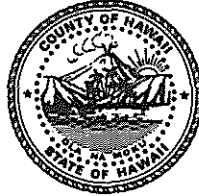


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

MAR 13 1997

Nelson Tsuji, Fire Chief  
County of Hawaii Fire Department  
777 Kilauea Avenue, Mall Lane #6  
Hilo, HI 96720

Dear Mr. Tsuji:

Special Permit Application (SPP 96-21)  
Applicant: Hawaii County Fire Department  
Request: Establish a Volunteer Fire Station  
Tax Map Key: 9-2-31:19

The Planning Commission at its duly held public hearing on February 27, 1997, voted to approve the above-referenced application. Special Permit No. 957 is hereby issued to allow the construction and establishment of a Volunteer Fire Station on approximately 43,567 square feet of land within the State Land Use Agricultural District. The property is located within the Hawaiian Ocean View Estates Subdivision, at the intersection (northeast corner) of Ocean View Parkway and Orchid Circle Mauka at Kahuku, Ka'u, 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 extremely rocky peat, 6 to 20 percent slopes. 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 provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

02540

MAR 13 1997

The subject property is situated within the County's Agricultural (A-1a) zoned district. The proposed Fire Station will consist of approximately 3,200 square feet. The 43,567 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 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. The project would provide enhanced fire protection for residents, including farmers, in Ka'u and South Kona and would, thus, benefit those living and working in the agriculture district.

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. The land on which the proposed use is not suited for agriculture. The site is on lava dated between 750 and 1,500 years in age (Lockwood, et al 1988). The low rainfall coupled with relatively cool temperatures has led to minimal weathering and soil formation. The U.S. Soil Conservation Service (1973) classifies the land as Lava Flows, Pahoehoe, a miscellaneous land type with little soil. The agricultural utility of soil in Hawaii has been assessed by the U.S. Soil Conservation Service and mapped as part of map series "Other important agricultural lands" (ALISH). The land is not classified as Prime, Unique or other important soil.

The use will not substantially alter or change the essential character of the land and the present use. The site currently houses a storage garage for the H.O.V.E. Volunteer Fire Station. The lot is largely graded. The character of the land will remain essentially the same.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The potential for agricultural viability apparently anticipated at the time this area was classified in the State Land Use Agriculture District has not been fulfilled. During the last three decades, however, the number of residents in H.O.V.E. has increased by several hundred percent, a situation which calls out for improved fire protection.

The request is not contrary to the General Plan. The County General Plan Use Pattern Allocation Guide Map (LUPAG) designates this area for Extensive Agricultural. The property is situated within the County's Agricultural (A-1a) zoned district. The proposed development would also be in keeping with the following goals, policies and standards of the General Public Facilities Element. The following sections of the Hawaii County General Plan area applicable:

#### GOALS

- 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.
- o Designated and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments in the County.
- o Protect and encourage the intensive utilization of the County's important agricultural lands.

#### 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.
- o The County of Hawaii shall take positive action to further maintain the quality of the environment for residents both in the present and in the future.

- 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.

#### 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.
- o The proposed use in and 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.

Based on the above considerations, the proposed volunteer 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. Prior to the start of construction, the applicant shall secure Final Plan Approval, in accordance with Chapter 25-2-70 (Zoning Code), from the Planning Department. Plans shall identify structures, landscaping around the perimeter of the parking area, fire protection measures and parking stalls in accordance with Chapter 25 (Zoning Code).
4. Driveway access shall meet with the approval of the Department of Public Works.

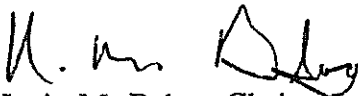
5. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
- A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
  - 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).

Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may 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,



Kevin M. Balog, Chairman  
Planning Commission

AK:syw

LCount02.PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Kazu Hayashida, Director/DOT-Highways Division, Honolulu  
Mr. Edwin Taira/OHCD  
Ron Terry, Ph.D.