

Ka'ū Community Development Plan

Chapter II: Land Use Policy Guide

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Section 1: Introduction

1.1 Purpose and Organization of this Land Use Policy Guide

The Ka’ū Community Development Plan (CDP) Land Use Policy Guide is a quick-reference guide for land use planners. It is one of several CDP support documents designed to make the Ka’ū CDP accessible to the diversity of its future users. The CDP policies included in this Guide are identical to the land use policies in the CDP, but they are re-organized for easy reference by land use planners.

This Guide is organized into four substantive sections:

- “Section 2: Applicability of CDP Land Use Policies” explains where and how the land use policies are to be applied.
- “Section 3: Preferred Settlement Patterns” introduces the official CDP Land Use Policy Map.
- “Section 4: Land Use Policies” includes all of the CDP policies designed to achieve the community’s preferred future growth pattern. The policies are clustered by community priorities: coastal areas, agricultural land, mauka forests, scenic resources, natural and cultural areas, public access and trails, community character, infill development, commercial development, rural cottage industry, industrial development, and resort development.
- “Section 5: Permitting Policies” includes all of the CDP land use policy controls, organized by the types of review, application, or permits to which they may apply: historic review, change of zone, special permit, use permit, planned unit development, Special Management Area, subdivision, parcel consolidation and resubdivision, variance, plan approval, and grubbing and grading.

1.2 What is a CDP, and what can it do?

“CDP” is short for “Community Development Plan.” CDPs are the forum for community input into establishing Hawai’i County policy at the regional level and coordinating the delivery of County services to the community. They generally employ four types of strategies and require considerable coordination and collaboration to be implemented successfully:

1. **Establish County policy**, particularly for land use and development. CDPs can direct settlement where the community wants it and protect cultural resources, public access, and valuable areas like the coast, agricultural land, and forests. County land use policies are implemented primarily through the County’s actions on permit applications.
2. **Direct County actions** related to land and open space protection, water, roads, transit, emergency services, and parks. These CDP strategies are implemented through County legislative and administrative processes like budgeting, capital improvements, and code amendments.
3. **Guide the policy and actions of State and federal agencies**, whose work impacts resource protections, public access and trails, settlement patterns, and education. It is assumed that the CDP Action Committee, County agencies, and County, State, and federal elected officials will collaborate to encourage agencies and other organizations to advance these CDP strategies.
4. **Focus and guide community action** in pursuit of community goals. These CDP strategies will be led by the community with support from a broad range of organizations and agencies.

For more information about the purpose and scope of the Ka’ū CDP, see Appendix V1 and Section 2 of the CDP.

1.3 How does the Ka'ū CDP strengthen Ka'ū?

Complete, sustainable, vibrant communities do three fundamental things. First, they protect the public trust – the natural and cultural resources that are fundamental to community character and a strong community and local economy. Second, they provide public facilities and services to residents and businesses. And third, they grow local businesses that provide goods, services, and jobs. The Ka'ū Community Development Plan serves as a road map to achieve those three ends.

First, strategies in Section 4 of the CDP focus on protecting and enhancing Ka'ū's rich heritage of natural and cultural resources, including coastal areas, agricultural land, mauka forests, scenic resources, ecosystems, historic and cultural features, and public access and trails. Four basic approaches are used: land preservation, land use policy protections, governmental initiative, and collaborative action by landowners, nonprofits, and the community.

Second, Section 5 prioritizes improvements in water systems, roads, mass transit, emergency and health services and facilities, waste management, education, and parks. These improvements will require County, State, and community leadership.

Third, the Ka'ū CDP supports economic development in three ways. First, it establishes firm foundations for growth through the protections and improvements in Sections 4 and 5 and by providing room for development in Section 3. Second, the CDP outlines strategic steps to seize sector-specific market opportunities. Third, the CDP provides a road map to guide coordinated, community-led economic development strategies.

The Land Use Policies in Section 3 of the CDP tie the environmental, infrastructure, and economic elements of the CDP together by clearly segregating protected areas (coastal areas and mauka forests), agricultural land, and settled areas.

1.4 Where did the Ka'ū CDP come from?

The Ka'ū CDP was developed in three stages, which are described in Appendix V2. Each stage was driven by extensive community input and concluded with a clear decision by the CDP Steering Committee, the volunteer advisory committee charged with recommending a CDP to the County.

During the first stage, community members identified core community values and a vision of what they'd like to see in Ka'ū in 2030, as summarized in Sections 1.2.4 and 1.4.1 of the CDP. At the end of that stage, the Steering Committee affirmed a Values and Visions Statement that has since served as a compass point guiding the planning process.

Next, a detailed profile of the community (Appendix V3) was developed based on community knowledge and expertise as well as existing data, reports, and studies. Section 1.3 of the CDP summarizes the community assets and challenges identified in the profile. That stage concluded when the Steering Committee integrated the Values and Vision Statement with the Community Profile to develop the twelve Community Objectives that the CDP is designed to achieve (listed in Section 1.5.1 of the CDP).

In the third stage, extensive research was conducted to identify the range of strategies that could be used to achieve those objectives. From those strategies, a combination of policies and actions was identified that, when implemented together, will realize the community's vision for the future. Those strategies were compiled into the preliminary "working draft" of the CDP. The Ka'ū CDP Steering Committee reviewed that draft, discussed it, and made recommendations for revisions.



Next, the broader community and stakeholders had the same opportunity, and the Steering Committee used that input to make further revisions before it was satisfied that the CDP truly reflects community preferences.

1.5 How were CDP policies identified?

The Community Objectives are the foundation of the CDP. All of the CDP strategies are designed to implement one or more of the objectives. Appendix V2 explains the process followed to identify strategies to achieve Community Objectives.

To make that process as transparent as possible, supplements to Appendices V4A, VB, and VC include a “strategy identification matrix” that was developed using (and makes specific references to) the comprehensive content included in that appendix (available at www.hawaiicountycdp.info/kau-cdp). The matrix summarizes current policies and action that are aligned with community objectives, remaining policy and action gaps, and the new policy, advocacy, and community-based, collaborative action needed to achieve community objectives.

In addition, Appendix V5 includes summaries of the rationale behind each of the CDP policies and advocacy strategies. Each rationale is based on the process represented in the corresponding strategy identification matrix. To keep the rationale as concise as possible, only limited information from the appendix is repeated, though references direct the interested reader to relevant sections of Appendices V4A, B, C, and D, which are available for review at www.hawaiicountycdp.info/kau-cdp.





Section 2: Applicability of CDP Land Use Policies

2.1 Ka’ū CDP Planning Area

The Ka’ū CDP planning area includes most of Judicial District 9 in the County of Hawai’i. Eastern portions of the district near and including Volcano Village were included in the Puna CDP planning area and were therefore not incorporated into the Ka’ū CDP (see Figure 1 in the CDP).

2.2 Relationship of CDPs to the General Plan

County of Hawai’i Community Development Plans (CDPs) implement but do not supersede the General Plan. In the case of conflicts between a CDP and the General Plan, the General Plan prevails. In order to bring the Ka’ū CDP and the General Plan into alignment, the CDP recommends specific amendments to the General Plan (see Policies 15, 16, and 101).

2.3 Types of CDP Strategies

The Ka’ū CDP employs four types of strategies to achieve Community Objectives: two types of County policy, an advocacy platform aimed at non-County agencies and organizations that could help advance implementation of the CDP, and community-based, collaborative action.

The County policies articulated in the CDP are established with the adoption of the Ka’ū CDP. The two types of County policies in the CDP are “Land Use Policies” and “County Actions.” “County Actions” are the official County policies to guide future County priorities and initiatives, including operating and capital budgets. These policies are not mandated, legally-binding, or self-implementing; rather, they often require additional legislative and administrative directives before being implemented (e.g., land acquisition, capital improvement appropriations, code changes, incentive measures).

2.4 CDP Land Use Policies

This Guide focuses on the second type of County policy in the CDP – Land Use Policies. “Land Use Policies” are the official land use policy guidance for the Ka’ū CDP planning area and shall be implemented through all County of Hawai’i actions. In addition, the Land Use Policies shall inform County recommendations to other agencies, including the State Land Use Commission regarding district boundary amendments, special permits, and other applications in Ka’ū. The CDP and this Guide distinguish two types of Land Use Policies:

- Policy Intent: These are general statements that express policy aims or objectives. From a legal standpoint, these “hortatory” policies are open to interpretation when applied in specific instances.
- Policy Controls: These limit the range of decisions that can be made in the future, like land use policies that specifically designate future settlement or transportation patterns. These binding, sometimes restrictive policy controls often include use of the term “shall,” which, from a legal standpoint, means the policy is imperative or mandatory.

In many cases, existing State and County policies support the implementation of Ka’ū Community Objectives. In those cases, in the CDP and in this Guide, the existing policies are reiterated or tailored to the specific context in Ka’ū, and references for the existing policies are included. If the referenced existing policies are changed following adoption of the CDP, the CDP policies shall stand unless otherwise amended or unless superseded by prevailing policy in the General Plan or State or federal law.





Section 3: Preferred Settlement Patterns

3.1 Preferred Settlement Pattern

The preferred settlement pattern in the Ka'ū CDP planning area is based on a CDP Steering Committee-driven analysis of Ka'ū's historic settlement patterns, build-out capacity relative to population projections, related General Plan policies, and alternative future patterns for growth (see Appendix V4D). That preferred pattern is to...

...prioritize infill residential and commercial development in Pāhala, Punalu'u, Nā'ālehu, Discovery Harbour, and Ocean View,

- Maximizing the use of existing and planned infrastructure
- Limiting development on shorelines to protect ecological resources, archaeological sites, people, and facilities (from coastal hazards)
- Preserving viable agricultural lands, open space, and viewsapes, allowing only agriculture, ranching, and related economic infrastructure and rural development in rural lands
- Preserving historic sites and buildings and encouraging the construction of new buildings in character with Ka'ū's architectural distinctiveness and rural sense of place
- Managing growth in Ocean view to protect people and facilities from lava hazards.

Once the existing infill potential is largely met, existing settlements could be expanded in ways that maximize use of existing infrastructure and facilities and that create compact, walkable, mixed-use town/village centers.

This preferred pattern is closely aligned with the settlement pattern advanced in section 14.1 of the General Plan:

The urban centers include high, medium and low density designations. These centers and clusters provide physical, social, governmental and economic concentrations so that the total activities of the community can be more readily and easily conducted....

The future improvement and development objectives are directed toward making urban and rural centers more efficient, livable, and safe. Growth should be encouraged in terms of renewing older areas or extending existing areas. The creation of new urban and rural centers should be initiated only when it is in the public interest and must be accompanied by commitments from both government and the private sector for the development of basic community and public facilities and services. Infrastructure costs less when new residential areas are located near existing highways, water and sewer lines, and employment centers.

3.2 Supporting Community Objectives

Of the Community Objectives adopted by the Steering Committee (see Section 1.5.1 of the CDP and Appendix V2), the following four are most related to the preferred settlement pattern:

- Objective 1: 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.
- Objective 2: Preserve prime and other viable agricultural lands and preserve and enhance viewscales that exemplify Ka’ū’s rural character.
- Objective 4: Protect, restore, and enhance Ka’ū’s unique cultural assets, including archaeological and historic sites and historic buildings.
- Objective 12: Establish or expand retail, service, dining, and entertainment centers in rural villages and towns capable of supporting Ka’ū-appropriate growth.

3.3 Ka’ū CDP Land Use Policy Map

These objectives and the community’s preferred settlement pattern are realized through many of the land use policies in the Ka’ū CDP. They are represented in a comprehensive way in the official Land Use Policy Map for the Ka’ū CDP planning area, which is adopted with Policy 7:

Policy 7 With the adoption of the Ka’ū CDP, Figures 2, 3, 4, 5, 6, and 7 on pages 43 through 48 are adopted as the official Land Use Policy Map for the Ka’ū CDP planning area. The land use category definitions are identical to those used in the General Plan LUPAG map (and included in the Glossary). Future land use decisions in the Ka’ū CDP planning area shall be consistent with the Land Use Policy Map boundaries, designations, and policies herein, unless the CDP and the General Plan are in direct conflict.

The land use policy maps are included below, and the related LUPAG category definitions include:

Conservation Area: 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.

Important Agricultural Land: Important agricultural lands are those with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors. Important agricultural lands were determined by including the following lands:

- Lands identified as “Intensive Agriculture” on the 1989 General Plan Land Use Pattern Allocation Guide maps.
- Lands identified in the Agricultural Lands of Importance to the State of Hawai’i (ALISH) classification system as “Prime” or “Unique”.
- Lands classified by the Land Study Bureau’s Soil Survey Report as Class B “Good” soils. (There are no Class A lands on the island of Hawaii)
- Lands classified as at least “fair” for two or more crops, on an irrigated basis, by the USDA Natural Resource Conservation Service’s study of suitability for various crops.



- In North and South Kona, the “coffee belt”, a continuous band defined by elevation, according to input from area farmers.
- State agricultural parks.

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: Lands not classified as Important Agricultural Land. 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.

Some areas that meet the criteria for important agricultural lands on an irrigated basis only were included in the “Extensive Agriculture” category due to their remoteness from potential sources of irrigation.

