres of farmland and open space. TDR is most suitable in places where large blocks of land remain in agricultural use. TDR has been adapted by some communities into Density Transfer Charge (DTC) or Residential Density Transfer (RDT) programs. Analysis completed for the Kona CDP suggests that for a TDR program to be successful, sufficient demand for development rights needs to be stimulated, opportunities to circumvent the market by seeking variances and zoning changes need to be limited, and an efficient and transparent market structure needs to be established.

HRS section 514B-136 is the enabling State legislation for TDR programs. The County of Hawai'i must adopt enabling legislation for the option to be available locally. Some communities defer to nonprofit organizations to manage their TDR programs.

The intent of this policy is to preserve agricultural land and concentrate residential development in town/village centers by assessing the feasibility of a County-wide TRD and/or SLF program and, if such a program is feasible, to propose enabling County legislation.

In collaboration with other stakeholders, including County agencies, the NRCS, DLNR, DOA, Office of Planning, landowners, planning consultants, land trusts, and other community groups, the Planning Department should investigate the feasibility of a County TDR or SLF program and, as appropriate, propose enabling legislation. Consideration should be given to: the demand for and appropriateness of additional urban density in potential “receiving areas,” “best practices” from other communities that have adopted and adapted TDR and SLF programs, program features adapted to local conditions, and the appropriate system for program management and to facilitate the exchange of development rights, including the possibility of using a nonprofit organization.

Policy 50: Important Agricultural Land (IAL) is a State Land Use designation designed to delineate blocks of productive agricultural land and areas of agricultural activity for protection from the encroachment of nonagricultural uses. HRS establishes specific standards and criteria for identifying IAL lands and requires that the County of Hawai‘i is to develop recommendations of lands to be designated within 60 months of receiving funds from the State for this purpose.

This policy is intended to affirm several General Plan policies related to important agricultural lands and to expedite the identification of IAL in Hawai‘i County.

4.4 Protect Mauka Forests

Policy 52: Most mauka forest areas in Ka‘ū are in the State Conservation district, where all uses and activities require a conservation district use permit from the Board of Land and Natural Resources or other written approval from the Department of Land and Natural Resources Office of Conservation and Coastal Lands (OCCL). The only mauka conservation lands not in one of the publicly-protected areas are lands owned by Kamehameha Schools, including fingers of land interspersed in the Ka‘ū Forest Reserve and a block of land in the northern portion of the district. Those privately owned parcels are in the Protective and Resource conservation subzones of the State Conservation District. Uses other than those associated with managing natural resources are prohibited in the Protective subzone. In the Resource subzone, a single-family residence on each legal lot of record is permitted with approval of the Board of Land and Natural Resources.

In the State Conservation district, there is no county zoning, per se, because the State DLNR has jurisdiction. Nevertheless, much of mauka forest in Ka‘ū is designated Conservation in the General Plan LUPAG map. The Conservation designation includes “Forest and water reserves, natural and scientific preserves, areas in active management for conservation purposes, areas to be kept in a largely natural state, with minimal facilities consistent with open space uses, such as picnic pavilions and comfort stations, and lands within the State Land Use Conservation District.” Other proposed uses would require an amendment to the General Plan, which requires an EIS and approval of the County Council.

Though this policy does not supersede the authority of the State, it serves as a clear expression of the community’s desire to protect and limit development in mauka forests.

4.5 Preserve Scenic Areas

Policy 53: This is an affirmation of the following policies established in HRS, the County Charter, and the General Plan:

- Coastal Zone Management Policy in HRS 205A-2(b)(3)(B): “Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline.”

- Special Management Area Guideline in HRS 205A-26: Minimize, where reasonable, “any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast.”
- County Charter Section 13-29: “[T]he county shall conserve and protect Hawai‘i’s natural beauty....”
- General Plan policy 7.2(a): “Protect, preserve and enhance the quality of areas endowed with natural beauty....”
- General Plan policy 7.2(c): “Maximize opportunities for present and future generations to appreciate and enjoy natural and scenic beauty.”
- General Plan policy 8.2(e): “Protect and effectively manage Hawai‘i’s open space....”
- 14.8.2(a): “Provide and protect open space for the social, environmental, and economic wellbeing of the County of Hawai‘i and its residents.”
- General Plan policy 14.8.3(d): “Zoning, subdivision and other applicable ordinances shall provide for and protect open space areas.”

Policy 54: This is an affirmation of the following General Plan policies:

- 7.2(b): “Protect scenic vistas and view planes from becoming obstructed.”
- 7.3(f): “Consider structural setback from major thoroughfares and highways...to protect important viewplanes.”

Policy 55: This is an affirmation of General Plan policy 7.3(i): “Do not allow incompatible construction in areas of natural beauty.”

Policy 56: A County environmental report is required as part of a change of zone application. This report is an informational document that contains a description of the physical, social, historical, economic, and natural resource consequences of a proposed action, including but not limited to a discussion of alternatives to the proposed action, any environmental effects which cannot be avoided should the proposal be implemented, the relationship between local short-term uses of the environment and the maintenance and enhancement of long term productivity, any irreversible and irretrievable commitments of natural resources which would be involved in the proposed action, and an analysis of the proposed action.

In order to achieve the policy intent of the CDP (i.e., to protect open space, public views, and areas of natural and scenic beauty), environmental reports for proposed changes of zone on property that may impact open space, view planes, and areas of natural beauty should include an appropriate view plane and, as appropriate, line-of-sight analysis. These scenic features are defined in other policy documents and in the CDP as follows:

- Open space: The official Ka‘ū CDP Land Use Policy Map designates the shoreline, agricultural lands, and mauka forests as open space to be preserved and protected. These areas fall within the “Conservation,” “Open,” “Important Agriculture Land,” and “Extensive Agriculture” LUPAG categories in the Policy Map.
- Viewscapes and scenic vistas: The General Plan list of natural beauty sites includes the scenic view of shoreline between Pāhala and Punalu‘u, the view of Mauna Loa from Volcano-Ka‘ū Highway, and

the lava flows of 1868, 1887, & 1907, mauka and makai of the stretch of highway between Kahuku Ranch and the Ocean View subdivisions. Based on public input, the Ka'ū CDP Community Profile also identifies the scenic lookout between Whittington Beach Park and Nā'ālehu on the makai side of highway as a breathtaking panoramic view of the shoreline.

- Areas endowed with natural beauty: The General Plan identifies natural beauty sites, including Pōhue Bay, South Point, Mahana Bay, Waiakukini, Ka'alu'alu Bay, Honu'apo, Kāwā Bay, Nīnole Cove, Punalu'u, and prominent pu'u (cinder cones): 'Enuhe, Makanau, Kaiholena, and One.

Policy 57: Special Permits may be approved only when, among other things, “the proposed use will not substantially alter or change the essential character of the land and the present use” and “the request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans.”

