

# Background Information: Development in Discovery Harbour

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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 in the Discovery Harbour subdivision.

### 1.1 Related Community Objectives

The Community Objectives related to development in Discovery Harbour are to concentrate new development in mixed-use town/village centers, establish or expand commercial centers in towns/villages, and increase the number of jobs that complement Ka'ū's ecology and culture (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:

- Concentrating commercial uses in core areas in Pāhala, Nā'ālehu, and Ocean View and not allowing spot commercial development elsewhere (Policies 2 and 7)
- Ensuring that new commercial development be adequately served by infrastructure (Policy 3)
- Ensuring that visitor or resort development complement the character of the area, protect the environment, and provide housing to meet demand created by the development (Policy 6)
- Explore the possibility of establishing a Low Density Urban or Retreat Resort Area node at the "gateway" to Discovery Harbour (Kahiki and Wakea) (Policy 17)
- Allowing appropriate cottage industry by Special Permit (Policy 43).

Importantly, this packet does not include information about complementary but distinct CDP strategies, including those related to cultural resources, South Point, roads, water, parks, schools, or tourism and other 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 related to development in Discovery Harbour, including background information about Discovery Harbour, related CDP and General Plan Policies, the Strategy Identification Matrix for Policy 17, related public comment on the Draft CDP, related land use information, and other complementary strategies.

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

## 2 Summary of Findings and Recommendations

There were many public comments about Discovery Harbour (Policy 17 in the Draft CDP). Most, though not all, were in response to the recent master plan proposed by South Point Investment Group (SPIG) for the subdivision's "gateway" parcels at Kahiki at Wakea. Nevertheless, they provide a useful reading on the pulse of the community about potential commercial or resort development in the area.

**Comments were all over the map but clearly support non-residential development in Discovery Harbour** as long as infrastructure and other impacts are mitigated:

- No development (5)
- Any development (4)
- Preserve agricultural land (1)
- Redevelop the golf course (1)
- Residential development only (2)
- Commercial development only (6)
- No resort development (1)
- Not what SPIG proposes (4)
- Keep the scale appropriate (5)
- Small scale visitor lodging (3)
- Develop a resort (6)
- Support the SPIG resort proposal (140, including 134 on a petition)
- Ensure feasibility (3)
- Require concurrent infrastructure improvements (25).

At the same time, a Discovery Harbour homeowner pointed out that the **Subdivision Covenants limit uses on the "gateway" parcels to residential and commercial.**

Given that range of comments and the constraints of the Covenants, and based on careful review of land use planning options, the CDP Planning Team proposes the following CDP revisions.

1. **Preserve the residential area in Discovery Harbour** by designating it Low Density Urban (LDU) on the Land Use Policy Map (Policy 7) and by rezoning it into the State Land Use Urban district and the County Single-Family Residential (RS-20) zone. The area is currently in the SLU Agriculture district and has agricultural zoning, which allow for many uses that are incompatible with the residential nature of the area.
2. **Allow small, neighborhood-scale commercial uses on the "gateway" parcels in Discovery Harbour** by designating them Low Density Urban (LDU) on the Land Use Policy Map (Policy 7) and, if concurrent, necessary improvements in infrastructure are made, by rezoning them to Residential-Commercial Mixed-Use (RCX-7.5). This allows for limited, viable commercial uses without impacting Ka'ū's designated commercial centers.
3. **If the Subdivision Covenants are amended to allow it, allow for small scale resort development on the "gateway" parcels in Discovery Harbour** by designating them a "Retreat Resort Area" on the Land Use Policy Map (Policy 7) and, if concurrent, necessary improvements in infrastructure are made, by rezoning portions of them Resort (V-7.5). This establishes a path for the addition of visitor units to the area as a means to revitalize the golf course.
4. **Require that a legally-executed development agreement or community benefits agreement** ensure community benefits and mitigation of potential impacts from any large-scale development in Ka'ū.

These recommendations were derived from the analysis summarized below in the table in Section 3: Summary of Alternatives and Associated Trade-offs.



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

Options most consistent with Community Objectives and public input are highlighted in green.

#### 3.1 Preserve Residential Area

Options	Advantages per Objectives	Disadvantages per Objectives	Necessary CDP Revisions (and other actions)
1. <b>No change:</b> SLU Ag, LUPAG Rural, limited Special Permits	<p>Allows commercial uses to serve agriculture</p> <p>Allows community input &amp; Special Permit conditions specific to proposed new uses</p>	Allows ag, commercial, energy, etc. uses in “residential” subdivision	None
2. <b>Shift to Rural:</b> SLU Rural, LUPAG Rural, RA zoning, limited special permits	<p>Density consistent with low density rural (~1/2-acre lots)</p> <p>Ag uses more constrained</p> <p>Allows community input &amp; Special Permit conditions specific to proposed new uses</p>	Allows ag uses in “residential” subdivision	Revise Policy 15: SLU change and rezone, too
3. <b>Shift to Residential:</b> SLU Urban, LUPAG LDU, RS zoning	<p>Maintains consistent density</p> <p>Uses limited to typical residential areas</p>	No Special Permit flexibility	<p>Revise Policy 7: change policy map</p> <p>Revise Policy 15: SLU change and rezone, too</p>