Rural: This category includes existing subdivisions in the State Land Use Agricultural and Rural districts that have a significant residential component. Typical lot sizes vary from 9,000-square feet to two acres. These subdivisions may contain small farms, wooded areas, and open fields as well as residences. Allowable uses within these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities. The Rural designation does not necessarily mean that these areas should be further subdivided to smaller lots. Most lack the infrastructure necessary to allow further subdivision.

Low Density Urban: Residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to six units per acre.

Medium Density Urban: Village and neighborhood commercial and single family and multiple family residential and related functions (multiple family residential -- up to 35 units per acre).

Industrial Area: These areas include uses such as manufacturing and processing, wholesaling, large storage and transportation facilities, light industrial and industrial-commercial uses.

Resort Area: These areas include a mix of uses such as hotels, condominium hotels (condominiums developed and/or operated as hotels), and support services. Intermediate Resort, Minor Resort, and Retreat Resort Areas are identified as Resort Areas on the LUPAG Map.



Figure 1: Ka'ū CDP Land Use Policy Map: Regional

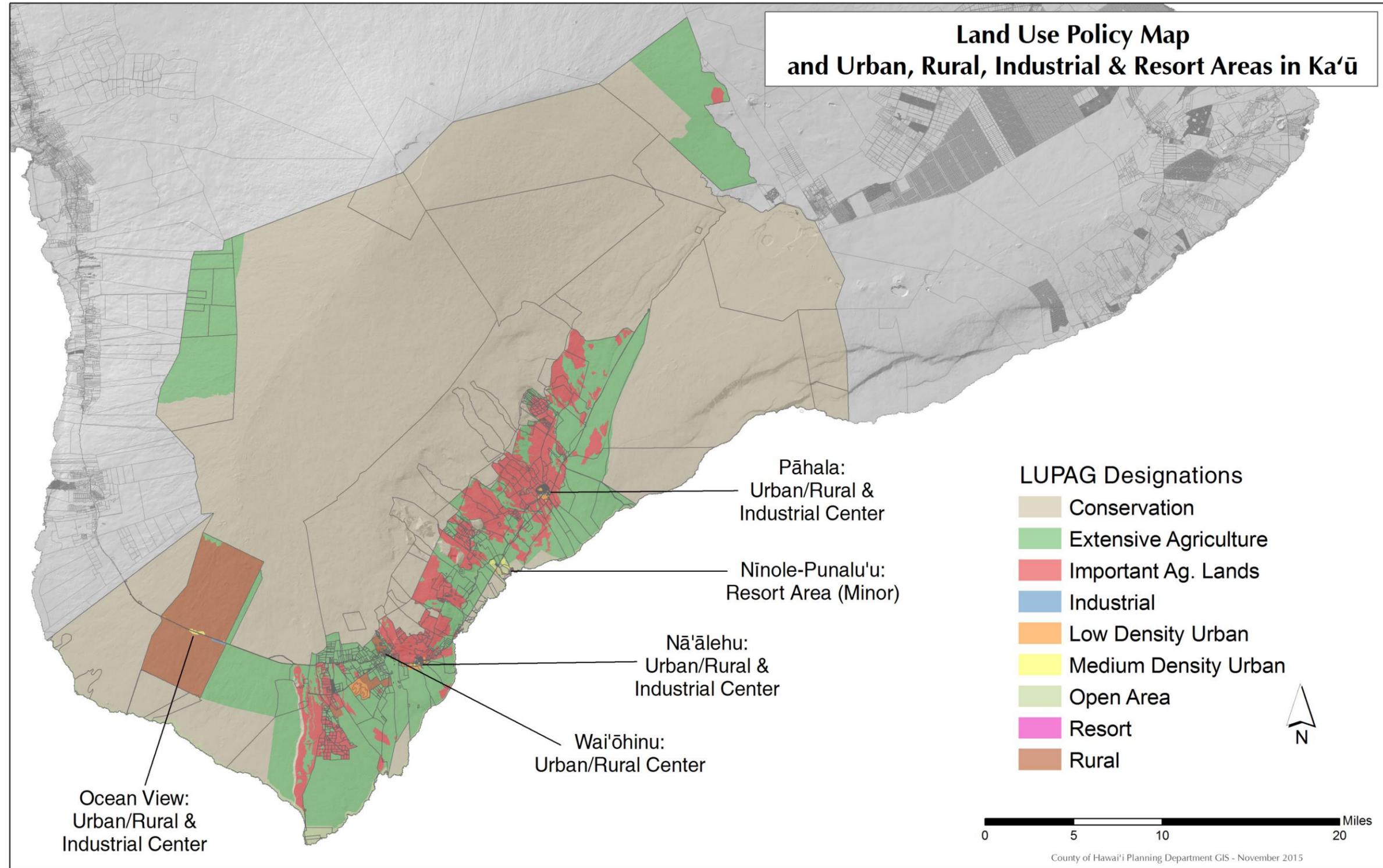


Figure 2: Ka'ū CDP Land Use Policy Map: Pāhala

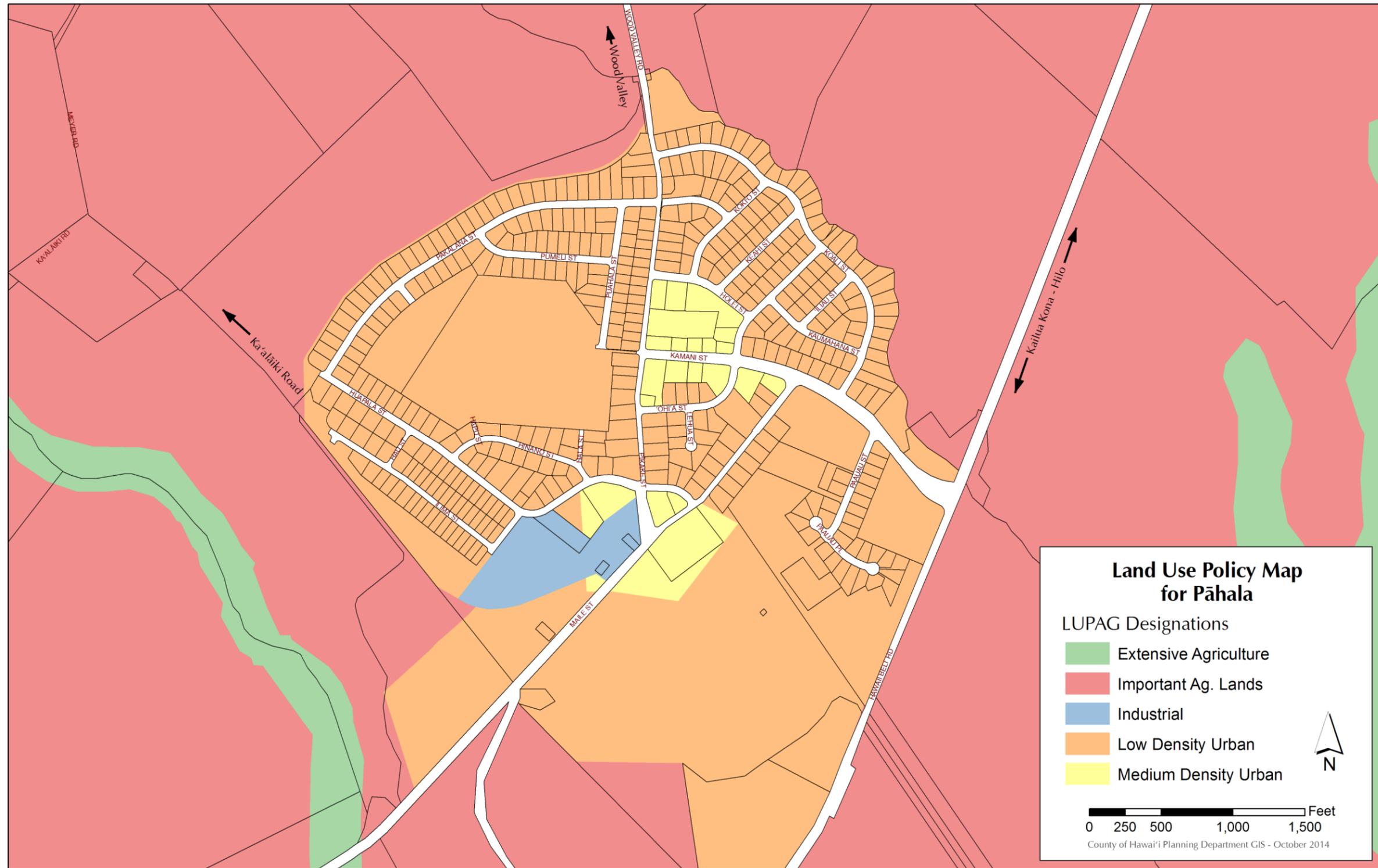


Figure 3: Ka'ū CDP Land Use Policy Map: Nā'ālehu

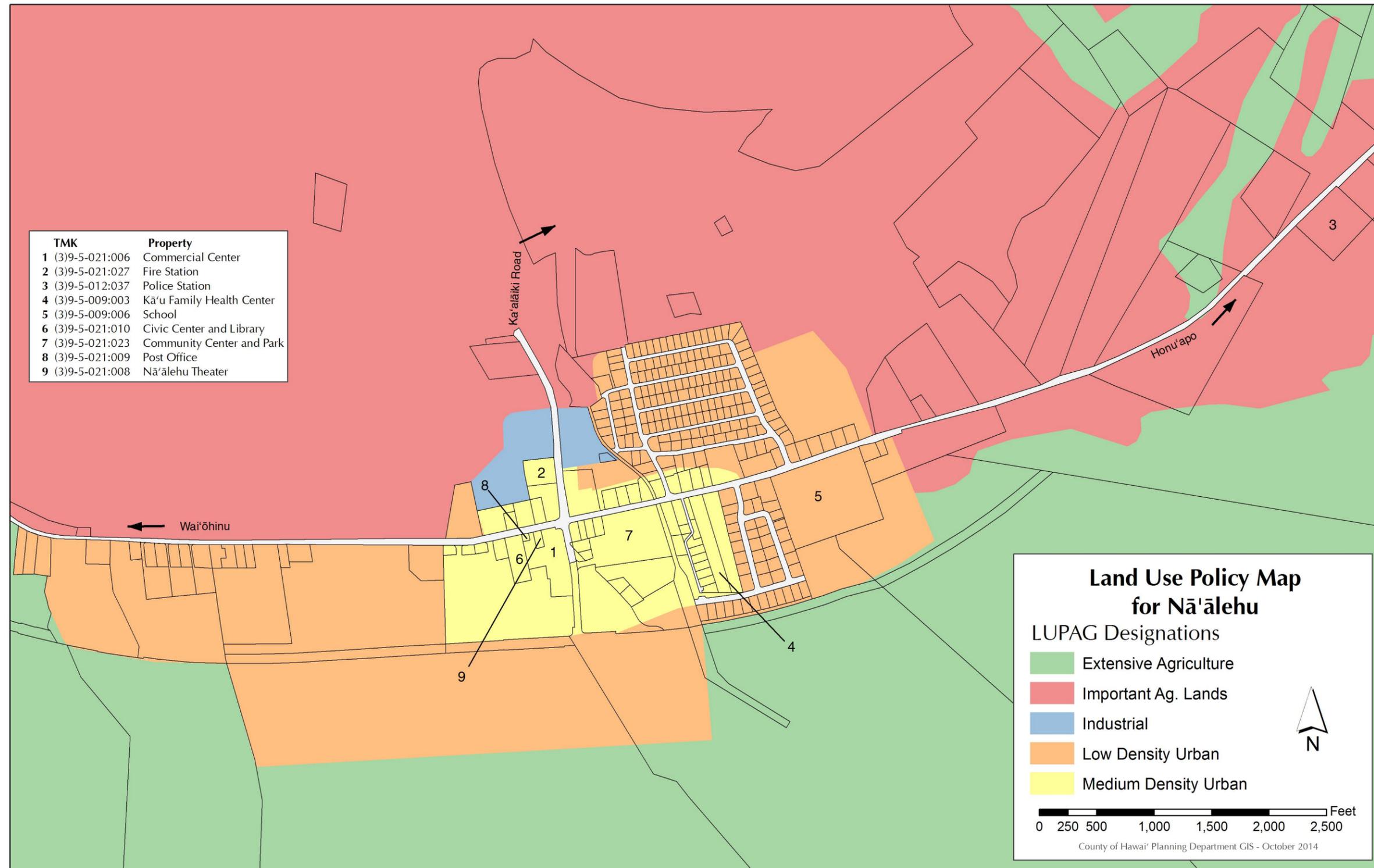


Figure 4: Ka'ū CDP Land Use Policy Map: Wai'ōhinu

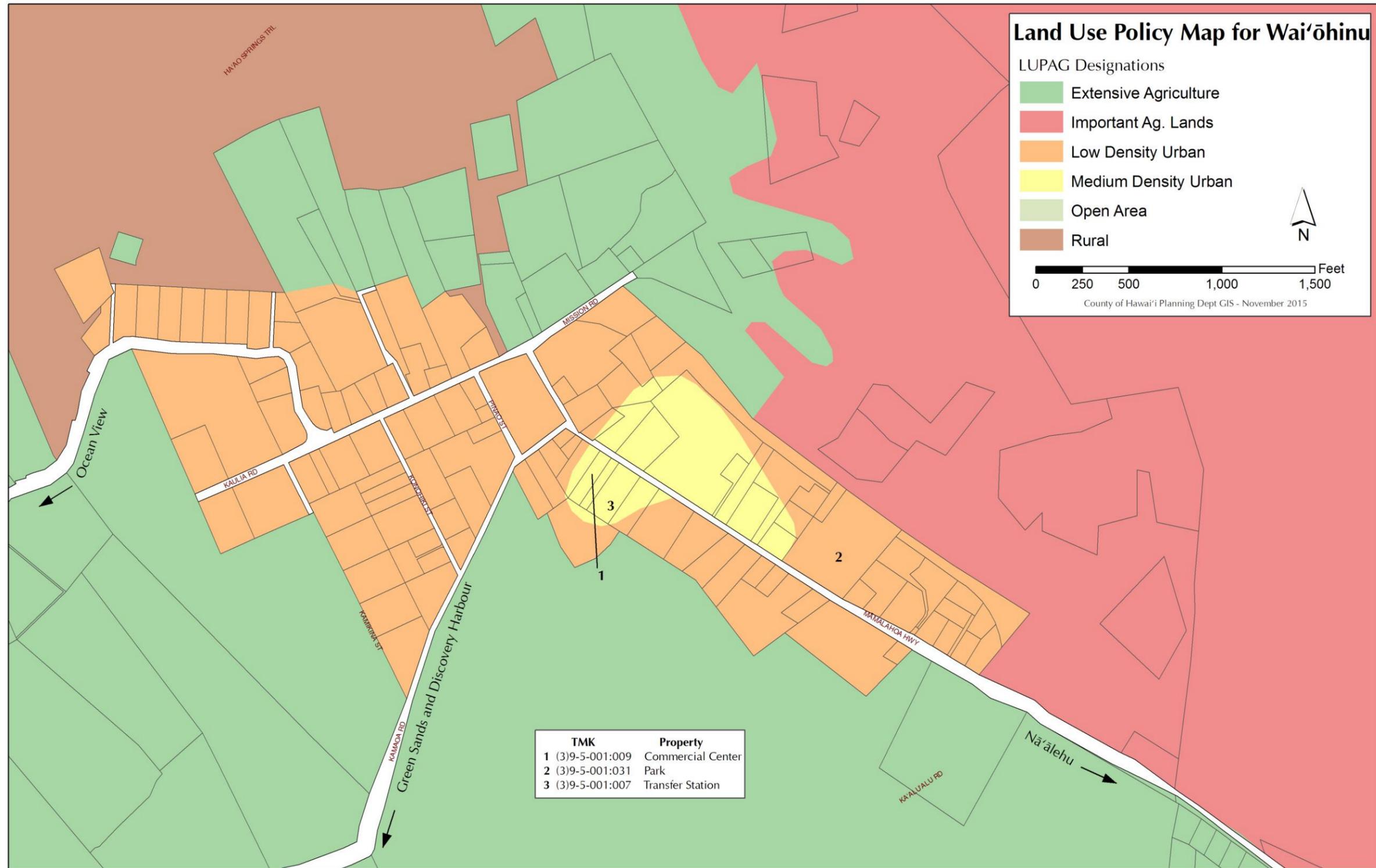
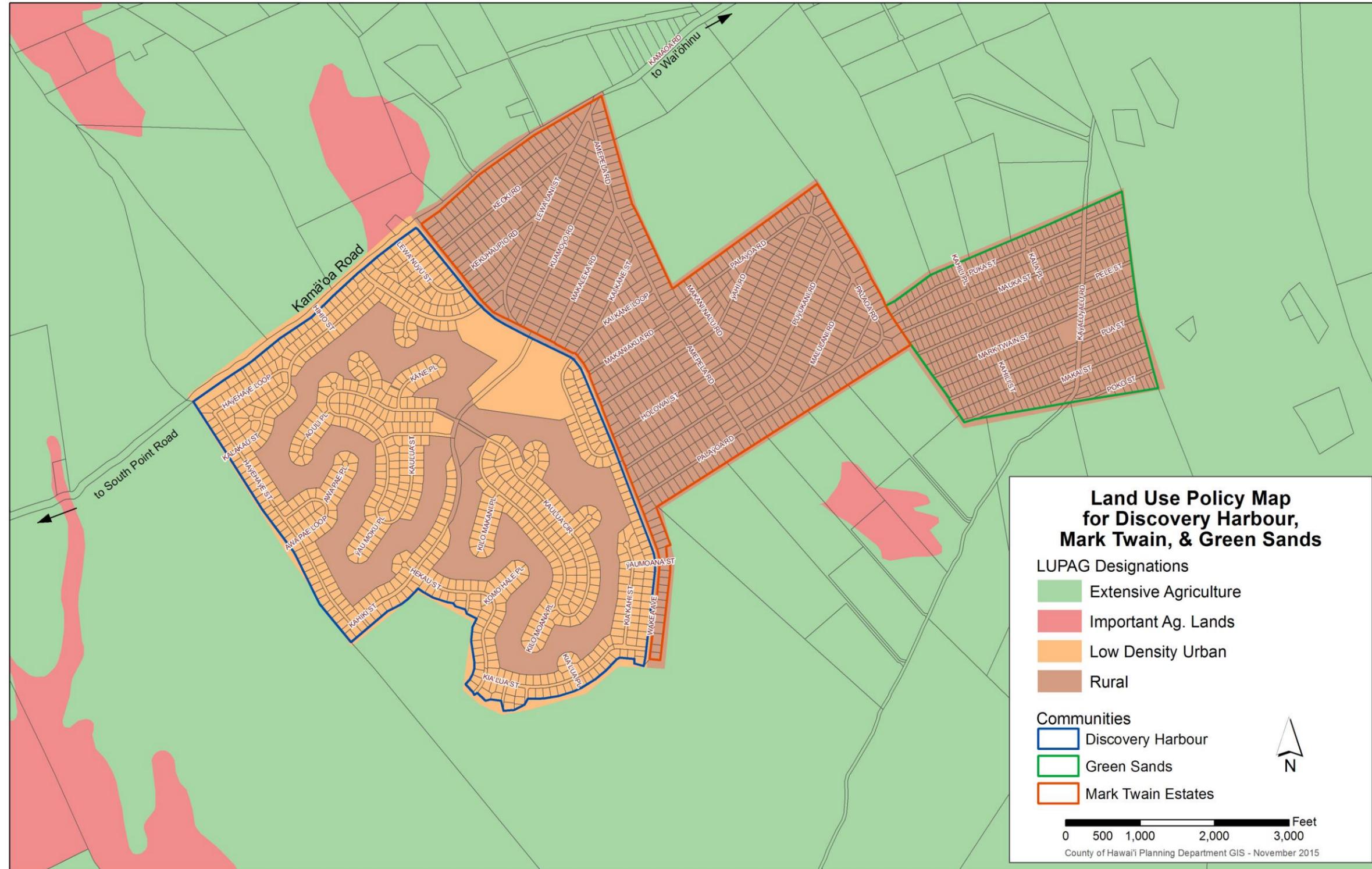


Figure 5: Ka'ū CDP Land Use Policy Map: Discovery Harbour, Mark Twain, & Green Sands







Section 4: Land Use Policies

4.1 Preserve Coastal Areas for Cultural, Recreational, Educational, and Scientific Uses

Policy Intent

- Policy 23** Protect the shoreline from the encroachment of man-made improvements and structures. (GP 8.3(d))
- Policy 24** 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. (GP 8.3(c))
- Policy 25** Protect and conserve forest and coastal areas with native wildlife, natural ecosystems, and wilderness. (GP 8.4)
- Policy 26** Encourage those developments that are not coastal dependent to locate in inland areas. (HRS 205A-2(c)(3)(D))
- Policy 53** Protect, preserve and enhance the quality of open space, areas endowed with natural and scenic beauty, and public views to and along the shoreline. (HRS 205A-2(b)(3)(B), HRS 205-26, Charter section 13-29, & GP 7.2(a), 7.2(c), 8.2(e), 14.8.2(a). & 14.8.3(d))
- Policy 62** Protect, preserve, and effectively manage forests, watersheds, shoreline areas, natural areas, and rare or endangered species and their habitats. (GP 8.2(d) & (e), 14.1.2(c), & 14.8.2(b))

Policy Controls

- Policy 7** With the adoption of the Ka'ū CDP, Figures 2, 3, 4, 5, 6, and 7 on pages 43 through 48 are adopted as the official Land Use Policy Map for the Ka'ū CDP planning area. The land use category definitions are identical to those used in the General Plan LUPAG map (and included in the Glossary). Future land use decisions in the Ka'ū CDP planning area shall be consistent with the Land Use Policy Map boundaries, designations, and policies herein, unless the CDP and the General Plan are in direct conflict.
- Policy 27** To reinforce existing protections, the official Ka'ū CDP Land Use Policy Map designates coastal areas in Ka'ū as open space to be preserved, protected, and connected to the rich network of natural and cultural resources in the region. Development and construction in the coastal "Conservation" and "Open" areas shall be minimized and, when necessary, limited to recreation, research, and education facilities unless otherwise permitted by law.
