



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

November 5, 2015

Ms. Christina Hawk
Mitsunaga & Associates Inc.
747 Amana Street, Suite 216
Honolulu, HI 96814

Dear Ms. Hawk:

SUBJECT: Special Permit Application (SPP 15-000182)
Applicant: County of Hawai'i, Mass Transit Agency
Request: Mass Transit Agency Baseyard and Maintenance Facility
Tax Map Key: 2-1-013:148

The Windward Planning Commission, at its duly held public hearing on November 5, 2015, voted to approve the above-referenced request to establish and operate a baseyard and maintenance facility on an approximately 5.34 acre portion of a 40-acre parcel of land situated within the State Land Use Agricultural District. The project site is situated to the south of the Hilo Sanitary Landfill and adjacent to the southeast of existing quarries within the district of Waiākea, South Hilo, 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. Final set aside of the 5-acre project site from BLNR shall be completed prior to securing Final Plan Approval.
3. Construction of the proposed base yard and maintenance facility shall be completed within five (5) years from the effective date of this permit. Prior to construction, the applicant shall secure Final Plan Approval from the Planning Director in accordance with the requirements of the Zoning Code. Plans shall identify all existing and proposed structures, signage, fire protection measures, paved driveway access and parking stalls, outdoor lighting (if any), and other improvements associated with the proposed development.

4. The construction and operation of the proposed base yard and maintenance facility shall be conducted in a manner that is substantially representative of plans and details contained within the Special Use Permit Application. Any substantial expansion of the maintenance facility or uses beyond what is represented in these documents shall require an amendment to this permit.
5. Applicant shall comply with Chapter 11-55, Water Pollution Control, Hawai'i Administrative Rules, Department of Health, which requires a NPDES permit for certain construction activity.
6. Applicant shall install a reduced pressure type backflow prevention assembly within five (5) feet of the existing water meter and any additional water meters on private property, which must be inspected and approved by the Department of Water Supply.
7. Applicant shall secure and convey easements necessary for extending a water line to the subject property. A registered land surveyor shall stamp and certify the metes and bounds description within documents to convey the required easements to the Hawai'i County Water Board prior to occupancy.
8. Prior to Final Plan Approval, applicant shall provide written confirmation from State DOT Airports Division that proposed plans adequately address aviation concerns relative to wildlife and reflective surfaces.
9. To protect any Hawaiian hoary bats in the vicinity of the property, barbed wire fencing shall not be used in the permit area and woody vegetation over 15 feet in height shall not be removed during bat breeding season of June 1st to September 15th without first conducting surveys for bat nests and coordinating with US Fish and Wildlife Service if nests are found. Surveys shall be conducted by a qualified biologist.
10. To protect any Hawaiian hawk in the vicinity of the property, clearing and grubbing activities shall not occur in the permit area during hawk breeding season of March to September and goose breeding season of October to March without first conducting surveys for hawk and goose nests and coordinating with US Fish and Wildlife Service if nests are found. Surveys shall be conducted by a qualified biologist.

11. To protect any seabirds (Hawaiian petrels and Newell's shearwaters) in the vicinity of the property, the applicant shall install shielded outdoor lights to direct light downwards.
12. Applicant shall comply with all reasonable mitigation measures as represented in the Final Environmental Assessment/Finding of No Significant Impact. (FEA/FONSI).
13. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations, and requirements.
14. 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 DLNR-SHPD shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.
15. An 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 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).
16. 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.

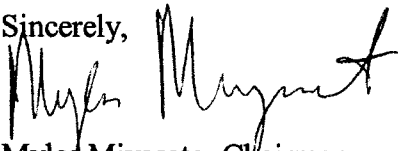
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This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies

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 961-8136.

