

## 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

JUL 18 2013

Steven and Lynda Hirakami  
12-4265 Pāhoa Kalapana Road  
Pāhoa, HI 96778

Dear Mr. and Mrs. Hirakami:

Use Permit Application (USE 13-000040)  
Applicant: Steven and Lynda Hirakami  
Request: To Establish a Medical Clinic  
Tax Map Key: 1-5-114:022

The Windward Planning Commission, at its duly held public hearing on July 11, 2013, voted to approve the above-referenced request to allow the establishment of a medical clinic and accessory uses on 1.31 acres of land situated within the Single Family Residential (RS-10) zoning district. The project site is situated at the south side of Pāhoa Village Road across from Sacred Heart Catholic Church between Paul's Repair station and Ka'ohē Homestead Road, Pāhoa, Puna, Hawai'i.

Approval of this request is based on the following:

The applicants are requesting a Use Permit to allow the establishment and operation of a medical clinic that will provide quality primary health care services to Pāhoa Village and surrounding communities. An existing 2,457-square foot dwelling and attached carport will be converted to accommodate the medical clinic. Clinic staff will include two Family Nurse Practitioners working as primary care providers in collaboration with a Medical Doctor, a Registered Nurse, a certified Dietitian, a Behavioral Health Specialist, and a receptionist. The clinic will operate Monday through Friday from 7:00 a.m. to 5:00 p.m. and every other Saturday from 8:00 a.m. to noon. Approximately 4 to 6 clients per hour will be cared for at the clinic. Parking will be provided on-site. With the recent growth of the surrounding community, there is a substantial need for health care providers who offer quality health care services. The

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proposed clinic will offer quality primary health care services, attending to acute and chronic disease management with a strong focus on the overall health and wellness of the community.

Rule 7 (Use Permits), Section 7-6, of the Planning Commission's Rules of Practice and Procedure states that the Planning Commission may approve a Use Permit upon finding that:

- a) 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;
- 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, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

**The proposed use is 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 a lot that may be occupied, and the density of population and land for trade, industry, residence or other purposes. The Zoning Code requires the issuance of a Use Permit for hospitals, convalescent, nursing and rest homes, and other similar uses devoted to the care or treatment of the aged, the sick, or the infirm in the Single-Family Residential (RS) district. Thus, a Use Permit is required for the proposed medical clinic. Use Permits are permits to allow uses in zoning districts which require special attention to insure that the uses will not unduly burden public agencies to provide public services or cause substantial adverse impacts upon the surrounding community.

The proposed use is consistent with the General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation for the property which is Medium Density Urban. This designation allows single-family and multiple-family residential and related functions (overall residential density may be up to 35 units per acre), and village and neighborhood commercial uses. According to U.S. census data the population of the Puna district has grown faster between 2000 and 2010 than any other district in Hawai'i County; however, the provision of medical services has not kept pace with this growth. The proposed medical clinic will increase medical services to Pāhoa Village and the surrounding

community, which will directly support a goal of the General Plan to encourage the establishment or expansion of community health centers and rural health clinics.

**The proposed use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties.** The property is located near the center of Pāhoa Village and the surrounding area is primarily commercial and residential in character. Lands to the northwest are zoned CV-10 and include an auto repair and gas station, restaurant, and other retail businesses in downtown Pāhoa. A church is located across Pāhoa Village Road to the east on lands zoned A-1a. The adjacent property to the south, which is zoned RS-10, is developed with a single-family dwelling. Educational uses such as Kamehameha Schools Early Childhood Education Program and Pāhoa High and Intermediate School are located further south. The undeveloped land to the west is zoned RS-10.

The existing dwelling will be converted to a medical clinic and driveway and parking lot improvements will be made which will create temporary construction impacts such as an increase in noise, dust and truck traffic. These impacts will be temporary in nature and minor in scope and therefore are not anticipated to have a substantial adverse impact on the surrounding properties, particularly since some of the surrounding properties are already developed with commercial and community uses.

Existing landscaping currently existing upon the subject property should be sufficient to reasonably mitigate any adverse visual impacts upon surrounding properties and to reduce the affects of noise associated with the development, particularly along the south property line and an adjacent residence and along the north property line near the proposed parking area. Adjoining landowners to the north and south of the subject property submitted written testimony indicating that they had no objections to maintaining the existing landscaping currently being restored by the applicant and felt that additional landscaping would not be necessary. The neighbor to the south appreciated the current "openness" of the existing grass lawn between the proposed clinic site and their home and the neighbor's property to the north is separated by a 20-foot tall embankment that serves as an existing visual buffer. With implementation of a condition of approval asking that the existing landscaping be maintained in a good condition and with both adjoining neighbors not wishing to see additional landscaping, the proposed use is not likely to have a substantial adverse impact to the community's character or to surrounding properties and will not be detrimental to the public welfare.

