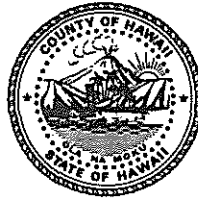


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

JUN 24 1997

Donna Fay K. Kiyosaki, Chief Engineer
County of Hawaii
Department of Public Works
25 Aupuni Street, Room 202
Hilo, HI 96720

Dear Ms. Kiyosaki:

Special Permit Application (SPP 97-8)
Applicant: County of Hawaii, Department of Public Works
Request: Establishment of a Baseyard
Tax Map Key: 7-9-17:22

The Planning Commission at its duly held public hearing on June 12, 1997, voted to approve the above-referenced application. Special Permit No. 970 is hereby issued to allow the construction and establishment of a new baseyard on approximately 3.142 acres of land situated within the State Land Use Agricultural District. The property is located on the makai side of Kuakini Highway approximately 200 feet south of Higashihara Park at Honalo, 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 Puna extremely stony muck with 3-25 percent slope. Surface layer is of dark brown about 5 inches thick underlain by fragmental a'a. Permeability is rapid, runoff is slow, and the erosion hazard is slight. This soil is used for pasture and orchards. The soil is classified as "C" or "Fair" by the Land Study Bureau's Overall Master Productivity Rating and Other Important Agricultural Land by the Department of Agriculture's ALISH Map. This classification suggests that the site has good productivity potential for most agricultural uses. However, the property has been used by the County as a quarry for many years. The proposed use would not displace any agricultural activity nor diminish the agricultural potential of the area, which has very little in the way of intensive agricultural activities in relation to many areas. Therefore, the proposed use would not be contrary to the objectives of the State Land Use Law for Agricultural district.

JUN 24 1997

06292

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.

The desired use will not adversely affect the surrounding properties. Surrounding uses are single family dwellings and vacant land. A solid waste transfer station and an agricultural products marshalling yard is located mauka of the property and borders Kuakini Highway. It is 200 feet south of Higashihara County Park. The proposed baseyard will be located within 3.142 acres of land. As such, the impact to immediately adjoining property owners should not be overly significant. The subject property is currently vacant. The property is of sufficient size to allow for adequate setbacks and buffers in minimizing any physical, social or other impacts that this baseyard use may have on the neighborhood.

The desired use will not unreasonably burden public agencies to provide roads, streets, sewers, water and drainage improvements and police and fire protection. Access to the project site is off Kuakini Highway. 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 Department of Transportation, Highways Division.

The use will not substantially alter or change the essential character of the land and the present use. The proposed baseyard would not be inconsistent with the character of the area. The existing site is a portion of a larger 9.36-acre site. However, construction of the Kuakini Highway bisected the parcel, leaving mauka and makai segments. The County has been using the mauka section of the land for a solid waste transfer station, baseyard and water pump station. The 3.142-acre remnant is presently unused. The construction of the baseyard would provide a headquarters that is more central to population growth and road distribution of North and South Kona Districts, rather than its present location in Kealakekua. In this regard, the baseyard would provide more convenient road access and larger working space, thereby, providing the needed area to continue operations which in turn enhance the State's public facilities objectives.

The land upon which the proposed use is sought is not unsuitable for the uses permitted within the district. The Land Study Bureau's overall master productivity rating for agricultural use is Class "C" or Fair. The land is classified as Other Important Agricultural Land. However, the limited nature of the request and the land area it will occupy will not adversely affect permitted uses located within adjoining areas. The 3.142 acres of land is not overly significant in the overall context of agricultural resources. The General Plan encourages 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. The public use of this parcel

is not strictly agricultural in nature, yet is a reasonable use within the Agricultural district.

The request is not contrary to the General Plan. The County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates this area for Orchards. The property is situated within the County's Agricultural (A-1a) zoned district. The request is consistent with the Land Use element of the General Plan which is to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to "...encourage the development and maintenance of the communities meeting the needs of its residents in balance with the physical and social environment." It is also consistent with the Public Facilities element of the General Plan which states:

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.

POLICY

- 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.

The property is designated Zone X, an area outside of the 500-year flood plain, by the Federal Emergency Management Agency. These lands are gently sloping to moderately steep soils on uplands at an elevation ranging from sea level to 2,000 feet. Traffic would be generated by the baseyard. However, the impacts of the baseyard is relatively small in relation to the traffic generated by the use of Higashihara Park. The applicant will comply with the State Department of Transportation regarding access to the subject property and the construction of any improvements within the Kuakini Highway. Therefore, the proposed baseyard is consistent with the policy and standards set forth in the General Plan.

Based on the above considerations, the proposed baseyard is considered 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. Should any of the conditions not be met or substantially complied within a timely fashion, the Director may initiate procedures to revoke the permit.

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

3. Access to the subject property from and any improvements within the Kuakini Highway shall be constructed in a manner meeting with the requirements and approval of the State Department of Transportation.
4. The applicant, its successors or assigns shall prepare a Solid Waste Management Plan prior to securing Final Plan Approval for the proposed development within the subject property meeting with the approval of the Department of Public Works. A copy of the approved plan shall be submitted to the Planning Department for its files.
5. The applicant shall comply with Department of Water Supply requirements.
6. The applicant shall comply with Department of Health requirements, which shall include applicable air quality, noise level and health standards.
7. Upon termination of the baseyard operations or abandonment of the baseyard use, the land shall be graded to blend with the surrounding area. The affected site shall be left in a non-hazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Planning Department and the Department of Public Works for review and approval within 90 days from the date of termination and/or abandonment.
8. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
9. 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 applicants, 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.

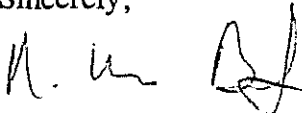
Donna Fay K. Kiyosaki, Chief Engineer
County of Hawaii
Department of Public Works
Page 5

- 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).

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

Ldpw01.PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
Department of Land & Natural Resources
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. Stanley Nakasone