

# Background Information: Ocean View Development and Special Permits

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August 2015

## 1 Purpose and Overview

The purpose of this packet of background information is to inform the Ka'ū CDP Steering Committee's discussions and decisions related to CDP strategies that address development within Ocean View and Special Permits for uses in the State Land Use Agriculture District.

### 1.1 Related Community Objectives

The Community Objectives related to Ocean View development and Special Permits are to preserve agricultural lands, concentrate future development in compact town centers, expand commercial centers, allow rural development in rural areas, and increase economic opportunity (see Attachment A below). These objectives were adopted by the CDP Steering Committee based on extensive community input and research.

### 1.2 Draft CDP Strategies

The Draft CDP seeks to achieve those objectives by:

- Protecting agricultural land, open space, and rural character with the land use policy map and streamlined lot consolidation (Policies 7, 37, 51)
- Designating on the land use policy map:
  - A medium density urban node with infill potential near existing commercial areas
  - Two low density urban nodes at Aloha and Tiki and the highway
  - An industrial area along the Hawaiian Ranchos mauka frontage road (Policies 2 and 7)
- Exploring the feasibility of community-based, comprehensive redevelopment strategies (Policy 20)
- Discouraging intensive development in areas of high volcanic hazard (Policy 38)
- Allowing appropriate diversification of economic uses outside of designated urban areas via special permit (Policies 42 and 43)
- Minimizing community impacts of commercial renewable energy projects by requiring use permits (Policy 135).

Importantly, this packet does not include information about complementary but distinct CDP strategies, including those related to ecosystems, coastal development and management, cultural resources, public access, infrastructure (e.g., water, roads, buses), and specific economic development strategies.

### 1.3 How CDP Strategies were Identified

A "Strategy Identification Matrix" was used to develop each Draft CDP strategy. Moving across the matrix from the left to the right columns, they identify:

- The Community Objectives
- Existing policy that supports achievement of those objectives
- Policy and programmatic gaps that inhibit achievement of Community Objectives, and

- CDP strategies designed to address those gaps. There are four types of strategies: 1) County Land Use Policy, 2) County Action, 3) Advocacy (i.e., actions needed by non-County actors), and 4) Community-Based, Collaborative Actions.

#### **1.4 Identifying Potential CDP Revisions**

Therefore, potential revisions to the CDP should be informed by the identification of:

1. Additional policy or programmatic gaps and/ or
2. Alternative CDP strategies that more effectively address gaps and achieve Community Objectives.

#### **1.5 Detailed Strategy Rationale, Public Comment, and Supplementary Information**

Attachment B below includes detailed information about each current CDP Strategy related to Ocean View development and Special Permits, starting with related excerpts from the Strategy Identification Matrix. In narrative format, each strategy also includes the rationale behind it, which explains gaps in existing policies and programs that inhibit achievement of Community Objectives.

To inform the consideration of alternative CDP strategies, each Draft CDP strategy in Attachment B also includes:

- Public Comment: This is a summary of comments made during the public review of the Draft CDP, including both comments that affirmed current CDP strategies and those that offered critique and alternatives.
- Responses to public comment: Most public comments were supportive of Draft CDP strategies and are not highlighted below in any way. Some critical comments can be readily addressed, and **explanatory responses are in blue**. **Other comments justify possible CDP revisions and/or prompt further Steering Committee discussion and are in red**.
- Related Supplementary Information.

The section immediately below summarizes the “take-aways” from information in this packet and the attachments.

## 2 Summary of Findings and Recommendations

Public comment related to Ocean View Development and Special Permits can be summarized and addressed as follows (proposed revisions are in red):

### Cluster #1

1. Questions about the nature of development being proposed for different areas in Ocean View (see [Policies 2 and 7](#) in Attachment B)
2. Questions about managing visual impacts and traffic associated with development in Ocean View, which are addressed during the permitting process (see [Policy 7](#) in Attachment B)

### Cluster #2

3. The OVCDC suggested eliminating [Policy 20](#), which is a County Action to test the feasibility of community-based redevelopment in nonconforming subdivisions. **Three options are presented in Section 3 for consideration by the Steering Committee.**
4. The OVCDC suggested eliminated [Policy 38](#), which affirms an existing General Plan policy to discourage intensive development in areas of high volcanic hazard. **Two options are presented in Section 3 for consideration by the Steering Committee.**

### Cluster #3

5. Confusion about the difference between State and County “Rural” (see [Policy 37](#) in Attachment B)

### Cluster #4

6. Questions and suggestions related to development and Special Permits on agricultural land (see [Policies 42 and 43](#) in Attachment B)
7. **Revise language related to quarries in [Policies 42 and 43](#) to reflect recent events.**
8. **Add “small scale commercial uses” to uses permitted with a Special Permit in “rural” areas in [Policy 43](#)**
9. **Add “lodges” to uses permitted with a Special Permit in “agricultural” areas in [Policy 42](#)**
10. **Designate Ocean View makai as “Rural” in the land use policy map (see [Policies 7, 42, and 43](#) in Attachment B)**

