

County of Hawai'i

PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

July 23, 2007

Mr. Robert Earl Leetch
13-795 Malama Street
Pahoa, HI 96778

Dear Mr. Leetch:

Special Permit Application (SPP 07-000042)
Applicant: Robert Earl Leetch
Request: Self-Storage Facility on 3.34 Acres Situated Within
SLU Agricultural District
Tax Map Key: 1-5-7:71

The Planning Commission at its duly held public hearing on July 6, 2007, voted to approve the above-referenced application to allow the establishment of a self-storage facility on 3.34 acres of land situated in the State Land Use Agricultural District. The property is located along the east side of the Pahoa Village Road, adjacent to and south of the Assembly of God Church, approximately 670 feet north of the Pahoa Village Road and Apana Street intersection, Keonepoko Homesteads, Puna, Hawaii.

Approval of this request is based on the following:

The applicant, Robert Earl Leetch, is requesting a Special Permit to establish a self-storage facility consisting of eleven (11) steel buildings. One (1) building will be used as a home and office, which will be 40' by 100' in size. The remaining ten (10) buildings will be used for self-storage, which will be 30' by 120' in size. Each building will contain 32 storage units, totaling 320 storage units when the storage facility is fully constructed. The project, which will be constructed in three (3) phases, will cost approximately 1.5 million dollars. Additionally, the applicant will provide the required on-site parking, drainage improvements and landscaping for the proposed facility.

The grounds for approving a Special Permit are based on Rule 6-6 in the Planning Commission Rules. It states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of

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land situated within the Agricultural or Rural District, whichever the case may be; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

The proposed use is an unusual and reasonable use of land situated within the Agricultural District. 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. Based on the poor soil conditions of land for agricultural activities, the proposed storage facility is considered an unusual and reasonable use of agricultural land in this location within the State Land Use Agricultural District.

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 for those uses to which they are best suited in the interest of the public 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 project site is classified as "E" or "Very Poor" soil by the Land Study Bureau's Overall Master Productivity Rating and is not classified by the Department of Agriculture's ALISH Map. As the property is currently vacant and is not in active agricultural use, the use will not displace any existing agricultural activity or diminish the agricultural potential of the subject property. Therefore, the proposed use will not adversely affect the preservation and agricultural use of the County's prime agricultural lands, and is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. This criterion has been met based on the previous discussion listed above, mainly because the subject request is considered an unusual and reasonable use of the agricultural land and the proposed use will not adversely affect the preservation and agricultural use of the County's prime agricultural lands that is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

(B) The desired use would not adversely affect surrounding properties. Surrounding properties are zoned A-1a, A-5a, RS-10 & CN-20 and consist of mainly of

single-family residential uses, agricultural uses, commercial uses and vacant parcels. On the property to the north is the Assembly of God Church that was approved by Special Permit No. 522. Further north is Pahoa Auto Parts, Woodland Center and the Malama Market. On the property to the east zoned A-5a are shade houses used to raise anthurium.

Properties to the south are vacant of uses and structures. Properties to the west across Pahoa Village Road consist of a single-family dwelling and vacant land. Hours of operation will be from 8:00 a.m. to 6:00 p.m. daily. As a condition of approval, the applicant will be required to provide on-site parking, drainage improvements and landscaping along the property boundaries. These additional requirements should further minimize the possibility of adverse impacts to the surrounding area. Based on the above information, the applicant has met this criterion.

(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Access to the proposed storage facility will be from Pahoa Village Road, which is a County owned and maintained roadway with a 22-foot pavement within a 50-foot right-of-way. County water is available to the property. Wastewater will be disposed of into a septic system meeting the requirements of the Department of Health. There is ample room on the property to provide for off-street parking. All other services and utilities are available to the project site. Based on the above, the requested use will not burden public agencies to provide additional services and the applicant has met this criterion.

(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established. In the 1960's and 1970's, the State's agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964. The property and surrounding areas are designated for agricultural uses by both State and County land use laws. Through the issuance of a Special Permit, a community may establish various "non-agricultural" services that may not be available or allowed by zoning for its residents. There is an existing and growing population to support a self-storage facility in this area, as residents of Lower Puna must travel to Hawaiian Paradise Park, Shipman Industrial Park or Hilo to utilize self-storage facilities.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The project site is classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and is unclassified by the Department of Agriculture's ALISH Map. Additionally, the U.S. Soil Survey identifies the soil type for the property as Aa Lava (rLV). Based on the poor conditions of the land upon which the proposed use is sought, the applicant has met this criterion.

