

5 LAND USE PLANS, POLICIES, AND CONTROLS

5.1 HAWAI‘I STATE PLAN

The Hawai‘i State Plan, Chapter 226, HRS, is the umbrella document in the statewide planning system. It serves as a written guide for the long-range development of the state by describing a desired future for the residents of Hawai‘i and providing a set of goals, objectives, and policies that are intended to shape the general direction of public and private development.

Transportation objectives established in the Hawai‘i State Plan include the following. They are consistent with, and would be implemented through, the proposed action.

Objectives:

Sec. 226-17(a)(1) An integrated multi-modal transportation system that services statewide needs and promotes the efficient, economic, safe, and convenient movement of people and goods

Sec. 226-17(b)(1) A statewide transportation system that is consistent with and will accommodate planned growth objectives throughout the State

Policies:

Sec. 226-17(b)(1) Design, program, and develop a multi-modal system in conformance with desired growth and physical development

Sec. 226-17(b)(11) Encourage safe and convenient use of low-cost, energy-efficient, nonpolluting means of transportation

The proposed project would also be in conformance with State Plan objectives and policies for socio-cultural advancement—leisure.

Objective:

Sec. 226-23(a) Planning for the State’s socio-cultural advancement with regard to leisure shall be directed towards the achievement of the objective of the adequate provision of resources to accommodate diverse cultural, artistic, and recreational needs for present and future generations

Policies:

Sec. 226-23(b)(2) Provide a wide range of activities and facilities to fulfill the cultural, artistic, and recreational needs of all diverse and special groups effectively and efficiently

Sec. 226-23(b)(3) Enhance the enjoyment of recreational experiences through safety and security measures, educational opportunities, and improved facility design and maintenance

Sec. 226-23(b)(4) Promote the recreational and educational potential of natural resources having scenic, open space, cultural, historical, geological, or biological values while ensuring that their inherent values are preserved

Sec. 226-23(b)(5) Ensure opportunities for everyone to use and enjoy Hawai‘i’s recreational resources

Sec. 226-23(b)(7) Provide adequate and accessible physical fitness programs to promote the physical and mental well-being of Hawai‘i’s people

Sec. 226-23(b)(10) Assure adequate access to significant natural and cultural resources in public ownership

5.2 STATE LAND USE CLASSIFICATION

The State Land Use Commission, pursuant to Chapter 205 and 205A, HRS and Chapter 15-15, Hawai‘i Administrative Rules, is empowered to classify all lands in the State into one of four land use districts: urban, rural, agricultural and conservation. Figure 20 shows the State land use classification within the project corridor together with the proposed alignment.

The majority of the Lydgate Park-Kapa‘a alignment lies in the Urban District, except as noted below. Lands within the Urban District are regulated by County government.

Conservation District

The proposed north-south alignment will need to cross the Wailua River, which is classified in the Conservation District. Development within the Conservation District requires a Conservation District Use Permit (CDUP). The cantilevered addition to the cane haul bridge for the bike/pedestrian path will be constructed without encroaching into the Conservation District.

Neither the Wailua House Lots Phase nor the Kawaihau Phase is located within the Conservation District.

Figure 20: State Land Use (11 x 17)

Figure 20: State Land Use (11 x 17) (back)

Agricultural District

A portion of the north-south alignment is located in the State Agricultural District. The affected section is located adjacent to and makai of the Waipouli Drainage Canal. The proposed bike/pedestrian path is a type of open area recreational use that is generally permitted within the Agricultural District, as delineated in Chapter 205, HRS.

5.3 COUNTY OF KAUA‘I LAND USE REGULATIONS

5.3.1 County General Plan

A revised County of Kaua‘i General Plan was adopted in November 2000. The General Plan establishes policy for the long-range development, conservation, use, and allocation of land, water, and other resources in the county. It includes vision statements that describe the desired state of the County twenty years in the future. Furthermore, the General Plan contains policies intended to achieve that vision, as well as specific implementing actions that set forth recommended actions to carry out the policies. This section discusses the project’s conformance and consistency with pertinent policies and implementing actions from the County General Plan.

A. Scenic Views Policies

1. In developing public facilities and in administering land use regulations, the County shall seek to preserve scenic resources and public views. Public views are those from a public place, such as a park, highway, or along the shoreline.
2. The County shall observe the following general principles in maintaining scenic resources:
 - (a) Preserve public views that exhibit a high degree of intactness or vividness.
 - (b) Preserve the scenic qualities of mountains, hills or other elevated landforms, qualities such as the silhouette against the horizon and mass and shape of the landform.
 - (c) Preserve the scenic qualities of lowland/open space features, such as the shoreline, the edge of a coastal bluff, a marsh, a fishpond, or a historic or cultural property. Structures should not impede or intrude upon public views of the feature and should not alter the character of the immediate area around the land feature, historic or cultural property.