### Cluster #5

11. **Add an Advocacy strategy to have the State Legislature exclude uses that are not appropriate for “residential” subdivisions in the State Land Use Agriculture District (see [Policy 135](#) in Attachment B).**



### 3 Summary of Alternatives and Associated Trade-offs

#### 3.1 Policy 20

1. Objectives	3. Policy Gaps	4. New County Policy	Policy			
			Option	Potential Advantages relative to Objectives	Potential Disadvantages relative to Objectives	Proposed CDP Revisions
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 shorelines.	<ul style="list-style-type: none"> <li>Thousands of buildable lots</li> <li>Rapid population growth</li> <li>No mechanism for managing build-out to preserve open space and rural character</li> </ul>	<p>P20: Explore the feasibility of establishing a redevelopment area, plan, &amp; agency to comprehensively address community challenges</p> <p>P20: Provide technical assistance to CDCs and associations to implement redevelopment plans</p>	No change	<p>Provides new opportunities to preserve agricultural land and rural character</p> <p>Provides new opportunities to increase safety and improve hazard mitigation</p>		None
			Revise Policy 20 to exclude Ocean View	Test feasibility without rekindling fears in Ocean View		Explore the feasibility of establishing a redevelopment area, plan, and agency to comprehensively address community challenges in nonconforming subdivisions <b>other than Ocean View</b> . If community-based redevelopment strategies are feasible, provide technical assistance to communities and organizations pursuing those strategies.
			Delete Policy 20		<p>Eliminates exploration of some options to preserve agricultural land and rural character</p> <p>Eliminates exploration of some options to increase safety and improve hazard mitigation</p>	Delete Policy 20
			Other?			

### 3.2 Policy 38

1. Objectives	Policy					
	2. Aligned Policies	3. Policy Gaps	Option	Potential Advantages relative to Objectives	Potential Disadvantages relative to Objectives	Proposed CDP Revisions
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 shorelines.	<u>Ocean View</u> P38: GP 5.3(r)	<u>Ocean View</u> <ul style="list-style-type: none"> <li>• Rapid population growth</li> <li>• Significant lava hazard</li> <li>• No mechanism for managing build-out</li> </ul>	No change	Encourages settlement patterns that increase safety and improve hazard mitigation		None
			Delete Policy 38	General Plan policy remains in place without rekindling fears in Ocean View		Delete Policy 38
			Other?			

### 3.3 Policies 42 and 43

The following adjustments in permitted uses by Special Permit are recommended based on the analysis related to Policies 42 and 43 in Attachment B (proposed revisions in red)

Special Permits allowed in Policies 42 and 43	Ocean View HOVE & DH Areas	Ocean View Makai & Other Ag
Animal hospitals, Veterinary establishments	x	x
Kennels	x	
Fertilizer yards utilizing only manure and soil, for commercial use		x
Quarries whose permit conditions that include a mining site master plan that comprehensively addresses geotechnical, engineering, safety, ownership, private road use, oversight, and any site-specific issues.		x
Quarries in Hawaiian Ocean View Estates whose permit conditions once a mining site Master Plan has been developed that comprehensively addresses areas of concern with current mining operations, including geotechnical, engineering, safety, ownership, private road use, and oversight.	x	
Bed and breakfast establishments, Home occupations	x	x
Commercial or personal service uses, on a small scale	x	
Guest ranches and Lodges		x
Day care centers, Family child care homes, Adult day care homes, Group living facilities	x	
Community buildings	x	x
Meeting facilities	x	
Schools, Churches, temples and synagogues	x	
Public uses and structures, including those privately managed (e.g., road maintenance facilities)	x	
Other Public uses and structures		x
Tennis courts, Swimming pools	x	
Shooting ranges		x
ATV courses (in areas without cultural, natural resource, or scenic value)		x

### 3.4 Policy 135

POLICY				
1. Sector	4. Aligned Policies (GP, other)	6. Policy Gaps	7. New County Policy	8. Advocacy
Renewable Energy	<ul style="list-style-type: none"> <li>Hawai'i County Energy Plan</li> <li>CEDS energy cluster</li> <li>Hawai'i Clean Energy Initiative – US DOE &amp; State of Hawai'i</li> <li>Renewable Portfolio Standards overseen by PUC.</li> <li>Hawai'i Energy Tax Credits</li> <li>HRS 205 – renewable energy facilities permitted on state land use agricultural land</li> </ul> <p>P134: GP 3.3(a, b, e, k, l), 14.2.3( u)</p>	<ul style="list-style-type: none"> <li>Commercial renewable energy projects potentially have adverse community impacts when on ag land</li> </ul>	P135: Require use permits for renewable energy on ag land	<p><u>Legislature</u> Amend HRS §205 to exclude commercial renewable energy, mills, and major processing facilities in LUPAG Rural areas</p>

## **Attachment A**

### **Related Community Objectives**

- 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 viewscapes that exemplify Ka'ū's rural character.
- Objective 11: **Increase the number and diversity of income sources for residents**, including jobs and entrepreneurial opportunities that complement Ka'ū's ecology, culture and evolving demographics.
- Objective 12: **Establish or expand retail, service, dining, and entertainment centers** in rural villages and towns capable of supporting Ka'ū-appropriate growth.