(F) The use will not substantially alter or change the essential character of the land and the present use. The construction of the proposed storage facility on the 3.34 acres of land will change the present use of the land, which is presently vacant of structures and uses. The essential character of the area just to the south is moving towards commercial uses with the development of Malama Market, Woodlands Center, Pahoa Auto Parts and Bryson's Cinders. Further south, beyond the vacant parcels, are single-family dwellings and Pahoa Village, which is made up mainly of commercial uses. Therefore, based on the above the discussion, the proposed use will not substantially alter or change the essential character of the land and its present use, as the area is in transition to commercial and residential uses.

(G) The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans. 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 project site is located in area identified as Low Density Urban and Urban Expansion in the General Plan. Low Density Urban allows for residential uses, with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to six units per acre. Urban Expansion 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. Based on the above, the request will not be contrary to the Land Use Pattern Allocation Guide (LUPAG) Map designation for this area. Additionally, the approval of the subject request would support the goals and policies of the Land Use and Economic elements of General Plan.

Land Use Element

- Designate and allocate land areas in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Economic Element

- Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments.

- Economic development and improvements shall be in balance with the physical, social and cultural environments of the island of Hawaii.
- Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.
- Strive for an economic climate that provides its residents an opportunity for choice of occupation.

The proposed request will allow the applicant an opportunity to improve their quality of life and provide an economic environment that allows for new and improved economic opportunities.

Commercial activity in the Puna district primarily consists of small rural enterprises that serve the surrounding rural-residential and agricultural communities. Commercial activity is mainly located in the communities of Keaau and Pahoa, with lesser activity in Orchidland Estates, Mountain View, Kurtistown, and Glenwood. The communities of Keaau and Pahoa are the commercial centers of the district. The proposed request is consistent with the following course of action for commercial development in the Puna District:

Centralization of commercial activities in Pahoa Town, rather than along the Pahoa By-Pass, to serve the residents of Lower Puna shall be encouraged. Recently, a change of zone request from A-1a to MCX-1a to allow the development of a self-storage facility did not get approval mainly because it was not an appropriate land use on the makai side of the Pahoa By-Pass Road and was not consistent with the above listed course of action for this area in the General Plan. This request is located on Pahoa Village Road and is consistent with the plan for commercial development in this area.

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 not proximate to the shoreline 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. The area has not been identified as a significant botanical or biological habitat. Presently, 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.

The request will not have a significant adverse impact to traditional and customary Hawaiian Rights. 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 permit area: As the property has been graded in the past, an archaeological inventory survey of the site was not conducted. The applicant has requested a "no effect" letter from the DLNR-SHPD.

Possible adverse effect or impairment of valued resources: The property does not abut the shoreline, therefore Hawaiian gathering and fishing rights is not an issue. Additionally, the property is being utilized for agricultural purposes and has been developed several structures.

Feasible actions to protect native Hawaiian rights. To the extent to which traditional and customary native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights and no action is necessary to protect these rights. A condition of approval will be included to require the applicant to notify the DLNR-SHPD should any unidentified sites or remains be encountered, and proceed only upon an archaeological clearance form the DLNR-SHPD.

Based on the above considerations, the approval of the request 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. Prior to the issuance of a water commitment by the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of

Water Supply within one hundred and eighty days from the effective date of this permit.

3. Construction of the proposed development 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. Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse impacts to the roadways and the adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements). Landscaping shall conform to the standard for separation of a RS (Single-Family Residential) from a ML (Limited Industrial) zone in Rule No. 17.
4. The hours of operation shall be limited to 8:00 a.m. to 6:00 p.m. daily.
5. All parking shall be on-site and parking is prohibited off-site along Pahoa Village Road.
6. Any gate at the entrance of the self-storage facility shall be set back from Pahoa Village Road to allow adequate space for a minimum of two vehicles waiting to enter the facility.
7. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to issuance of a construction permit. Any recommended drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works prior to receipt of a Certificate of Occupancy.
8. All development-generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.
9. 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.
10. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.