- Policy 38** To reinforce existing protections, 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. Development and construction in "Important Agricultural Land" and "Extensive Agriculture" areas shall be limited to agriculture, related economic infrastructure and cottage industries, renewable energy, open area recreational uses, and community facilities unless otherwise permitted by law.

Policy 28 On lots that are at least partially within the Special Management Area (SMA) in the Ka'ū CDP Planning Area, establish shoreline setbacks at the earliest stages of the land use planning and development process at a minimum of 1,320 feet (1/4-mile); however, the applicant may request that the setback be reduced by providing information to the Department, including information required for SMA review, which would allow for an assessment of the proposed activity's impacts and in consideration of the physical limitations of the property. For lots created prior to the date of adoption of the CDP with an average lot depth of two hundred feet or less, the shoreline setback line shall be 40 feet.

Policy 29 No development, including subdivision, shall be approved in the SMA unless the development will not have any substantial adverse environmental or ecological effect. (HRS 205A-22(3) & 205A-26(2)(A))

Pursuant to Planning Commission (PC) Rule 9-10(b)(5) & (11), and in order for the Planning Director to accurately evaluate whether the proposed action will have a substantial adverse effect, pursuant to PC Rule 9-4(e)(4), **the Director shall require that SMA Use Permit Assessment and Use Permit applications include all of the information necessary to assess the proposed activity's impacts in the Special Management Area**, including but not limited to:

- A description of the environmental setting and natural resources in the area, including an assessment of impacts on rare, threatened, or endangered species or their habitat and on fresh and coastal water quality (PC Rule 9-10(b)(5)(A) & (6) and 9-10(h)(7), (8), & (9));
- A description of valued cultural resources or historical sites in the area, including the extent to which traditional and customary native Hawaiian rights are exercised in the area (PC Rule 9-10(b)(6) & (h)(1));
- An assessment of impacts on coastal scenic and open space resources and view planes, including those outlined in the General Plan, the Community Development Plan, and other adopted plans, as well as the line of sight toward the sea from the state highway nearest the coast and along the shoreline (HRS 205A-2(b)(3) (A), HRS 205A-2(c)(3)(B), HRS 205A-26(3)(E), and PC Rule 9-10(h)(1));
- Identification and detailed information of existing public access to and along the shoreline to the specifications required by Na Ala Hele and the Ala Kahakai National Historic Trail (PC Rule 9-10(b)(10));
- An assessment of impacts on hazard risk, including flooding, tsunamis, and coastal erosion and/or sea level rise over the life of the development (PC Rule 9-10(h)(9));
- A description of the relationship of the proposed action to land use plans, policies, and control of the affected area, including the General Plan and Community Development Plan (PC Rule 9-10(b)(5)(B)).

Any development permitted, including those determined to be exempt from the definition of development in Planning Commission Rule 9 (pursuant to Planning Commission Rule 9-10(e) & (g)), shall be subject to terms and conditions to achieve CZM and CDP objectives and policies, including conditions that protect natural, cultural, historic, and recreational resources; preserve agricultural land, open space, and view planes; ensure access; mitigate impacts of coastal hazards; limit coastal development; and concentrate 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. Conditions could include but not be limited to setbacks, restrictions on artificial light, lateral and mauka-makai access requirements, dedication of conservation and trail corridor easements, cooperation with efforts to manage access and use of coastal resources, minimizing the number of lots abutting or near the shoreline, and maximizing the use of land in the State Land Use Urban district and/or urban LUPAG categories.