**Attachment B**  
**Current CDP Strategies, their Rationale, Related Public Comment, &  
Supplementary Information**

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**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))**

**Strategy Identification Matrix**

1. Objectives	Policy				Community-Based, Collaborative Action		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
Encourage future settlement patterns that are safe, sustainable, and connected. They should protect people and community facilities from natural hazards, and they should honor the best of Ka‘ū’s historic precedents: concentrating new commercial and residential development in compact, walkable, mixed-use town/village centers, allowing rural development in the rural lands, and limiting development on shorelines.	Ocean View P2: GP 14.3.3(e), 14.3.5.9.2(a) P2: 14.3.5.9.2(b)	<ul style="list-style-type: none"> <li>• Rapid population growth</li> <li>• LUPAG Urban Expansion too broad</li> <li>• No designated commercial areas</li> </ul>		•	•	•	

**Rationale**

This is an affirmation of the following General Plan policies:

- 14.3.3(e): “Encourage the concentration of commercial uses within and surrounding a central core area.”
- 14.3.5.9.2(a): “Centralization of commercial activity in the communities of Pāhala, Nā‘ālehu, and Ocean View and the area of the Volcanoes National Park shall be encouraged.”
- 14.3.5.9.2(b): “Do not allow strip or spot commercial development on the highway outside of the designated urban areas.”

For more information, see pages 13-17, 35, and 200 of Appendix V4B.

**Supportive Public Comment**

Encourage Commercial Re/Development

- Make commercial development an easier process to build a community that keeps families and taxes in Ka‘ū.
- while i, of course, like our rural lifestyle and want beach access, i would like to see more commercial development. i believe a mcdonalds, or a sonic would sell out of food daily, especially between 9pm - midnight when everything is closed. people drive 4+ hours everyday, they have families, they're exhausted! i can't believe someone hadnt done this yet. and how about a store where we can buy clothes? even socks, underwear, drug store items, a dollar store would go out of business. there's nothing out here. Another laundrymat and bar would do gangbuster business.... we dont need another pizza place. why arent we talking to big people

like longs, mcdonalds, pier 1, bed/bath & beyond. regular stuff. a couple more stores is not gonna mess up anyone's "atmosphere".

### **Public Questions**

#### **Ocean View**

- Encourage spending in Nā'ālehu and HOVE? **Yes**
- Does CDP encourage owners of currently zoned lands to develop? **Yes**
- (re: HOVE map) Does this change a previously larger commercial and industrial corridor? [**Yes, the map focuses commercial uses around the existing commercial development and in small nodes at Aloha and Tiki. It also identifies an industrial area along the frontage round in Ranchos at the highway.**]
- When will Pōhue Plaza be built? [**The State Land Use boundaries and zoning have been changed to allow it.**] Will the charter school go in along their property?
- My property is on Aloha Bl. I normally just zip from the highway onto aloha and poof I am there. What type of development are they talking about on the corner? Will it slow traffic from the highway? Will it make that a stop to traffic coming from the highway? Will the business have good food or gas? [**This would be small, neighborhood-scale commercial development, like convenience stores and restaurants.**]

**Policy 7** With the adoption of the Ka’ū CDP, Figures 2, 3, 4, 5, 6, and 7 on pages 51 through 56 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. Future land use decisions in the Ka’ū CDP planning area shall be consistent with the Land Use Policy Map boundaries, definitions, and policies herein.

**Strategy Identification Matrix**

1. Objectives	Policy				Community-Based, Collaborative Action		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
Encourage future settlement patterns that are safe, sustainable, and connected. They should protect people and community facilities from natural hazards, and they should honor the best of Ka’ū’s historic precedents: concentrating new commercial and residential development in compact, walkable, mixed-use town/ village centers, allowing rural development in the rural lands, and limiting development on shorelines	<u>Ocean View</u> P7: 14.4.5.9.2(a)	<ul style="list-style-type: none"> <li>Limited job opportunities &amp; long commutes</li> <li>LUPAG Urban Expansion too broad</li> <li>No designated commercial areas</li> <li>No designated industrial areas</li> </ul>	P7: Establish MDU in established commercial area P7: Designate Aloha Blvd. and Tiki at the highway LUPAG urban nodes (neighborhood commercial zoning) P7: Establish the frontage road on either side of Kohala Blvd. as LUPAG Ind	•	•	•	•

**Rationale**

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

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

The land use categories used in the CDP Land Use Policy Map correspond with those used in the General Plan LUPAG map. For example, much of the coastal mauka and coastal areas in Ka’ū are designated Conservation or Open in the General Plan LUPAG. Likewise, agricultural lands in Ka’ū are designated agricultural.

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

necessary amendments and the reasoning behind them, and Policy 15 is the County Action required to make the necessary General Plan amendments.

The Ka'ū CDP Land Use Policy Map advances local economic development by protecting the natural and cultural resource base, protecting lands for agricultural and renewable energy production, and clearly identifying nodes for commercial enterprises and industrial uses.