In the Community Objectives for Ka'ū, “viewscapes that exemplify Ka'ū's rural character” are elements of the essential character of the landscape that may be impacted by uses proposed in Special Permit applications. Moreover, the “Policy Intent” is to protect open space, natural and scenic beauty, and public views. These aspects of community character are defined in other policy documents and in the CDP as follows:

- Open space: The official Ka'ū CDP Land Use Policy Map designates the shoreline, agricultural lands, and mauka forests as open space to be preserved and protected. These areas fall within the “Conservation,” “Open,” “Important Agriculture Land,” and “Extensive Agriculture” LUPAG categories in the Policy Map.
- Viewscapes and scenic vistas: The General Plan list of natural beauty sites includes the scenic view of shoreline between Pāhala and Punalu'u, the view of Mauna Loa from Volcano-Ka'ū Highway, and the lava flows of 1868, 1887, & 1907, mauka and makai of the stretch of highway between Kahuku Ranch and the Ocean View subdivisions. Based on public input, the Ka'ū CDP Community Profile also identifies the scenic lookout between Whittington Beach Park and Nā'ālehu on the makai side of highway as a breathtaking panoramic view of the shoreline.
- Areas endowed with natural beauty: The General Plan identifies natural beauty sites, including Pōhue Bay, South Point, Mahana Bay, Waiakukini, Ka'alu'alu Bay, Honu'apo, Kāwā Bay, Nīnole Cove, Punalu'u, and prominent pu'u (cinder cones): 'Enuhe, Makanau, Kaiholena, and One.

Planning Commission Rule 6-8 allows the Planning Commission approve a Special Permit (or recommend its approval to the State Land Use Commission) with appropriate performance conditions.

This policy is intended to protect those aspects of character of the land as much as possible without infringing on the Planning Commission's authority to make informed judgments based site- and use-specific characteristics.

Policy 58: Use permits are permits for certain permitted uses in zoning districts that require special attention to insure that the uses will neither unduly burden public agencies to provide public services nor cause substantial adverse impacts upon the surrounding community. Telecommunications antennas and towers require a use permit in all Residential, Agricultural, and Open zones, and wind energy facilities require a use permit in the Open zone. A use permit may be granted by the Planning Commission if the proposed use is consistent with the general purpose of the zoning district, the intent and purpose of the zoning code, and the general plan and the granting of the proposed use is not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's

character or to surrounding properties. The Commission's decision shall be accompanied by a statement of factual findings supporting the decision, together with any conditions imposed upon a use permit approval. The conditions imposed by the commission shall bear a reasonable relationship to the use permit granted.

In the Community Objectives for Ka'u, "viewscales that exemplify Ka'u's rural character" are aspects of community character that may be impacted by wind energy facilities and telecommunications towers and antennas. Moreover, the "Policy Intent" is to protect open space, natural and scenic beauty, and public views. These aspects of community character are defined in other policy documents and in the CDP as follows:

- Open space: The official Ka'u CDP Land Use Policy Map designates the shoreline, agricultural lands, and mauka forests as open space to be preserved and protected. These areas fall within the "Conservation," "Open," "Important Agriculture Land," and "Extensive Agriculture" LUPAG categories in the Policy Map.
- Viewscales and scenic vistas: The General Plan list of natural beauty sites includes the scenic view of shoreline between Pāhala and Punalu'u, the view of Mauna Loa from Volcano-Ka'u Highway, and the lava flows of 1868, 1887, & 1907, mauka and makai of the stretch of highway between Kahuku Ranch and the Ocean View subdivisions. Based on public input, the Ka'u CDP Community Profile also identifies the scenic lookout between Whittington Beach Park and Nā'ālehu on the makai side of highway as a breathtaking panoramic view of the shoreline.
- Areas endowed with natural beauty: The General Plan identifies natural beauty sites, including Pōhue Bay, South Point, Mahana Bay, Waiakukini, Ka'alu'alu Bay, Honu'apo, Kāwā Bay, Nīnole Cove, Punalu'u, and prominent pu'u (cinder cones): 'Enuhe, Makaanau, Kaiholena, and One.

HCC 25-2-64 allows the Planning Commission to approve a Use Permit with appropriate conditions.

This policy is intended to protect those aspects of community character as much as possible without infringing on the Planning Commission's authority to make informed judgments based site- and use-specific characteristics.

Policy 59: As detailed above, the policy intent for protecting open space, natural and scenic beauty, and public views is clear. Existing policy also calls for regulations to ensure those protections:

- Coastal Zone Management Policy in HRS 205A-2(b)(3)(A): "Identify valued scenic resources in the coastal zone management area."
- General Plan policy 7.3(b): "Develop and establish view plane regulations to preserve and enhance views of scenic or prominent landscapes from specific locations, and coastal aesthetic values."
- General Plan policy 7.3(e): "Develop standard criteria for natural and scenic beauty as part of design plans."
- General Plan policy 7.3(f): "Consider structural setback from major thoroughfares and highways and establish development and design guidelines to protect important viewplanes."
- General Plan policy 7.3(h): "Protect the views of areas endowed with natural beauty by carefully considering the effects of proposed construction during all land use reviews."

- General Plan policy 14.8.3(d): “Zoning, subdivision and other applicable ordinances shall provide for and protect open space areas.”

However, no mechanisms are in place to define, designate, or protect scenic view planes. This policy is intended to correct that. The Hawai‘i County Planning Department will have to:

- Define scenic view planes, areas of natural beauty, and other visual resources by mapping them (HRS 205A-2(c)(3)(A))
- Develop application requirements for all land use and construction reviews to assess potential impacts on view planes and other natural and scenic beauty resources, likely including line-of-sight analysis (GP 7.3 (e), (h), & (i))
- Develop permit conditions, such as design guidelines, landscaping, screening, or structural setbacks from major thoroughfares and highways, to mitigate any visual impacts from development. (GP 7.3(f))

Policy 61: To complement County efforts to protect open space, scenic resources, view planes, and areas of natural beauty, it is important to implement General Plan policy 7.3(c): “Maintain a continuing program to identify, acquire and develop viewing sites on the island.”

4.6 Protect and Enhance Ecosystems

Policy 62: This is an affirmation of the following policies established in the General Plan:

- 8.2(d): Protect rare or endangered species and habitats native to Hawai‘i.
- 8.2(e): Protect and effectively manage Hawai‘i’s open space, watersheds, shoreline, and natural areas.
- 14.1.2(c): Protect and preserve forest, water, natural and scientific reserves and open areas.
- 14.8.2(b): Protect designated natural areas.

Policy 63: This policy is simply an affirmation of protocols established in County Code section 10-12(c).

Policy 64: The purpose of this County Action is to conserve natural ecosystems, soil, and water, to minimize surface water and sediment runoff, and to improve coastal water quality.

There is a legal mandate to ensure that the coastal waters of Ka‘ū remain in their natural pristine state as nearly as possible with an absolute minimum of pollution or alteration of water quality from any human-caused source or actions (HRS 342D, HAR 11-54-3).

This is also supported by several General Plan policies:

- 4.3(g): “Participate in watershed management projects to improve stream and coastal water quality and encourage local communities to develop such projects.”
- 5.2(e): “Reduce surface water and sediment runoff.”
- 5.2(f): “Maximize soil and water conservation.”
- 5.3(e): “Promote and provide incentives for participation in the Soil and Water Conservation Districts’ conservation programs for developments on agricultural and conservation lands.”