Sincerely,



Myles Miyasato, Chairman
Windward Planning Commission

LCOHMasstransitSPP15-182wpc
Enclosure: PC Findings Report

cc: Tiffany Kai, Administrator, Mass Transit Agency
Dave Moriuchi, Building Project Manager – DPW
David Yamamoto, Building Chief – DPW
David Lyman, Project Coordinator – DPW
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Department of Land & Natural Resources - HPD
State Land Use Commission
State DOT, Airports Division
US Fish and Wildlife Service
Mr. Gilbert Bailado

COUNTY OF HAWAI'I PLANNING COMMISSION FINDINGS

COUNTY OF HAWAI'I MASS TRANSIT AGENCY SPECIAL PERMIT APPLICATION (SPP 15-000182)

The applicant is requesting a Special Permit to establish and operate a base yard and maintenance facility on an approximately 5.34 acre portion of a 40 acre parcel of land situated within the State Land Use Agricultural District. The project site is located to the south of the Hilo Sanitary Landfill and adjacent to the southeast of existing quarries within the district of Waiākea, South Hilo, Hawai'i., TMK: 2-1-013:Por. 148.

The applicant is requesting a Special Permit to establish and operate a base yard and maintenance facility on an approximately 5.34-acre portion of a larger 40 -acre subject property. The proposed development will include the construction of a 26,500 square foot building with 19,500 square feet of warehouse space for transit vehicle maintenance, washing, and repair for a fleet of 55 busses. The building will also include office space for administrative staff who oversee daily transit operations as well as storage space. The purpose of the base yard and maintenance facility is to better support MTA's operations, which includes providing island-wide public transportation services, administrative support of the Hawai'i County Transportation Commission, and overseeing taxicab operations. Current MTA maintenance and administration facilities are located at the County's Schultz Siding location where it shares limited space with the Department of Public Works. The MTA has grown significantly over the years and are in need of its own facility to support all of their operations. Normal business hours will be from 7:45 a.m. to 4:30 p.m., Monday through Friday, however mechanics may begin work as early as 5:00 a.m. and as late as 11:00 p.m. depending on need. Approximately 11 employees will be on site maintenance and office uses.

The State of Hawai'i owns the 40-acre subject site, however in 1964, the Board of Land and Natural Resources (BLNR) approved issuance of Governor's Executive Order (EO) 2188 to set aside the subject 40-acre property for the County of Hawai'i to use as a quarry and borrow pit. In 2014, the County requested to withdraw a 5-acre portion of the subject property to be reset aside for the proposed project. On September 12, 2014, BLNR "approved in concept" the reset aside subject to several requirements, including compliance with Chapter 343, HRS and subdivision of the 5 acres from the larger parcel. As the property is owned by the State of Hawai'i and County and Federal funds are involved, the proposed action is subject to the requirements of Chapter 343, Hawai'i Revised Statutes, regarding Environmental Impact Statements. A Finding of No Significant Impact (FONSI) declaration was published in the July 8, 2015 bulletin of the Office of Environmental Quality Control. Final subdivision approval was granted by the Planning Department on October 16, 2015.

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 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 that would not be contrary to 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 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 request is considered unusual in that the proposed MTA base yard and maintenance facility has no direct relationship to any potential agricultural activities that could be conducted upon the property. Although the property is designated for agricultural uses by both the State Land Use Commission and the County Zoning Code, its soils are classified as "E" or "Very Poor" for agricultural productivity by the Land Study Bureau and Other Important Agricultural Lands by the Agricultural Lands of Importance to the State of Hawai'i (ALISH) Map and are considered very poor and not optimal to support agricultural activities. It is considered reasonable in that the entire 40-acre subject parcel was set aside by the State for the County to use as a quarry or borrow pit which is consistent with other quarries and industrial uses in the area. Only a 5-acre portion of the 40-acre parcel will be used for the proposed MTA base yard and maintenance facility. Given the Project Site's low productivity potential and need for high inputs, it is not suitable for agricultural activity. Therefore, construction of the Base Yard and Maintenance Facility will not reduce the inventory of productive lands available for agricultural uses. Based on the above circumstances, approval of the request would not be contrary to the objectives of the State Land Use Law Rules and Regulations given the subject conditions.