### Industrial Areas

In the General Plan, the "Industrial" LUPAG category is defined as "These areas include uses such as manufacturing and processing, wholesaling, large storage and transportation facilities, light industrial and industrial-commercial uses."

To implement General Plan policy 14.4.5.9.2(a), which states that the County should "Identify sites suitable for future industrial activities as the need arises," the CDP Land Use Policy Map mirrors existing Industrial zoning in Pāhala and Nā'ālehu and recognizes the need to designate an appropriate industrial area in Ocean View to allow for the diversification of services and economic opportunities in the area. The easement road in the Hawaiian Ranchos subdivision appears to be a good candidate for industrial uses because of its relative isolation from other residential and agricultural uses in the area and its direct access to the highway. (Note: This policy is an effort to address a longstanding, complex challenge. It is not perfect, but it merits consideration. However, if the communities in proximity to the proposed industrial area find fault with this proposed location and consider this strategy incompatible with their vision, goals, and strategies for the area, the industrial node should be removed from the CDP Policy Map.)

Zones permitted in the areas designated Industrial include:

- Industrial-Commercial Mixed (MCX), which allows 45 foot heights and uses comparable to CG plus minor agricultural products processing, kennels, nurseries, agriculture machinery sales, home improvement centers, vocational schools, self-storage, food manufacturing, light manufacturing, warehousing, and distribution.
- Limited Industrial (ML), which allows most MCX industrial uses plus animal hospitals, greenhouses, bakeries, bars, automobile sales and rentals, furniture manufacturing, cleaning plants, heavy equipment sales and service, transportation terminals, junkyards, and recycling centers (not processing).
- General Industrial (MG), which allows most ML uses plus slaughterhouses, curing and tanning, breweries, storage of explosives, concrete & asphalt mixing, fabrication, rock cutting, metal shops, general manufacturing, dry docks, refineries, saw mills, auto body shops, dumps, recycling processing centers.

A Special Permit, State Land Use district boundary amendment, and/or change of zone and would still be required in areas that do not already have MG zoning, and those processes include safeguards to prevent the introduction of uses that may not be appropriate in certain areas.

For more information about Policy 7, see pages 15 of Appendix V4A; pages 13-17, 125-130, 188-189, and 197-198 of Appendix V4B; and Appendix V4D.

### Supportive Public Comment Related to Ocean View

- We're very fortunate to have what we have. And I'm very happy we have a small rural community.

- Keep it rural but develop – just no overdeveloped. Not against.
- The roads are a lot more crowded than before with new people moving here but some development is good.
- Development as long as they are within the means. No streetlights, no walkways – no need for it. I can see the stars. That’s why we chose to live out here. Keep it rural.
- Retirement housing is important because of the elderly.

**Public Comment Supportive of Proposed Ocean View Industrial Area**

- Need an industrial area. Want to have a low density urban. Keep Ka’ū green not white!

**Public Questions**

- Is it part of the plan to NOT allow high visual impacts along the highway? Supports keeping industrial parcel from impacting viewshed from road. [[Proper screening is addressed during site plan approval.](#)]
- Safety issues of leaving/entering commercial & industrial parcels in HOVE. [[Those are addressed by the State Department of Transportation.](#)]

Table 1: Rationale behind Necessary LUPAG Map Amendments

TMK or Area	Current Category	Recommended Category	Rationale
<b><i>Ocean View</i><sup>1</sup></b>			
Urban Expansion	Urban Expansion	Extensive Agriculture & MDU	Narrow the scope of more intensive urban development to the area currently developed for commercial uses
392001069	Extensive Agriculture	Extensive Agriculture	Boundary between Rural and Extensive Agriculture aligned with parcel boundary
Highway at Aloha and Tiki	Rural	LDU	Allow for neighborhood-scale commercial at major HOVE entry/exit points
Hawaiian Ranchos frontage road at Kohala Blvd.	Urban Expansion and Extensive Agriculture	Industrial	Provide consolidated location for needed industrial uses with highway access

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<sup>1</sup> All changes also require an SLU district boundary amendment, from Agriculture to Urban.

**Policy 20 Explore the feasibility of establishing a redevelopment area, plan, and agency to comprehensively address community challenges in nonconforming subdivisions. If community-based redevelopment strategies are feasible, provide technical assistance to communities and organizations pursuing those strategies.**

**Strategy Identification Matrix**

1. Objectives	Policy				Community-Based, Collaborative Action		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
Encourage future settlement patterns that are safe, sustainable, and connected. They should protect people and community facilities from natural hazards, and they should honor the best of Ka’ū’s historic precedents: concentrating new commercial and residential development in compact, walkable, mixed-use town/ village centers, allowing rural development in the rural lands, and limiting development on shorelines.		<ul style="list-style-type: none"> <li>Thousands of buildable lots</li> <li>Rapid population growth</li> <li>No mechanism for managing build-out to preserve open space and rural character</li> </ul>	<p>P20: Explore the feasibility of establishing a redevelopment area, plan, &amp; agency to comprehensively address community challenges</p> <p>P20: Provide technical assistance to CDCs and associations to implement redevelopment plans</p>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	

**Rationale**

In Ka’ū and many other communities Countywide, nonconforming subdivisions face significant challenges related to loss of open space and rural character, inadequate infrastructure, and slow economic development. Community-based strategies have been used successfully in other areas to address some of these problems and should be considered in Hawai’i County.

