

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

May 18, 2007

Mr. Gregory R. Mooers
P.O. Box 1101
Kamuela, HI 96743

Dear Mr. Mooers:

Use Permit Application (USE 07-000007)
Applicant: Hamakua Health Center, Inc.
Request: Healthcare Facility
Tax Map Key: 4-5-10:89

The Planning Commission at its duly held public hearing on May 4, 2007, voted to approve the above-referenced application to allow the development of a healthcare facility to replace an existing health care structure on approximately 31,304 square feet of land situated within the Agricultural 5-acre (A-5a) zoned district. The property is located off Lehua Street, north of Honokaa Park and east of the Hale Ho Ola Hamakua Critical Access Hospital in Honokaa, Hamakua, Hawaii.

Approval of this request is based on the following:

The applicant is requesting a Use Permit to allow the establishment of a health care facility on 31,304 square feet of land to replace the existing health care structure, which is deteriorating. The applicant is proposing to demolish the existing structure and construct a single-story 6,180-square foot structure that will house the Behavioral Health Services program for the screening and treatment of mental health and substance abuse. The project will also include therapy offices and meeting space, executive and administrative offices, a kitchen, restrooms, storage space and 25 parking stalls.

The proposed health center will provide relief to the Hamakua Health Center's main clinic, which is operating at maximum capacity with demand for services continuing to grow. There is no room for expansion of existing programs to meet the community's growing needs for primary care and behavioral health services. This new facility will be used to house an expanded outpatient behavioral health department and the executive and administrative offices.

MAY 18 2007

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits requires that such action conform to the following guidelines:

- A. The granting of the proposed use shall be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan;
- B. The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties; and
- C. The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.

The proposed health center meets the guidelines for approval of a Use Permit, for the reasons outlined below:

The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan. The intent and purpose of the Zoning Code is to promote health, safety, morals or the general welfare of the community through regulations and restrictions relative to the location and use of buildings, off-street parking, the percentage of lots that may be occupied, the density of population and land for trade, industry, residence or other purposes. The proposed use is situated within the State Land Use Urban district and County's Agricultural (A-5a) zoned district. According to the Zoning Code, hospitals, sanitariums, old age, convalescent, nursing and rest homes can be allowed through the granting of a Use Permit. The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses as well as the goals and policies of the General Plan.

A condition of approval will require the applicant to secure Final Plan Approval for the proposed development from the Planning Director. Plan Approval provides a method of allowing closer inspection of the proposed development in order to ensure conformance with the General Plan, to assure that the intent and purpose of the Zoning Code as described above are carried out, and to ensure that any pertinent conditions of previous approvals related to the development have been implemented. Based on this information, the proposed request is consistent with the general purpose of the zoning district and the intent and purpose of the Zoning Code.

The County of Hawaii's General Plan is the policy document for the long range comprehensive development of the island of Hawaii. One of the purposes of the General Plan is to guide the pattern of future development in this County based on long-term goals. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Medium Density Urban, which includes village and neighborhood commercial and single family and multiple family residential and related functions (multiple family residential - up to 35 units per acre).

The proposed health center will complement the following goals, policies and standards of the Economic, Public Facilities and Land Use elements of the General Plan:

Economic Element

- 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.
- Encourage the health/wellness industry.

Public Facilities: Health

- Encourage the establishment or expansion of community health centers and rural health clinics.

Land Use Element

- Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- Promote and encourage the rehabilitation and use of urban areas that are serviced by basic community facilities and utilities
- Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Based on the above information, the proposed health center is consistent with the General Plan designation and is in keeping with the goals, policies and standards of the General Plan.

The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties. The property has continually housed health care facilities for over forty years. It was used as the Hamakua Plantation Infirmary from 1966 until 1995. From 1995 until the present, the property has been used for the Hamakua Health Center for health education and office space. Presently, there is an existing structure that is proposed to be demolished because of its deteriorated condition and contamination by lead based paints and asbestos. The applicant is proposing to construct a single-story, 6,180 square foot structure for the new health center. Surrounding properties consist of the Honokaa Hospital and other structures used by the Hamakua Health Center across Lehua Street to the west, the Honokaa Park on the adjacent property to the north and east, and several residences across Akia Street to the north. Additionally, due to the noise and traffic inherent to the activities already established in the area, it is not anticipated that noise and traffic associated with the proposed use will adversely impact surrounding properties. Therefore, the desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties as the property has been utilized as a health care facility for over a forty-year period.

The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure. Access to the property is from Lehua Street, which is a County owned and maintained roadway with a 24-foot pavement width within a 50-foot right-of-way. County water is available to the property. A condition of approval will require the applicant to connect the proposed project to the Honokaa Hospital sewer system as recommended by the State Department of Health. Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing County erosion and sedimentation control regulations as well as standard construction practices and additional conditions proposed in this permit. All other utilities are available to the site. Police and fire stations are in close proximity to the property. Based on this information, the proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.

The subject request is not contrary to Chapter 205A, Hawaii Revised Statutes, relating to Coastal Zone Management Area. The property is not located in the Special Management Area. 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. Thus, the proposed request and use of the property will not adversely impact those resources.

There is no record of a designated public access to the shoreline or mountain areas that traverses the property. According to the Flood Insurance Rate Map (FIRM), the property is located in Zone "X", area outside of the 500-year flood plain. The entire site has been completely graded and in urban use for over forty (40) years. As such, there are no valued cultural, historical or natural resources on the property and no evidence of any traditional and customary Native Hawaiian rights being practiced on the site. Thus, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

The proposed 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 project area: The property is not adjacent and/or proximate to the shoreline. As such, gathering of marine life and coastal access is not an issue. There are no known established valued cultural rights being exercised on the property. The likelihood of any rare or endangered species, habitat of flora or fauna or any archaeological features is remote in this area based on urbanization and the development that has occurred. The applicant has submitted a request for a "no-effect" letter from the Department of Land and Natural Resources-State Historic Preservation Division.

Possible adverse effect or impairment of valued resources: As the entire site has been completely graded and in urban use for over forty (40) years, it is not anticipated that there will be any adverse effect or impairment of valued resources.

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, the request to allow the development of a health care facility on approximately 31,304 square feet of land is approved by the Planning Commission. Approval of this request 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. 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 Section 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all existing and/or proposed structures, paved driveway accesses and parking stalls associated with the proposed development. Landscaping shall be included on the plans to mitigate any potential adverse noise or visual impacts to adjacent properties in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements). Landscaping shall comply with the buffer yard standard for separation of a CN (Neighborhood Commercial) zone adjoining a RS (Single-Family Residential) zone in Rule No. 17. The landscaping fronting Lehua Street shall conform to the front yard landscaping requirements for a CN (Neighborhood Commercial) zone in Rule No. 17.
3. All driveway connections to Lehua Street shall conform to Chapter 22, County Streets, of the Hawaii County Code.
4. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of a construction permit. 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.
5. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
6. The applicant shall connect the proposed project to the County's planned sewer collection system for Honokaa. Should the sewer system not be available at the time the project is developed, the applicant will construct an on-site wastewater treatment system meeting the requirements of the State Department of Health. Once the sewer system is available, the applicant will connect to the County system at that time.
7. 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.
8. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.

Mr. Gregory R. Mooers
Page 7

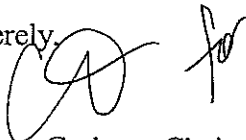
9. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
10. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the 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 the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate the revocation of the Use 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.

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

Sincerely,



William Graham, Chairman
Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
DOT-Highways, Honolulu
Ms. Susan Hunt, Executive Director/Hamakua Health Center, Inc.