- 5.3(n): “Develop drainage master plans from a watershed perspective that considers non-structural alternatives, minimizes channelization, protects wetlands that serve drainage functions, coordinates the regulation of construction and agricultural operation, and encourages the establishment of floodplains as public green ways.”
- 5.3(o): “Encourage and provide incentives for agricultural operators to participate in Soil and Water Conservation District Programs.”
- 8.3(e): “Coordinate programs to protect natural resources with other government agencies.”
- 8.3(j): “Encourage the protection of watersheds, forest, brush and grassland from destructive agents and uses.”

However, in the central region of Ka’ū, storm runoff descends from steep slopes and causes flooding and deposits sediment and debris makai. None of Ka’ū’s tested waters are the State DOH’s 303d list of impaired waters. However, Ka’ū residents have observed that the first streams to flow after initial rainfall are Hīlea, Punalu’u, and Moa’ula, followed by Nīnole. After extremely heavy rains, sedimentation of the nearshore bottom has occurred in the area from Kamehame to Honu’apo. Most of Ka’ū between Wai’ōhinu and Wood Valley is prone to flooding in the vicinity of gulches.

The primary agricultural nonpoint source pollutants are nutrients (particularly nitrogen and phosphorus), sediment, animal wastes, pesticides, and salts. Agricultural nonpoint sources enter surface water through direct surface runoff or through seepage to groundwater that discharges to a surface water outlet. The sediment produced by erosion can damage fish habitat and wetlands and, in addition, often transports excess agricultural chemicals, resulting in contaminated runoff. This runoff in turn affects aquatic habitat and contaminates surface groundwater resources.

These challenges cross property lines and regulatory jurisdictions, so the County must work in partnership with other agencies and organizations. Natural partners in this endeavor include:

- Department of Health (DOH): A 2003 Attorney General’s opinion on the State’s authority to prevent nonpoint source pollution and to require implementation of management measures to reduce nonpoint source pollution established that: DOH has enforceable policies, and HRS section 342D-11 authorizes DOH to “institute a civil action to prevent violations” of water quality standards. HRS section 342D-9(a)(1) also permits DOH to issue written notice and order requiring violators to “take such measures as necessary to correct” their violations.
- Three Mountain Alliance (TMA): the Three Mountain Alliance was formed as one of Hawai’i’s Watershed Partnerships. Partners include Federal agencies (National Park Service, US Fish and Wildlife Service, US Department of Agriculture, US Geological Service), State agencies (Departments of Land and Natural Resources and Public Safety), and private land owners (Kamehameha Schools, The Nature Conservancy). The TMA’s management goal is to sustain the multiple ecosystem benefits provided by the three mountains of Kīlauea, Mauna Loa, and Hualālai by responsibly managing its watershed areas, native habitats and species, and historical, cultural, and socio-economic resources. To implement its 2007 Management Plan, the TMA actively coordinates programs in the following areas: habitat protection and restoration, watershed protection, education, awareness and public outreach, and research and monitoring.
- Soil and Water Conservation District (SWCD): Ka’ū has its own Soil and Water Conservation District, and part of the District’s role is to advance soil and water conservation.

- USDA Natural Resource Conservation Service (NRCS): The Natural Resources Conservation Service is a principal agent of the US Department of Agriculture providing conservation technical assistance to private landowners, soil and water conservation districts, and other organizations.

Policy 65: Honu‘apo Park is owned by the State of Hawai‘i and was set aside to the County of Hawai‘i for Estuarine Land Conservation and Public Recreation purposes by Executive Order No. 4164 in 2006. The County’s Department of Parks and Recreation (DPR) signed a Memorandum of Understanding (MOU) with Ka Ohana O Honu‘apo (KOOH)10 in 2008, which allows KOOH to assist the County in maintaining current park facilities and to plan for additional restoration and conservation activities and community park improvements. The goal of the Honu‘apo Park Resources Management Plan is to provide land use guidance to help protect and restore the important natural and cultural resources of the property while providing integrated and respectful recreational and educational opportunities for the Ka‘ū community. Implementation steps include wetland restoration, community-based management, and native plantings.

Policy 66: In 2012, the Mayor’s office began preparing a plan for community-based, collaborative stewardship of the County’s property at Kāwā.

Policy 67: Several CDP strategies focus on securing additional coastal parcels as preserves. Once they are protected as public lands or in private easements, resource management plans must be developed and implemented to ensure the continued protection of natural and cultural resources.

4.7 Protect and Enhance Cultural Assets

Policy 68: This is an affirmation of General Plan policy 6.2(a): “Protect, restore, and enhance the sites, buildings, and objects of significant historical and cultural importance to Hawai‘i.”

Policy 69: This is an affirmation of policy established in Article 12, Section 7 of the Hawai‘i State Constitution: “The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua‘a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.”

Policy 70: This policy is an affirmation of existing regulatory protocols established in HRS 6E-42.

Policy 71: Pursuant to HCC sections 23-15 and 25-2-51, a variance from the provisions of the zoning or subdivision codes may be granted by the Planning Director if there are special or unusual circumstances applying to the subject real property which exist to a degree which obviously interferes with the best use or manner of development of that property. The variance must be consistent with the general purpose of the district, the intent and purpose of the County Code, and the General Plan and not be materially detrimental to the public welfare or cause substantial, adverse impact to an area’s character or to adjoining properties.

Planned Unit Developments (PUD) are essentially packages of variances for a minimum land area of two acres. Pursuant to HCC section 25-6-1, the purpose PUDs is to encourage comprehensive site planning that adapts the design of development to the land, by allowing diversification in the relationships of various uses, buildings, structures, open spaces, setbacks, building heights, and lot sizes. A PUD permit may be granted by the Planning Director if:

- The proposed development substantially conforms to the General Plan

- Any residential or agricultural development shall constitute an environment of sustained desirability and stability for the district that is in harmony with the character of the surrounding area
- Any commercial development shall be an attractive center which does not adversely impact upon adjacent and surrounding existing or prospective developments
- The development of a harmonious, integrated whole justifies exceptions, if required, to the normal requirements of the Zoning Code and the contemplated arrangements or use make it desirable to apply regulations and requirements differing from those ordinarily applicable under the district regulations.

The intent of this policy is to encourage use of these planning tools to support development and construction that reflect community values of architectural beauty and distinctiveness.

Policy 75: This is an affirmation of General Plan policy 6.2(a): “Protect, restore, and enhance the sites, buildings, and objects of significant historical and cultural importance to Hawai‘i.” It will require implementation of several related General Plan policies, including:

- 6.3(j): “Develop a continuing program to evaluate the significance of historic sites.”
- 6.3(f): “Encourage the restoration of significant sites on private lands.”
- 6.3(e): “Embark on a program of restoring significant historic sites on County lands. Assure the protection and restoration of sites on other public lands through a joint effort with the State.”

The Cultural Resources Commission is the natural lead for these initiatives. Its charge is to protect, preserve, and enhance historic properties and artifacts and to formulate historic preservation policies, programs and plans. Specific duties include:

- Initiate, accept, review and recommend to the State historic preservation officer historic properties nominations for inclusion on the State and National Registers
- Administer the Certified Local Government program of federal assistance for historic preservation within the County
- Use the State Historic Preservation Plan to develop and implement a comprehensive County-wide historic preservation planning process.