For more information, see pages 202-205 of Appendix V4B.

**Supportive Public Comment**

- Should all purchase of empty lots at the top of Ocean View that aren’t built on and put them into conservation; emphasize that people living there can stay.

**Public Caution and Questions**

- Bringing people down from up on the mountains (rezoning) in upper Ocean View made people uncomfortable.
- I have a 4300 ft. above here. I don’t see anything about moving the people off the mountain. What happened to that issue? [It was never proposed to compel people to move. Ideas were being explored to encourage the preservation of open space and the concentration of “urban” uses near existing commercial development.]

## Public Critique and Suggested Revisions

Eliminate Recommendations for Redevelopment of "Nonconforming" Subdivisions: To our knowledge, there is NO community interest and HUGE community opposition to any redevelopment or land readjustment schemes, punitive fees/taxes, taking of property in any form from Ocean View's subdivisions. [Punitive taxes and takings were never proposed.] Since there is no community demand for such a plan, whose only proponent is the planning dept., it should not be included in the CDP (thereby giving the false impression that it carries community support). [This policy is not focused on Ocean View. It also simply "explores the feasibility" of "community-based" strategies to preserve what people love about Ka'ū – natural beauty, open space, agricultural land, privacy, rural lifestyle, etc. If strategies prove feasible for giving communities greater control over future growth, and community-based organizations seek to pursue them, this policy would prioritize County assistance. This policy would not force anything on anybody.]

Ocean View encompasses 3 distinct climactic zones, multiple different ecosystems and microclimates, elevations from 500-5000 ft. The result is great biodiversity with different agricultural crops in different zones and elevations. Limiting building in certain areas reduces diversity in habitat, ecosystems and agricultural opportunities. [That would all be taken into consideration if the community decided to pursue land preservation and strategic development strategies.]

Ocean View is a community, not a city. Nobody moved here for "city life". We are fiercely independent, value our privacy and have little desire to huddle together in a little "node" so that we can walk to everything that matters in life. [Redevelopment strategies are designed to preserve community character.]

Ocean View has not, does not, and will not depend on county government for infrastructure improvements. The community built (with it's own labor and at it's own expense) our fire station, community center, and park. Our water system exists because community leaders fought for 20 years and finally got state (NOT county) financing for the \$6M project. We do things ourselves. We do not expect county government to help--- they have never disappointed in that regard. In return, we expect minimal county government interference. Let's keep it that way. [Government would only be involved to the extent the community desired.]

To quote from the CDP draft (p.19) "There is an almost militant sense among many residents that Ka'ū needs to protect the places and resources it values as the basis for building a future on what already is, as opposed to what someone else would make it."

**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.**

**Strategy Identification Matrix**

1. Objectives	Policy				Community-Based, Collaborative Action		
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**Rationale**

The State Land Use “Rural” district includes low density residential lots of not more than one dwelling house per one-half acre as well as golf courses, golf driving ranges, and golf-related facilities. If Hawaiian Ocean View Estates were in the SLU Rural district, it could double the potential density where there is already excessive density but no mechanism to manage growth and preserve agricultural land, open space, and rural character.

The Land Use Pattern Allocation Guide (LUPAG) “Rural” 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.

For more information, see pages 19 and 188 of Appendix V4B.

**Public Questions about State-County “Rural” Confusion**

- “Concentrate future development” creating high density zoning in the rural/country area, and little used rural zoning creates a lot of confusion.
- Why is the misleading rural county zoning being applied to AG land state classifications?

- AG zoning is confusing. Should be “rural” to reflect the capacity of the land, and the use of the space.
- Verbage regarding “rural” is doublespeak, somehow rural means that density could be doubled from 1-acre to ½-acre per/house.

[See the rationale above for the distinction between State Land Use and County LUPAG “Rural.” This policy explicitly retains Ocean View in the State Land Use Agriculture district.]

**Policy 38 Discourage intensive development in areas of high volcanic hazard. (GP 5.3(r))**

**Strategy Identification Matrix**

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**Rationale**

This is an affirmation of General Plan policy 5.3(r): “Discourage intensive development in areas of high volcanic hazard.”

For more information, see pages 13-17 and 197-198 of Appendix V4B.

**Public Critique and Suggested Revisions**

The current wording of section 3.1.3 Community Objectives in Objective 1 indicates that the encouraged settlement patterns should be "safe, sustainable, and connected" and should "protect people and community facilities from natural hazards". This language can be construed to restrict settlement of upper HOVE as a finger of volcanic activity labeled Hazard Zone One is closer to the top than the bottom of HOVE. This possible use of the current language needs to be guarded against with language designating it will NOT be used to restrict development of upper HOVE in this fashion. [Nothing in the Draft CDP affects permitted uses in upper HOVE.]