11. 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-SHPD when it finds that sufficient mitigative measures have been taken.
12. Upon compliance with all conditions of approval, the applicant shall provide, in writing, a final status report to the Planning Director.
13. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
14. 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 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).


Should any of these conditions not be met or substantially complied with in a timely fashion, 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.

Mr. Robert Earl Leetch
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Should you have any questions, please contact Jeff Darrow of the Planning Department at 961-8288, x259.

Sincerely,

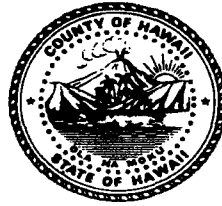
A handwritten signature in black ink, appearing to read 'William Graham', with a long horizontal stroke extending to the right.

William Graham, Chairman
Planning Commission

Lleetch01PC

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
DOT-Highways, Honolulu

Harry Kim
Mayor



Joseph Clarkson, Chair
Donald Ikeda, Vice Chair
Gilbert Aguinaldo
Donn Dela Cruz
Thomas Raffipiy
John Replogle

County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

APR 20 2018

Mr. Robert Earl Leetch
15-2737 Pāhoa Village Road
Pāhoa, HI 96778

Dear Mr. Leetch:

SUBJECT: Special Permit No. SPP 07-000042
Applicant: Robert Earl Leetch
Request: Amendment to Condition No. 3 (Time to Complete Construction)
and to Allow UHAUL Rental Use
Tax Map Key: 1-5-007:071

The Windward Planning Commission, at its duly held public hearing on April 5, 2018 voted to approve the above-referenced request for a 10-year time extension to comply with Condition No. 3 (time to complete construction) and amend the permit to allow UHAUL truck and van rentals and packing materials sales at the self-storage facility. The project site is situated at 15-2737 Pāhoa Village Road, adjacent to and south of the Assembly of God Church, approximately 670 feet north of the Pāhoa Village Road and Apsa Street intersection, Keonepoko Homesteads, Puna, Hawai'i.

Approval of this permit 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. Construction of the proposed development shall be completed within ten (10) years from the effective date of this amended permit.
3. The applicant shall secure a grading permit from the Department of Public Works prior to any further grading of ungraded portions of the subject property. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.

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APR 20 2018

4. Prior to construction of any additional storage structures, 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), Hawai'i County Code. Plans shall identify all existing and/or proposed structures, location of UHAUL van/truck/equipment parking, location of parking space rentals, fire protection measures, parking stalls, and other improvements associated with the proposed use. Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse impacts to the roadways and the adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements). Landscaping shall conform to the standard for separation of a RS (Single-Family Residential) from a ML (Limited Industrial) zone in Rule No. 17.
5. Prior to the issuance of Final Plan Approval, a comprehensive drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works. Any recommended drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works. Prior to receipt of a Certificate of Occupancy for any additional storage structures, the Department of Public Works shall evaluate the adequacy of the drainage facilities.
6. The hours of operation shall be limited to 8:00 a.m. to 6:00 p.m. daily.
7. All parking shall be on-site and parking is prohibited off-site along Pāhoa Village Road.
8. Parking spaces provided to meet minimum off-street parking requirements in the Zoning Code shall at no time be offered for rent.
9. All development-generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.
10. In the unlikely event that any surface or subsurface historic properties and/or resources, such as lava tube openings, concentrations of artifacts, structural remains or human skeletal remains are found during construction activities, the applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651 for further guidance.
11. Upon compliance with all conditions of approval, the applicant shall provide, in writing, a final status report to the Planning Director.

12. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
13. 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 fashion, the Planning Director may initiate procedures to revoke this permit.

[Note: Ramseyer version available upon request.]

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

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Christian Kay of the Planning Department at (808) 961-8136.

Sincerely,



Joseph Clarkson, Chairman
Windward Planning Commission

LRobertleetchAmendSPP07-042wpc
Enclosure: PC Findings Report

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Department of Land & Natural Resources - HPD
State Land Use Commission
DOT-Highways, Honolulu
GIS Section

COUNTY OF HAWAI‘I
PLANNING COMMISSION FINDINGS

ROBERT EARL LEETCH

AMENDMENT TO SPECIAL PERMIT NO. 07-000042

Based on the following considerations, an amendment to Special Permit No. 07-000042 to allow a ten-year extension of time to comply with Condition No. 3 (time to complete construction) and to allow UHAUL truck and van rentals, parking space rental and packing materials sales at the self-storage facility is approved.