The Commission could also protect and preserve nationally significant historic structures and sites through the Save America’s Treasures program and sponsor the Historic Landmarks Designation for places that possess exceptional value or quality in illustrating or interpreting the heritage of the United States.

4.8 Establish and Manage Public Access

Policy 78: This is an affirmation of the following General Plan policies:

- 6.2(b): Appropriate access to significant historic sites, buildings, and objects of public interest should be made available.
- 7.3(a): Increase public pedestrian access opportunities to scenic places and vistas.
- 8.3(r): Ensure public access is provided to the shoreline, public trails and hunting areas.

Policy 79: This is an affirmation of HRS Chapter 205A, which enables the State and County to enact laws, rules and regulations that support the public's access to and along the shoreline. SMA permits for oceanfront properties frequently require the applicants to allow some form of shoreline public access as a condition of receiving approvals.

Policy 80: This is an affirmation of HRS section 46-6.5 and HCC section 34-4(c).

Policy 81: This is an affirmation of the following policies:

- HRS section 115-2 states that the “counties shall purchase land for public rights-of-way to the shorelines, the sea, and inland recreational areas, and for public transit corridors where topography is such that safe transit does not exist.”
- HRS section 115-7 allows for State and County “co-sponsorship” of acquisitions for public access.
- 6.3(d): Public access to significant historic sites and objects shall be acquired, where appropriate.

Policy 82: State and County policy requires that the County ensure public access. In addition, HCC section 34-4(b) requires the County Planning Department to work with the State DLNR and County Department of Parks and Recreation to compile an inventory (including maps) of “public-owned areas and the approximate location of the existing public trails.” However, the County doesn't have a formal public access program, and the County's public access inventory currently consists of primarily shoreline public accesses.

This policy is intended to address those deficits. The County's public access program should include protocols for mapping and marking access points and easements, standards for signage and access maintenance, access regulations, and community-based management strategies. The program could also expand the public access inventory to include mauka public access.

4.9 Establish and Manage a Regional Trail System

Policy 83: HCC section 23-30 allows for the Planning Director to require streets or parkways parallel to natural water courses, including drainage ways, channels, or streams. A street is defined as “the entire width between the boundary lines of every public way provided for public use, for vehicular and pedestrian traffic.”

The intent of this policy is to expand the regional trail system, when opportune and appropriate, to include mauka-makai trails.

Policy 84: This is an affirmation of General Plan policy 12.3(m): “Develop a network of pedestrian access trails to places of scenic, historic, natural or recreational values. This system of trails shall provide, at a minimum, an island-wide route connecting major parks and destinations.”

This will require establishing a baseline of existing trails, identifying potential trails, and prioritizing trail development and management. Appendix V4A includes information about existing and potential trails.

Policy 85: The Ala Kahakai National Historic Trail envisions a shoreline trail from the Hawai'i Volcanoes National Park through Ka'ū, South Kona, North Kona, South Kohala, and all the way to Upolu Point in North Kohala. The Trail was dedicated in 2000 and recently went through a comprehensive management planning process. The trail is planned to incorporate a continuous linear trail along the coastline, additional ancient and historic trail segments parallel to the shoreline within the trail corridor, connected mauka-makai trails, and historic canoe landing areas as appropriate.

Trails in one form or another exist along the entire length of Ka'ū's shoreline and interior, with numerous mauka-makai trails connecting the coastal fishing villages to the agricultural settlements and forests in the uplands. The AKNHT combines three kinds of trails: ancient trail predating western contact (pre-1778), historic trail developed post-contact as part of the government road system and vested as a public trail under the Highways Act of 1892, and linkages connecting the ancient and historic trail segments. The trail is planned to incorporate a continuous linear trail along the coastline, additional ancient and historic trail segments parallel to the shoreline within the trail corridor, connected mauka-makai trails, and historic canoe landing areas as appropriate. Very little of the AKNHT is formally established, particularly in Ka'ū.

The Ala Kahakai Comprehensive Management Plan (CMP) and the County-State-National Park Service Memorandum of Understanding (MOU) outline the following steps for the County of Hawai'i Planning Department:

- Require that applicants for land use permits conduct metes and bounds surveys of any historic trails and routes. This is required for Na Ala Hele to claim easements and for Ala Kahakai to incorporate shoreline trail corridors into its trail system.
- Work with the National Park Service (NPS) to identify public access easements with potential incorporation into the trail.
- Enforce County and State laws requiring public access to and along the shoreline as a condition of land use approvals.
- Encourage private landowners who have public access requirements as conditions of a land use approval to execute an agreement with the NPS to include these areas in the trail, where appropriate.

The MOU also outlines the following steps for the County Parks and Recreation Department:

- Work with the NPS to identify trail segments through county parks for incorporation into the Trail
- Provide management of the Trail consistent with the CMP where it traverses county parks
- Collaborate on the design of specific signage that identifies the route of the Trail, particularly where it traverses County Beach Parks.

Policy 86: To implement Policy 84, the County will have to make some investments. Based on information about existing and potential trails in Appendix V4A, the initial appropriations should be for

- Designing and planning high potential trails outside Federal and State jurisdiction, possibly including coastal trails, the Old Māmalahoa Highway, the Nā'ālehu Bypass, and mauka-makai routes connecting Māmalahoa Highway and Ka'alāiki Road.
- Research into and surveying of potential trails
- Executing management agreements with landowners and community-based groups
- Developing access rules
- Developing an access control system (e.g., SmartCard)
- Developing management plans for specific access points and trail segments.

4.10 Establish and Manage Access and Trail Facilities

Policy 87: This is an affirmation of the following General Plan policies:

- 12.5.9.2(c): “Encourage the establishment of the Punalu‘u-Nīnole Springs region as a recreation area.”
- 12.5.9.2(g): “Encourage the restoration of Nīnole Pond as a recreation area.”

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Section 5: Strategy Identification Matrix

March 2015 DRAFT

See notes about the origin and organization of the Strategy Identification Matrix in Section 2: Introduction on page 3.