B. Historic and Archaeological Sites Policies

1. Preserve important archaeological and historic sites and provide: 1. a buffer area between the site and adjacent uses; and 2. public pedestrian access, as appropriate to the site.

C. Coastal Lands Policies

1. Actively acquire shoreline lands and access-ways to shoreline areas for public use.
2. When developing public facilities or granting zoning, land use permits, or subdivision for development along the coast, the first priority shall be to preserve and protect sandy beaches.
 - (a) Strips of land along the shoreline that have been placed in the State Conservation District or in the County Open zoning district are intended to serve as a buffer from coastal erosion. Structures should be sited inland of these coastal buffers on lands that are appropriately zoned.
 - (b) When development is proposed along a sandy beach, hazards of long-term coastal erosion should be assessed and used to determine appropriate setbacks.
 - (c) For coastal areas suffering erosion, promote and provide for beach renourishment in conjunction with property owners and the State Department of Land and Natural Resources. Discourage the construction of shoreline protection structures (seawalls, revetments).
 - (d) Following are general guidelines for coastal development, including resorts and residential subdivisions, but excepting harbors and other uses which are specifically dependent on locating near the water:
 - (1) Provide a permanent pathway laterally along the coast, located in the buffer zone mauka of the shoreline (e.g., Waipouli Resort pathway).
 - (2) Site buildings to preserve view corridors from roads or public places to the ocean and from the ocean mauka.
 - (3) Provide public parking and convenient access to the ocean.

D. Visitor Activities, Parks and Natural Areas Policies

1. Manage beach parks, resources parks, rivers, beaches and other natural areas according to the following policies, in order of priority (County and State)
 - (a) Conserve resources.
 - (b) Provide for use by the general public – i.e., individuals, families, ‘ohanas.
 - (c) Allow for group use (including commercial tours and equipment rentals) within conservation limits.
3. (a) Interpretation of natural areas, historic and archaeological sites, traditional agricultural and cultural practices, towns and communities.
4. Improve facilities, maintenance, and management of activities at State and County parks.
 - (a) Ensure adequate levels of park maintenance, repair, and hygiene and to improve signage and interpretation of natural and cultural features.

E. Open Lands Policies

1. The intent of the Open designation is to preserve, maintain or improve the natural characteristics of non-urban land and water areas that:
 - (a) Are of significant value to the public as scenic or recreation resources;
 - (b) Perform essential physical and ecologic functions important to the welfare of surrounding lands, waters, and biological resources;

- (c) Have the potential to create or exacerbate soil erosion or flooding on adjacent lands;
 - (d) Are potentially susceptible to natural hazards such as flood, hurricane, tsunami, coastal erosion, landslide or subsidence; or
 - (e) Form a cultural, historic or archaeological resource of significant public value.
2. Lands designated Open shall include: important landforms such as mountains, coastal bluffs, cinder cones, and stream valleys; native plant and wildlife habitat; areas of predominantly steep slopes (20 percent or greater); beaches and coastal areas susceptible to natural hazards such as flood, hurricane, tsunami, coastal erosion or hurricane, scenic resources; and known natural, historic and archaeological resources. Open shall also include parks, golf courses, and other areas committed to outdoor recreation.
 3. Lands designated Open shall remain predominantly free of development involving buildings, paving and other construction. With the exception of kuleanas and other small lots of record, any construction that is permitted shall be clearly incidental to the use and open character of the surrounding lands.

F. Scenic Roadway Corridors Policies

1. The purpose of designating Scenic Roadway Corridors is to conserve open space, scenic features, and views within and along Kaua‘i’s most heavily traveled routes. The policy of conservation recognizes the vital function of these roadways in meeting the public need for transportation. It also recognizes the legitimate desire of private landowners to make economic use their lands. The intent of this policy is to establish basic principles for roadway design and land use within these scenic corridors and to provide a basis for County action to establish programs and regulations to implement them.
2. Scenic Roadway Corridors are primarily designated in areas between towns where surrounding lands are primarily designated Agriculture and Open. Where a Scenic Roadway Corridor is designated within a town or adjoins an area planned for urban use, the primary intent is to promote setbacks, landscaping, and views of scenic features. Scenic Roadway Corridors are intended to provide design guidance but not to restrict the principal land uses of urban areas.

G. Bikeways Policies

1. Support funding to develop Kaua‘i’s bikeway system to provide for alternative means of transportation, recreation and visitor activities (economic development).

The General Plan also established broad land use categories to guide the future direction of land development. Figure 21 shows the land use map with the project alignment. This project does not require any action relative to the General Plan.