### 3.2 Change Permitted Uses for “Gateway” Lots

Options	Advantages per Objectives	Disadvantages per Objectives	Necessary CDP Revisions (and other actions)
<b>No change to Subdivision Covenants</b>			
4. <b>No change:</b> SLU Ag, LUPAG Rural, Open zoning	Allows community input & permit conditions specific to proposed uses	Allows ag, commercial, energy, etc. uses in “residential golf course” subdivision	None
5. <b>Shift to Rural:</b> SLU Rural, LUPAG Rural. RA zoning, limited special permits	Ag uses more constrained  Allows community input & Special Permit conditions specific to proposed new uses	Allows ag uses in “residential golf course” subdivision	Revise Policy 15: SLU change and rezone, too
6. <b>Shift to Urban:</b> SLU Urban, LUPAG LDU, RS-RM-RCX-7.5 zoning	Maintains consistent density  Uses limited to typical residential areas  Small scale commercial most viable and less likely to impact Nā’ālehu	Adds to existing excess of buildable lots  No Special Permit flexibility	Revise Policy 7: change policy map  Revise Policy 15: SLU change and rezone, too
<b>Amend Subdivision Covenants to Allow Resort Uses</b>			
7. <b>Low Density Resort by Special Permit:</b> Retreat Resort Area on LUPAG and in Table 14-5	Visitor-oriented uses would be limited by Special Permit	Allows ag, commercial, energy, etc. uses in “residential golf course” subdivision	Revise Policy 7: change policy map  Amend Policy 43: allow lodges, hotels, etc. by Special Permit
8. <b>Shift to Urban:</b> SLU Urban, LUPAG LDU, Retreat Resort Area on LUPAG and in Table 14-5, V-7.5 zoning	Low density resort is consistent with density allowed in LDU but not uses	No Special Permit flexibility	Revise Policy 7: change policy map  Include Policy to explicitly allow low density resort  Revise Policy 15: SLU change and rezone, too  Revise Policy 8: allow Visitor uses in LDU in Discovery Harbour

## 4 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 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.

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

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## 5.1 Background and Context

The Discovery Harbour subdivision was approved in 1972 (SUB 3122), creating over 800, mostly ~15,000 square foot lots. The Mark Twain Estates subdivision was approved in 1962 (SUB 1846), creating over 700, mostly ~20,000 square foot lots. Both subdivisions pre-date 1976, when restrictions were added to the zoning code to limit farm dwellings. The Department of Hawaiian Home Lands owns 40 residential lots in Discovery Harbour.

Though more than 40 years old, the Discovery Harbour subdivisions is less than 30% built-out. This is largely due to the gross imbalance in the supply of and demand for buildable lots in Ka'ū as well as the failure of the Discovery Harbour golf course.

Discovery Harbour was designed as a golf community, so many believe that its future is tied to the fate of the golf course, club house, and related amenities, which are the extent of non-residential uses in the area.

However, there are two large parcels (11.75 and 18.3 acres) at the gateway to Discovery Harbour and across from Mark Twain (Kahiki at Wakea) that might be well-suited to some small-scale “residential commercial” or “rural visitor” facilities to complement the golf course. This, in conjunction with refurbishment of the golf course, could kick-start revitalization in the area. Those lots are each currently allotted two water units (~800 gpd), so water system upgrades would be required, and any development of 50 units or more would require a wastewater system.

In addition, Ka'ū has a limited number of visitor units and no resort area away from the coast, so Discovery Harbour and its golf course might be a way to boost Ka'ū's visitor industry.

### **Protective Covenants for Discovery Harbour Subdivision**

On May 4, 1972, a “Supplemental Declaration” to the “Declaration of Protective Covenants for Discovery Harbour Subdivision” was adopted, which limited permitted uses on those two parcels to “Single-family residential or Village commercial or multi-family residential.” In the County Zoning Code, in addition to housing (6 and 58 units per acre, respectively), the Single-family residential (RS) and Multi-family residential (RM) zones allow boarding facilities, time share units, and small scale commercial and personal uses. Village Commercial allows 34 units per acre and permits a range of uses, including

- Housing: Multi-family dwellings, Boarding facilities, Group living facilities
- Visitor Units: Bed and breakfast establishments, Hotels, Lodges
- Retail: Retail establishments, Convenience stores, Automobile sales and rentals
- Dining: Restaurants
- Service: Automobile service stations, Repair establishments, Commercial parking lots and garages, Business services
- Offices
- Light Industrial: Light manufacturing, Publishing plants for newspapers
- Health Care: Medical clinics, Hospitals, sanitariums, old age, convalescent, nursing and rest homes
- Entertainment: Bars, Theaters Indoor amusement and recreation facilities
- Cultural: Art galleries, Museums.

## 5.2 Related CDP and General Plan Policies

Several existing General Plan policies are reflected in related land use policies in the Draft CDP:

**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.**

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.”

A viable commercial area requires a minimum resident population of many thousands of people to be viable, particularly when “big box” retailers dominate sales to a highly mobile resident population. Informal, in-house analysis of communities like Keauhou and Waikoloa indicates that (at least in Hawai'i) a viable commercial area requires a minimum population of 5,000 persons in at least 1,700 occupied dwelling units.