1. Objectives	Policy				Community-Based, Collaborative Action		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
Encourage future settlement patterns that are safe, sustainable, and connected . They should protect people and community facilities from natural hazards , and they should honor the best of Ka'ū's historic precedents: concentrating new commercial and residential development in compact, walkable, mixed-use town/village centers , allowing rural development in the rural lands, and limiting development on the shorelines .	<u>Easements & Acquisition</u> <ul style="list-style-type: none"> Conservation easements¹ Acquisition funds² Existing, authorized, & prioritized public & private reserves³ <p>P21: Support NPS expansion plans (GP 14.9.3(e))⁴</p> <p>P81: Acquire public access to historic sites (GP 6.3(d))⁵</p>	<ul style="list-style-type: none"> 11 private coastal parcels have development potential⁶ Pu'u 'Enuhe and Makanau area are relatively unprotected⁷ 	<p>P22: Support Olson Trust and Kamehameha Schools efforts to establish conservation easements for Pu'u 'Enuhe and Makanau area</p> <p>P23: Complete the purchase of the Road to the Sea parcel⁸</p> <p>P23: Secure priority coastal land⁹</p>	<u>Congress</u> <ul style="list-style-type: none"> Complete the National Park Special Resource Study¹⁰ <u>National Park Service</u> <ul style="list-style-type: none"> Pursue acquisition priorities¹¹ 	<ul style="list-style-type: none"> Conservation easements¹² Acquisition funds¹³ 	<ul style="list-style-type: none"> Resources for acquiring easements and land are limited¹⁴ 	CA1: Secure priority coastal land ¹⁵
	<u>Coastal Development</u> <ul style="list-style-type: none"> Ka'ū Coast Study¹⁶ Federal laws implemented by ACOE¹⁷ State land use district regulations (HRS 205 & HAR 13-5)¹⁸ Special Management Area regulations (HRS 205A-2, HRS 205A-26, PC Rule 9)¹⁹ General Plan LUPAG²⁰ <p>P25: Maintain the shoreline for maximum public benefit (GP 8.3(c))</p> <p>P26: Protect areas</p>	<ul style="list-style-type: none"> Single-family residences are permitted on lots in the vicinity of coastal view planes, natural and cultural resources, and hazards²⁴ LUC hearings are not held locally²⁵ 	<p>P7 & P28: Follow the land use policy map²⁶</p> <p>P30: Locate proposed development makai of Nā'ālehu in urban-designated areas mauka²⁷</p> <p>P31: Review SMA boundaries and initiate appropriate amendments²⁸</p>	<u>DLNR</u> <ul style="list-style-type: none"> Amend coastal Conservation District subzones to Limited or Protective in HAR 13-5²⁹ Hold local LUC hearings 			

1. Objectives	Policy				Community-Based, Collaborative Action		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
	<p>with native wildlife, natural ecosystems, and wilderness. (GP 8.4)²¹</p> <p>P27: Encourage development to locate inland (HRS 205A-2(c)(3(D))²²</p> <p>P30: No SMA development that has a substantial adverse effect (HRS 205A-26(2)(A))²³</p>						
	<p><u>Shoreline Setback</u></p> <ul style="list-style-type: none"> Shoreline setback regulations: 40 foot minimum (HRS 205A, HAR 13-5, PD Rule 11-5)³⁰ <p>P24: Protect the shoreline from encroachment (GP 8.3(d))³¹</p>	<ul style="list-style-type: none"> Planning doesn't consider sea level rise³² County shoreline setbacks are not site-specific and science-based³³ 	<p>P29: Establish site-specific, science-based shoreline setbacks</p>				
	<p><u>Agricultural Land</u></p> <ul style="list-style-type: none"> State land use district regulations: 1 acre min; ag, energy, dwellings (HRS 205)³⁴ Designate Important Agriculture Lands (IAL) (HRS 205-41 thru 52)³⁵ Soil and Water Conservation Districts may acquire, improve, and sell or lease property (HRS 180)³⁶ General Plan 	<ul style="list-style-type: none"> Over 70 percent of the land zoned for agriculture in Ka'u is not being utilized for agricultural purposes.⁵⁷ Special permits can be secured for uses not otherwise permitted in the State Ag District⁵⁸ PLORs and PCRs can be implemented in conflict with community objectives⁵⁹ Variations from subdivision requirements are 	<p>P7 & P39: Follow the land use policy map⁶⁴</p> <p>P11: Approve variances in manner consistent with the CDP objectives & policies</p> <p>P13: For PCR of PLORs, confer with other agencies & allow waivers consistent with CDP objectives & policies</p> <p>P40: Establish an urban growth boundary⁶⁵</p>	<p><u>Legislature</u></p> <ul style="list-style-type: none"> Appropriate funding for County IAL designation studies. 	<ul style="list-style-type: none"> Kamehameha Schools agricultural plan⁶⁶ Purchase of Agricultural Conservation Easements (PACE)⁶⁷ USDA NRCS Farm and Ranchland Protection Program (FRPP)⁶⁸ USDA NRCS Grassland Reserve Program (GRP)⁶⁹ DLNR DOFAW Legacy Lands Conservation Program (LLCP)⁷⁰ DLNR DOFAW 		<p>CA2: Encourage the use of agriculture, ranch, and forestry land preservation programs.</p>

1. Objectives	Policy				Community-Based, Collaborative Action		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
	<p>LUPAG³⁷</p> <ul style="list-style-type: none"> State land use boundary amendments, changes in zone, project districts, subdivisions, planned unit developments, use permits, variances, and plan approval must be consistent with the General Plan³⁸ HCC 25: 5 acre minimum lot sizes, restricted ag uses³⁹ Additional farm dwelling restrictions⁴⁰ HCC 23: subdivision requires improvements⁴¹ Farm subdivision exempt from subdivision standards⁴² Agricultural land real property tax reductions⁴³ <p>P10: Director makes rezone recommendations consistent with CDP (HCC 25-2-42 & 44)⁴⁴</p> <p>P32: Conserve and protect agricultural lands...and assure the availability of agriculturally suitable lands (Constitution Article XI, Section</p>	<p>possible⁶⁰</p> <ul style="list-style-type: none"> County doesn't consistently enforce additional farm dwelling agreements Real property tax deductions need reform⁶¹ County lacks TDR enabling legislation⁶² Counties lack State authority to establish land banks⁶³ 	<p>P41: Upzones and APDs require CDP amendment</p> <p>P42 & P43: Limit special permits</p> <p>P44: Encourage farm subdivisions</p> <p>P45: Limit lots smaller than 1 acre in PCRs</p> <p>P46: Limit variances that facilitate subdivision of agricultural land</p> <p>P47: Require enforceable farm dwelling agreements</p> <p>P48: Update agricultural tax incentives</p> <p>P49: Test feasibility of Transfer of Development Rights (TDR) and adopt enabling legislation if feasible</p> <p>P50: Recommend lands to be designated State IAL.</p>		<p>Forest Legacy Program (FLP)⁷¹</p>		

1. Objectives	Policy				Community-Based, Collaborative Action		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
	<p>3)⁴⁵</p> <p>P32: Identify, protect and maintain important agriculture lands on the island of Hawaii. (GP 14.2.2(a))⁴⁶</p> <p>P32: Assist in the expansion of the agricultural industry through the protection of important agricultural lands....(GP 2.3(a))⁴⁷</p> <p>P32: Assist the further development of agriculture through the protection of important agricultural lands. (GP 2.3(s))⁴⁸</p> <p>P32: Protect and encourage the intensive and extensive utilization of the County's important agricultural lands. (GP 14.1.2(b))⁴⁹</p> <p>P33: Preserve the agricultural character of the island. (GP 14.2.2(b))⁵⁰</p> <p>P33: Agricultural land may be used as one form of open space or as green belt. (GP 14.2.3(d))⁵¹</p>						

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	<p>P34: Vacant lands in urban areas and urban expansion areas should be made available for residential uses before additional agricultural lands are converted into residential uses. (GP 9.3(x))⁵²</p> <p>P35: Ensure that development of important agricultural land be primarily for agricultural use. (GP 14.2.3(j))⁵³</p> <p>P35: Discourage speculative residential development on agricultural lands. (GP 14.2.3(t))⁵⁴</p> <p>P35: Designate, protect and maintain important agricultural lands from urban encroachment. (GP 14.2.3(i))⁵⁵</p> <p>P36: Important agricultural lands shall not be rezoned to parcels too small to support economically viable farming units. (GP 14.2.3(s))⁵⁶</p>						
	<p><u>Mauka Forests</u></p> <ul style="list-style-type: none"> State land use conservation district regulations: 	<ul style="list-style-type: none"> Single-family residences are permitted on Pu'u 'Enuhe and 	<p>P7 & P52: Follow the land use policy map⁷⁷</p> <p>P22: Support Olson</p>	<p><u>DLNR</u></p> <ul style="list-style-type: none"> Hold local LUC hearings. 			See CA1 and CA2.