Modify statement re: lava hazard zones: Everyone in Ocean View knows there is an active volcano nearby and eruption is a risk. Ka'u is not alone in this regard. There are numerous subdivisions in Puna and South Kona in lava zones 1 and 2. Recently, the Puna district (Pahoa, Kalapana) has had the greatest activity. While the risk is real, it is very small---only 6 deaths related to volcanic eruption have been documented in Hawaii in the last 100 years (<http://www.volcanolive.com/>). In contrast, the 1960 tsunami in Hilo killed 61 and caused \$75 M in damages.

If saving lives and property is the goal, perhaps we should evacuate everyone in Hilo living at less than 100 feet elevation and move them all to Ocean View where there is no risk from tsunamis. This would also allow a considerable amount of coastline to be allocated for conservation and restored to its

pristine natural condition. Moving the seat of county government to Ocean View may also change the dynamics of East-West politics in the county to everyone's advantage.

If the county doesn't discourage development in the tsunami prone areas of Hilo, why should lava hazard areas be singled out?

[The policy speaks to “intensive” development, which would imply urban uses. The Draft CDP focuses urban uses in areas near the highway, far from upper HOVE.]

**Policy 42 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, Home occupations
- Community Facilities: Community buildings, Public uses and structures, Shooting ranges, ATV courses (in areas without cultural, natural resource, or scenic value)
- Quarries that include a mining site master plan that comprehensively addresses geotechnical, engineering, safety, ownership, 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 43 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
- 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 once a mining site Master Plan has been developed that comprehensively addresses areas of concern with current mining operations, including geotechnical, engineering, safety, ownership, private road use, and oversight.

**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)**

**Strategy Identification Matrix**

1. Objectives	Policy				Community-Based, Collaborative Action		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
Encourage future settlement patterns that are safe, sustainable, and connected. They should protect people and community facilities from natural hazards, and they should honor the best of Ka’ū’s historic precedents: concentrating new commercial and residential development in compact, walkable, mixed-use town/village centers, allowing rural development in the rural lands, and limiting development on shorelines	<u>Land Use Policy</u> <ul style="list-style-type: none"> <li>State land use boundary amendments, changes in zone, project districts, subdivisions, planned unit developments, use permits, variances, and plan approval must be consistent with the General Plan</li> </ul>	<ul style="list-style-type: none"> <li>Limited job opportunities &amp; long commutes</li> </ul>	P42 & P43: Allow limited commercial & industrial uses elsewhere via Special Permit	<ul style="list-style-type: none"> <li></li> </ul>			
Preserve prime and other viable agricultural lands and preserve and enhance views that exemplify Ka’ū’s rural character.	<u>Agricultural Land</u> <ul style="list-style-type: none"> <li>State land use district regulations: 1 acre min; ag, energy, dwellings (HRS 205)</li> <li>General Plan LUPAG</li> <li>HCC 25: 5 acre minimum lot sizes, restricted ag uses</li> </ul>	<ul style="list-style-type: none"> <li>Over 70 percent of the land zoned for agriculture in Ka’ū is not being utilized for agricultural purposes</li> <li>Special permits can be secured for uses not otherwise permitted in the State Ag District</li> </ul>	P42 & P43: Limit special permits	<ul style="list-style-type: none"> <li></li> </ul>			

**Rationale**

State Land Use Districts

Agricultural land in Ka’ū, including Ocean View and the Discovery Harbour area subdivisions, is in the State Land Use (SLU) Agricultural District. Pursuant to HRS section 205-5(b), the minimum lot size in the Agricultural District is one acre. Pursuant to HRS sections 205-2 and 205-4.5, the following uses are permitted in the SLU Agricultural District (bulleted summary below and detailed in the table below):

- Agricultural and animal production
- Renewable energy, including crops for bioenergy, biofuel production, solar energy, wind energy, geothermal

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

It is important to note that:

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

### County Zoning

Agricultural land in Ka‘ū is zoned Agricultural, and the vast majority of it has minimum lots sizes of 20 acres. The minimum building site area in the County Agricultural district is five acres. Pursuant to HCC section 25-5-72, the uses are permitted in the agricultural zone are detailed in the table below.

### County LUPAG

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

- Important Agricultural Land: Important agricultural lands (not to be confused with State IAL) are those with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors. Because of the scale of the Land use Pattern Allocation Guide maps used to designate Important Agricultural Land, the location of these lands should be verified by more detailed mapping when considering specific land use decisions.
- Extensive Agriculture: This designation includes lands that are not capable of producing sustained, high agricultural yields without the intensive application of modern farming methods and technologies due to certain physical constraints such as soil composition, slope, machine tillability, and climate. Other less intensive agricultural uses such as grazing and pasture may be included in the Extensive Agriculture category.
- Rural: 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.

### Special Permits

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

- The desired use shall not adversely affect surrounding properties;
- Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;
- Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
- The land upon which the proposed use is sought is unsuited for the uses permitted within the district;
- The proposed use will not substantially alter or change the essential character of the land and the present use; and
- The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans.

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

### Policies 42 and 43

Policies 42 and 43 are intended to encourage diversified business enterprises but limit them to those uses that are truly appropriate. County Planners and the Planning Commission often struggle with determining whether particular Special Permit applications are appropriate and have asked for guidance in the CDP.