The entire district of Ka'ū is has fewer than 15,000 people (and closer to 10,000), so it can currently support at most three distinct commercial centers. Moreover, the subdivisions of Discovery Harbour and Mark Twain have only 1,500 parcels. The average household size in Ka'ū is 2.67 persons, so at complete residential build-out, the local population would be 4,000 people. At least an additional 1,000 residents and/or visitors would have to be in the area in order to have a de facto population large enough to support a viable commercial center. A more reasonable expectation, and one that is consistent with Policy 2, is to allow for small, neighborhood-scale commercial services in Discovery Harbour.

**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. (General Plan policy 14.3.3(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, provide shoreline public access, and provide affordable housing to meet demand created by the development.**

This is an affirmation of the following General Plan policies:

- 2.4.9.2(a): “Balance development with the social and physical environment of the area. Provisions for orderly development, housing, and pollution controls shall be implemented.”
- 2.4.9.2(c): “Recognize the natural beauty of the area as a major economic and social asset. Protect this resource through appropriate review processes when development is proposed.”
- 9.3(g): “Large industries or developments that create a demand for housing shall provide employee housing based upon a ratio to be determined by an analysis of the locality's needs.”
- 14.7.3(i): “Coastal resort developments shall provide public access to and parking for beach and shoreline areas.”

- 14.7.5.9.2(a): “The development of visitor accommodations and any resort development shall complement the character of the area.”

**Policy 139: *Encourage the development of a visitor industry that is in harmony with the character of the area and environmental and social goals of residents.***

This is an affirmation of the following General Plan policies:

- 2.3(c): “Encourage the development of a visitor industry that is in harmony with the social, physical, and economic goals of the residents of the County.”
- 14.7.5.9.2(a): “The development of visitor accommodations and any resort development shall complement the character of the area.”

#### **CDP Policies that Are Candidates for Revision**

**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.***

Policy 7 does not change the current “Rural” LUPAG categories in Discovery Harbour. 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.

**Policy 43 (reflecting recent revisions preliminarily approved by the Steering Committee): *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....***
- ***Quarries in Hawaiian Ocean View Estates once ....***

***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)***

### 5.3 Policy 17 Strategy Identification Matrix

**Policy 17:** Explore with the community the possibility of establishing a “Low Density Urban” or “Retreat Resort Area” node on TMKs 9-4-024:025 and 9-4-001:020, and amend GP Table 14-5 accordingly.

1. Objectives	Policy		
	2. Aligned Policies	3. Policy Gaps	4. New County Policy
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.	Existing General Plan LUPAG map	<ul style="list-style-type: none"> <li>• Slow growth</li> <li>• Low build-out</li> <li>• Golf course deteriorating</li> </ul>	P17: Establish a “Retreat Resort Area” on TMKs 9-4-024:025 & 9-4-001:020
<p>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.</p> <p>Establish or expand retail, service, dining, and entertainment centers in rural villages and towns capable of supporting Ka’ū-appropriate growth.</p>	<ul style="list-style-type: none"> <li>• CEDS visitor industry clusters: agri-tourism, health &amp; wellness, cultural, edu-tourism, eco-tourism</li> </ul> <p>P6: GP 2.4.9.2(a, c), 9.3(g), 14.7.3(i), GP 14.7.5.9.2(a) P139: GP 2.3(c), 14.7.5.9.2(a)</p>	<ul style="list-style-type: none"> <li>• Limited visitor units</li> <li>• No resort node away from the coast</li> </ul>	P17: Consider establishing a “Retreat Resort Area” in Discovery Harbour

## 5.4 Related Public Comment on the Draft CDP

### Background

#### Golf Course Maintenance

My name is Betty Northup. In March 1999, my husband and I moved to Discovery Harbour Subdivision. The Golf Course was open and running. We paid \$68.00 per month to golf.

In 2000, about this time of the year, American Showa sold the golf course to a firm in Honolulu. The golf course was closed down and never re-opened. Robert Yamamoto (who lived here in Naalehu) was the accountant for American Showa. He negotiated with the firm in Honolulu to keep on one contract mower - Harry Hayselden, who lives here in Wai'ōhinu to continue to mow the fairways and greens. Because the golf course was no longer open, no one could play golf. Robert then negotiated with the firm to allow people to be able to play golf for a donation - no price was set - and the money was to be donated to local Youth Groups. After everything was finalized, Robert would go to the club house each day, as a volunteer, to put the golfers out with a golf cart and collect the donation for the Youth Groups. Golfers came from Nā'ālehu, Ocean View, Pāhala, Kona, Hilo - we\even received phone call requests from the mainland. My husband, Dale, helped out with mowing of the roughs - as a volunteer – also did any maintenance on equipment and carts that needed to be done. In 2004 Robert became ill and was not able to continue coming to the clubhouse. Starting in January 2005, I then dealt with the firm from Honolulu - on a Volunteer basis - insofar as writing out Harry's pay checks and any of the bills such as gasoline, parts for equipment, etc. Dale continued to help maintain the golf course. The golfers would call our house and set up tee times and Dale would go down to the clubhouse, collect the donation for the Youth Groups and put the golfers out - then later return and put the carts away. In 2007 there were three break-ins to the club house; items stolen, including golf carts. At that time the donations to Youth Groups stopped, and we also stopped putting golfers out. Attached is a list of the Youth Group donations [totaling over \$15,000].

In 2009, the golf course was sold to the present owners, South Point Investment Group (SPIG for short). Harry continued mowing until he retired in April 2011. Dale passed away in January 2010 - nearly a decade after he started volunteer work on the golf course. After that, many people have stepped up to volunteer mowing of the golf course - and they are continuing it to this day. It is hard I work! It's not like once a week mowing your lawn. But they do it with the hopes that the day will come when the Golf Course will finally become a viable golf course.

#### Past Planning

##### Ag Zoning

- Why do they designate Discovery Harbor as an AG Land?
- Why would State designate it all agricultural land?

##### Original Plans

- Asked why DH was built – was it based around a golf course?
- What about the original master plan for Discovery Harbor?
- Is there no planned commercial area in Discovery Harbor zoned currently?
- Were there no plan to do improvements? Master plan – it would have allowed for 500+ homes to be built – which is more impact than the commercial being proposed.

- All the major golf courses are tied to a hotel – necessary to have name brand hotel to come in to make this work – a lodge style like lanai – small. Risk is involved – what could be done to make the land productive again? Has to make economic sense to do it – needs CDP To address it. In 1964 –then in 1969 official changed mind. Special permit required – sold land – nothing built – failed from County in 1969.
- \$20 million spent on developing DH, accounts set up originally in 1964

#### Charter School

- New School is supported by Gary

#### Difference Between Proposed Development and CDP Policies

- We need more information on Policy 17 to make an educated decision.
- If I could see the development plan; be more specific on what they are going to do.

#### Permitting Steps

- When will CDP be done?
- What's faster – special permit or CDP – both?
- If special permit, would it become status quo? Does one preclude the other?

#### **Range of Perspectives**

##### No Development

- The land is our Spirit – we don't want the development.
- They will destroy the land.
- Keep Ka'u rural. We oppose resorts, malls, development. Mahalo.
- Why do you not listen to the people who have spoken and continue to force development on Kau? Know that there are consequences.
- Stop stupid “no need” development. No Waikoloa type development in Ka'ū -- A'ole. Not nuff water. Permits are real old and should be reapplied for things have changed. We don't need “jobs” – menial labor jobs. Don't need “surf shops”. No many units flushing toilets – water is a precious limited resource. Support ag not for a few developers. Keep Ka'ū rural.

##### Preserve Ag Land

- Discovery Harbor and Mark Twain: Should have AG land available for people.

##### Redevelop Golf Course

- Would like to see Discovery harbor developed as it was supposed to be from the beginning. (Golf Course).

##### Residential Only

- Residential lots are fine; not commercial, resorts or big development.
- See May 12, 2015 letter from the Sherlines
  - Environmental impacts: pollution of the air, water, and land
  - Undesirable change in character

- Noise, traffic
- Attract loiterers and criminals
- Burden on overburdened solid waste system
- Don't follow same path as Waikiki and Kona

### Not Resort

I want to voice my opposition to the proposed development in Discovery Harbour. I live at 94-1769 Kaulua St. (Lot 366), not far from Wakea and Kahiki corner. From the proposal I heard at the 5/12 meeting, it will be more than small-scale. I never wanted to live in a residential-commercial environment. I lived at Kona Bali Kai in Kona, which is a hotel-condo, for 10 years. The noise and people coming and going at all hours was not a calm environment. There will be more than a "modest" increase in traffic, not to mention the noise and outside lighting for the developed area. My past experience with developers is once they have started, they will not stop. I don't want Ka'u to end up like Kona and other places where I have lived. I am told the County has turned this developer down twice in the past. Please do so again for a third time.

### Deed Restrictions

Under Opportunity at Wakea and Kahiki? It states the parcels aren't part of the golf course or residential subdivision and that might be well-suited to some small-scale "residential-commercial" or "rural visitor" facilities to complement the golf course. Did anyone read the deed for these two parcels? They are subject to construction approval of the Architectural and Environmental Control Committee of the Discovery Harbour Community Association and thus would appear to be part of the residential subdivision. I am a real estate broker and have pointed out this fact since South Point Investment Group purchased the properties and yet they deny the deed restriction.

### Not SPIG Proposal

- Opposed to this – don't want taxes going up don't want a highly developed golf course to avoid a larger population in Discovery Harbor.
- Disagree of proposed plans designed to serve visitor.

The Discovery Harbour development proposed by Mr. Gary McMickle is an ill-conceived project for Ka'u in scope and magnitude along with inadequate infrastructure (roads and water).

We need to keep Ka'u country as many have voiced their opinions and people have no faith in McMickle as he has only created eyesores for our area of Discovery Harbour--this man possesses a certain type of Texas audacity to come into our community and set up a quasi-industrial park complete with cement truck, crane, numerous trucks, vehicles, incomplete abandoned concrete structure and no doubt EPA violations.