ROBERT EARL LEETCH has submitted a request for a 10-year time extension to comply with Condition No. 3 (time to complete construction) of Special Permit No. 07-042, which allowed the establishment of a self-storage facility consisting of eleven (11) buildings and 320 storage units on 3.34 acres of land situated within the State Land Use Agricultural District. Additionally, the applicant requests to amend the permit to allow UHAUL truck and van rentals and packing materials sales at the self-storage facility. The property is located at 15-2737 Pāhoa Village Road, adjacent to and south of the Assembly of God Church, approximately 670 feet north of the Pāhoa Village Road and Apa‘a Street intersection, Keonepoko Homesteads, Puna, Hawai‘i, TMK 1-5-007:071.

The applicant is requesting an extension of time to Condition No. 3 (time to complete construction) of Special Permit No. 07-000042, which allowed the establishment of a self-storage facility consisting of eleven (11) buildings and 320 storage units on 3.34 acres of land situated within the State Land Use Agricultural District. Condition No. 3 currently states,

“Construction of the proposed development 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. Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse impacts to the roadways and the adjacent properties in accordance with the requirements of Planning Department’s Rule No. 17 (Landscaping Requirements). Landscaping shall conform to the standard for separation of a RS (Single-Family Residential) from a ML (Limited Industrial) zone in Rule No. 17.”

The applicant received a five (5)-year administrative time extension, which would have required completion of construction by July 23, 2017. The applicant originally requested a ten (10)-year time extension, retroactive to July 23, 2017, to complete construction, however, the applicant subsequently requested the ten (10)-year time extension to start date to coincide with the effective date of the amended permit.

Additionally, the applicant is requesting to amend the permit to allow UHAUL truck and van rentals, parking space rentals and packing materials sales at the self-storage facility. The applicant has been renting UHAUL trucks and vans, renting parking spaces for vehicle storage and selling boxes and packing supplies out of the main office since August 30, 2011. Currently, the applicant has a fleet of four (4) moving vans, three (3) cargo vans, one (1) pickup truck and one (1) utility trailer and the applicant does not plan

to expand the size of the fleet. According to the applicant, the business averages 45 UHAUL truck/van rentals per month. The vans, trucks, and trailer are currently parked toward the rear fence line of the property when they are not being rented. When the project is fully built out, the applicant anticipates the parking area will be split between the back fence and the area adjacent to the south of the existing office/dwelling structure. Additionally, the applicant is currently offering eight (8) 'for rent' parking spaces toward the rear fence line of the property and anticipates he has sufficient space to offer up to four (4) additional 'for rent' parking spaces on the property.

The criteria for granting the requested time extension are as follows:

- 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.
- Granting of the time extension would not be contrary to the General Plan or Zoning Code.
- Granting of the time extension would not be contrary to the original reasons for the granting of the permit.

The inability of the applicant to comply with the requirements of Condition No. 3 (time to complete construction) of Special Permit No. 07-000042 is the result of conditions which could not have been foreseen or are beyond the control of the applicant. Due to the 2008 economic downturn, the applicant has not been able to generate the income needed to complete the build out of the entire project within the required timeline. The applicant has put all of his resources into the project over time and to date has constructed five (5) steel buildings, including the main office/dwelling structure located closest to Pāhoa Village Road and four (4) storage structures containing 190 storage units and has constructed additional buildings and units as community demand and his customer base grows. The applicant intends to complete construction of the additional six (6) buildings and 130 storage units within ten (10) years.

Granting of the time extension request would not be contrary to the General Plan, the Zoning Code or the Puna Community Development Plan. The Puna Community Development Plan (PCDP) was adopted by the Hawai'i County Council, through Ordinance 08 116 on September 10, 2008, just over a year after the effective date of the subject Special Permit. The PCDP identifies town and village centers that are intended to contain a mix of land uses to provide goods and services to the surrounding agricultural and rural communities. Pāhoa is identified as one of the regional town centers for the district. The PCDP divides the Pāhoa Regional Town Center into two areas. The northern area, which straddles Highway 130 near the Pāhoa Village Road intersection, is intended for regional uses and services. The southern area, which straddles Pāhoa Village Road between Apa'a Road and the Highway 130/Kapoho Road intersection, is intended to contain uses that are oriented primarily to residents of the Puna community itself. The subject parcel is located in the agriculturally zoned areas between the northern and southern areas of the designated Pāhoa Regional Town Center.