Policy 81 Subdividers of six or more lots, parcels, units, or interests shall be required to dedicate land for public access for pedestrian travel from a public highway or street to the land below the high-water mark on any coastal shoreline or to areas in the mountains where there are existing facilities for hiking, hunting, fruit-picking, ti-leaf sliding, and other recreational purposes, and where there are existing mountain trails. (HRS 46-6.5 and HCC 34-4 (c))

Policy 14 Plan approval and related conditions shall consider forest and coastal ecosystems, agricultural lands, open space, viewscales, areas of natural beauty, archaeological and historic sites, and historic buildings when assuring that proper siting is provided for, proper landscaping is provided, unsightly areas are properly screened or eliminated, and natural and man-made features of community value are preserved. (HCC 25-2-77(a) & 76)

4.2 Protect Agricultural Land from Development

Policy Intent

- Policy 32** Conserve and protect agricultural lands. (State Constitution Article XI, Section 3; GP 2.3(a), 2.3(s), 14.1.2(b), & 14.2.2(a))
- Policy 33** Preserve the agricultural character of Ka'ū, including the open space preserved by agricultural land. (GP 14.2.2(b) & 14.2.3(d))
- Policy 34** Vacant lands in urban areas should be made available for residential uses before additional agricultural lands are converted into residential uses. (GP 9.3(x))
- Policy 35** Limit development of agricultural land to agricultural uses, discouraging speculative residential development and urban encroachment. (GP 14.2.3(i), (j), & (t))
- Policy 36** Agricultural lands shall not be rezoned to parcels too small to support economically viable farming units. (GP 14.2.3(s))
- Policy 37** Maintain the open space and rural character of the Ocean View, Mark Twain, and Green Sands areas, including continued inclusion in the State Land Use Agricultural district (not Rural), except in the areas in Land Use Policy Map urban categories.

Policy Controls

- Policy 7** With the adoption of the Ka'ū CDP, Figures 2, 3, 4, 5, 6, and 7 on pages 43 through 48 are adopted as the official Land Use Policy Map for the Ka'ū CDP planning area. The land use category definitions are identical to those used in the General Plan LUPAG map (and included in the Glossary). Future land use decisions in the Ka'ū CDP planning area shall be consistent with the Land Use Policy Map boundaries, designations, and policies herein, unless the CDP and the General Plan are in direct conflict.
- Policy 38** To reinforce existing protections, the official Error! Reference source not found. designates agricultural lands in Ka'ū as areas to be preserved for agriculture and open space. Development and construction in "Important Agricultural Land" and "Extensive Agriculture" areas shall be limited to agriculture, related economic infrastructure and cottage industries, renewable energy, open area recreational uses, and community facilities unless otherwise permitted by law.
- Policy 39** The urban growth boundary between agricultural areas (designated "Important Agricultural Land" or "Extensive Agriculture") and developed areas (designated "Rural," "Low/Medium/High Density Urban," "Industrial," or "Resort") is parcel-specific in the Ka'ū CDP planning area, except at Punalu'u and the Low/Medium Density Urban and Industrial nodes in Ocean View. Areas outside designated developed areas shall be preserved as agricultural lands, open space, scenic view planes, and natural beauty areas, unless the CDP and the General Plan are in direct conflict.
- Policy 44** Through permit conditions, development agreements, deed restrictions, and/or other means, ensure that areas in the "Important Agricultural Land" and "Extensive Agriculture" Land Use Policy Map categories continue to be utilized for agricultural uses and not for speculative or other residential development.



Policy 29 No development, including subdivision, shall be approved in the SMA unless the development will not have any substantial adverse environmental or ecological effect. (HRS 205A-22(3) & 205A-26(2)(A))

Pursuant to Planning Commission (PC) Rule 9-10(b)(5) & (11), and in order for the Planning Director to accurately evaluate whether the proposed action will have a substantial adverse effect, pursuant to PC Rule 9-4(e)(4), **the Director shall require that SMA Use Permit Assessment and Use Permit applications include all of the information necessary to assess the proposed activity's impacts in the Special Management Area**, including but not limited to:

- A description of the environmental setting and natural resources in the area, including an assessment of impacts on rare, threatened, or endangered species or their habitat and on fresh and coastal water quality (PC Rule 9-10(b)(5)(A) & (6) and 9-10(h)(7), (8), & (9));
- A description of valued cultural resources or historical sites in the area, including the extent to which traditional and customary native Hawaiian rights are exercised in the area (PC Rule 9-10(b)(6) & (h)(1));
- An assessment of impacts on coastal scenic and open space resources and view planes, including those outlined in the General Plan, the Community Development Plan, and other adopted plans, as well as the line of sight toward the sea from the state highway nearest the coast and along the shoreline (HRS 205A-2(b)(3) (A), HRS 205A-2(c)(3)(B), HRS 205A-26(3)(E), and PC Rule 9-10(h)(1));
- Identification and detailed information of existing public access to and along the shoreline to the specifications required by Na Ala Hele and the Ala Kahakai National Historic Trail (PC Rule 9-10(b)(10));
- An assessment of impacts on hazard risk, including flooding, tsunami, and coastal erosion and/or sea level rise over the life of the development (PC Rule 9-10(h)(9));
- A description of the relationship of the proposed action to land use plans, policies, and control of the affected area, including the General Plan and Community Development Plan (PC Rule 9-10(b)(5)(B)).

Any development permitted, including those determined to be exempt from the definition of development in Planning Commission Rule 9 (pursuant to Planning Commission Rule 9-10(e) & (g)), shall be subject to terms and conditions to achieve CZM and CDP objectives and policies, including conditions that protect natural, cultural, historic, and recreational resources; preserve agricultural land, open space, and view planes; ensure access; mitigate impacts of coastal hazards; limit coastal development; and concentrate 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. Conditions could include but not be limited to setbacks, restrictions on artificial light, lateral and mauka-makai access requirements, dedication of conservation and trail corridor easements, cooperation with efforts to manage access and use of coastal resources, minimizing the number of lots abutting or near the shoreline, and maximizing the use of land in the State Land Use Urban district and/or urban LUPAG categories.

Policy 40 Special permits of any kind in the “Important Agricultural Land” and “Extensive Agriculture” Land Use Policy Map categories should not be permitted in the Ka’ū CDP planning area, except for the following uses (as defined in HCC chapter 25):

- Agriculture and Related Economic Infrastructure: Animal hospitals, Veterinary establishments, Fertilizer yards utilizing only manure and soil, for commercial use
- Cottage Industry related to Agriculture: Bed and breakfast establishments, Guest ranches, Lodges, Home occupations
- Community Facilities: Community buildings, Public uses and structures, Shooting ranges, ATV courses (in areas without cultural, natural resource, or scenic value)
- Quarries whose permit conditions address geotechnical, engineering, safety, private road use, oversight, and any site-specific issues.
- Urban Uses in Ocean View: Uses consistent with the LDU, MDU, and Industrial LUPAG categories indicated on the Ka’ū CDP Land Use Policy Map in Ocean View, until the SLU boundaries are amended (from Agriculture to Urban).

The Planning Commission shall also include in any Special Permit approval (or recommend for approval to the State Land Use Commission) appropriate performance conditions to achieve CDP objectives and implement CDP policies. (HRS 205-6(c) and Planning Commission Rules 6-3(a)(5)(G), 6-7, & 6-8)

Policy 41 Special permits of any kind in the “Rural” Land Use Policy Map category should not be permitted in the Ka’ū CDP planning area, except for the following uses (as defined in HCC chapter 25):

- Agriculture and Related Economic Infrastructure: Animal hospitals, Veterinary establishments, Kennels
- Cottage Industry: Bed and breakfast establishments, Home occupations, Commercial or personal service uses, on a small scale
- Health and Dependent Care: Day care centers, Family child care homes, Adult day care homes, Group living facilities
- Community Facilities: Community buildings, Meeting facilities, Schools, Churches, temples and synagogues, Public uses and structures, including those privately managed (e.g., road maintenance facilities), Tennis courts, Swimming pools
- Urban Uses in Ocean View: Uses consistent with the LDU, MDU, and Industrial LUPAG categories indicated on the Ka’ū CDP Land Use Policy Map in Ocean View, until the SLU boundaries are amended (from Agricultural to Urban).
- Quarries in Hawaiian Ocean View Estates whose permit conditions address areas of concern with current mining operations, including geotechnical, engineering, safety, private road use, regular oversight by agencies with the necessary expertise and capacity, site restoration plans, and any other site-specific issues.



The Planning Commission shall also include in any Special Permit approval (or recommend for approval to the State Land Use Commission) appropriate performance conditions to achieve CDP objectives and implement CDP policies. (HRS 205-6(c) and Planning Commission Rules 6-3(a)(5)(G), 6-7, & 6-8)

- Policy 42** Landowners interested in subdivision of agricultural land in the Ka’ū CDP planning area shall be encouraged to subdivide pursuant to HCC section 23-112 related to farm subdivisions.
- Policy 43** When considering applications to consolidate and resubdivide pre-existing lots of record, the Director of Planning shall only permit lots less than one acre in size in the State Land Use Agricultural district if the applicant clearly demonstrates that an unreasonable economic hardship cannot otherwise be prevented or land utilization is improved relative to the objectives and policies of the CDP. (HRS 205-5(b))
- Policy 14** Plan approval and related conditions shall consider forest and coastal ecosystems, agricultural lands, open space, viewsapes, areas of natural beauty, archaeological and historic sites, and historic buildings when assuring that proper siting is provided for, proper landscaping is provided, unsightly areas are properly screened or eliminated, and natural and man-made features of community value are preserved. (HCC 25-2-77(a) & 76)

4.3 Protect Mauka Forests and their Ecosystems and Cultural Uses

Policy Intent

- Policy 25** Protect and conserve forest and coastal areas with native wildlife, natural ecosystems, and wilderness. (GP 8.4)
- Policy 62** Protect, preserve, and effectively manage forests, watersheds, shoreline areas, natural areas, and rare or endangered species and their habitats. (GP 8.2(d) & (e), 14.1.2(c), & 14.8.2(b))

Policy Controls

- Policy 7** With the adoption of the Ka'ū CDP, Figures 2, 3, 4, 5, 6, and 7 on pages 43 through 48 are adopted as the official Land Use Policy Map for the Ka'ū CDP planning area. The land use category definitions are identical to those used in the General Plan LUPAG map (and included in the Glossary). Future land use decisions in the Ka'ū CDP planning area shall be consistent with the Land Use Policy Map boundaries, designations, and policies herein, unless the CDP and the General Plan are in direct conflict.
- Policy 52** To reinforce existing protections, the official Ka'ū CDP Land Use Policy Map designates mauka forests in Ka'ū as open space to be preserved, protected, and connected to the region's rich network of natural and cultural resources. Development and construction in mauka "Conservation" areas shall be minimized and, when necessary, limited to recreation, research, and education facilities unless otherwise permitted by law.
- Policy 81** Subdividers of six or more lots, parcels, units, or interests shall be required to dedicate land for public access for pedestrian travel from a public highway or street to the land below the high-water mark on any coastal shoreline or to areas in the mountains where there are existing facilities for hiking, hunting, fruit-picking, ti-leaf sliding, and other recreational purposes, and where there are existing mountain trails. (HRS 46-6.5 and HCC 34-4(c))
- Policy 14** Plan approval and related conditions shall consider forest and coastal ecosystems, agricultural lands, open space, viewscales, areas of natural beauty, archaeological and historic sites, and historic buildings when assuring that proper siting is provided for, proper landscaping is provided, unsightly areas are properly screened or eliminated, and natural and man-made features of community value are preserved. (HCC 25-2-77(a) & 76)



4.4 Preserve Open Space, Scenic View Planes, and Natural Beauty

Policy Intent

- Policy 33** Preserve the agricultural character of Ka’ū, including the open space preserved by agricultural land. (GP 14.2.2(b) & 14.2.3(d))
- Policy 37** Maintain the open space and rural character of the Ocean View, Mark Twain, and Green Sands areas, including continued inclusion in the State Land Use Agricultural district (not Rural), except in the areas in Land Use Policy Map urban categories.
- Policy 53** Protect, preserve and enhance the quality of open space, areas endowed with natural and scenic beauty, and public views to and along the shoreline. (HRS 205A-2(b)(3)(B), HRS 205-26, Charter section 13-29, & GP 7.2(a), 7.2(c), 8.2(e), 14.8.2(a), & 14.8.3(d))
- Policy 54** Protect scenic vistas and view planes from becoming obstructed, considering structural setbacks from major thoroughfares and highways to protect view planes. (GP 7.2(b) & 7.3(f))
- Policy 55** Do not allow incompatible construction in areas of natural beauty. (GP 7.3(i))

Policy Controls

- Policy 7** With the adoption of the Ka’ū CDP, Figures 2, 3, 4, 5, 6, and 7 on pages 43 through 48 are adopted as the official Land Use Policy Map for the Ka’ū CDP planning area. The land use category definitions are identical to those used in the General Plan LUPAG map (and included in the Glossary). Future land use decisions in the Ka’ū CDP planning area shall be consistent with the Land Use Policy Map boundaries, designations, and policies herein, unless the CDP and the General Plan are in direct conflict.
- Policy 27** To reinforce existing protections, the official Ka’ū CDP Land Use Policy Map designates coastal areas in Ka’ū as open space to be preserved, protected, and connected to the rich network of natural and cultural resources in the region. Development and construction in the coastal “Conservation” and “Open” areas shall be minimized and, when necessary, limited to recreation, research, and education facilities unless otherwise permitted by law.
- Policy 38** To reinforce existing protections, 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. Development and construction in “Important Agricultural Land” and “Extensive Agriculture” areas shall be limited to agriculture, related economic infrastructure and cottage industries, renewable energy, open area recreational uses, and community facilities unless otherwise permitted by law.
- Policy 39** The urban growth boundary between agricultural areas (designated “Important Agricultural Land” or “Extensive Agriculture”) and developed areas (designated “Rural,” “Low/Medium/High Density Urban,” “Industrial,” or “Resort”) is parcel-specific in the Ka’ū CDP planning area, except at Punalu’u and the Low/Medium Density Urban and Industrial nodes in Ocean View. Areas outside designated developed areas shall be preserved as agricultural lands, open space, scenic view planes, and natural beauty areas, unless the CDP and the General Plan are in direct conflict.