Our residents within Discovery Harbour have done all the mowing on the golf course and the thirty some acres to the entrance is a total fire hazard which McMickle seems to ignore.

Also the 527 acres which McMickle purchased in the 1990's for some \$415,000 needs to be evaluated in terms of historical and cultural artifacts--interesting that this specific land sold for close to \$4,000,000 on prior occasion and was never built upon--perhaps for reasons of cultural sensitivity.

Also McMickle can't dovetail into a project from 1965 when nothing ever materialized--one needs to go through the proper channels once again--not threatening litigation as this man has stated against the County of Hawaii--McMickle seems to write his own rules.

It is clear that providing the golf clubhouse for a charter school is nothing more than a public relations ploy by McMickle's.

Please don't let this ill-conceived project go forward since the detriment of this community is at concern.

#### Something but Not What's Proposed

- I approve of the Discovery Harbour development but NOT as currently presented – too many units. 2 floor max / half as many – 100 max. An apartment building would fill up faster than luxury condos and timeshares.

#### Appropriate Scale

- Discovery Harbor 500 parking places are NOT needed. “We are NOT a parking lot!”
- I want to see better growth here. Don't build apartment it will ruin the beautiful views. You can develop just not over develop.
- The plan for new development should not be excessive.
- Proposed change to 2 large lots at Wakea and Kahiki is not supported by the residents of Discovery harbor – we might support small (2 story max) multi-family and small local convenience type retain. NO gas station. Any development must be supported by infrastructure.
- Not against development if done correctly and with care.

#### Commercial Options Only

- Discovery harbor – low density development in area stores, restaurants, NOT major resort.
- In Discovery Harbor - Use of space i.e. “Gilligan's” Café and Charter School (restaurant helps supports school).
- Nā'ālehu is a dying town and would like to see Discovery Harbor pickup that slack – lodge, store, jobs.
- For small development in Discovery Harbor similar to what they have in Black Sands. No mega-development. Light commercial businesses.
- Would like to see some plan for use commercial that will reopen course.
- Some commercial development, stores, restaurants, etc. small scale.

#### Small-Scale Lodging

- Support hotel/condo 50 units – more infrastructure.
- Lack infrastructure to support 160 units of hotel/condo. At most 50-units ok.
- I agree that we should consider development, business for the Discovery Harbor area. That would include mini mart, condos, info office maybe, golf supplies

#### Resort

- Like that DH is being developed.

- Would support some development – 2 story max and feel that 160 hotel/condo/houses is reasonable.
- We should open up a time share.
- Hotel development in Disc. Harbor could serve Nā‘ālehu.
- Some place for people to stay and visit Ka‘ū/Cultural Center with resort.
- Regarding Policy 17 on Page 50, I am in support of a Retreat Resort designation, but not the Low Density Urban. The community would like to see the golf course properly developed, since it is a fire hazard in its current condition and the Discovery Harbour residents are cutting the grass with their own equipment and expense. Having a small retreat resort to bring people into the area would be compatible with the surrounding single family uses, but we do not feel that multi-family and commercial uses would be appropriate at that location. The additional noise and traffic from commercial and multi-family or condo uses would be totally out of character with the surrounding single-family large lot zoning.

#### Proposed SPIG Development

- See petition with 136 signatures that reads: We, the undersigned, petition the County of Hawai‘i to approve zoning for Discovery Harbour Resort, as outlined in RTKL’s proposal dated February 13, 2015 and Appendix dated March 12, 2015, located on two lots in the Discovery Harbour Subdivision, Ka‘ū, Hawai‘i, identified as TMK (3) 9-4-024:025 (“Lot A”) and TMK (3) 9-4-001:020 (“Lot B”).
- It is my wish for the CDP/County to recognize all the time and efforts that people have put forth on a voluntary basis, over all of these years, with the continued hope that the golf course can be reopened by approving the zoning for the commercial lots, which would lead to bringing in revenue and jobs.
- The proposed development in Discovery Harbour will help sustain the surrounding area.
- The proposal that was set forth for development plans in Discovery Harbour was in my opinion a stepping stone to the abundant and lucrative opportunities that could come to pass in the near future. As part of the younger generation and growing up in this neighborhood I take a stand for what this could mean, more job possibilities, economic benefits for the community, better youth development and so much more. This does not only apply for every single resident that has lived here for years but for the youth that we depend on. I understand that a proposal such as this was presented years ago but never succeeded and honestly the timing was not right along with many other issues. But this is the time to try again and to be supportive entrepreneurs by taking necessary precaution and planning in order to instill a new future for not only Discovery Harbour but for Ka'u.
- I wanted to pass along our support for the proposed development of the 29 acres in Discovery Harbour that was recently proposed. While there are always issues with change, there are overwhelmingly positive benefits that this project would bring to the communities of Ka‘ū. It would create a significant number of jobs and, importantly, entrepreneurial opportunities, something that is already a part of Ka‘ū but that requires the type of infrastructure that this project would offer. As our school grows, we see family’s looking at their future with a new and positive perspective. Discovery Harbour has held out a promise of positive benefits to Ka‘ū for over 40 years. It is time to let that promise become a reality.
- I would like to go on record as supporting the SPIG development in Discovery Harbour. Our community desperately needs economic growth. Ron Whitmore credited a few local organizations that make charitable contributions to the Ka‘ū community, and I would just like to say that I believe that Ka‘ū can greatly benefit from more of them. Generally, when a large

company becomes part of a community, they give a little back by way of grants and donations. Ka'u needs that, and SPIG has already proven their philanthropic nature by providing the facility for a much-needed charter school in Ka'u. In fact, the school probably wouldn't have been possible without them. Gary McMickle has also graciously offered five acres of his personal land for the future expansion of KLA.