In addition to the above listed criteria, the Planning Commission shall also consider the following criteria listed under Section 6-3(b)(5) (A) through (G) of its rules of practice and procedure:

(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. As mentioned previously, approval of this request will not be contrary to the objectives of the State Land Use Law and is considered an unusual and reasonable use of the agricultural land due to the poor soil quality that is not conducive to agricultural activities. Therefore, the proposed request 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. The surrounding properties include the South Hilo sanitary landfill site, quarrying operations and vacant lands owned by the State Department of Hawaiian Homelands and the Pana'ewa Drag Strip. Other existing uses within the general vicinity include Hilo International Airport, the Hawai'i National Guard Keaukaha Military Reservation. The closest dwelling is approximately 630 feet to the west of the subject property.

Adjacent to the west of the subject parcel is a long narrow strip of land owned by the Department of Hawaiian Homelands (DHHL) which has been designated as

"Unencumbered Lands" in the Pana'ewa Regional Plan. Beyond this parcel to the west is DHHL's Keaukaha-Pana'ewa Community, which is an existing agricultural subdivision. During the EA process, DHHL expressed concerns about potential noise impacts from the project on its beneficiaries due to its proximity to DHHL lands. To address those concerns, a subsequent noise study found that the project was not anticipated to cause a significant increase in existing noise levels. MTA also agreed to site and orient the maintenance facility in such a way to buffer base yard noises from DHHL properties.

The subject parcel is located within a 5 mile radius of the Hilo International Airport. To mitigate potential impacts on airport operations, the base yard and maintenance facility will not include any reflective surfaces, including photovoltaic panels, which could impair pilots' vision unless coordinated with state DOT Airports Division. Additionally, to minimize the potential for bird strikes, the storm water management system will be designed and operated so as not to create above-ground standing water to attract wildlife that could cause hazardous wildlife movement into or across the airspace of Hilo International Airport. Confirmation of these mitigation requirements will be a condition of permit approval.

The relative isolation of the project site from residential uses and its proximity to other industrial-types of activities have, arguably, allowed this particular area within the City of Hilo to be accepted by the community as an industrial center for uses such as quarries, landfill operations, a firing range and a drag strip. All required measures to minimize traffic, dust, and noise shall be adhered to by the applicant. Therefore, the proposed use is not anticipated to adversely affect surrounding properties.

(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 subject property is from Ho'olaulima Road (otherwise known as Pana'ewa Drag Strip Road), which is approximately 24-foot wide, two lane asphalt concrete paved roadway within a 50-foot, County Maintained Right of way. The applicant is proposing two driveways directly off of Ho'olaulima Road to the project site. According to a TIAR conducted during the EA process, the proposed project is not expected to result in any significant impacts to the adjacent roadway system.

The subject property is not currently serviced by the County sewer system. According to the applicant, an on-site septic system and leach field, meeting with the requirements of the State Department of Health will be installed.

According to the Department of Water Supply (DWS) water can be made available from the end of an existing 12-inch waterline within rubbish Dump Road, however, the applicant will be responsible with securing the necessary easements, extending the water line approximately 1 mile to the subject property, and conveying easements and those improvements to DWS. This will be a condition of permit approval.

During the EA process, State Department of Defense requested that the County install a warning siren due to inadequate coverage in the area. Based on the limited scope of the project and distance from the shoreline, where the State prioritizes its placement of sirens, we did not include this as a condition of approval. Discussions between the County and State Civil Defense to determine the need and responsibility for installation of a warning siren can continue during the building permit process.

The Archeological Assessment conducted in the EA process identified a linear berm in the parcel, constructed between 1965 and 1981 which was determined to be a modern levee used to control flood water during periods of excessive rainfall. In order to maintain any of the existing levee's possible drainage utility, the berm will be preserved but moved outside of the project area in coordination with the Four Mile Creek Drainage Improvement Project currently under study by the Army Corps of Engineers.

Based on the above, the proposed use will not unreasonably burden public agencies to provide services or infrastructure.

(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, various "non-agricultural" services may be allowed. There are many areas in the County where lands within the Agricultural District are not in active agricultural productivity. The entire 40-acre subject parcel which was set aside for the county to use as a quarry and borrow pit by Governor's Executive Order in April of 1964 which indicates that the intended use of the land was not agricultural in nature, despite the Agricultural District designation placed on the property in August of 1964. There is no record of any agricultural uses on the subject property for decades.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The subject property is rated "E" or "Very Poor" for agricultural productivity by the Land Study Bureau and Other Important Agricultural lands by the ALISH Map. The soils in this area are not suitable for many types of agricultural uses. Finally, the surrounding area is industrial in nature with surrounding activities existing of rock quarries, a drag racing strip, a landfill, and other industrial type uses.

(F) The use will not substantially alter or change the essential character of the land and the present use. The land is currently vacant of uses and structures. The character of the surrounding area is industrial in nature with surrounding activities existing of rock quarries, a drag racing strip, a landfill, and other industrial type uses. As such, the proposed use is consistent with the surrounding area and will not substantially change the character of the land.

(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 subject request is not contrary to the General Plan LUPAG Map, which designates the property as Important Agricultural Land (IAL) with a small portion in Extensive Agriculture (EA). The proposed project

site is fully within the IAL designation which are lands with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors. As previously mentioned, the soils on the property are classified as "E" or "Very Poor. In addition, the proposed request will take place on a 5-acre portion of a larger 40-acre parcel which was set aside for the county to use as a quarry and borrow pit, which are not agricultural activities. As such, the proposed use is unlikely to displace any active or potential agricultural activity on the property. The project would complement the following goals and policies of the General Plan:

Public Facilities:

- Encourage the provision of public facilities that effectively service community and visitor needs and seek ways of improving public service through better and more functional facilities in keeping with the environmental and aesthetic concerns of the community.

Transportation – Mass Transit

- Provide residents with a variety of public transportation systems that are affordable, efficient, accessible, safe, environmentally friendly, and reliable.
- Support and encourage the development of alternative modes of transportation, such as enhanced bus services and bicycle paths.
- Provisions to enhance the mobility of minors, non-licensed adults, low-income, elderly, and people with disabilities shall be made.

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. An Archaeological Assessment Survey (AAS) of the subject property was conducted in April, 2015 by Haun and Associates and was submitted with the Final Environmental Assessment submitted with the application (as Appendix C). According to the AAS, *"No archaeological sites or features were identified within the project area. The absence of sites is potentially attributed to extensive bulldozing that has occurred in the parcel...The linear berm in the parcel, constructed between 1965 and 1981, is a modern levee used to control flood water during periods of excessive rainfall...No further archeological work is recommended for the property based on the survey results."* The Department of Land and Natural Resources-State Historic Preservation Division has not submitted a response to request for comments as of the writing of this report. A formal flora/fauna study has not been conducted on the property, however, the Archeological Assessment Study found that the plants in the area were a mix of indigenous and introduced plant species, none of which were listed, candidate, or proposed endangered or threatened. Based on consultation with the US Forest and Wildlife Service (USFWS) during the EA process, the following five listed species may be located in the vicinity of the project site: Hawaiian Hawks, Hawaiian Hoary Bat, Hawaiian Petrel, Newell shearwater, and the Blackburn's Sphinx Moth. To avoid possible impacts on the identified species, the applicant proposes to implement mitigation measures, as recommended by the USFWS. These recommendations will be conditions of this permit.

The subject property is located approximately 2.6 miles to the nearest shoreline and does not contain streams or waterways that empty into the sea and therefore will not cause beach erosion or affect marine resources, coastal ecosystems, and coastal

recreational opportunities. Nor will the property be affected by coastal hazards. The property is located well outside of the Special Management Area (SMA) and tsunami evacuation zone. Additionally, there is no designated public access to the shoreline areas or mountain areas over the property. Therefore, the proposed use is not contrary to the objectives of Chapter 205A, Hawai'i Revised Statutes.

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, 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; 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. 15-000182 is approved to establish and operate a base yard and maintenance facility on an approximately 5.34-acre portion of a larger 40-acre subject property situated within the State Land Use Agricultural District on TMK: 2-1-013:Por. 148.