Policy 28 On lots that are at least partially within the Special Management Area (SMA) in the Ka'ū CDP Planning Area, establish shoreline setbacks at the earliest stages of the land use planning and development process at a minimum of 1,320 feet (1/4-mile); however, the applicant may request that the setback be reduced by providing information to the Department, including information required for SMA review, which would allow for an assessment of the proposed activity's impacts and in consideration of the physical limitations of the property. For lots created prior to the date of adoption of the CDP with an average lot depth of two hundred feet or less, the shoreline setback line shall be 40 feet.

Policy 29 No development, including subdivision, shall be approved in the SMA unless the development will not have any substantial adverse environmental or ecological effect. (HRS 205A-22(3) & 205A-26(2)(A))

- Pursuant to Planning Commission (PC) Rule 9-10(b)(5) & (11), and in order for the Planning Director to accurately evaluate whether the proposed action will have a substantial adverse effect, pursuant to PC Rule 9-4(e)(4), the Director shall require that SMA Use Permit Assessment and Use Permit applications include all of the information necessary to assess the proposed activity's impacts in the Special Management Area, including but not limited to:
 - A description of the environmental setting and natural resources in the area, including an assessment of impacts on rare, threatened, or endangered species or their habitat and on fresh and coastal water quality (PC Rule 9-10(b)(5)(A) & (6) and 9-10(h)(7), (8), & (9));
 - A description of valued cultural resources or historical sites in the area, including the extent to which traditional and customary native Hawaiian rights are exercised in the area (PC Rule 9-10(b)(6) & (h)(1));
 - An assessment of impacts on coastal scenic and open space resources and view planes, including those outlined in the General Plan, the Community Development Plan, and other adopted plans, as well as the line of sight toward the sea from the state highway nearest the coast and along the shoreline (HRS 205A-2(b)(3) (A), HRS 205A-2(c)(3)(B), HRS 205A-26(3)(E), and PC Rule 9-10(h)(1));
 - Identification and detailed information of existing public access to and along the shoreline to the specifications required by Na Ala Hele and the Ala Kahakai National Historic Trail (PC Rule 9-10(b)(10));
 - An assessment of impacts on hazard risk, including flooding, tsunamis, and coastal erosion and/or sea level rise over the life of the development (PC Rule 9-10(h)(9));
 - A description of the relationship of the proposed action to land use plans, policies, and control of the affected area, including the General Plan and Community Development Plan (PC Rule 9-10(b)(5)(B)).

Any development permitted, including those determined to be exempt from the definition of development in Planning Commission Rule 9 (pursuant to Planning Commission Rule 9-10(e) & (g)), shall be subject to terms and conditions to achieve CZM and CDP objectives and policies, including conditions that protect natural, cultural, historic, and recreational resources; preserve agricultural land, open space, and view planes; ensure access; mitigate impacts of coastal hazards; limit coastal development; and concentrate 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. Conditions could include but not be limited to setbacks, restrictions on artificial light, lateral and mauka-makai access requirements, dedication of conservation and trail corridor easements, cooperation with efforts to manage access and use of coastal resources, minimizing the number of lots abutting or near the shoreline, and maximizing the use of land in the State Land Use Urban district and/or urban LUPAG categories.

- Policy 6** **The development of visitor accommodations and any resort development should complement the character of the area; protect the environment and natural beauty; respect existing lifestyles, cultural practices, and cultural resources; provide shoreline public access; and provide affordable housing to meet demand created by the development. (GP 2.4.9.2(a & c), 9.3(g), 14.7.2(c), 14.7.3(i), 14.7.5.9.2(a))**

- Policy 56** **In the Ka’ū CDP Planning Area, the environmental report for proposed changes of zone on property that may impact open space, view planes, and areas of natural beauty shall include view plane and, as appropriate, line-of-sight analysis and, to facilitate implementation of Policy 10, proposed conditions to mitigate scenic impacts. (HCC 25-2-42)**

- Policy 57** **In the Ka’ū CDP Planning Area, applications for Special Permits that may impact open space, view planes, and areas of natural beauty shall include view plane and, as appropriate, line-of-sight analysis and proposed performance conditions to mitigate scenic impacts. (Planning Commission Rule 6-3(a)(5)(G), 6-7, & 6-8)**

- Policy 58** **In the Ka’ū CDP Planning Area, applications for Use Permits for wind energy facilities and telecommunications antennas and towers shall include view plane and, as appropriate, line-of-sight analysis to demonstrate how the request does not cause substantial, adverse impact to the community’s character, including open space, public views, and areas of natural and scenic beauty, and proposed conditions to mitigate scenic impacts. (HCC 25-2-60 & 64)**

- Policy 12** **Outstanding natural or cultural features, such as scenic spots, water courses, fine groves of trees, heiaus, and historical sites and structures, shall be preserved during subdivision. (HCC 23-26)**

- Policy 14** **Plan approval and related conditions shall consider forest and coastal ecosystems, agricultural lands, open space, viewsapes, areas of natural beauty, archaeological and historic sites, and historic buildings when assuring that proper siting is provided for, proper landscaping is provided, unsightly areas are properly screened or eliminated, and natural and man-made features of community value are preserved. (HCC 25-2-77(a) & 76)**

4.5 Protect Natural Areas and Cultural Sites

Policy Intent

- Policy 24** 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. (GP 8.3(c))
- Policy 25** Protect and conserve forest and coastal areas with native wildlife, natural ecosystems, and wilderness. (GP 8.4)
- Policy 62** Protect, preserve, and effectively manage forests, watersheds, shoreline areas, natural areas, and rare or endangered species and their habitats. (GP 8.2(d) & (e), 14.1.2(c), & 14.8.2(b))
- Policy 69** Protect, restore, and enhance the sites, buildings, and objects of significant historical and cultural importance to Hawai'i. (GP 6.2(a))
- Policy 70** 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. (Hawai'i State Constitution, Article 12, section 7; HRS §§ 1-1 & 7-1; Ka Pa'akai o ka 'Āina v. Land Use Comm'n, 94 Hawai'i 31 (2000); Pele Defense Fund v. Paty, 73 Haw. 578 (1992))

Policy Controls

- Policy 7** With the adoption of the Ka'ū CDP, Figures 2, 3, 4, 5, 6, and 7 on pages 43 through 48 are adopted as the official Land Use Policy Map for the Ka'ū CDP planning area. The land use category definitions are identical to those used in the General Plan LUPAG map (and included in the Glossary). Future land use decisions in the Ka'ū CDP planning area shall be consistent with the Land Use Policy Map boundaries, designations, and policies herein, unless the CDP and the General Plan are in direct conflict.
- Policy 27** To reinforce existing protections, the official Ka'ū CDP Land Use Policy Map designates coastal areas in Ka'ū as open space to be preserved, protected, and connected to the rich network of natural and cultural resources in the region. Development and construction in the coastal "Conservation" and "Open" areas shall be minimized and, when necessary, limited to recreation, research, and education facilities unless otherwise permitted by law.
- Policy 52** To reinforce existing protections, the official Ka'ū CDP Land Use Policy Map designates mauka forests in Ka'ū as open space to be preserved, protected, and connected to the region's rich network of natural and cultural resources. Development and construction in mauka "Conservation" areas shall be minimized and, when necessary, limited to recreation, research, and education facilities unless otherwise permitted by law.
- Policy 28** On lots that are at least partially within the Special Management Area (SMA) in the Ka'ū CDP Planning Area, establish shoreline setbacks at the earliest stages of the land use planning and development process at a minimum of 1,320 feet (1/4-mile); however, the applicant may request that the setback be reduced by providing information to the Department, including information required for SMA review, which would allow for an



assessment of the proposed activity's impacts and in consideration of the physical limitations of the property. For lots created prior to the date of adoption of the CDP with an average lot depth of two hundred feet or less, the shoreline setback line shall be 40 feet.

Policy 29 No development, including subdivision, shall be approved in the SMA unless the development will not have any substantial adverse environmental or ecological effect. (HRS 205A-22(3) & 205A-26(2)(A))

Pursuant to Planning Commission (PC) Rule 9-10(b)(5) & (11), and in order for the Planning Director to accurately evaluate whether the proposed action will have a substantial adverse effect, pursuant to PC Rule 9-4(e)(4), **the Director shall require that SMA Use Permit Assessment and Use Permit applications include all of the information necessary to assess the proposed activity's impacts in the Special Management Area**, including but not limited to:

- A description of the environmental setting and natural resources in the area, including an assessment of impacts on rare, threatened, or endangered species or their habitat and on fresh and coastal water quality (PC Rule 9-10(b)(5)(A) & (6) and 9-10(h)(7), (8), & (9));
- A description of valued cultural resources or historical sites in the area, including the extent to which traditional and customary native Hawaiian rights are exercised in the area (PC Rule 9-10(b)(6) & (h)(1));
- An assessment of impacts on coastal scenic and open space resources and view planes, including those outlined in the General Plan, the Community Development Plan, and other adopted plans, as well as the line of sight toward the sea from the state highway nearest the coast and along the shoreline (HRS 205A-2(b)(3) (A), HRS 205A-2(c)(3)(B), HRS 205A-26(3)(E), and PC Rule 9-10(h)(1));
- Identification and detailed information of existing public access to and along the shoreline to the specifications required by Na Ala Hele and the Ala Kahakai National Historic Trail (PC Rule 9-10(b)(10));
- An assessment of impacts on hazard risk, including flooding, tsunami, and coastal erosion and/or sea level rise over the life of the development (PC Rule 9-10(h)(9));
- A description of the relationship of the proposed action to land use plans, policies, and control of the affected area, including the General Plan and Community Development Plan (PC Rule 9-10(b)(5)(B)).

Any development permitted, including those determined to be exempt from the definition of development in Planning Commission Rule 9 (pursuant to Planning Commission Rule 9-10(e) & (g)), shall be subject to terms and conditions to achieve CZM and CDP objectives and policies, including conditions that protect natural, cultural, historic, and recreational resources; preserve agricultural land, open space, and view planes; ensure access; mitigate impacts of coastal hazards; limit coastal development; and concentrate 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. Conditions could include but not be limited to setbacks, restrictions on artificial light, lateral and mauka-makai access requirements, dedication of conservation and trail corridor easements, cooperation with efforts to manage access and use of coastal resources,

minimizing the number of lots abutting or near the shoreline, and maximizing the use of land in the State Land Use Urban district and/or urban LUPAG categories.

- Policy 71** Review and comment by DLNR’s State Historic Preservation Division (SHPD) shall be requested for any permit or entitlement for use which may affect any building, structure, object, district, area, or site that is over fifty years old, except as provided in HRS section 6E-42.2. (HRS 6E-42)
- Policy 6** The development of visitor accommodations and any resort development should complement the character of the area; protect the environment and natural beauty; respect existing lifestyles, cultural practices, and cultural resources; provide shoreline public access; and provide affordable housing to meet demand created by the development. (GP 2.4.9.2(a & c), 9.3(g), 14.7.2(c), 14.7.3(i), 14.7.5.9.2(a))
- Policy 12** Outstanding natural or cultural features, such as scenic spots, water courses, fine groves of trees, heiaus, and historical sites and structures, shall be preserved during subdivision. (HCC 23-26)
- Policy 14** Plan approval and related conditions shall consider forest and coastal ecosystems, agricultural lands, open space, viewsapes, areas of natural beauty, archaeological and historic sites, and historic buildings when assuring that proper siting is provided for, proper landscaping is provided, unsightly areas are properly screened or eliminated, and natural and man-made features of community value are preserved. (HCC 25-2-77(a) & 76)



4.6 Establish Public Access and Trails

Policy Intent

- Policy 70** 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. (Hawai‘i State Constitution, Article 12, section 7; HRS §§ 1-1 & 7-1; Ka Pa‘akai o ka ‘Āina v. Land Use Comm’n, 94 Hawai‘i 31 (2000); Pele Defense Fund v. Paty, 73 Haw. 578 (1992))
- Policy 79** Ensure appropriate public access to the shoreline, public trails, hunting areas, scenic places and vistas, and significant historic sites, buildings, and objects of public interest. Additionally, ensure access for cultural practitioners. (GP 6.2(b), 7.3(a), and 8.3(r))

Policy Controls

- Policy 80** Appropriate public access to and along the shoreline shall be ensured as a condition of SMA exemptions and permits. (HRS 205A-26)
- Policy 81** Subdividers of six or more lots, parcels, units, or interests shall be required to dedicate land for public access for pedestrian travel from a public highway or street to the land below the high-water mark on any coastal shoreline or to areas in the mountains where there are existing facilities for hiking, hunting, fruit-picking, ti-leaf sliding, and other recreational purposes, and where there are existing mountain trails. (HRS 46-6.5 and HCC 34-4(c))
- Policy 84** Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, the Planning Director should require a pedestrian, equestrian, and/or bicycle path when the opportunity exists to connect to existing or future drainage or trail corridors. (HCC 23-30)

4.7 Maintain Community Character

Policy Controls

- Policy 72** In the “Low Density Urban” (LDU) and “Medium Density Urban” Land Use Policy Map categories, in those cases where provisions of the zoning and subdivision codes are inconsistent with the character of surrounding neighborhoods, variances or PUDs that maintain consistent village/town character should be encouraged.
- Policy 73** The development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the desired services. Appropriate infrastructure and design concerns shall be incorporated into the review of such developments. (GP 14.3.3(f))
- Policy 74** As appropriate to maintain community character while also accommodating drainage, walkability, maintenance, and other site-specific needs when improving existing roads in Pāhala, Nā’ālehu, and Wai’ōhinu, retain the current road design, including pavement width and lack of curbs, gutters, sidewalks, or paved shoulders and swales.
- Policy 75** As appropriate to maintain community character while also accommodating drainage, walkability, maintenance, and other site-specific needs, new roads (both public and private) in the Ka’ū CDP planning area may be constructed without curbs, gutters, sidewalks, or paved shoulders and swales. (HCC 23-41, 86, 87, & 91)
- Policy 94** All subdivision in the Ka’ū CDP planning area, including condominium property regimes (CPRs) and planned unit developments (PUDs), should conform to connectivity standards in HCC 23-28, 29, and 40 of the Hawai’i County Code.