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. When the subject Special Permit was approved, the LUPAG designations for the parcel were largely Low Density Urban with some Urban Expansion. In 2012, Ordinance 12 89 amended the LUPAG to change the designation of the parcel to Medium Density Urban to support the Puna CDP concept of developing Pāhoa as a regional town center by providing land area for higher-density urban uses in the town center and directing commercial and industrial uses away from the Pāhoa Bypass. The project continues to conform to the Land Use and Economic elements of the General Plan and is not contrary to the goals, policies and standards of the General Plan. It is also consistent with the following course of action for commercial development in the Puna District.

- Centralization of commercial activities in Pāhoa Town, rather than along the Pāhoa By-Pass, to serve the residents of Lower Puna shall be encouraged.

Granting of the time extension request would not be contrary to the original reasons for granting the permit. The Planning Commission originally granted Special Permit No. 07-000042 with a finding that a self-storage facility consisting of eleven (11) buildings and 320 storage units would be an unusual and reasonable use of lands situated within the Agricultural District and would not be contrary to the objectives of Chapter 205, HRS. Aside from the changes mentioned above, the time extension request is not contrary to the original reasons for granting the permit.

In addition to the time extension request, the applicant is requesting to amend the permit to allow UHAUL truck and van rentals, parking space rentals and packing materials sales from the office at the self-storage facility. As these are newly requested uses, we must analyze them against the criteria for approving a Special Permit, which are based on Rule 6-7 in the Planning Commission Rules. The rules states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai‘i Revised Statutes, as amended.

The proposed use is an unusual and reasonable use of land situated within the Agricultural District. The Planning Commission originally granted Special Permit No. 07-000042 with a finding the self-storage facility use would be an unusual and reasonable use of lands situated within the Agricultural District and would not be contrary to the objectives of Chapter 205, HRS. As the proposed UHAUL truck and van rentals, parking space rentals and packing materials sales uses are accessory to the self-storage facility use, they will also be an unusual and reasonable use.

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawai‘i Revised Statutes, as amended.

The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands for those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawai‘i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The project site is classified as “E” or “Very Poor” soil by the Land Study Bureau’s Overall Master Productivity Rating and is not classified by the Department of Agriculture’s ALISH Map. Additionally, U.S. Soil Survey identifies the

soil type for the property as A'a Lava (rLV). The intention of the original Special Permit was to allow for the use of the entire 3.34-acre parcel for the self-storage facility use and the newly proposed, accessory uses will be located fully on the subject parcel. Therefore, the proposed use will not adversely affect the preservation and agricultural use of the County's prime agricultural lands, and is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. This criterion has been met based on the previous discussion listed above, mainly because the subject request is considered an unusual and reasonable use of the agricultural land and the proposed use will not adversely affect the preservation and agricultural use of the County's prime agricultural lands.

(B) The desired use would not adversely affect surrounding properties. Surrounding properties are zoned A-1a, A-5a, RS-10, CN-20, CV-10 & MCX-20 and consist of single-family residential uses, agricultural uses, commercial uses and vacant parcels. On the property to the north is the Assembly of God Church, which was approved by Special Permit No. 522. On the property to the east zoned A-5a are shade houses used to raise anthurium. Properties to the south are vacant of uses and structures. Properties to the west across Pāhoa Village Road consist of the Pāhoa Feed and Fertilizer store, which was approved under Special Permit No. 08-000068, single-family dwellings and vacant land. The applicant has already installed extensive landscaping as a visual screen along the Pāhoa Village Road frontage of the property as well as along the sides of the property to the extent that the project is currently built. As required by the Special Permit, hours of operation are limited to 8:00 a.m. to 6:00 p.m. daily. As a condition of approval of this amendment, the applicant will be required to apply for Plan Approval for the remaining six (6) storage buildings, identifying the location of the proposed new uses to help mitigate possible negative visual and noise impacts by requiring provision of on-site parking, drainage improvements and landscaping along the property boundaries. These additional requirements should minimize the possibility of adverse impacts to the surrounding area. Based on the above information, the applicant has met this criterion.