- I sincerely hope that the planning department will help SPIG bring this goal to fruition, recognizing that Discovery Harbour would not even exist if it weren't for the original plan from the 1960's. How wonderful to have an organization that is willing and able to fulfill the original plan for Discovery Harbour!

### Pro-Development

- Our district needs development (planned) to create jobs for people who live in our community. I think it's selfish for people to discourage development, when change is inevitable.
- Pro development: retail, lodge, timeshare for these reasons: Employment, attract tourist \$ (controlled change).
- Growth can bring beauty, comrade better future, vibrant function within community. Access to market, retail nicer downtown.
- For development.

### **Other Issues/ Concerns**

#### Feasibility

- Proposed development seen this before (scam to make).
- Shopping center proposal unrealistic; list of stores named not realistic NO ECONOMY OF SCALE to support it.

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In Discovery Harbor – Hotel/Resort development will not work in this area. Current hotels in Kona/Hilo not full. Don't have capacity to support it. Enough B&B's already.

Past history of area suggests that resort does not do well e.g. Sea Mountain Resort. Tourists won't stay because of lack of resources.

Why would resort in DH be more successful than one at Punalu'u, what will make it sustainable? Resorts keep closing. Golf courses keep closing.

Hilo can't even sustain hotels.

Can CDP set up parameters on land to allow and yet ensure uses?

#### Infrastructure

- Discovery Harbor improvements to Kamā'oa Road and South Point Road. South Point Road should be wider to 2-lane to accommodate tourist that are going there anyway.
- County Road infrastructure should be addressed – how is increased traffic/population going to be addressed? How funded?
- Improve highway – curvy toward Kona.
- Alternative emergency route.
- Coordinate repairs both street/sewer.

- Agree that roads need maintenance and upgrade.
- Discovery Harbor – inner structure isn't available for massive condo development e.g. Agree scam!
- Should generate community benefits packet with commitments to community outlined with corresponding deadlines.
- What are they going to do about excess traffic in Discovery Harbor?
- I'm not happy about more traffic and more noise!
- There should be no direct route to golf course – not part of original plan.
- If this happens we need more water resources. Concerned about roads and fire hazard.
- Roads won't be able to handle traffic.
- Up-zoning – reject for 3 reasons: changes nature of DH fundamentally – best use is what it is now. Logistics and Infrastructure – i.e. turn into Kamao and South Point Road will be dangerous as more tourists come thru. County water will come from increased taxes on people who don't want it – developers will not pay.
- Discovery Harbor: Want to be able to walk down the street and not carry a stick for the dogs. Use what is here first, then go out. Get people's support before moving forward. Need fire escape route. Move visibility for our Fire/Police Department and officers.
- Improvement of water line infrastructure Mark Twain and Green Sands.
- Any new development that is a change from current zoning and uses must have a way to get their own water and must their own waste water treatment.
- I'm concerned about "Low Density Urban" and "Retreat Resort" without the infrastructure changes to support it. Traffic, water, roads, noise, waste.
- When originally subdivided, did they not take into account improvements needed?
- Road improvements needed (DH) – 2008 proposed improvements not completed
- Eminent domain could be used to improve Kamā'oa Road, COUNTY CAN DO IT – need to work together to get it done – reason they bought in DH is golf course – love to see it developed in some form. Never seen a road this bad.
- Kamā'oa Road – can add policy to improve it.
- Kamā'oa Road HAS improved – need a better hospital – could it be built in DH – even a private one?
- Kamā'oa Road – could it be addressed right now through County Council person? And emergency access road too?
- Existing infrastructure is just barely sufficient to meet the needs of current residents. Kamaoa Road is very narrow and already gets a lot of car and truck traffic. The additional traffic related to a development larger than retreat resort would make Kamaoa Road hazardous.

#### Transparent, Collaborative Decision-making

- I support a county process as/required for any other developer w/ full disclosure and full requirements for permits and county and public input.

#### Other

- Instead of rezoning for commercial; people need to understand their risks.
- My concern is the makai side of Kahiki development.
- Discovery Harbor – "Snowbird" good situation, swap off home as vacation rental half year. Retirees bring in income money using too many resources.

## 5.5 Related Land Use Information

In Hawai'i, land uses must be consistent with both the State Land Use district and the County zoning. In addition, the General Plan's Land Use Allocation Guide (LUPAG) map indicates preferred future land uses.