4.8 Prioritize Infill Development

Policy Intent

Policy 34 Vacant lands in urban areas should be made available for residential uses before additional agricultural lands are converted into residential uses. (GP 9.3(x))

Policy Controls

Policy 7 With the adoption of the Ka’ū CDP, Figures 2, 3, 4, 5, 6, and 7 on pages 43 through 48 are adopted as the official Land Use Policy Map for the Ka’ū CDP planning area. The land use category definitions are identical to those used in the General Plan LUPAG map (and included in the Glossary). Future land use decisions in the Ka’ū CDP planning area shall be consistent with the Land Use Policy Map boundaries, designations, and policies herein, unless the CDP and the General Plan are in direct conflict.

Policy 39 The urban growth boundary between agricultural areas (designated “Important Agricultural Land” or “Extensive Agriculture”) and developed areas (designated “Rural,” “Low/Medium/High Density Urban,” “Industrial,” or “Resort”) is parcel-specific in the Ka’ū CDP planning area, except at Punalu’u and the Low/Medium Density Urban and Industrial nodes in Ocean View. Areas outside designated developed areas shall be preserved as agricultural lands, open space, scenic view planes, and natural beauty areas, unless the CDP and the General Plan are in direct conflict.

Policy 1 Rehabilitate and develop within existing zoned urban areas already served by basic infrastructure, or close to such areas, instead of scattered development. (GP 14.1.3(b) and 14.1.3(j))

Policy 8 In the “Low Density Urban (LDU)” Land Use Policy Map category in the Ka’ū CDP planning area, changes of zone shall only be permitted to Single-Family Residential (RS), Multiple-Family Residential (RM-7.5 or higher), Residential-Commercial Mixed Use (RCX-7.5 or higher), or Open (O).

In Pāhala, this policy supports a rezone of TMKs (3)9-6-002:016 & 023:034 from Agricultural (A-1a) and Industrial (ML-20 and MG-1a) to RS and/or O to take advantage of existing water and road infrastructure.

Note that Policy 93 in the CDP specifies that the focus of future water system improvements shall be on existing systems to support infill growth within the CDP growth boundary.

Policy 9 If infill capacity is exceeded in areas designated “Low Density Urban (LDU)” on the Land Use Policy Map in Pāhala, it would be appropriate to designate TMK (3)9-6-005:001 as LDU to take advantage of existing water and road connections.

Policy 29 No development, including subdivision, shall be approved in the SMA unless the development will not have any substantial adverse environmental or ecological effect. (HRS 205A-22(3) & 205A-26(2)(A))

Pursuant to Planning Commission (PC) Rule 9-10(b)(5) & (11), and in order for the Planning Director to accurately evaluate whether the proposed action will have a substantial adverse effect, pursuant to PC Rule 9-4(e)(4), **the Director shall require that SMA Use Permit Assessment and Use Permit applications include all of the information necessary to assess**

the proposed activity's impacts in the Special Management Area, including but not limited to:

- A description of the environmental setting and natural resources in the area, including an assessment of impacts on rare, threatened, or endangered species or their habitat and on fresh and coastal water quality (PC Rule 9-10(b)(5)(A) & (6) and 9-10(h)(7), (8), & (9));
- A description of valued cultural resources or historical sites in the area, including the extent to which traditional and customary native Hawaiian rights are exercised in the area (PC Rule 9-10(b)(6) & (h)(1));
- An assessment of impacts on coastal scenic and open space resources and view planes, including those outlined in the General Plan, the Community Development Plan, and other adopted plans, as well as the line of sight toward the sea from the state highway nearest the coast and along the shoreline (HRS 205A-2(b)(3) (A), HRS 205A-2(c)(3)(B), HRS 205A-26(3)(E), and PC Rule 9-10(h)(1));
- Identification and detailed information of existing public access to and along the shoreline to the specifications required by Na Ala Hele and the Ala Kahakai National Historic Trail (PC Rule 9-10(b)(10));
- An assessment of impacts on hazard risk, including flooding, tsunamis, and coastal erosion and/or sea level rise over the life of the development (PC Rule 9-10(h)(9));
- A description of the relationship of the proposed action to land use plans, policies, and control of the affected area, including the General Plan and Community Development Plan (PC Rule 9-10(b)(5)(B)).

Any development permitted, including those determined to be exempt from the definition of development in Planning Commission Rule 9 (pursuant to Planning Commission Rule 9-10(e) & (g)), shall be subject to terms and conditions to achieve CZM and CDP objectives and policies, including conditions that protect natural, cultural, historic, and recreational resources; preserve agricultural land, open space, and view planes; ensure access; mitigate impacts of coastal hazards; limit coastal development; and **concentrate 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. Conditions could include but not be limited to setbacks, restrictions on artificial light, lateral and mauka-makai access requirements, dedication of conservation and trail corridor easements, cooperation with efforts to manage access and use of coastal resources, minimizing the number of lots abutting or near the shoreline, and maximizing the use of land in the State Land Use Urban district and/or urban LUPAG categories.



4.9 Centralize Commercial Development in Pāhala, Nā‘ālehu, and Ocean View

Policy Controls

- Policy 7** With the adoption of the Ka‘ū CDP, Figures 2, 3, 4, 5, 6, and 7 on pages 43 through 48 are adopted as the official Land Use Policy Map for the Ka‘ū CDP planning area. The land use category definitions are identical to those used in the General Plan LUPAG map (and included in the Glossary). Future land use decisions in the Ka‘ū CDP planning area shall be consistent with the Land Use Policy Map boundaries, designations, and policies herein, unless the CDP and the General Plan are in direct conflict.
- Policy 39** The urban growth boundary between agricultural areas (designated “Important Agricultural Land” or “Extensive Agriculture”) and developed areas (designated “Rural,” “Low/Medium/High Density Urban,” “Industrial,” or “Resort”) is parcel-specific in the Ka‘ū CDP planning area, except at Punalu‘u and the Low/Medium Density Urban and Industrial nodes in Ocean View. Areas outside designated developed areas shall be preserved as agricultural lands, open space, scenic view planes, and natural beauty areas, unless the CDP and the General Plan are in direct conflict.
- Policy 1** Rehabilitate and develop within existing zoned urban areas already served by basic infrastructure, or close to such areas, instead of scattered development. (GP 14.1.3(b) and 14.1.3(j))
- Policy 2** Concentrate commercial uses within and surrounding central core areas in Pāhala, Nā‘ālehu, and Ocean View and do not allow strip or spot commercial development outside of the designated urban areas. (GP 14.3.3(e), 14.3.5.9.2(a, b))
- Policy 3** Commercial facilities shall be developed in areas adequately served by necessary services, such as water, utilities, sewers, and transportation systems. Should such services not be available, the development of more intensive uses should be in concert with a localized program of public and private capital improvements to meet the expected increased needs. (GP 14.3.3(b))
- Policy 13** When considering waivers to the requirements of the zoning and subdivision chapters of the County Code for consolidation and resubdivision actions in the Ka‘ū CDP planning area, the Planning Director shall carefully consider how to best further the public welfare relative to the objectives and policies of the Ka‘ū CDP. Specifically, the Director 1) should confer with all appropriate agencies, 2) shall, if the new subdivision will include lots smaller than otherwise permitted in the subject zone, endeavor to locate those smaller lots in LDU, MDU, or Industrial areas and near existing towns/villages and thoroughfares, and 3) should require necessary improvements. (HCC 23-6, 23-7, and 25-2-11)
- Policy 73** The development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the desired services. Appropriate infrastructure and design concerns shall be incorporated into the review of such developments. (GP 14.3.3(f))

4.10 Allow Small Scale Commercial Activities and Cottage Industry in Rural Areas

Policy Controls

Policy 7 With the adoption of the Ka'ū CDP, Figures 2, 3, 4, 5, 6, and 7 on pages 43 through 48 are adopted as the official Land Use Policy Map for the Ka'ū CDP planning area. The land use category definitions are identical to those used in the General Plan LUPAG map (and included in the Glossary). Future land use decisions in the Ka'ū CDP planning area shall be consistent with the Land Use Policy Map boundaries, designations, and policies herein, unless the CDP and the General Plan are in direct conflict.

Policy 40 Special permits of any kind in the "Important Agricultural Land" and "Extensive Agriculture" Land Use Policy Map categories should not be permitted in the Ka'ū CDP planning area, except for the following uses (as defined in HCC chapter 25):

- Agriculture and Related Economic Infrastructure: Animal hospitals, Veterinary establishments, Fertilizer yards utilizing only manure and soil, for commercial use
- Cottage Industry related to Agriculture: Bed and breakfast establishments, Guest ranches, Lodges, Home occupations
- Community Facilities: Community buildings, Public uses and structures, Shooting ranges, ATV courses (in areas without cultural, natural resource, or scenic value)
- Quarries whose permit conditions address geotechnical, engineering, safety, private road use, oversight, and any site-specific issues.
- Urban Uses in Ocean View: Uses consistent with the LDU, MDU, and Industrial LUPAG categories indicated on the Ka'ū CDP Land Use Policy Map in Ocean View, until the SLU boundaries are amended (from Agriculture to Urban).

The Planning Commission shall also include in any Special Permit approval (or recommend for approval to the State Land Use Commission) appropriate performance conditions to achieve CDP objectives and implement CDP policies. (HRS 205-6(c) and Planning Commission Rules 6-3(a)(5)(G), 6-7, & 6-8)

Policy 41 Special permits of any kind in the "Rural" Land Use Policy Map category should not be permitted in the Ka'ū CDP planning area, except for the following uses (as defined in HCC chapter 25):

- Agriculture and Related Economic Infrastructure: Animal hospitals, Veterinary establishments, Kennels
- Cottage Industry: Bed and breakfast establishments, Home occupations, Commercial or personal service uses, on a small scale
- Health and Dependent Care: Day care centers, Family child care homes, Adult day care homes, Group living facilities
- Community Facilities: Community buildings, Meeting facilities, Schools, Churches, temples and synagogues, Public uses and structures, including those privately managed (e.g., road maintenance facilities), Tennis courts, Swimming pools

- Urban Uses in Ocean View: Uses consistent with the LDU, MDU, and Industrial LUPAG categories indicated on the Ka'ū CDP Land Use Policy Map in Ocean View, until the SLU boundaries are amended (from Agricultural to Urban).
- Quarries in Hawaiian Ocean View Estates whose permit conditions address areas of concern with current mining operations, including geotechnical, engineering, safety, private road use, regular oversight by agencies with the necessary expertise and capacity, site restoration plans, and any other site-specific issues.

