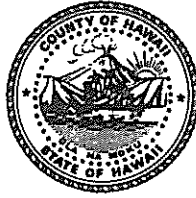


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
P 364 320 020

January 4, 1996

Ms. Rene Kitaoka
Kamehameha Investment Corporation
567 S. King Street, Suite 120
Honolulu, HI 96813

Dear Ms. Kitaoka:

Special Permit Application (SPP 95-28)
Applicant: Kamehameha Investment Corporation (KIC)
Request: Construction of the Keauhou-Kona Fire Station
Tax Map Key: 7-8-7:53

The Planning Commission at its duly held public hearing on December 13, 1995, voted to approve the above-referenced application. Special Permit No. 918 is hereby issued to allow the construction of the Keauhou-Kona Fire Station on 1.51 acres of land situated within the State Land Use Agricultural District. The subject property is located on the west (makai) side of Kaukini Highway at the southwest corner of the Kuakini Highway-Puuloa Road intersection at Keauhou 1st, North Kona, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law 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 District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The proposed project will be located within an area whose soils are identified as of the Punaluu soil series by the Soil Conservation Service and is generally utilized for pasture. The soil is classified as "E" of "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and unclassified by the Department of Agriculture's ALISH map.

In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has

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provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

The subject property is situated within the County's Unplanned (U) zoned district. The proposed Fire Station will consist of approximately 4,460 square feet. The 65,776 square feet of land that will be taken out of the agricultural inventory for this area will not significantly affect the agricultural resource of the area, as the proposed use will be constructed on property which has limited agricultural potential and has not been utilized for any agricultural activity. In addition, no active agricultural lands will be taken out of production to provide the area necessary to establish this use. Therefore, based on the above circumstances, approval of the subject request would not be contrary to the objectives of the State Land Use Law Rules and Regulations given the subject conditions. The proposed use would not displace agricultural activity nor diminish the agricultural potential of the area since this parcel has not been in agricultural use in years. Therefore, the proposed use would not be contrary to the objectives of the State Land Use Law for the Agricultural district.

The desired use will not adversely affect the surrounding properties. The subject property is currently vacant. Lands to the south and west of the subject area are primarily vacant and overgrown. The property to the north is developed with a church and day care school facilities. There will be an area for 15 off-street parking and paved stalls. The property will have landscaping improvements around the entire perimeter of the proposed fire station. The property is of sufficient size to allow for adequate setbacks and buffers in minimizing any physical, social or other impacts that this Fire Station use may have on the neighborhood. Its location adjacent to the Kuakini Highway will also be an asset in its ability to be able to quickly access the main thoroughfare which provides access between the North and South Kona Districts.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and police and fire protection. All essential utilities such as electricity, water and telephone are available to the subject property. All requirements of the Department of Health, Department of Public Works, and Fire Department shall be complied with prior to establishment of the proposed use, including that of the State of Hawaii Department of Transportation, Highways Division. Consulted agencies had no objection to the request.

The land upon which the proposed use is sought is not unsuitable for the uses permitted within the district. As indicated previously, the proposed Fire Station will be constructed on a parcel which is not presently utilized for agricultural purposes. Therefore, no existing or proposed areas for agricultural activities will be curtailed or diminished as a result of the establishment of this use on this property. As such, other undeveloped areas are still available for agricultural development and the removal of 65,776 square feet of land from the agricultural inventory will not have a detrimental impact on the agricultural resources of the area or the County of Hawaii. In addition, this new Fire Station facility will be filling a void of fire and emergency response between the Captain Cook and the Kailua-Kona Fire Stations.

The use will not substantially alter or change the essential character of the land and the present use. The essential character of the land is vacant and overgrown in nature. The proposed Fire Station is situated adjacent to the Kuakini Highway and will be adjacent to

Kona Church Baptist. Therefore, from a physical standpoint, although the subject property will be developed with a Fire Station facility, its size, design and landscaping improvements will make it compatible with the existing urban character of the church development buildings on the parcel to the north. As such, the alteration to the subject property is not viewed to be substantially altering or changing the essential character of the land.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The proposed Fire Station will be providing Fire and Emergency Response Services to an area which is presently serviced by the Captain Cook and Kailua-Kona Fire Stations.

The request is not contrary to the General Plan. The County General Plan Land Use Pattern Allocation Guide Map (LUPAG) Map designates this area for Extensive Agricultural. The property is situated within the County's Unplanned (U) zoned district. The proposed development would also be in keeping with the following goal, policies and standards of the General Plan Public Facilities Element:

GOAL

- o Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community.

POLICIES

- o The County shall continue to seek ways of improving public service through the coordination of service and by maximizing the use of personnel and facilities.
- o The County shall coordinate with appropriate State agencies for the provision of public facilities to serve the needs of the community.
- o The County shall develop short and long-range capital improvement programs and operating budgets for public facilities and services.
- o The County's Capital Improvement and Operating budgets shall reflect the goals and policies of the County General Plan.
- o The County shall require a 6-year, long-term, capital improvements budget by County Departments and agencies which shall be reviewed for consistency with the County's General Plan.

STANDARDS

- o Development of police and fire facilities should entail joint use structures whenever feasible.
- o The establishment of a fire/police facility shall consider site size and locations which permit quick and efficient vehicular access.

- o Stations in outlying districts shall be based on the population to be served and response time rather than on geographic district.
- o The County of Hawaii Emergency Operations Center shall be improved to meet the requirements set forth by federal and state regulations.

The proposal will also compliment the Course of Action for North Kona which states "Service facilities shall be improved to meet needs."

Based on the above considerations, the proposed Fire Station is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the approval of this permit.
3. Construction of the fire station facility shall be completed within five (5) years from the effective date of the Special Permit. This time period shall include securance of Final Plan Approval for the development from the Planning Department. 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, fire protection measures and a minimum of 15 off-street parking stalls. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Plans shall also include landscaping around the perimeter of the parking area.
4. The plans for the driveway access to the proposed off-street parking area shall meet with the approval of the Department of Transportation, Highways Division and/or the Department of Public Works, if applicable. This approved plan shall be submitted simultaneously with the plans for Final Plan Approval.
5. Improvement requirements on Kuakini Highway, if applicable, shall meet with the approval of the State Department of Transportation, Highways Division.
6. An initial 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 assigns, and that are not the result of their fault or negligence.

Ms. Reñe Kitaoka
Kamehameha Investment Corporation
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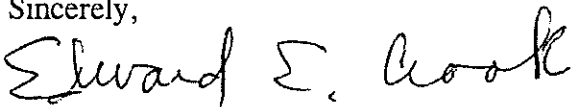
- B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
- C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
- D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).
- E. If the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the Planning Commission for appropriate action.

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.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Edward E. Crook, Chairman
Planning Commission

AK:syw
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cc: Honorable Stephen K. Yamashiro, Mayor
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission