



County of Hawai'i

PLANNING COMMISSION

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September 19, 2005

County of Hawaii, Fire Department
25 Aupuni Street, Suite 103
Hilo, HI 96720

Gentlemen:

Special Permit Application (SPP 05-014)

Applicant: County of Hawaii, Fire Department

Request: Fire Station and Related Uses Within SLU Agricultural District

Tax Map Key: 1-5-7:portion 17

The Planning Commission at its duly held public hearing on September 2, 2005, voted to approve the above-referenced application to allow the establishment of a fire station and related uses on approximately 8.189 acres of a 19.464 acre parcel situated within the State Land Use Agricultural District. The property is located along the northeast side of the Keaau-Pahoa Road (Highway 130), approximately 1,400 feet north of the Highway 130 – Pahoa Village Road junction, Puna, Hawaii.

Approval of this request is based on the following:

The applicant proposes to establish a fire station and related improvements including a pump house, storage shed, recreation area, parking and emergency helipad. The fire station structure will include three bays with a total capacity for six vehicles, accommodations for up to eight fire fighters per shift, exercise room, training room, lounge/ready room/kitchen, office space, hose maintenance room and storage. The proposed police station and park site indicated on the eastern portion of the preliminary master site plan are not a part of this Special Permit application. The fire station structure will include three bays with a total capacity for six vehicles, accommodations for up to eight fire fighters per shift, exercise room, training room, lounge/ready room/kitchen, office space, hose maintenance room and storage.

Executive Order No. 4073 was signed on October 8, 2004 authorizing the use of the property for public safety, recreation and other public purposes. As the property is owned by the State of Hawaii and County and Federal funds are involved, the proposed

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action is subject to the requirements of Chapter 343, Hawaii Revised Statutes, regarding Environmental Impact Statements. A Finding of No Significant Impact (FONSI) declaration was published in the May 23, 2005 bulletin of the Office of Environmental Quality Control.

The Pahoa Fire Station, currently located in an antiquated structure in Pahoa, is inadequate for sheltering necessary equipment and supplies as well as providing the necessary facilities to harbor citizens seeking shelter under the Safe House Program. The facility is not compliant with the Americans with Disabilities Act and inadequate during a disaster such as an earthquake or hurricane. The proposed new energy-efficient facility will improve response readiness for the community and allow continued service during natural disasters. The proposed facility will provide needed space for classroom training as well as outdoor hands-on training. The emergency helipad will provide the lower Puna community with a safe and secure access for air ambulance service and a connection point to ground service to the hospital.

The existing use is an unusual and reasonable use of land situated within the State Land Use Agricultural District and would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes (HRS), 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. In recognizing that lands within the 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.

Soils on the property are classified as "E" or "Very Poor" for agricultural productivity by the Land Study Bureau and Unclassified by the Agricultural Lands of Importance to the State of Hawaii (ALISH) Map. Although the property was extensively cleared and graded for prior use as an anthurium farm and packing facility, the property is currently not in active agricultural use. As only an 8.189-acre portion of the 19.464-acre parcel will be used for the proposed fire station, the use will not displace any agricultural activity nor diminish the agricultural potential of the area. Thus, this request is not contrary to the objectives of the State Land Use Law for the Agricultural District.

The request is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. The property is located on Keaau-Pahoa Road (Highway 130) and will not be impacted by coastal hazard and beach

erosion. There are no identified recreational resources, historic resources, public access to the shoreline or mountain areas, scenic and open space preserves, coastal ecosystems, marine resources or other natural and environmental resources in the area. Although there were no professional surveys conducted of the site, it is not anticipated that endangered or threatened candidate species of flora or fauna are located within the property, and the area has not been identified as a significant botanical or biological habitat. Vegetation presently on the site is a mix of grasses and weeds which have emerged after the removal of most of the anthurium shade houses. The vegetation of the undisturbed swath is primarily ohia trees. No candidate, proposed, or listed threatened or endangered species are on the site. The property is not known to be a habitat for any rare or endangered animal life and would not have any significant negative impact on floral or fauna resources in the area. There is no evidence of any traditional and customary Native Hawaiian rights being practiced on the site, nor existence of known valued cultural, historical or native resources in the area. Thus, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

Rechtman Consulting, LLC conducted an assessment of potential impacts to historic properties in a report dated December 2004. There were no historic properties identified in the assessment of the property. After a field inspection by a SHPD staff archaeologist, the DLNR-HPD, in a memorandum dated April 28, 2005, indicated that no historic properties were present on the property; thus no historic properties would be affected by this undertaking.

The desired use will not adversely affect surrounding properties. Surrounding properties to the northwest and south are zoned A-1a, and properties to the east are zoned A-5a. The area is characterized by a mix of residential, agricultural and commercial uses. According to building permit records, there are single-family dwellings to the southeast and single-family dwellings, greenhouse, saran house and agricultural buildings across the Keaau-Pahoa Highway to the southwest. The Pahoa Agricultural Park Phase II is located east of the property and includes a mix of residential and agricultural uses. The Pahoa Market Place, which includes a mix of commercial and industrial uses, is situated approximately 300 feet southwest of the property. Due to the limited nature of the proposed use, it is not anticipated that the use will adversely impact surrounding properties. As a condition of approval, the applicant will be required to provide landscaping to mitigate any potential adverse noise or visual impacts to adjacent properties. The landscaping requirement along Highway 130 has been deleted because the purpose behind locating along the highway is that the fire station be highly visible. This requirement should further minimize the possibility of adverse impacts to the surrounding area. No objections were received from the public as of this writing.

The establishment of a church will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and

fire protection. Access to the site is from Keaau-Pahoa Road (Highway 130), a State-owned roadway with an approximately 80-foot right-of-way. Public comments received during the consultation period included concerns regarding the potential traffic hazard created on Keaau-Pahoa Road by emergency vehicles leaving the proposed fire station. To address this concern, the Fire Department will install two signs with a flashing light approximately 300 feet in each direction from the station. The flashing light will be activated during emergency responses to provide a warning to motorists on the Keaau-Pahoa Road that emergency vehicles are departing from the fire station and to proceed with caution. Other traffic generated by the proposed fire station will be minimal and will occur primarily during shift changes. Therefore, it is determined that the proposed fire station will not have any significant adverse impact on roads and traffic circulation in the area.

County water is available to the site. Police and fire services are located in Pahoa. All other essential utilities and facilities are available to support the proposed use.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The project site and surrounding areas are designated for agricultural uses by both State and County land use laws. However, through the issuance of a Special Permit, various "non-agricultural" services and uses may and have been established. The establishment of a fire station in this area of Puna would meet the growing public safety needs in the Puna-Pahoa area as a result of an increase in population. The site will provide adequate space for present and future public safety needs, and allow for future expansion as the community grows. The location of the proposed fire station near other County facilities will provide both safety and convenience for the residents of lower Puna.

The request will conform to, among others, the Land Use and Economic elements of the General Plan and is not contrary to the goals, policies and standards of the General Plan. The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The property is designated Urban Expansion Area, which allows for a mix of high density, medium density, low density, industrial, industrial-commercial and/or open designations in areas where new settlements may be desirable, but where the specific settlement pattern and mix of uses have not yet been determined. The proposed use is compatible with the Urban Expansion Area designation, and is consistent with the Land Use and Economic elements of the General Plan. The Special Permit process, established by legislation, allows for other uses to be established for which the district is classified, provided the objectives of Chapter 205, HRS, are promoted.

In view of the recent Hawaii State Supreme Court's "PASH" and "*Ka Pa'akai O Ka'Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site:

Investigation of valued resources: No formal archaeological reconnaissance survey, oral history of kamaaina accounts of the area, historical survey of documentary records, botanical and/or fauna study was submitted.

The valuable cultural, historical, and natural resources found in the rezoning area: No rare or endangered floral or faunal resources are likely to be on the site, as the property was previously cleared. The DLNR-HPD has stated that no historic properties will be affected by this undertaking.

Possible adverse effect or impairment of valued resources: Native plants could be destroyed by construction and ground alteration. The property does not abut the shoreline, therefore Hawaiian gathering and fishing rights is not an issue.

Feasible actions to protect native Hawaiian rights: A condition of approval will be included to require the applicant to notify the DLNR-HPD should any unidentified sites or remains be encountered, and proceed only upon an archaeological clearance from the DLNR-HPD. The applicant has stated that there is no evidence of any traditional or customary Native Hawaiian rights being practiced on the site, nor existence of any known valued cultural, historical or native resources in the area. Thus, it is believed that the project would have no adverse impact relative to the cultural and historical resources of the area. To the extent to which traditional and customary Native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights.

Based on the above considerations, the approval of the request to establish a fire station and related improvements would support 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 successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The applicant shall submit to the Department of Water Supply the anticipated maximum daily water usage calculations as recommended by a registered engineer within ninety (90) days from the effective date of this permit.
3. Construction of the fire station and related improvements shall be completed within five (5) years from the effective date of this permit. Prior to construction,

the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Chapter 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all existing and/or proposed structures, fire protection measures, parking stalls, and other improvements associated with the proposed use in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements) standards for the Village Commercial (CV) zone adjoining a Single-Family Residential (RS) zone, except along Highway 130.

4. The applicant shall install two signs with a flashing light approximately 300 feet in each direction from the property.
5. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of a construction permit. The recommended drainage improvements, if any, shall be constructed, meeting with the approval of the Department of Public Works prior to receipt of a Certificate of Occupancy.
6. All development-generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.
7. Septic tank(s) shall be installed, meeting with the standards and requirements of the State Department of Health, prior to the issuance of a Certificate of Occupancy.
8. A Solid Waste Management Plan shall be prepared and submitted for approval to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
9. 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 - State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from DLNR-HPD when it finds that sufficient mitigative measures have been taken.
10. Upon compliance with all conditions of approval and prior to the start of the operation, the applicant shall provide, in writing, a final status report to the Planning Director.
11. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

12. An initial extension of time for the performance of conditions 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 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.
 - 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 Department shall submit the applicant's request to the Planning Commission for appropriate action.

Should any of these conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate procedures to revoke this 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.

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Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,



Fred Galdones, Chairman
Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources-HPD/Kona
Rodney Haraga, Director/DOT-Highways, Honolulu
Mr. Brian Nishimura