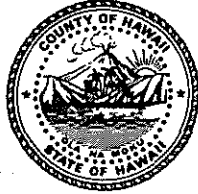


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director
Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

PD Var.670

July 7, 1995

Chief Wayne Carvalho
Hawaii County Police Department
349 Kapiolani Street
Hilo, HI 96720

Dear Chief Carvalho:

Variance Application (VAR95-24)
Applicant: Hawaii County Police Department
Request: Variance from the Zoning Code to Subdivide
Five (5) acres in a Agricultural 20A Zone
Tax Map Key: 9-5-012:002

After reviewing your application and the information submitted in behalf of it, the Planning Director certifies the approval of your Variance application to allow the creation of a two (2) subdivision in which one (1) lot cannot meet the minimum building site area requirements of chapter 25 (Zoning Code, Article 8, A, Agricultural Districts. The subject property is located east of the Mamalahoa highway adjacent to the State of Hawaii, highway maintenance baseyard, north of Naalehu, in the district of Ka'u, island of Hawaii, tax map key: 9-5-12:02.

The Planning Director has concluded that the Variance request should be approved based on the following findings:

Special and Unusual Circumstances

There are special and unusual circumstances applying to the subject property which exist either to a degree which deprives the applicant of substantial property rights that would otherwise be available or to a degree which obviously interferes with the best use or manner of development of the subject property. The State Department of Land and Natural Resources on June 9, 1988 approved the request by the County of Hawaii to set aside five (5) acres of State land for the Ka'u Police station site, subject to the following terms and conditions:

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Chief Wayne Carvalho
Page 2
July 7, 1995

That the Board:

- A. Authorize the withdrawal of 5.000 acres from Revocable Permit No. S-5094 presently encumbered to Seamountain-Hawaii Ranch Company, Inc.
- B. Approve of and recommend to the Governor issuance of an executive order setting aside 5.000 acres to the County of Hawaii (Police Department) for the new Ka'u Police Station site subject to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of setting aside, subject to the following terms and conditions:
 1. That the County of Hawaii, acting on behalf of the State Hawaii, shall obtain the necessary subdivision approval for the subject property.
 2. That the County of Hawaii shall submit the necessary environmental assessment to comply with Chapter 343, Hawaii Revised Statutes.
 3. That the County of Hawaii shall comply with all applicable statutes, ordinances, rules and regulations of the Federal State and County governments.
 4. That in the event that any unanticipated sites or remains, such as shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls, are encountered during construction, the applicant shall stop work and contact the Historic Preservation office at 548-7460 or 548-6408.
 5. That the County of Hawaii shall submit plans to the Chairperson for review and approval prior to the commencement of any work activity.

The Hawaii County Planning Commission on April 26, 1995 approved Special Permit No. 899 to allow the construction of a Police facility and related improvements on five (5) acres of land in Ka'u, Hawaii.

Approval of the request was based on the following:

The granting of this Special Permit will promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law Rules regulations

Chief Wayne Carvalho
Page 3
July 7, 1995

are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii.

The request is not contrary to the General Plan. The proposed use is consistent with the Land Use policies of the General Plan which state, "Designate and allocate land uses in appropriate proportions and mix in keeping with the social, cultural, and physical environment." Furthermore, a Course of Action for the Ka'u District-Public Facilities Element of the General Plan states, "The replacement of police facilities shall be encouraged."

The proposed Police facility and related improvements would provide needed expanded public safety services for residents in the Ka'u District. Although the granting of the proposed facility would allow the establishment of a non-agricultural use on the property, the proposed use would expand the community support services. A state baseyard is already established on property to the northeast and a church is located by Special permit further to the north. Based on these considerations, it is determined that the granting of the Special Permit request would be supportive of the objectives sought to be accomplished by the State Land Use Law and regulations as it would enhance the agricultural activity and potential of the region by providing necessary support services.

Alternatives

Based upon the above there are no reasonable alternatives for this specific Variance request for this specific site and facility.

Consistency with District and Not Detrimental to Public

The proposed use will not have any significant adverse effects on the surrounding properties. The facility would be located on five (5) acres of land and will maintain minimum setbacks of the Agricultural zoned district. Through landscaping and the siting of the facility, any noise and visual impacts will be adequately mitigated.

This Variance request is therefore approved, subject to the following conditions:


1. The applicant, their assigns or successors shall be responsible for complying with stated conditions of approval.

Chief Wayne Carvalho
Page 4
July 7, 1995

2. The applicant, their assigns or successors shall submit a subdivision application and receive final subdivision approval within one (1) year of the effective date of the Variance approval.
3. Comply with all other applicable State and County rules and regulation.

Should any of the foregoing conditions not be complied with, the Planning Director may proceed to declare this Variance null and void.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

EC:dmo
A:Police.var

cc: Capt. David Kawauchi, Ka'u Police Station

BCC: Subd. 93-30
Special Permit No. 899