5.3.2 Zoning

County zoning provides the most detailed set of regulations affecting land development, prior to actual construction. Zoning is typically limited to land classified as Urban within the State land use system. Figure 22 shows the zoning for the project corridor with the project alignment. The proposed action will not require any zoning changes.

Areas makai of Kūhiō Hwy are generally zoned for resort and residential uses. Areas mauka of Kūhiō Hwy are a mix of residential, resort, commercial, industrial, agriculture, and open. The Wailua House Lots alignment is located outside the residential zone. The Kawaihau alignment is located in a residential zone with a “special treatment-public” overlay zone that includes Mahelona Hospital and Kapa‘a Elementary and High Schools.

5.3.3 Special Management Area

Coastal Zone Management objectives and policies (Section 205A-2, HRS) were developed to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawai‘i. Development within the SMA requires a permit, and since this project has a development cost exceeding \$125,000, it will require a Major Special Management Area Use Permit. The permitting process provides a heightened level of government and public scrutiny to ensure consistency with SMA objectives. Figure 22 shows the boundary demarcating the SMA.

Lydgate to Kapaa

The southern portion of the route, from the start point, crossing Wailua River to Hale‘ilio Road is within the SMA. The middle section, which jogs inland along the canals, is outside the SMA. However, the spur through the Waipouli resort area is located inside the SMA. The northern portion of the alignment is also within the SMA from Ala Road, continuing along Niulani Street and Moanakai Road to Waika‘ea Canal.

Wailua House Lots

The alignment is located outside the SMA.

Kawaihau

A short section of Kawaihau Road, from its intersection with Kūhiō Highway, heading mauka, is located within the SMA.

Figure 21: General Plan Map (11x17)

Figure 21: General Plan Map (11x17) (back)

Figure 22: Zoning and SMA (11 x 17)

Figure 22: Zoning and SMA (11 x 17) (back)

5.4 OTHER PLANS

5.4.1 Bike Plan Hawaii

Bike Plan Hawaii is the statewide bicycle master plan prepared periodically by the State Department of Transportation. The latest update was completed in September 2003. *Bike Plan Hawaii* addresses the bicycling component of the Long-Range Land Transportation Plans (LRLTP)—each County has its own plan—and is incorporated into the LRLTP by reference. At present there is no master plan for pedestrian facilities, except for shared use (combined bike-pedestrian) paths that are included in *Bike Plan Hawaii*.

The plan is important for several reasons:

- To establish a long-term strategy for transportation facilities improvements
- To enable better coordination between transportation and land-use planning
- To increase the state’s ability to leverage funds for transportation facilities
- To provide a mechanism to achieve community consensus

In order to qualify for federal funds, bikeway and roadway improvements are at an advantage if they are listed and shown in appropriate transportation planning documents. To FHWA, this demonstrates that the projects are part of a coherent transportation system and have been vetted through a public planning process.

The proposal for a “coastal bikepath” from Anahola to Nāwiliwili first appeared in the 1994 edition of *Bike Plan Hawaii*. In 2001, the State began updating the bike plan. The coastal bikepath proposal was endorsed by participants who attended two public meetings on Kaua‘i and in comments received during the draft review period.

5.4.2 State Comprehensive Outdoor Recreation Plan

The Department of Land and Natural Resources prepares the *State Comprehensive Outdoor Recreation Plan (SCORP)* as part of a requirement to qualify for federal grants of outdoor recreation projects. *SCORP* provides technical guidance to various government agencies and private entities that plan, develop, and manage outdoor recreation resources in the state. The eighth update of *SCORP* was completed in March 2003.

Focus group meetings with representatives of various outdoor recreation user groups and a series of general public information meetings were held as part of the planning process for *SCORP 2003*. After combining the input obtained from the meetings and surveys, *SCORP* found that Hawai‘i residents were most concerned about the following recreational needs and issues (in order of importance):

- Park maintenance and cleanliness, particularly restrooms
- Need for more youth-oriented facilities
- Overcrowding at popular recreation sites

- Need for more facilities, such as beach parks, playgrounds, ball fields, paths for biking/jogging, skate parks, and expansion of mauka trail systems for multiple users
- Public access to mauka and makai recreation areas
- Safety issues

The perceived need for bicycling facilities is relatively high and the level of demand has been sustained from earlier versions of *SCORP*. For example, a survey conducted during the planning process for the 1997 edition revealed that more than three-quarters of the respondents (76%) felt that Hawai‘i needed more paths for jogging and biking. Close to half of the respondents (47%) said that the state needed more of them, while 29% felt that a few more paths were needed. That study also found that the most popular activities were (in order): fitness walking, hiking, and bicycling.