1. Objectives	Policy				Community-Based, Collaborative Action		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
	resource management, dwelling (HRS 205 & HAR 13-5) ⁷² • General Plan LUPAG ⁷³ P62: GP 8.2(e), 14.1.2(c), 14.8.2(b) ⁷⁴	Makanau ⁷⁵ • LUC hearings are not held locally ⁷⁶	Trust and Kamehameha Schools efforts to establish conservation easements for Pu'u 'Enuhe and Makanau	<u>DBEDT Office of Planning</u> • Designate forest areas Conservation. (GP 8.3(m))			
Preserve and enhance views cap es that exemplify Ka'u's rural character	P12: Protect scenic spots, fine groves of trees during subdivision ⁷⁸ P14: Preserve natural beauty and view planes during plan approval ⁷⁹ P53: Preserve shoreline scenic resources (HRS 205A-2) ⁸⁰ P53: Minimize development that detracts from view from highway to coast (HRS 205A-26) ⁸¹ P53: Protect natural beauty (Charter 13-29, GP 7.2(a) & (c) & 8.2(e)) ⁸² P54: Protect scenic vistas and view planes (GP 7.2(b)) ⁸³ P55: Do not allow incompatible construction in areas of natural beauty. (GP 7.3(i)) ⁸⁴ P59: Establish view plane regulations (GP 7.3(b)) ⁸⁵ P59: Minimize	• No mechanisms are in place to define, designate, or protect scenic view planes ⁹³ • Pu'u 'Enuhe and Makanau are relatively unprotected from development ⁹⁴	P56: Change of zone env reports should include view impacts and mitigation P57: Special Permit applications include view impacts and mitigation P58: Use Permits apps for wind energy & telecom analyze view impacts			CA3: Advance development of scenic routes.	

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	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
	<p>alteration to public views (HRS-205A)⁸⁶</p> <p>P59: General Plan natural beauty sites⁸⁷</p> <p>P59: Develop standard criteria for natural and scenic beauty as part of design plans. (GP 7.3(e))⁸⁸</p> <p>P59: Consider structural setback from major thoroughfares and highways and establish development and design guidelines to protect important viewplanes. (GP 7.3(f))⁸⁹</p> <p>P59: Protect the views of areas endowed with natural beauty by carefully considering the effects of proposed construction during all land use reviews. (GP 7.3(h))⁹⁰</p> <p>P53 and P59: Zoning, subdivision and other applicable ordinances shall provide for and protect open space areas. (GP 14.8.3(d))⁹¹</p> <p>P61: Maintain a continuing</p>						

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	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
	<p>program to identify, acquire and develop viewing sites on the island. (GP 7.3(c))⁹²</p>						
<p>Protect, restore, and enhance ecosystems, including...the shorelines</p> <p>Encourage community-based management plans to assure that human activity doesn't degrade the quality of Ka'ū's unique natural and cultural landscape</p>	<p><u>Coastal Protection & Management</u></p> <ul style="list-style-type: none"> HVNP GMP⁹⁵ DHHL plans⁹⁶ DOFAW Forest Reserve: resource mgmt. (HRS 183, HAR 104)⁹⁷ Honu'apo Park Resources Management Plan⁹⁸ <p>P62: Protect & manage coastal open space & resources (GP 8.2(e))⁹⁹</p> <p><u>Nearshore Waters</u></p> <ul style="list-style-type: none"> DOCARE,¹³³ Fisheries Enforcement Units,¹³⁴ & NOAA OLE¹³⁵ State Marine Protected Areas¹³⁶ and Community-based Subsistence Fishing Areas¹³⁷ <p>P64: Ensure that coastal waters remain in their pristine state (HAR 11-54-3)¹³⁸</p> <p>P64: DOH authority to prevent water pollution (HRS section 342D)¹³⁹</p>	<ul style="list-style-type: none"> Coastal DHHL lands are unmanaged¹⁰⁰ Unexploded ordnance remains¹⁰¹ Kāwā Stewardship Plan under development¹⁰² <ul style="list-style-type: none"> Nearshore waters are largely unprotected¹⁴⁰ Nearshore waters are outside of County jurisdiction¹⁴¹ DOCARE is understaffed¹⁴² 	<p>P65: Actively implement the Honu'apo Park Resources Management.</p> <p>P66: Complete and implement the Kāwā Stewardship plan.</p> <p>P67: Develop and implement coastal resource management plans for properties secured in the future.</p>	<p><u>Army Corps of Eng.</u></p> <ul style="list-style-type: none"> Expedite the removal of unexploded ordnance. <p><u>DHHL</u></p> <ul style="list-style-type: none"> Manage Ka Lae resources. <p><u>DOH</u></p> <ul style="list-style-type: none"> Require implementation of management measures to prevent nonpoint source pollution. <p><u>DLNR</u></p> <ul style="list-style-type: none"> Dedicate a DOCARE officer to Ka'ū. <p><u>State Legislature</u></p> <ul style="list-style-type: none"> Establish a Marine Protected Area. 	<ul style="list-style-type: none"> Community-based, Collaborative Management best practices¹⁰³ Technical guides & assistance:¹⁰⁴ Biosphere Reserve Program,¹⁰⁵ NOAA,¹⁰⁶ FWS,¹⁰⁷ Sea Grant,¹⁰⁸ RTCA,¹⁰⁹ land trusts,¹¹⁰ TNC,¹¹¹ HCSN,¹¹² Landscape Conservation Stewardship Program,¹¹³ Conservation Fund¹¹⁴ Collaborative initiatives:¹¹⁵ NPS National Heritage Area,¹¹⁶ Aha Moku,¹¹⁷ Makai Watch, MACZAC,¹¹⁸ Game Management Advisory Commission,¹¹⁹ BIRCD,¹²⁰ others Funding:¹²¹ NOAA,¹²² FWS,¹²³ land trusts,¹²⁴ TNC,¹²⁵ Castle,¹²⁶ Conservation Fund,¹²⁷ Public Lands Everyday,¹²⁸ OHA,¹²⁹ Conservation 	<ul style="list-style-type: none"> Documented knowledge of coastal & cultural resources is limited Coastal & cultural resources are largely unmanaged Nearshore waters are largely unmanaged 	<p>CA4: Develop and implement site-specific and watershed-specific management plans for high priority areas and resources.</p> <p>CA5: Promote soil and water conservation best practices.</p>

