



Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Lorraine R. Inouye
Mayor

September 1, 1992

Ms. Charmaine Kamaka, Director
County of Hawaii
Department of Parks & Recreation
25 Aupuni Street
Hilo, HI 96720

Dear Ms. Kamaka:

Special Permit Application (SP 92-16)
Applicant: County Department of Parks & Recreation
Request: Construction of a Fire Station &
Related Improvements
Tax Map Key: 1-9-3:17

The Planning Commission at its duly held public hearing on August 20, 1992, voted to approve your application, Special Permit No. 823, to allow the construction of a volunteer fire station and related improvements on 10.00 acres of land situated within the State Land Use Agricultural District. The property is located on the northeast side of Wright Road, approximately 150 feet north of the Volcano Highway, Olaa Summer Lots, Puna, Hawaii.

Approval of this request is 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 and Regulations 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.

In the case of the Agricultural districts, the intent of the State Land Use Law Rules and Regulations is to preserve or keep lands of high agricultural potential in agricultural use. The land on which the proposed use is located is classified as "D" or "Poor" and "E" or "Very Poor" by the Land Study Bureau for agricultural productivity and not classified by the ALISH Map. The subject property has not been in any active

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agricultural production, although there certain agricultural activities can be undertaken on the property. Therefore, the proposed use would not be taking high potential agricultural lands out of use nor will the requested use have an adverse impact on the overall agricultural activity of the area.

The request is not contrary to the General Plan. The proposed use is consistent with the Land Use policy of the General Plan which states: "Designates and allocate land uses in appropriate proportions and mix in keeping with the social, cultural, and physical environments of the County" and "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

The proposed fire station and related improvements would provide needed public safety services for residents in the Volcano area. Although the granting of the proposed fire station would allow the establishment of a non-agricultural use on the property, the proposed use would expand the community support services. 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 Land Use Law and Regulations as it would enhance the agricultural activity and potential of the region.

The proposed use will not have any significant adverse effects on the surrounding properties. The request has more than the minimum setback requirements for an agricultural lot.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Wright Road and Kilauea Roads are improved with 20-foot wide pavements which accommodates two-way traffic. Although there is no public water system in the area, a water tank will be constructed to service the fire station. The fire station will not be used for habitable purposes and will house the equipment. Also, the construction of the fire station would increase public safety response time to a community that is growing in size.

Approval of this request is subject to the following conditions:

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

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2. Final Plan Approval of the fire station and related improvements shall be secured from the Planning Department within one year from the effective date of the permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, landscaping, and paved (concrete or asphalt-concrete) driveway and parking areas associated with the fire station.
3. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
4. The applicant shall comply with applicable laws, rules and regulations, including those of the State Department of Health, Fire Department and Department of Public Works.
5. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
6. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or

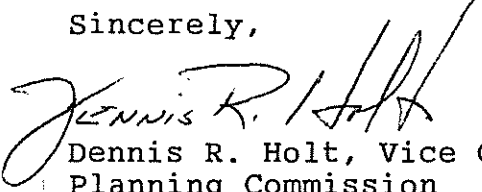
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assigns and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Dennis R. Holt, Vice Chairman
Planning Commission

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jdk

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Fire Department
Department of Health
State Land Use Commission
DLNR
Mayor
Planning Director
Plan Approval Section