The following are the current land use designations for Discovery Harbour and Mark Twain:

	State Land Use	Zoning	General Plan LUPAG
Discovery Harbour	Agriculture	Ag-1a for house lots Open for golf course & parcels at Kahiki at Wakea (TMKs 9-4-001:020 & 9-4-024:02)	Rural
Mark Twain	Agriculture	Ag-1a	Rural

### State Land Use Districts

**Agriculture:** Discovery Harbour area subdivisions are in the State Land Use (SLU) "Agriculture" District. Pursuant to HRS sections 205-2 and 205-4.5, the following uses are permitted in the SLU Agriculture District:

- 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.

**Rural:** The State Land Use "Rural" district includes:

- Low density residential lots of not more than one dwelling house per one-half acre
- Agricultural uses
- Golf courses, golf driving ranges, and golf-related facilities
- Public, quasi-public, and public utility facilities
- Geothermal resources exploration and geothermal resources development.

**Urban:** Uses in the State Land Use “Urban” district fall under County jurisdiction. In the Urban district, uses range from single-family residential to commercial to industrial to resort, as determined by the County zoning.

The table below summarizes the uses permitted in the State Land Use Agriculture and Rural districts.

### **County Zoning**

**Agriculture:** The residential lots in Discovery Harbour and Mark Twain are zoned Agriculture. The minimum building site area in the County Agriculture district is five acres.

**Residential:** However, the mostly residential uses in Discovery Harbour and Mark Twain are consistent with uses permitted in the “Single-Family Residential” (RS) and “Residential and Agricultural” (RA) zones. The table below summarizes the uses permitted in those two zones.

**Open:** The Discovery Harbour gold course and “gateway” lots are in the County’s Open zone. Pursuant to HCC section 25-5-160, the Open zone “applies to areas that contribute to the general welfare, the full enjoyment, or the economic well-being of open land.” Uses are limited to activities like aquaculture, cemeteries, community buildings, forestry, historical areas, natural features, and public parks and uses. With a use permit, mortuaries, golf courses, yacht harbors, wind energy facilities, and telecommunication antennas are allowed.

### **Change of Zone**

Rezoning (i.e., State Land Use district boundary amendments, General Plan amendments, and changes of zone) typically require three steps: Windward Planning Commission, County Council, and State Land Use Commission. Public hearings would be held at each step, and the permits can be conditioned.

Rezoning includes environmental review, including historic preservation, water, wastewater, traffic, etc., and the ordinance would very likely include conditions to mitigate impacts and require infrastructure improvements.

### **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 under 15 acres, 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.) A Special Permit for Discovery Harbour’s “gateway” lots would require review and recommendations by the Windward Planning Commission, but the State Land Use Commission would make the final decision. Public hearings would be held at both steps, and the permit can be specific to particular uses and be conditioned.

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.

Special Permits include environmental review, including historic preservation, water, wastewater, traffic, etc., and the permit would very likely include conditions to mitigate impacts and require infrastructure improvements.

Policies 42 and 43 are intended to encourage diversified business enterprises in Ka'ū 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.

### **General Plan LUPAG Categories**

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.

**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:** In the General Plan, the Low Density Urban (LDU) category is defined as "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," so up to about 180 single- or multiple-family residential units could be developed on the parcels in question. The urban zones defined in the County Code that limit densities to six units (or less) per acre include:

- Single-Family Residential (RS)
- Multiple-Family Residential (RM-7.5 or more)
- Residential-Commercial Mixed Use (RCX-7.5 or more)
- Open.

These zones permit parks, community uses, residences, boarding and group living facilities, home occupations, small scale commercial or personal services, convenience stores, medical clinics, and restaurants.

The density of some Resort zoning (V-7.5 or more) is also consistent with densities permitted in LDU. It also permits art galleries, museums, theaters, retail, medical clinics, auto service stations, commercial parking, hotels, lodges, time share units, indoor recreation facilities, bars, nightclubs, cabarets, and other uses.

**Medium Density Urban:** Medium Density Urban is defined as “Village and neighborhood commercial and single family and multiple family residential and related functions (multiple family residential -- up to 35 units per acre).” Village Commercial (CV) is not consistent with the LDU category, but it is consistent with the MDU category.

**Resort Areas:** The General Plan defines “Resort Areas” as areas that “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. Punalu‘u is identified as “Minor Resort Area,” and other places in Ka‘ū, including these parcels in Discovery Harbour, may be suitable as “Retreat Resort Areas.” The corresponding definitions in the General Plan are as follows:

- **Minor Resort Area:** A minor resort area shall not exceed the density of an intermediate resort area. Maximum visitor units: 500 units. Provide active and passive recreation area commensurate with the scale of development. The required employee housing ratio and method of provision shall be determined by an analysis of housing needs of each district or relative area and with the adoption of the resort zoning; provided that the ratio shall not exceed one employee unit for every two visitor units built.
- **Retreat Resort Area:** A retreat resort area is generally an area that provides the user with rest, quiet and isolation for an environmental experience. It shall have sewer, water, roads, employee housing, and recreational facilities, etc. Maximum visitor units: 50 units. Resort acreage: 15 acres minimum. Provide active and passive recreation area commensurate with the scale of development. The required employee housing ratio and method of provision shall be determined by an analysis of housing needs of each district or relative area and with the adoption of the resort zoning; provided that the ratio shall not exceed one employee unit for every two visitor units built.