Policy 42 applies to agricultural lands in Ka'ū, including Ocean View makai. Policy 43 applies to areas in the LUPAG "Rural" category, including HOVE, Green Sands, Mark Twain, and Discovery Harbour. They are based on past Special Permits that have been approved and denied in the Ocean View area. In summary, in addition to the already-permitted uses, Policies 42 and 42 would permit:

<b>Special Permits allowed in Policies 42 and 43</b>	<b>HOVE &amp; DH Area</b>	<b>Ocean View Makai &amp; Other Ag</b>
Animal hospitals, Veterinary establishments	x	x
Kennels	x	
Fertilizer yards utilizing only manure and soil, for commercial use		x
Quarries that include a mining site master plan that comprehensively addresses geotechnical, engineering, safety, ownership, private road use, oversight, and any site-specific issues		x
Quarries <u>in Hawaiian Ocean View Estates</u> once a mining site Master Plan has been developed that comprehensively addresses areas of concern with current mining operations, including geotechnical, engineering, safety, ownership, private road use, and oversight.	x	
Bed and breakfast establishments, Home occupations	x	x
Guest ranches		x
Day care centers, Family child care homes, Adult day care homes, Group living facilities	x	
Community buildings	x	x
Meeting facilities	x	
Schools, Churches, temples and synagogues	x	
Public uses and structures, including those privately managed (e.g., road maintenance facilities)	x	
Other Public uses and structures		x
Tennis courts, Swimming pools	x	
Shooting ranges		x
ATV courses (in areas without cultural, natural resource, or scenic value)		x

Below are definitions of some of the uses that may not be self-explanatory:

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

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

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

For more information agricultural lands and Special Permits, see pages 15, 126-127, 131-132, 135-136, and 141 of Appendix V4A.

#### **Supportive Public Comment**

- Laws/enforcement needs to be more flexible to enable prosperity/self-reliance/cottage industry related to AG.
- Cinder can be ag – it has been historically used as industrial.

## Public Questions

- What if landowners don't want to develop in current zoning? Would you open up ag lots for development? [Yes, for appropriate uses.]
- Where are quarries? They should have their own designation. [Quarries are a permitted use in industrial areas. But many other more noxious uses are also permitted in industrial areas, so permitting quarries by Special Permit allows for greater control of appropriate uses.]
- Is the absence of a master plan holding back Windward Planning Commission from making determination on the quarry? [No. In clusters of operations, geotechnical, engineering, safety, private road use, and oversight issues are being addressed. However, Policies 42 and 43 should be revised to reflect that a comprehensive master plan for the entire area isn't practical. The following language is proposed:
  - Policy 42: Quarries whose permit conditions ~~that include a mining site master plan that comprehensively~~ addresses geotechnical, engineering, safety, ~~ownership~~, private road use, oversight, and any site-specific issues.]
  - Policy 43: Quarries in Hawaiian Ocean View Estates whose permit conditions ~~once a mining site Master Plan has been developed that comprehensively~~ addresses areas of concern with current mining operations, including geotechnical, engineering, safety, ~~ownership~~, private road use, and oversight.

## Public Desired Uses

- My house is 1 block from the highway, I'd like to offer my art for sale from my home, why can't i do that? lots of people want to work out of their homes in their own business related to art, agriculture and culture. [These policies would permit this as a "Home occupation."]
- Somewhere above 3,500 feet elevation, allow for commercial zoning (need a store). [Typically, commercial activities are limited to commercially-zoned areas in areas designated for urban uses on the LUPAG. To maintain the rural feel of Ocean View, the CDP concentrates those types of urban uses. However, "Commercial or personal service uses, on a small scale" may be appropriate elsewhere in HOVE (and the Discovery Harbour area), and the Special Permit process allows for the review and conditions necessary to minimize impacts and limit the range of uses.]

## Public Suggested Revision

Kalaekilohana Inn and Retreat has successfully demonstrated that a small lodging establishment can be an economically viable business in an agricultural setting while preserving the character and quality of our agricultural neighborhood. That viability was predicated upon the county's amendment to our special use permit that re-designated us as a lodge, granted us the ability to hold special events and to serve breakfast, lunch and dinner to our guests. This change has transformed our business into an example of economic success.

We believe our ten year track record demonstrates that this category needs to be expanded to more accurately reflect what an economically viable business that meets the other conditions of the CDP looks like. Otherwise, the CDP is in danger of actually suppressing economic growth by blocking a path that has been approved by the county council, accepted by the community, and proven to work.

Given that the list specifically includes Guest ranches, of which none, that we know of, actually exist, it seems appropriate to add, "Small lodges" to the list. [In the County Code, "Lodge" means a building or group of buildings, under single management, containing transient lodging accommodations without

individual kitchen facilities, and no more than forty guest rooms or suites, and generally located in agricultural, rural or other less populated areas. The County Code already allows Lodges with a Special Permit, but it may be beneficial to explicitly support that use in the Ka'ū CDP.]