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	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
	<p><u>Agricultural Lands</u></p> <ul style="list-style-type: none"> Regulate point & nonpoint source pollution (HRS section 205A-2)¹⁴³ Soil and Water Conservation Districts may advance soil & water conservation efforts (HRS 180)¹⁴⁴ USDA NRCS supports soil & water conservation¹⁴⁵ ORMP¹⁴⁶ <p>P63: Protect watersheds when issuing grading and grubbing permits (HCC 10-12(c))</p> <p>P64: GP 8.3(j)¹⁴⁷</p> <p>P64: Participate in watershed management projects...(GP 4.3(g))¹⁴⁸</p> <p>P64: Protect and effectively manage Hawai'i's open space, watersheds, shoreline, and natural areas. (GP 8.2(e))¹⁴⁹</p> <p>P64: Reduce surface water and sediment runoff, and maximize soil</p>	<ul style="list-style-type: none"> After extremely heavy rains, sedimentation of the nearshore bottom has occurred in the area from Kamehame to Honu'apo¹⁵⁴ The County is not actively involved in watershed planning and has inadequate policies and programs to address/control related issues such as invasive species, surface water and sediment runoff, soil conservation, non-point source pollution and stream maintenance. 		<p><u>Congress</u></p> <ul style="list-style-type: none"> Provide sufficient funding to the Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Pacific Islands Area (PIA), the Farm Service Agency, and the Fish and Wildlife Service (FWS) to adequately implement critical conservation programs. <p><u>Legislature</u></p> <ul style="list-style-type: none"> Provide the DLNR with the resources necessary to actively support local SWCDs. 	<ul style="list-style-type: none"> Finance Network¹³⁰ Current local initiatives¹³¹ Examples from other communities¹³² See above Coastal Nonpoint Pollution Control Program (CNPCP) management measures¹⁵⁵ Hawai'i Watershed Guidance¹⁵⁶ Guides for developing watershed plans¹⁵⁷ DOH Polluted Runoff Control Program¹⁵⁸ Watershed Partnership Program¹⁵⁹ Best Management Practices¹⁶⁰ USDA Natural Resource Conservation Service (NRCS) Pacific Islands Area (PIA) programs¹⁶¹ USDA Farm Service Agency Conservation Loan Program¹⁶² County of Hawai'i Department of Research and Development¹⁶³ Examples from other communities¹⁶⁴ 	<ul style="list-style-type: none"> 	

1. Objectives	Policy				Community-Based, Collaborative Action		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
	<p>and water conservation. (GP 5.2 (e) and (f))¹⁵⁰</p> <p>P64: Develop drainage master plans from a watershed perspective that considers non-structural alternatives, minimizes channelization, protects wetlands that serve drainage functions, coordinates the regulation of construction and agricultural operation, and encourages the establishment of floodplains as public green ways. (GP 5.3 (n))¹⁵¹</p> <p>P64: Promote and provide incentives for participation in the Soil and Water Conservation Districts' conservation programs for developments on agricultural and conservation lands. (GP 5.3(e))¹⁵²</p> <p>P64: Encourage and provide incentives for agricultural operators to participate in Soil and Water</p>						

1. Objectives	Policy				Community-Based, Collaborative Action		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
	<p>Conservation District Programs. (GP 5.3(o))¹⁵³</p> <p><u>Mauka Forests</u></p> <ul style="list-style-type: none"> • HVNP GMP¹⁶⁵ • DOFAW¹⁶⁶ • NARS¹⁶⁷ • DOCARE¹⁶⁸ • ORMP¹⁶⁹ • The Rain Follows the Forest¹⁷⁰ • Ka'ū Forest Reserve Management Plan¹⁷¹ <p>P62: Protect rare or endangered species and habitats native to Hawai'i. GP 8.2(d)¹⁷²</p> <p>P62: Protect and effectively manage Hawai'i's open space, watersheds, shoreline, and natural areas. GP 8.2(e)¹⁷³</p> <p>P62: Protect and preserve forest, water, natural and scientific reserves and open areas. GP 14.1.2(c)¹⁷⁴</p> <p>P64: Participate in watershed management projects... GP 4.3(g)¹⁷⁵</p>	<ul style="list-style-type: none"> • After extremely heavy rains, sedimentation of the nearshore bottom has occurred in the area from Kamehame to Honu'apo¹⁷⁶ • DOCARE is understaffed¹⁷⁷ • Ka'ū's forests largely fall outside of County jurisdiction • No community or County role in the Three Mountain Alliance¹⁷⁸ 		<p><u>DLNR</u></p> <ul style="list-style-type: none"> • Dedicate a DOCARE officer to Ka'ū. <p><u>Three Mountain Alliance</u></p> <ul style="list-style-type: none"> • Strengthen the community & County role in the TMA. • Actively implement the ORMP, RFF, & the KFRM. • Develop watershed management plans for high priority watersheds. 	<ul style="list-style-type: none"> • See above • Forest collaborative initiatives: Three Mountain Alliance¹⁷⁹ • Forest funding¹⁸⁰ • Forest local initiatives: Kamehameha Schools Natural and Cultural Resource Management¹⁸¹ • DOFAW Watershed Partnership Program¹⁸² 		
Assure responsible access for residents and for visitors	<ul style="list-style-type: none"> • County access regulations (HCC 34-4(a-b)¹⁸³ & PD Rule 21¹⁸⁴) • Recognized public 	<ul style="list-style-type: none"> • RUS doesn't prevent suit¹⁹⁵ • Limited government capacity to manage 	P82: Establish and maintain an active public access program.	<p><u>State Legislature</u></p> <ul style="list-style-type: none"> • Strengthen the RUS. <p><u>Three Mountain</u></p>	<ul style="list-style-type: none"> • See above • Hunter access challenges & strategies¹⁹⁸ • "Public Access with 	<ul style="list-style-type: none"> • Public access is limited in some areas and unmanaged in most areas²⁰² 	CA12: Develop and implement plans to establish and manage specific access points and trail segments.