**Permitted Uses in State Agricultural and Rural Districts and County Agricultural, Residential and Agriculture, and Single-Family Residential Zones**

<b>State Agricultural District</b>	<b>County Agricultural Zone</b>	<b>State Rural District</b>	<b>County RA Zone</b>	<b>County RS Zone</b>
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	Agricultural uses	Crop production  Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboretums, floriculture, and similar uses dealing with the growing of plants	Crop production
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.		Livestock production (excluding pigs), provided that:  (A) The requirements of the department of health are met;  (B) Approval of the director is obtained; and  (C) Any feed or water area, salt lick, corral, run, barn, shed, stable, house, hutch, or other enclosure for the keeping of any permitted animal shall be located at least seventy-five feet from any lot line.	
Game and fish propagation	Game and fish propagation			
Aquaculture	Aquaculture		Aquaculture	

<b>State Agricultural District</b>	<b>County Agricultural Zone</b>	<b>State Rural District</b>	<b>County RA Zone</b>	<b>County RS Zone</b>
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:			Buildings and uses accessory to the uses permitted	
Farm dwellings	Dwelling, single-family  Farm dwellings	Low density residential uses	Dwelling, single-family  Ohana unit	Dwelling, single-family  Guest house  Ohana unit
Employee housing				
Farm buildings				
Mills				
Storage facilities				
Processing facilities	Agricultural products processing, major and minor		Agricultural products processing, minor, provided that the site or buildings used for such processing, shall be located at least seventy-five feet from any street bounding the building site	
Photovoltaic				
Biogas				
Other small renewable energy systems for the ag activities				
Agriculture energy facilities				

<b>State Agricultural District</b>	<b>County Agricultural Zone</b>	<b>State Rural District</b>	<b>County RA Zone</b>	<b>County RS Zone</b>
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			
Agricultural tourism	Agricultural tourism		Agricultural tourism	
Open area recreational facilities			Parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities	Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses
Geothermal resources exploration and geothermal resources development		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		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				

<b>State Agricultural District</b>	<b>County Agricultural Zone</b>	<b>State Rural District</b>	<b>County RA Zone</b>	<b>County RS Zone</b>
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	Golf courses, golf driving ranges, and golf-related facilities	Stables, commercial or boarding, provided that the building site is a minimum of five acres in area and the structures are located at least one hundred feet away from any lot line.  Golf courses (with Use Permit)  Country clubs, tennis clubs and other similar recreational facilities (with Special Permit)  Drive-in theaters (with Special Permit)	Golf courses, golf driving ranges, and golf-related facilities (with Use Permit)
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	Public, quasi-public, and public utility facilities	Public uses and structures  Meeting facilities (with Special Permit)	Public uses and structures  Meeting facilities  Community buildings
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			

<b>State Agricultural District</b>	<b>County Agricultural Zone</b>	<b>State Rural District</b>	<b>County RA Zone</b>	<b>County RS Zone</b>
Construction and operation of wireless communication antennas	Telecommunication antennas and towers (with use permit)		Telecommunication antennas and towers (with Use Permit)	Telecommunication antennas and towers (with Use Permit)
			Animal hospitals and Veterinary establishments	
			Kennels, provided that the building site is a minimum of five acres in area and the structures are located at least one hundred feet away from any lot line	
			Adult day care homes, Family child care homes, Group living facilities  Day care (with Special Permit)	Adult day care homes, Family child care homes, Group living facilities  Day care and Care homes (with Use Permit)
			Churches, temples, synagogues (with Special Permit)	Churches, temples, synagogues (with Use Permit)
			Cemeteries and mausoleums (with Special Permit)	Cemeteries and mausoleums
			Bed and breakfast establishments (with Special Permit)	Bed and breakfast establishments (with Use Permit)
			Home occupations (with Special Permit)	Home occupations
			Guest ranches and Lodges (with Special Permit)	
			Model homes and Temporary real estate offices (with Special Permit)	Model homes and Temporary real estate offices
			Schools and Hospitals (with Special Permit)	Schools and Hospitals (with Use Permit)
			Major outdoor amusement center (with Special Permit)	Major outdoor amusement center (with Use Permit)

## 5.6 Other Complementary Strategies

**Development Agreement** (HCC Chapter 30): Development Agreements are typically used for large projects, where it is useful to include all land use entitlements, infrastructure improvements, other commitments, and timelines into a single legal contract between the County and the landowner.

The CDP could add a policy requiring that all large developments in Ka'ū be permitted as part of development agreements.

**Community Benefits Agreements (CBA):** A CBA is a contract made between community representatives or groups and a prospective developer of a project with significant likely impacts. The CBA specifies benefits provided by the developer in exchange for community support for a proposed project. CBAs offer the following benefits to the major stakeholders in any large development:

- Community: reduce negative impacts and maximize benefits; reach long-term community vision
- Developers: save time and money; reduce obstacles and uncertainties; reassure investors
- Government: reduce political pressures that come with conflict; reduce risk of having to defend permitting decisions; gain political support with a win-win solution.

The CDP could add a policy requiring that all permits for large developments in Ka'ū include Community Benefits Agreements, including financial pro forma transparency to ensure financial viability.