(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Access to the storage facility is from Pāhoa Village Road, which is a County owned and maintained roadway with a 22-foot wide pavement within a 50-foot right-of-way. Per Condition No. 6 of the original Special Permit, the applicant installed a gate at the entrance of the self-storage facility, which was set back from Pāhoa Village Road to allow adequate space for a minimum of two vehicles waiting to enter the facility, thus we are deleting that condition through this Special Permit amendment. According to the applicant, the business averages 45 UHAUL truck/van rentals per month, therefore it is not anticipated that there will be a significant increase in traffic to the property. Additionally, neither the Department of Public Works nor the Police Department had any concerns about the proposed use related to traffic.

Condition No. 7 of the original Special Permit required that the applicant submit a drainage study prior to issuance of a construction permit and that any recommended drainage improvements, if required, would be constructed meeting with the approval of the Department of Public Works prior to receipt of a Certificate of Occupancy. It has come to our attention that the required drainage study was never submitted; however, both the Planning Department and Department of Public Works signed off on multiple building permits and Certificates of Occupancy. To rectify this oversight and to ensure adequate drainage facilities are provided, a condition of approval will require submittal of a comprehensive site drainage study and plan prior to the issuance of Final Plan Approval which will be required prior to construction of any further buildings.

County water serves the property. Wastewater generated by the office/dwelling is disposed of into a septic system meeting the requirements of the Department of Health. There is ample room on the property to provide for off-street parking, including UHAUL trucks, vans and trailers and 'for rent' parking spaces. A condition of this permit amendment will require the applicant to avoid renting parking spaces required for the storage facility uses as required by the Zoning Code and Final Plan Approval. All other services and utilities are available to the project site. Based on the above, the requested use will not burden public agencies to provide additional services and the applicant has met this criterion.

(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established. In the 1960's and 1970's, the State's agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964. The property and surrounding areas are designated for agricultural uses by both State and County land use laws. Through the issuance of a Special Permit, a community may establish various "non-agricultural" services that may not be available or allowed by zoning for its residents. There is an existing and growing population to support a UHAUL truck/van rental use, as this is the only place in the lower Puna region that offers those services.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The project site is classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and is unclassified by the Department of Agriculture's ALISH Map. Additionally, the U.S. Soil Survey identifies the soil type for the property as A'a Lava (rLV). To date the applicant has cleared, graded and improved approximately half of the subject parcel. The parking area for the UHAUL vans, trucks, and trailer are currently located toward the rear fence line of the property and adjacent, to the south of the existing office/dwelling structure when they are not being rented. In addition, the 'for rent' parking spaces are located toward the rear fence line of the property in areas that are currently graded and graveled. When the project is fully built out, the applicant anticipates the UHAUL parking area will be split between the back fence and the area adjacent to the south of the existing office/dwelling structure. In addition, the 'for rent' parking spaces will be located toward the rear fence line of the property and will move as the project expands. The applicant proposes to clear, grade and

improve the remainder of the property as he continues to build additional storage structures. As a condition of this permit amendment, the applicant will be required to obtain a grading permit prior to further grading on unimproved portions of the property. Based on the poor conditions of the land upon which the proposed uses are sought, the applicant has met this criterion.

(F) The use will not substantially alter or change the essential character of the land and the present use. The introduction of the UHAUL truck/van rental, parking space rental and packing materials sales uses are accessory to the existing self-storage facility use. The Planning Commission found that construction of a self-storage facility would fit within the character of the area, which is transitioning from agricultural to an area for commercial and service uses. Therefore, based on the above the discussion, the proposed uses will not substantially alter or change the essential character of the land and its present use.

(G) The request will not be contrary to the General Plan and Puna Community Development Plan and other documents such as Design Plans. As discussed above, the self-storage facility use is consistent with the General Plan and Puna CDP. As the UHAUL truck/van rental parking space rental and packaging material sales uses are accessory to this use, they are also consistent with those plans.

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 not proximate to the shoreline 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. The area has not been identified as a significant botanical or biological habitat. Presently, 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. The applicant will be required to obtain clearance from the State Historic Preservation Division as part of the grading permit required for construction of the remainder of the project. Thus, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permits, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.