



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

OCT 14 2014

Ronald B. Quade, D.D.S.
P.O Box 370
Mt. View, HI 96771-0370

Dear Dr. Quade:

Special Permit (SPP 14-000168)

Applicant: Ronald B. Quade, D.D.S.

Request: Establish a Dental Clinic within an Existing 4-Bedroom Single-Family Dwelling

Tax Map Key: 1-8-021:029

The Windward Planning Commission, at its duly held public hearing on October 2, 2014, voted to approve the above-referenced request to allow the establishment of a dental clinic within an existing 4-bedroom single family dwelling located on a 1.131-acre parcel situated within the State Land Use Agricultural District. The project site is situated along the west (mauka) side of the Volcano Highway (Hwy. 11), 1/3-mile south of Mile Marker 19 in Mt. View, Puna, Hawai'i.

Approval of this permit 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 secure and finalize any building permits that may be required by the Department of Public Works - Building Division to convert the existing dwelling into a dental clinic.
3. The proposed dental clinic shall be established within five (5) years from the effective date of this permit. This time period shall include securing Final Plan Approval for the proposed use from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structures, fire protection measures, driveway

access and parking stalls and landscaping associated with the dental clinic use. The pavement of the driveway and parking spaces are not required (with the exception of one accessible parking space which shall be paved), and any material may be used that will eliminate erosion, mud and standing water.

4. Existing landscaping along the highway frontage shall remain in place and additional landscaping shall be installed to visually screen the parking area from the highway. The height, depth and density of the new landscaping shall be consistent with existing landscaping along the highway frontage.
5. Hours of operation shall be limited to 8:00 a.m. to 5:00 p.m. daily.
6. All signage related to the dental clinic shall be located on the dental clinic building rather than along the highway and shall be consistent with the historic character of the building.
7. A potable water system shall be provided for use during dental procedures.
8. Access to the project site shall meet the requirements of the State Department of Transportation.
9. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
10. Prior to receipt of a Certificate of Occupancy, an individual wastewater system shall be installed meeting with the requirements of the Department of Health.
11. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving, or walks 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 that sufficient mitigative measures have been taken.
12. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

Ronald B. Quade, D.D.S.

Page 3

13. An initial extension of time for the performance of conditions of the permit may be granted by the Planning Director upon the following circumstances:
- 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 the Zoning Code.
 - Granting of the extension would not be contrary to the original reasons for the granting of the permit.
 - 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 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

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

Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8142.

Sincerely,



Myles Miyasato, Chairman
Windward Planning Commission

LRquadespp14-168wpc

Enclosure: PC Findings Report

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
State Land Use Commission
Department of Land & Natural Resources - HPD
State Department of Transportation
Mr. Gilbert Bailado

**COUNTY OF HAWAI'I
PLANNING COMMISSION FINDINGS**

**RONALD B. QUADE D.D.S.
SPECIAL PERMIT NO. 14-168 (SPP 14-000168)**

The applicant is requesting a Special Permit to allow the establishment of a dental clinic and accessory uses on a 1.131 acre parcel identified as Tax Map Key 1-8-021:029. An existing 1,152-square foot 4-bedroom dwelling will be converted to accommodate the dental clinic. The dental clinic will have two operatories, a business office, a dental laboratory, and a sterilizing room for autoclaving and set-up of trays. A lunchroom will also be provided for staff, which will consist of three employees. The clinic will initially operate two days a week from 8:00 a.m. to 5:00 p.m., culminating in 5 days a week after 2-4 years. Approximately 8-10 clients per day will be cared for at the clinic. Parking will be provided on-site. The applicant selected this location because at present there are no dental services available between Kea'au and Pāhala.

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 land situated within the Agricultural District; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended. This recommendation is based on the following findings:

The proposed 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, Hawai'i 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 Hawai'i. 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 district may 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 proposed use is considered unusual since it is not agricultural in nature, but it is a reasonable use as it will provide dental services to approximately 9,000 residents living in agricultural subdivisions between Volcano and Mountain View. As such, the proposed use is considered an unusual and reasonable use of agricultural land that will not adversely affect the preservation and agricultural use of the County's agricultural lands.

Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The subject property is not classified as prime agricultural land, and due to its poor soil characteristics does not have a high potential for sustained agricultural yields. The requested use will take place within a portion of the property that has already been altered by the establishment of a dwelling. Thus, this

request is not contrary to the objectives of the State Land Use Law for the Agricultural District.

The desired use would not adversely affect surrounding properties.

Surrounding properties are zoned A-5a and A-1a and consist of open forest land and scattered residences. There are no apparent agricultural endeavors nearby. The 28-acre property to the north and east contains an abandoned, unpermitted dwelling. The closest occupied dwellings are located over 1,000 feet from the proposed dental clinic. Thus, it is not likely that typical impacts associated with a dental clinic such as dust, noise or increased traffic will adversely affect surrounding properties.

The proposed 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 property is from Volcano Highway (Hwy 11), which is a State roadway consisting of two paved lanes. There are also 10-foot wide paved shoulders fronting the property which should provide adequate space for motorists to decelerate and accelerate while turning at the driveway. The applicant proposes a 24-foot wide driveway to allow for two-way traffic entering and exiting the property. The applicant anticipates 8-10 clients per day will visit the clinic which will generate about 4 trips during the p.m. peak hour. This is considered a minor increase in traffic.