The Planning Commission shall also include in any Special Permit approval (or recommend for approval to the State Land Use Commission) appropriate performance conditions to achieve CDP objectives and implement CDP policies. (HRS 205-6(c) and Planning Commission Rules 6-3(a)(5)(G), 6-7, & 6-8)



4.11 Centralize Industrial Development in Pāhala, Nā'ālehu, and Ocean View

Policy Controls

- Policy 7** With the adoption of the Ka'ū CDP, Figures 2, 3, 4, 5, 6, and 7 on pages 43 through 48 are adopted as the official Land Use Policy Map for the Ka'ū CDP planning area. The land use category definitions are identical to those used in the General Plan LUPAG map (and included in the Glossary). Future land use decisions in the Ka'ū CDP planning area shall be consistent with the Land Use Policy Map boundaries, designations, and policies herein, unless the CDP and the General Plan are in direct conflict.
- Policy 39** The urban growth boundary between agricultural areas (designated "Important Agricultural Land" or "Extensive Agriculture") and developed areas (designated "Rural," "Low/Medium/High Density Urban," "Industrial," or "Resort") is parcel-specific in the Ka'ū CDP planning area, except at Punalu'u and the Low/Medium Density Urban and Industrial nodes in Ocean View. Areas outside designated developed areas shall be preserved as agricultural lands, open space, scenic view planes, and natural beauty areas, unless the CDP and the General Plan are in direct conflict.
- Policy 1** Rehabilitate and develop within existing zoned urban areas already served by basic infrastructure, or close to such areas, instead of scattered development. (GP 14.1.3(b) and 14.1.3(j))
- Policy 4** Industrial development shall be located in areas adequately served by transportation, utilities, and other essential infrastructure. (GP 14.4.3(e))
- Policy 13** When considering waivers to the requirements of the zoning and subdivision chapters of the County Code for consolidation and resubdivision actions in the Ka'ū CDP planning area, the Planning Director shall carefully consider how to best further the public welfare relative to the objectives and policies of the Ka'ū CDP. Specifically, the Director 1) should confer with all appropriate agencies, 2) shall, if the new subdivision will include lots smaller than otherwise permitted in the subject zone, endeavor to locate those smaller lots in LDU, MDU, or Industrial areas and near existing towns/villages and thoroughfares, and 3) should require necessary improvements. (HCC 23-6, 23-7, and 25-2-11)

4.12 Limit Coastal Resort Development to Punalu'u and Use it to Enhance Natural, Cultural, and Community Assets

Policy Controls

- Policy 7** With the adoption of the Ka'u CDP, Figures 2, 3, 4, 5, 6, and 7 on pages 43 through 48 are adopted as the official Land Use Policy Map for the Ka'u CDP planning area. The land use category definitions are identical to those used in the General Plan LUPAG map (and included in the Glossary). Future land use decisions in the Ka'u CDP planning area shall be consistent with the Land Use Policy Map boundaries, designations, and policies herein, unless the CDP and the General Plan are in direct conflict.
- Policy 5** Rehabilitate and optimize the utilization of designated resort areas that are presently serviced by basic facilities and utilities and before new resorts are allowed in undeveloped coastal areas. (GP 14.7.3(b & c))
- Policy 6** The development of visitor accommodations and any resort development should complement the character of the area; protect the environment and natural beauty; respect existing lifestyles, cultural practices, and cultural resources; provide shoreline public access; and provide affordable housing to meet demand created by the development. (GP 2.4.9.2(a & c), 9.3(g), 14.7.2(c), 14.7.3(i), 14.7.5.9.2(a))





Section 5: Permitting Policies

5.1 Historic Review

Policy Controls

Policy 71 Review and comment by DLNR’s State Historic Preservation Division (SHPD) shall be requested for any permit or entitlement for use which may affect any building, structure, object, district, area, or site that is over fifty years old, except as provided in HRS section 6E-42.2. (HRS 6E-42)



5.2 Change of Zone

See the appropriate land use policies related to coastal development, agricultural land, mauka forests, open space and scenic resources, cultural resources, and the preferred location of residential, commercial, industrial, and resort development in Section 4 above.

Policy Controls

- Policy 10** The Director of Planning shall offer a favorable recommendation to the Planning Commissions, subject to appropriate conditions, only for those proposed zoning code amendments that would further the intent and ensure consistency with the objectives and policies of the Ka'ū CDP. (HCC 25-2-42(c)(1) and 25-2-44)
- Policy 7** With the adoption of the Ka'ū CDP, Figures 2, 3, 4, 5, 6, and 7 on pages 43 through 48 are adopted as the official Land Use Policy Map for the Ka'ū CDP planning area. The land use category definitions are identical to those used in the General Plan LUPAG map (and included in the Glossary). Future land use decisions in the Ka'ū CDP planning area shall be consistent with the Land Use Policy Map boundaries, designations, and policies herein, unless the CDP and the General Plan are in direct conflict.
- Policy 27** To reinforce existing protections, the official Ka'ū CDP Land Use Policy Map designates coastal areas in Ka'ū as open space to be preserved, protected, and connected to the rich network of natural and cultural resources in the region. Development and construction in the coastal "Conservation" and "Open" areas shall be minimized and, when necessary, limited to recreation, research, and education facilities unless otherwise permitted by law.
- Policy 38** To reinforce existing protections, the official Error! Reference source not found. designates agricultural lands in Ka'ū as areas to be preserved for agriculture and open space. Development and construction in "Important Agricultural Land" and "Extensive Agriculture" areas shall be limited to agriculture, related economic infrastructure and cottage industries, renewable energy, open area recreational uses, and community facilities unless otherwise permitted by law.
- Policy 39** The urban growth boundary between agricultural areas (designated "Important Agricultural Land" or "Extensive Agriculture") and developed areas (designated "Rural," "Low/Medium/High Density Urban," "Industrial," or "Resort") is parcel-specific in the Ka'ū CDP planning area, except at Punalu'u and the Low/Medium Density Urban and Industrial nodes in Ocean View. Areas outside designated developed areas shall be preserved as agricultural lands, open space, scenic view planes, and natural beauty areas, unless the CDP and the General Plan are in direct conflict.
- Policy 52** To reinforce existing protections, the official Ka'ū CDP Land Use Policy Map designates mauka forests in Ka'ū as open space to be preserved, protected, and connected to the region's rich network of natural and cultural resources. Development and construction in mauka "Conservation" areas shall be minimized and, when necessary, limited to recreation, research, and education facilities unless otherwise permitted by law.
- Policy 1** Rehabilitate and develop within existing zoned urban areas already served by basic infrastructure, or close to such areas, instead of scattered development. (GP 14.1.3(b) and 14.1.3(j))



- Policy 2** Concentrate commercial uses within and surrounding central core areas in Pāhala, Nā‘ālehu, and Ocean View and do not allow strip or spot commercial development outside of the designated urban areas. (GP 14.3.3(e), 14.3.5.9.2(a, b))
- Policy 3** Commercial facilities shall be developed in areas adequately served by necessary services, such as water, utilities, sewers, and transportation systems. Should such services not be available, the development of more intensive uses should be in concert with a localized program of public and private capital improvements to meet the expected increased needs. (GP 14.3.3(b))
- Policy 4** Industrial development shall be located in areas adequately served by transportation, utilities, and other essential infrastructure. (GP 14.4.3(e))
- Policy 5** Rehabilitate and optimize the utilization of designated resort areas that are presently serviced by basic facilities and utilities and before new resorts are allowed in undeveloped coastal areas. (GP 14.7.3(b & c))
- Policy 6** The development of visitor accommodations and any resort development should complement the character of the area; protect the environment and natural beauty; respect existing lifestyles, cultural practices, and cultural resources; provide shoreline public access; and provide affordable housing to meet demand created by the development. (GP 2.4.9.2(a & c), 9.3(g), 14.7.2(c), 14.7.3(i), 14.7.5.9.2(a))
- Policy 8** In the “Error! Reference source not found.” Land Use Policy Map category in the Ka‘ū CDP planning area, changes of zone shall only be permitted to Single-Family Residential (RS), Multiple-Family Residential (RM-7.5 or higher), Residential-Commercial Mixed Use (RCX-7.5 or higher), or Open (O).
- In Pāhala, this policy supports a rezone of TMKs (3)9-6-002:016 & 023:034 from Agricultural (A-1a) and Industrial (ML-20 and MG-1a) to RS and/or O to take advantage of existing water and road infrastructure.
- Note that Policy 93 of the CDP specifies that the focus of future water system improvements shall be on existing systems to support infill growth within the CDP growth boundary.
- Policy 9** If infill capacity is exceeded in areas designated “Low Density Urban (LDU)” on the Land Use Policy Map in Pāhala, it would be appropriate to designate TMK (3)9-6-005:001 as LDU to take advantage of existing water and road connections.
- Policy 44** Through permit conditions, development agreements, deed restrictions, and/or other means, ensure that areas in the “Important Agricultural Land” and “Extensive Agriculture” Land Use Policy Map categories continue to be utilized for agricultural uses and not for speculative or other residential development.
- Policy 56** In the Ka‘ū CDP Planning Area, the environmental report for proposed changes of zone on property that may impact open space, view planes, and areas of natural beauty shall include view plane and, as appropriate, line-of-sight analysis and, to facilitate implementation of Policy 10, proposed conditions to mitigate scenic impacts. (HCC 25-2-42)

- Policy 73** The development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the desired services. Appropriate infrastructure and design concerns shall be incorporated into the review of such developments. (GP 14.3.3(f))
- Policy 75** As appropriate to maintain community character while also accommodating drainage, walkability, maintenance, and other site-specific needs, new roads (both public and private) in the Ka'ū CDP planning area may be constructed without curbs, gutters, sidewalks, or paved shoulders and swales. (HCC 23-41, 86, 87, & 91)



5.3 Special Permit

See the appropriate land use policies related to coastal development, agricultural land, open space and scenic resources, cultural resources, and the preferred location of residential, commercial, industrial, and resort development in Section 4 above.

Policy Controls

- Policy 38** To reinforce existing protections, the official Error! Reference source not found. designates agricultural lands in Ka’ū as areas to be preserved for agriculture and open space. Development and construction in “Important Agricultural Land” and “Extensive Agriculture” areas shall be limited to agriculture, related economic infrastructure and cottage industries, renewable energy, open area recreational uses, and community facilities unless otherwise permitted by law.
- Policy 44** Through permit conditions, development agreements, deed restrictions, and/or other means, ensure that areas in the “Important Agricultural Land” and “Extensive Agriculture” Land Use Policy Map categories continue to be utilized for agricultural uses and not for speculative or other residential development.
- Policy 1** Rehabilitate and develop within existing zoned urban areas already served by basic infrastructure, or close to such areas, instead of scattered development. (GP 14.1.3(b) and 14.1.3(j))
- Policy 2** Concentrate commercial uses within and surrounding central core areas in Pāhala, Nā’ālehu, and Ocean View and do not allow strip or spot commercial development outside of the designated urban areas. (GP 14.3.3(e), 14.3.5.9.2(a, b))
- Policy 6** The development of visitor accommodations and any resort development should complement the character of the area; protect the environment and natural beauty; respect existing lifestyles, cultural practices, and cultural resources; provide shoreline public access; and provide affordable housing to meet demand created by the development. (GP 2.4.9.2(a & c), 9.3(g), 14.7.2(c), 14.7.3(i), 14.7.5.9.2(a))
- Policy 57** In the Ka’ū CDP Planning Area, applications for Special Permits that may impact open space, view planes, and areas of natural beauty shall include view plane and, as appropriate, line-of-sight analysis and proposed performance conditions to mitigate scenic impacts. (Planning Commission Rule 6-3(a)(5)(G), 6-7, & 6-8)
- Policy 40** Special permits of any kind in the “Important Agricultural Land” and “Extensive Agriculture” Land Use Policy Map categories should not be permitted in the Ka’ū CDP planning area, except for the following uses (as defined in HCC chapter 25):
- Agriculture and Related Economic Infrastructure: Animal hospitals, Veterinary establishments, Fertilizer yards utilizing only manure and soil, for commercial use
 - Cottage Industry related to Agriculture: Bed and breakfast establishments, Guest ranches, Lodges, Home occupations
 - Community Facilities: Community buildings, Public uses and structures, Shooting ranges, ATV courses (in areas without cultural, natural resource, or scenic value)

- Quarries whose permit conditions address geotechnical, engineering, safety, private road use, oversight, and any site-specific issues.
- Urban Uses in Ocean View: Uses consistent with the LDU, MDU, and Industrial LUPAG categories indicated on the Ka'ū CDP Land Use Policy Map in Ocean View, until the SLU boundaries are amended (from Agriculture to Urban).

The Planning Commission shall also include in any Special Permit approval (or recommend for approval to the State Land Use Commission) appropriate performance conditions to achieve CDP objectives and implement CDP policies. (HRS 205-6(c) and Planning Commission Rules 6-3(a)(5)(G), 6-7, & 6-8)

Policy 41 Special permits of any kind in the “Rural” Land Use Policy Map category should not be permitted in the Ka'ū CDP planning area, except for the following uses (as defined in HCC chapter 25):

- Agriculture and Related Economic Infrastructure: Animal hospitals, Veterinary establishments, Kennels
- Cottage Industry: Bed and breakfast establishments, Home occupations, Commercial or personal service uses, on a small scale
- Health and Dependent Care: Day care centers, Family child care homes, Adult day care homes, Group living facilities
- Community Facilities: Community buildings, Meeting facilities, Schools, Churches, temples and synagogues, Public uses and structures, including those privately managed (e.g., road maintenance facilities), Tennis courts, Swimming pools
- Urban Uses in Ocean View: Uses consistent with the LDU, MDU, and Industrial LUPAG categories indicated on the Ka'ū CDP Land Use Policy Map in Ocean View, until the SLU boundaries are amended (from Agricultural to Urban).
- Quarries in Hawaiian Ocean View Estates whose permit conditions address areas of concern with current mining operations, including geotechnical, engineering, safety, private road use, regular oversight by agencies with the necessary expertise and capacity, site restoration plans, and any other site-specific issues.