We also encourage the inclusion of “and similar lodging” to include farm stays and agricultural tourism. [Agricultural tourism is already a permitted use in the State Land Use Agriculture district.] We have proven that small culturally and esthetically appropriate lodging can be an important part of our area’s economic growth and we hope the CDP will reflect that.

For economic development opportunities, we should allow the local community to own as many visitor-type accommodations for local and international visitors. This keeps the money in Ka'ū.

### **Public Critique and Suggested Revisions**

We suggest that these polices be deleted in their entirety. There are already policies and procedures in place in regard to Special Permits. These policies and procedures should be applied uniformly and not on a region-by-region basis. [As noted above, County Planners have asked that the CDPs include specific guidance for what uses to allow with Special Permits.]

### **Potential Revision Inspired by the Review of Policies 42 and 43**

In many ways, Ocean View makai shares more in common with other small-lot agricultural subdivisions in Ka'ū (e.g., HOVE, Mark Twain, Green Sands) than it does with unsubdivided agricultural lands used for ranching and farming. In particular, several uses that may be appropriate to permit by Special Permit in open agricultural lands (e.g., fertilizer yards, guest ranches, shooting ranges) do not seem appropriate in Ocean View makai. Therefore, it may be more appropriate to change the land use policy map (and LUPAG) designation of Ocean View makai to “Rural.”

### Permitted Uses in State Agricultural District and County Agricultural Zone

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

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

**Policy 51** Preserve open space in Green Sands, Mark Twain, and Ocean View subdivisions by streamlining the lot consolidation process with, for example, fee waivers and exemptions from signage requirements.

**Strategy Identification Matrix**

1. Objectives	Policy				Community-Based, Collaborative Action		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy	5. Advocacy Platform	6. Available Tools & Initiatives	7. Barriers and Gaps	8. New CBC Action
Encourage future settlement patterns that are safe, sustainable, and connected. They should protect people and community facilities from natural hazards, and they should honor the best of Kaʻū’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 shorelines	Ocean View	Ocean View <ul style="list-style-type: none"> <li>• More than 12,000 buildable lots</li> <li>• ~80% vacancy rate</li> <li>• Rapid population growth</li> <li>• No mechanism for managing build-out</li> </ul>	P51: Waive consolidation fees & signage requirements	•	•	•	•

**Rationale**

The vast majority of the lots in the nonconforming subdivisions in Kaʻū (Green Sands, Mark Twain, and Ocean View) are vacant. Though rates of growth vary, experience in areas like Puna indicates that it is just a matter of time before those subdivisions build-out, and the open space and rural character of the areas is lost.

Other jurisdictions facing similar challenges have streamlined the process and waived application fees, processing fees, and surveying costs for property owners who want to consolidate two or more adjacent parcels into a single lot, or for bulk property owners who would like to replat an entire portion of the subdivision.

The intent of this policy is to preserve agricultural lands and open space in nonconforming subdivisions through similar means in Hawaiʻi County.

**Supportive Public Comment**

- Should all purchase of empty lots at the top of Ocean View that aren’t built on and put them into conservation; emphasize that people living there can stay.
- Stream lining County permit processes

**Policy 135 Amend the Zoning Code to require Use Permits for commercial renewable energy projects in the County Agricultural District.**

**Strategy Identification Matrix**

1. Sector	POLICY			
	4. Aligned Policies (GP, other)	6. Policy Gaps	7. New County Policy	8. Advocacy
Renewable Energy	<ul style="list-style-type: none"> <li>Hawai'i County Energy Plan</li> <li>CEDS energy cluster</li> <li>Hawai'i Clean Energy Initiative – US DOE &amp; State of Hawai'i</li> <li>Renewable Portfolio Standards overseen by PUC.</li> <li>Hawai'i Energy Tax Credits</li> <li>HRS 205 – renewable energy facilities permitted on state land use agricultural land</li> </ul> <p>P134: GP 3.3(a, b, e, k, l), 14.2.3( u)</p>	<ul style="list-style-type: none"> <li>Commercial renewable energy projects potentially have adverse community impacts when on ag land</li> </ul>	<p>P135: Require use permits for renewable energy on ag land</p>	<ul style="list-style-type: none"> <li></li> </ul>

**Rationale**

Currently, industrial scale renewable energy facilities are a permitted use in the State and County agricultural zones, possibly only requiring plan approval and building permits from the County. Use permits are permits for certain permitted uses in zoning districts that require special attention to insure that the uses will neither unduly burden public agencies to provide public services nor cause substantial adverse impacts upon the surrounding community. The Planning Commission considers use permits, and public hearings are held for all Planning Commission applications.

**Supportive Public Comment**

- Before windmills are used, please do an ecological study.

Since the community review of Draft CDP, there has been considerable concern raised in Ocean View about the proposed solar farms. Solar farms are a permitted use in the State Land Use Agriculture District, so the proposed farms are permitted. However, to try to prevent similar scenarios in the future, the CDP could advocate to the State Legislature to amend HRS §205 to exclude certain types uses (e.g., commercial renewable energy, mills, processing facilities) in areas designated on the County of Hawai'i LUPAG map as "Rural." If that were done, a Special Permit would be required for such uses.