County water is not available to the property. The applicant proposes to use the existing water catchment system for the proposed dental clinic. The State Department of Health (DOH) has water quality concerns regarding the use of private rain catchment systems for drinking water purposes or for maintaining oral hygiene. This is a common issue in rural areas where there is no public water system. In the past, the Planning Commission has required use of bottled water for clients and employees of commercial businesses in rural areas, as a condition of a special permit. However, the use of bottled water would not be feasible in dentistry since a steady stream of water needs to be used during dental procedures. Thus, a condition of the permit requires that a potable water system be used during dental procedures. The DOH does not recommend use of a UV filtration system since these systems do not typically remove chemical contaminants from rain catchment water. The DOH also recommends the existing cesspool be upgraded to a septic system in order to handle wastewater generated by the proposed dental clinic. Electricity and telephone services are available to the site. Police, fire and medical services are available nearby in Kea'au.

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. Since the district boundaries were established in the 1960's, Puna's population has grown substantially and the establishment of community services, such as schools, medical facilities, and village commercial centers, has not kept pace with

this growth. There have also been numerous requests for commercial and industrial uses in agriculturally designated areas within Puna over the last two decades. Unfortunately, the State Land Use Commission has not designated new urban lands where these uses can be established; therefore a Special Permit is the only way to provide these services to the community.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. Soils on the property are classified as “D” or “Poor” for agricultural productivity by the Land Study Bureau and are unclassified by the Agricultural Lands of Importance to the State of Hawai‘i (ALISH) Map. No active agricultural lands will be taken out of production to provide the area necessary to establish the dental clinic. The property is currently developed with a residence and due to its soil qualities is not ideal for producing sustained high agricultural yields.

The use will not substantially alter or change the essential character of the land and the present use. The essential character of the area is forest and scattered dwellings. The Volcano Highway in this area is a forested corridor with very few houses or businesses. The Hirono Store is located about 0.25 miles to the west. According to the Puna CDP Action Committee, residents of Upper Puna and the thousands of tourists who drive this corridor want to see the forested environment preserved. To preserve the character of this corridor while still allowing the proposed use, the Action Committee recommends that all signage related to the dental clinic be placed on the building rather than along the highway and the signs should be consistent with the historical character of the building. The Action Committee also recommends additional landscaping along the property frontage and that any parking for the proposed use be located behind the dental clinic building so that an expanse of parking lot and cars is not visible to passing motorists. The zoning code allows for unpaved parking and driveways in the Agricultural zoning district in order to maintain an areas rural character. The subject property is located along a forested stretch of Volcano Highway over 4 miles from Mountain View village and 6 miles from Volcano village and therefore, a paved driveway and parking area would be out of character for the area. With implementation of conditions to address the above mentioned concerns, the essential character of the area will be maintained.

The request will not be contrary to the goals, policies, objectives and actions of the General Plan, existing Community Development Plans 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 property is designated Rural. This designation includes existing subdivisions in the State Land Use Agricultural and Rural districts that have a significant residential component, including the Orchidland Estates, ‘Āinaloa, and Hawaiian Paradise Park (HPP) subdivisions. Typical lot sizes vary from 9,000-square feet to two acres. These subdivisions may contain small farms, wooded areas, and open fields as well as

residences. Allowable uses within these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities. In addition, the approval of the subject request would support the goals and policies of the Land Use element of General Plan.

Land Use Element: Commercial

- Distribution of commercial areas shall meet the demands of neighborhood, community and regional needs.
- The development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the desired services. Appropriate infrastructure and design concerns shall be incorporated into the review of such developments.

The subject property is located about 6.3 miles from the Volcano community village center and 4.7 miles from the Mountain View community village center identified in the Puna CDP. Figure 3-2, 'Proposed Town and Village Center Locations' of the Puna CDP identifies a neighborhood village center near the subject property in Glenwood although the exact location of the village center has not yet been established. Additionally, the CDP recognized that there is a significant need for medical, dental and social services in the Puna district since the provision of these services has not kept pace with the population growth of the district. The applicant indicates there are currently no dentists between Pāhala and Kea'au. According to 2010 U.S. Census Bureau data, there are aver 9,000 residents in this area. The applicant intends to convert the existing dwelling into a dental clinic while maintaining the historic plantation-style character of the building. Existing landscaping along the highway would also remain in place to preserve the scenic character of the Volcano Highway corridor. The proposed use would conform to the General Plan and Puna CDP by providing much needed dental services to the community while maintaining the historic and aesthetic character of the property.

The proposed use is not contrary to the objectives sought to be accomplished by Chapter 205A, Hawai'i Revised Statutes, relating to the Coastal Zone Management Program. The property is located mauka of the Volcano Highway, outside of the Special Management Area (SMA) and tsunami evacuation zone. There is no designated public access to the mountain or shoreline areas over the property. Therefore, the proposed use will not adversely impact any recreational resources, including access to and along the shoreline, scenic and open space nor visual resources, coastal ecosystems, and marine and coastal resources. Due to the property's distance from the ocean, the property will not be affected by any coastal hazards or beach erosion. As such, the proposed use is not contrary to the objectives of Chapter 205A, Hawai'i Revised Statutes.

Finally, this recommendation is presented with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements for the approved use prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, 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, and 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.

Based on the above considerations, Special Permit No. 14-0000168 to allow the establishment of a dental clinic and accessory uses on a 1.131 acre parcel identified as Tax Map Key 1-8-021:029 is approved.