1. Objectives	Policy				Community-Based, Collaborative Action		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
	<p>access points¹⁸⁵</p> <ul style="list-style-type: none"> Ka'ū Forest Reserve Management Plan¹⁸⁶ <p>P69: Lineal descendant access rights (Article 12, section 7 of the Hawai'i State Constitution)¹⁸⁷</p> <p>P78: Ensure access (GP 6.2(b), 7.3(a), and 8.3(r))¹⁸⁸</p> <p>P79: Assure shoreline public access during SMA review. (HRS 205A)¹⁸⁹</p> <p>P80: Establish mauka and makai public access during subdivision. (HRS 46-6.5,¹⁹⁰ HCC 34-4(a)¹⁹¹)</p> <p>P81: Acquire public access (115-2 & 7,¹⁹² 520¹⁹³, GP 6.3(d)¹⁹⁴)</p>	<p>access¹⁹⁶</p> <ul style="list-style-type: none"> County Planning Department's Public Access Inventory currently consists of primarily of shoreline public accesses¹⁹⁷ 		<p><u>Alliance</u></p> <ul style="list-style-type: none"> Actively implement the TMA & the KFR Management Plans related to access. 	<p>Kuleana" access management¹⁹⁹</p> <ul style="list-style-type: none"> Respected Access²⁰⁰ Examples: North Kohala Access Group²⁰¹ 	<ul style="list-style-type: none"> Limited government capacity to manage access²⁰³ Unregulated human activities – off-road vehicles, unsanitary waste, trash – threaten sensitive coastal areas²⁰⁴ 	<p>CA13: Support facilities development and management at access points and along trail corridors.</p>
<p>Establish a rural transportation network, including...a regional trail system</p>	<ul style="list-style-type: none"> Recognized trails²⁰⁵ AKNHT CMP and MOU²⁰⁶ Ka'ū Forest Reserve Management Plan²⁰⁷ <p>P83: Require a path or parkway along subdivision drainage easements²⁰⁸ (HCC 23-30)</p> <p>P84: Develop a network of trails (GP 12.3(m))²⁰⁹</p>	<ul style="list-style-type: none"> Some AKNHT shoreline and mauka-makai trail corridors are not surveyed or established²¹⁰ There is no network of interconnected trails 	<p>P85: Actively implement AKNHT MOU in Ka'ū</p> <p>P86: Fund trail development</p>	<p><u>National Park Service</u></p> <ul style="list-style-type: none"> Actively implement AKNHT MOU in Ka'ū. <p><u>DLNR</u></p> <ul style="list-style-type: none"> Actively implement AKNHT MOU in Ka'ū. <p><u>Three Mountain Alliance</u></p> <ul style="list-style-type: none"> Actively implement the TMA and KFR Management Plans related to trails.²¹¹ 	<ul style="list-style-type: none"> See above AKNHT staff Ala Kahakai Trail Association²¹² Potential trail alignments identified by the Hawai'i Island Trails and Railway Preservation Project (HITRPP): railroad corridors, Old Māmalahoa Hwy, Nā'ālehu Bypass²¹³ American Trails²¹⁴ 	<ul style="list-style-type: none"> Ownership of the railroad ROW is unclear No management hui are formed No trail management plans are developed 	

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	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
Identify viable sites for critical community infrastructure	<ul style="list-style-type: none"> Ka'ū Forest Reserve Management Plan²¹⁶ County land management funds (Charter 10-16)²¹⁷ Honu'apo Park Resource Management Plan²¹⁸ P87: Establish the Punalu'u-Ninole Springs region as a recreation area. (GP 12.5.9.2(c) & (g))²¹⁹ 	<ul style="list-style-type: none"> Limited public recreation facilities 	<p>P65: Implement the 2010 Honu'apo Park Resource Management Plan</p> <p>P67: Develop and implement coastal resource management plans for properties secured in the future.</p>	<p><u>DLNR</u></p> <ul style="list-style-type: none"> Establish Ka'alu'alu as a remote camping beach park (GP 12.5.9.2(e)).²²⁰ Develop wilderness recreation uses in Manukā. <p><u>Three Mountain Alliance</u></p> <ul style="list-style-type: none"> Actively implement the KFR Management Plans related to low-impact recreational facilities. 	<ul style="list-style-type: none"> American Hiking Society National Trails Fund²¹⁵ See above Cooperative park management programs²²¹ 		
<p>Protect, restore, and enhance Ka'ū's unique cultural assets, including archeological and historic sites</p> <p>Encourage community-based management plans to assure that human activity doesn't degrade the quality of Ka'ū's unique natural and cultural landscape</p>	<ul style="list-style-type: none"> National & State Registers²²² Federal Historic Preservation Tax Incentive Program.²²³ HVNP GMP²²⁴ AKNHT²²⁵ Hawai'i County Historic Property Tax Exemption²²⁶ Cultural Resources Commission²²⁷ Hawai'i County Public Access, Open Space, and Natural Resources Preservation Commission²²⁸ Honu'apo Park Resources 	<ul style="list-style-type: none"> Coastal DHHL lands are unmanaged²³⁹ SHPD is understaffed. 	<p>P75: Secure the Certified Local Government designation for Hawai'i County.</p> <p>P75: Protect and preserve nationally significant historic structures and sites through Save America's Treasures.²⁴⁰</p> <p>P75: Sponsor the Historic Landmarks Designation for places that possess exceptional value or quality in illustrating or</p>	<p><u>DLNR</u></p> <ul style="list-style-type: none"> Provide sufficient staff and funding for SHPD. 	<ul style="list-style-type: none"> See above Kamehameha Schools Natural and Cultural Resource Management²⁴² Resources²⁴³: HHF, Ka'ū Main Street, UH Mānoa DLNR DOFAW Legacy Lands Conservation Program (LLCP)²⁴⁴ Federal Save America's Treasures (SAT) program²⁴⁵ Center for Oral History at the University of Hawai'i at 	<ul style="list-style-type: none"> Archaeological sites in Ka'ū likely exist that are neither documented nor registered²⁵¹ There is no "hub" of Ka'ū's network of historic and cultural sites.²⁵² 	<p>CA6: Develop and implement a regional plan for managing cultural and historic resources.</p> <p>CA7: Develop and implement site-specific cultural resource management plans for high priority areas and resources.</p> <p>CA8: Restore the Nā'ālehu Theater.</p> <p>CA9: Develop and implement place-based strategies to retain village and town character.</p>

1. Objectives	Policy				Community-Based, Collaborative Action		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
	Management Plan ²²⁹ • Kāwā Stewardship Plan ²³⁰ P12: Protect heiau, historic sites & structures during subdivision ²³¹ P68: Protect, restore, and enhance the sites, buildings, and objects of significant historical and cultural importance to Hawai'i. (GP 6.2(a)) P69: Protect subsistence, cultural, and religious access rights ²³² P70: SHPD review of permits for properties over 50 years old ²³³ P71: Variances & PUD can be used to retain character ²³⁴ P75: Restore and enhance the sites, buildings, and objects of significant historical and cultural importance to Hawai'i. (GP 6.2(a)) ²³⁵ P75: Develop a continuing program to evaluate the significance of		interpreting the heritage of the United States. ²⁴¹		Mānoa ²⁴⁶ • The Smithsonian Center for Folklife and Cultural Heritage ²⁴⁷ • The Columbia University Oral History Research Office ²⁴⁸ • Historian and educator Judith Moyer ²⁴⁹ • Examples communities pursuing oral, photo, or video history projects ²⁵⁰		CA10: Document, maintain, and share the mo'olelo of Ka'ū through oral, written, and/or video histories. CA11: Establish a Ka'ū Cultural Network.

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	<p>historic sites. (GP 6.3(j))²³⁶</p> <p>P75: Encourage the restoration of significant sites on private lands. (GP 6.3(f))²³⁷</p> <p>P75: Embark on a program of restoring significant historic sites on County lands. Assure the protection and restoration of sites on other public lands through a joint effort with the State. (GP 6.3(e))²³⁸</p>						

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Section 6: Endnotes

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²¹⁷ 54
²¹⁸ 82
²¹⁹ 80
²²⁰ 80
²²¹ 32-34
²²² 156-157
²²³ 168
²²⁴ 30
²²⁵ 162
²²⁶ 168
²²⁷ 167
²²⁸ 168
²²⁹ 23
²³⁰ 82
²³¹ 136-137
²³² 166
²³³ 166-167
²³⁴ 137-138
²³⁵ 163

236 163
237 163
238 163
239 89
240 168
241 165
242 156
243 171
244 168
245 168
246 169
247 169
248 169
249 169
250 169-170
251 162
252 170

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