The Planning Commission shall also include in any Special Permit approval (or recommend for approval to the State Land Use Commission) appropriate performance conditions to achieve CDP objectives and implement CDP policies. (HRS 205-6(c) and Planning Commission Rules 6-3(a)(5)(G), 6-7, & 6-8)

5.4 Use Permit

Policy Controls

Policy 58 In the Ka'ū CDP Planning Area, applications for Use Permits for wind energy facilities and telecommunications antennas and towers shall include view plane and, as appropriate, line-of-sight analysis to demonstrate how the request does not cause substantial, adverse impact to the community's character, including open space, public views, and areas of natural and scenic beauty, and proposed conditions to mitigate scenic impacts. (HCC 25-2-60 & 64)



5.5 Planned Unit Development (PUD)

Policy Controls

- Policy 38** To reinforce existing protections, the official Error! Reference source not found. designates agricultural lands in Ka'ū as areas to be preserved for agricultural and open space. Development and construction in "Important Agriculture Land" and "Extensive Agriculture" areas shall be limited to agriculture, related economic infrastructure and cottage industries, renewable energy, open area recreational uses, and community facilities unless otherwise permitted by law.
- Policy 39** The urban growth boundary between agricultural areas (designated "Important Agricultural Land" or "Extensive Agriculture") and developed areas (designated "Rural," "Low/Medium/High Density Urban," "Industrial," or "Resort") is parcel-specific in the Ka'ū CDP planning area, except at Punalu'u and the Low/Medium Density Urban and Industrial nodes in Ocean View. Areas outside designated developed areas shall be preserved as agricultural lands, open space, scenic view planes, and natural beauty areas, unless the CDP and the General Plan are in direct conflict.
- Policy 44** Through permit conditions, development agreements, deed restrictions, and/or other means, ensure that areas in the "Important Agricultural Land" and "Extensive Agriculture" Land Use Policy Map categories continue to be utilized for agricultural uses and not for speculative or other residential development.
- Policy 42** Landowners interested in subdivision of agricultural land in the Ka'ū CDP planning area shall be encouraged to subdivide pursuant to HCC section 23-112 related to farm subdivisions.
- Policy 12** Outstanding natural or cultural features, such as scenic spots, water courses, fine groves of trees, heiaus, and historical sites and structures, shall be preserved during subdivision. (HCC 23-26)
- Policy 72** In the "Low Density Urban" (LDU) and "Medium Density Urban" Land Use Policy Map categories, in those cases where provisions of the zoning and subdivision codes are inconsistent with the character of surrounding neighborhoods, variances or PUDs that maintain consistent village/town character should be encouraged.
- Policy 73** The development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the desired services. Appropriate infrastructure and design concerns shall be incorporated into the review of such developments. (GP 14.3.3(f))
- Policy 75** As appropriate to maintain community character while also accommodating drainage, walkability, maintenance, and other site-specific needs, new roads (both public and private) in the Ka'ū CDP planning area may be constructed without curbs, gutters, sidewalks, or paved shoulders and swales. (HCC 23-41, 86, 87, & 91)
- Policy 94** All subdivision in the Ka'ū CDP planning area, including condominium property regimes (CPRs) and planned unit developments (PUDs), should conform to connectivity standards in HCC 23-28, 29, and 40 of the Hawai'i County Code.
- Policy 81** Subdividers of six or more lots, parcels, units, or interests shall be required to dedicate land for public access for pedestrian travel from a public highway or street to the land below the

high-water mark on any coastal shoreline or to areas in the mountains where there are existing facilities for hiking, hunting, fruit-picking, ti-leaf sliding, and other recreational purposes, and where there are existing mountain trails. (HRS 46-6.5 and HCC 34-4(c))

Policy 84 Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, the Planning Director should require a pedestrian, equestrian, and/or bicycle path when the opportunity exists to connect to existing or future drainage or trail corridors. (HCC 23-30)



5.6 Special Management Area (SMA) and Shoreline Setback

Policy Control

- Policy 27** To reinforce existing protections, the official Ka'ū CDP Land Use Policy Map designates coastal areas in Ka'ū as open space to be preserved, protected, and connected to the rich network of natural and cultural resources in the region. Development and construction in the coastal "Conservation" and "Open" areas shall be minimized and, when necessary, limited to recreation, research, and education facilities unless otherwise permitted by law.
- Policy 38** To reinforce existing protections, 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. Development and construction in "Important Agricultural Land" and "Extensive Agriculture" areas shall be limited to agriculture, related economic infrastructure and cottage industries, renewable energy, open area recreational uses, and community facilities unless otherwise permitted by law.
- Policy 28** On lots that are at least partially within the Special Management Area (SMA) in the Ka'ū CDP Planning Area, establish shoreline setbacks at the earliest stages of the land use planning and development process at a minimum of 1,320 feet (1/4-mile); however, the applicant may request that the setback be reduced by providing information to the Department, including information required for SMA review, which would allow for an assessment of the proposed activity's impacts and in consideration of the physical limitations of the property. For lots created prior to the date of adoption of the CDP with an average lot depth of two hundred feet or less, the shoreline setback line shall be 40 feet.
- Policy 29** No development, including subdivision, shall be approved in the SMA unless the development will not have any substantial adverse environmental or ecological effect. (HRS 205A-22(3) & 205A-26(2)(A))

Pursuant to Planning Commission (PC) Rule 9-10(b)(5) & (11), and in order for the Planning Director to accurately evaluate whether the proposed action will have a substantial adverse effect, pursuant to PC Rule 9-4(e)(4), **the Director shall require that SMA Use Permit Assessment and Use Permit applications include all of the information necessary to assess the proposed activity's impacts in the Special Management Area**, including but not limited to:

- A description of the environmental setting and natural resources in the area, including an assessment of impacts on rare, threatened, or endangered species or their habitat and on fresh and coastal water quality (PC Rule 9-10(b)(5)(A) & (6) and 9-10(h)(7), (8), & (9));
- A description of valued cultural resources or historical sites in the area, including the extent to which traditional and customary native Hawaiian rights are exercised in the area (PC Rule 9-10(b)(6) & (h)(1));
- An assessment of impacts on coastal scenic and open space resources and view planes, including those outlined in the General Plan, the Community Development Plan, and other adopted plans, as well as the line of sight toward the sea from the state highway nearest the coast and along the shoreline (HRS 205A-2(b)(3) (A), HRS 205A-2(c)(3)(B), HRS 205A-26(3)(E), and PC Rule 9-10(h)(1));



- Identification and detailed information of existing public access to and along the shoreline to the specifications required by Na Ala Hele and the Ala Kahakai National Historic Trail (PC Rule 9-10(b)(10));
- An assessment of impacts on hazard risk, including flooding, tsunامي, and coastal erosion and/or sea level rise over the life of the development (PC Rule 9-10(h)(9));
- A description of the relationship of the proposed action to land use plans, policies, and control of the affected area, including the General Plan and Community Development Plan (PC Rule 9-10(b)(5)(B)).

Any development permitted, including those determined to be exempt from the definition of development in Planning Commission Rule 9 (pursuant to Planning Commission Rule 9-10(e) & (g)), shall be subject to terms and conditions to achieve CZM and CDP objectives and policies, including conditions that protect natural, cultural, historic, and recreational resources; preserve agricultural land, open space, and view planes; ensure access; mitigate impacts of coastal hazards; limit coastal development; and concentrate 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. Conditions could include but not be limited to setbacks, restrictions on artificial light, lateral and mauka-makai access requirements, dedication of conservation and trail corridor easements, cooperation with efforts to manage access and use of coastal resources, minimizing the number of lots abutting or near the shoreline, and maximizing the use of land in the State Land Use Urban district and/or urban LUPAG categories.

Policy 80 Appropriate public access to and along the shoreline shall be ensured as a condition of SMA exemptions and permits. (HRS 205A-26)

5.7 Subdivision and Condominium Property Regime

Policy Controls

- Policy 42** Landowners interested in subdivision of agricultural land in the Ka'ū CDP planning area shall be encouraged to subdivide pursuant to HCC section 23-112 related to farm subdivisions.
- Policy 12** Outstanding natural or cultural features, such as scenic spots, water courses, fine groves of trees, heiaus, and historical sites and structures, shall be preserved during subdivision. (HCC 23-26)
- Policy 72** In the "Low Density Urban" (LDU) and "Medium Density Urban" Land Use Policy Map categories, in those cases where provisions of the zoning and subdivision codes are inconsistent with the character of surrounding neighborhoods, variances or PUDs that maintain consistent village/town character should be encouraged.
- Policy 75** As appropriate to maintain community character while also accommodating drainage, walkability, maintenance, and other site-specific needs, new roads (both public and private) in the Ka'ū CDP planning area may be constructed without curbs, gutters, sidewalks, or paved shoulders and swales. (HCC 23-41, 86, 87, & 91)
- Policy 94** All subdivision in the Ka'ū CDP planning area, including condominium property regimes (CPRs) and planned unit developments (PUDs), should conform to connectivity standards in HCC 23-28, 29, and 40 of the Hawai'i County Code.
- Policy 80** Appropriate public access to and along the shoreline shall be ensured as a condition of SMA exemptions and permits. (HRS 205A-26)
- Policy 81** Subdividers of six or more lots, parcels, units, or interests shall be required to dedicate land for public access for pedestrian travel from a public highway or street to the land below the high-water mark on any coastal shoreline or to areas in the mountains where there are existing facilities for hiking, hunting, fruit-picking, ti-leaf sliding, and other recreational purposes, and where there are existing mountain trails. (HRS 46-6.5 and HCC 34-4(c))
- Policy 84** Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, the Planning Director should require a pedestrian, equestrian, and/or bicycle path when the opportunity exists to connect to existing or future drainage or trail corridors. (HCC 23-30)



5.8 Parcel Consolidation and Resubdivision of Pre-existing Lots of Record

Policy Controls

- Policy 13** When considering waivers to the requirements of the zoning and subdivision chapters of the County Code for consolidation and resubdivision actions in the Ka'ū CDP planning area, the Planning Director shall carefully consider how to best further the public welfare relative to the objectives and policies of the Ka'ū CDP. Specifically, the Director 1) should confer with all appropriate agencies, 2) shall, if the new subdivision will include lots smaller than otherwise permitted in the subject zone, endeavor to locate those smaller lots in LDU, MDU, or Industrial areas and near existing towns/villages and thoroughfares, and 3) should require necessary improvements. (HCC 23-6, 23-7, and 25-2-11)
- Policy 43** When considering applications to consolidate and resubdivide pre-existing lots of record, the Director of Planning shall only permit lots less than one acre in size in the State Land Use Agricultural district if the applicant clearly demonstrates that an unreasonable economic hardship cannot otherwise be prevented or land utilization is improved relative to the objectives and policies of the CDP. (HRS 205-5(b))

5.9 Variance

Policy Controls

- Policy 44** Through permit conditions, development agreements, deed restrictions, and/or other means, ensure that areas in the “Important Agricultural Land” and “Extensive Agriculture” Land Use Policy Map categories continue to be utilized for agricultural uses and not for speculative or other residential development.
- Policy 42** Landowners interested in subdivision of agricultural land in the Ka’ū CDP planning area shall be encouraged to subdivide pursuant to HCC section 23-112 related to farm subdivisions.
- Policy 11** Variances from the zoning or subdivision codes (including PUDs) shall be carefully considered relative to Ka’ū CDP objectives and policies, and, when approved, shall be conditioned to ensure consistency with the CDP. (HCC 23-6, 23-15(c), 23-18, 25-2-51(c), 25-2-54(b), and 25-6-6(b))
- Policy 72** In the “Low Density Urban” (LDU) and “Medium Density Urban” Land Use Policy Map categories, in those cases where provisions of the zoning and subdivision codes are inconsistent with the character of surrounding neighborhoods, variances or PUDs that maintain consistent village/town character should be encouraged.
- Policy 75** As appropriate to maintain community character while also accommodating drainage, walkability, maintenance, and other site-specific needs, new roads (both public and private) in the Ka’ū CDP planning area may be constructed without curbs, gutters, sidewalks, or paved shoulders and swales. (HCC 23-41, 86, 87, & 91)
- Policy 94** All subdivision in the Ka’ū CDP planning area, including condominium property regimes (CPRs) and planned unit developments (PUDs), should conform to connectivity standards in HCC 23-28, 29, and 40 of the Hawai’i County Code.

5.10 Plan Approval

Policy Controls

Policy 14 Plan approval and related conditions shall consider forest and coastal ecosystems, agricultural lands, open space, viewscales, areas of natural beauty, archaeological and historic sites, and historic buildings when assuring that proper siting is provided for, proper landscaping is provided, unsightly areas are properly screened or eliminated, and natural and man-made features of community value are preserved. (HCC 25-2-77(a) & 76)



5.11 Grading and Grubbing

Policy Controls

Policy 63 The Director of Public Works should condition grading and grubbing permits to require screen planting, landscaping, erosion control planting, or other treatments to maintain the good appearance of graded areas and reduce the detrimental impact on adjacent properties. (HCC 10-12(c))