**The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, schools, police and fire protection and other related infrastructure.** Access to the property is from Pāhoa Village Road, which

is a two-lane paved County roadway with approximately 7-foot wide paved shoulders fronting the property. The applicants will widen the existing 9- to 10-foot wide asphalt driveway to 20 feet, which is the minimum width required by the Fire Department to provide access for emergency vehicles. Typically paved parking areas are provided in developed areas such as the centers of rural towns and Hilo and Kona, and for uses normally permitted in the RS district other than single-family dwellings. However, since the proposed medical clinic is restricted in its scope and range of use with a low amount of client traffic, the cost of providing extensive pavement improvements within the driveway and parking area is deemed excessive. Therefore, a condition of the permit will specify that on-site parking area and access driveway can be maintained in gravel. County water is available to the property via a 5/8-inch meter limited to 400 gallons per day. Should additional water be required for the proposed use, the applicants will need to install an additional or larger water meter. The existing 8-inch waterline in this part of Pāhoa Village is not capable of providing the required 2,000 gallon per minute of water flow for fire protection for commercial land uses. The applicants will need to provide fire protection as recommended by the Fire Department, which may include installing an additional water line and/or fire hydrant or onsite water storage. A new septic system will be installed to replace the existing cesspool. All other essential utilities and services are available to the site. Thus, the proposed use will not unreasonably burden public agencies to provide infrastructure.

Based on the above, the establishment and operation of a medical clinic and accessory uses on 1.31 acres of land situated within the Single-Family Residential (RS-10) zoning district is compatible with the existing land uses and the physical and social environment of the area, and promotes the effectiveness and objectives of the Zoning Code and General Plan.

According to the Zoning Code, in approving any use permit application, the commission may issue the approval subject to conditions, including hours of daily operation and terms of the use permit. The conditions imposed by the commission shall bear a reasonable relationship to the use permit granted.

Approval of the request is subject to the following conditions.

1. The applicants, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The medical clinic shall be established within five (5) years from the effective date of this permit. Prior to establishing this use, the applicants shall complete the following:

- a) Secure Final Plan Approval 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 proposed structures, twenty-foot wide gravel driveway access, gravel parking areas, and existing landscaping associated with the proposed use. Landscaping along portions of the southern property boundary in proximity to the medical clinic and along the northern property boundary in proximity to the proposed parking lot shall be maintained in good condition.
  - b) Secure and finalize a change of use building permit for the conversion of the existing dwelling into a medical clinic.
3. The applicants shall submit water usage calculations to the Department of Water Supply (DWS) that include the total estimated daily water usage in gallons per day and the estimated peak flow in gallons per minute for the medical clinic prepared by a professional engineer in the State of Hawai'i. Upon review and approval of the calculations by DWS, if it is found that water can be made available for the proposed use, the applicants shall submit a water commitment deposit in accordance with the "Water Commitment Guidelines Policy", facilities charges, and other improvements required by DWS which may include, but not be limited to, upgrading the existing water meter or installing an additional water meter. The applicants shall also provide any improvements required by the Fire Department to meet the fire protection needs of the medical clinic. This condition shall be implemented prior to the issuance of a Certificate of Occupancy for the medical clinic.
  4. The applicants 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 prior to establishment of the medical clinic.
  5. Access to Pāhoa Village Road shall comply with Chapter 22, County Streets, of the Hawai'i County Code.
  6. Streetlights and traffic control devices, as may be required by the Traffic Division, Department of Public Works, shall be installed by the applicants at no cost to the County.

7. All earthwork activity, including grading and grubbing, shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code.
8. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
9. Prior to receipt of a Certificate of Occupancy, an individual wastewater system shall be installed meeting with the requirements of the Department of Health.
10. 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.
11. The applicants shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
12. An initial extension of time for the performance of conditions 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 applicants, successors or assigns, and that are not the result of their fault or negligence.
  - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
  - C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
  - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

Steven and Lynda Hirakami

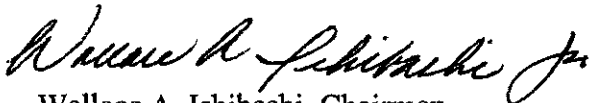
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Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate the revocation of the Use Permit.

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 Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Wallace A. Ishibashi, Chairman  
Windward Planning Commission

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cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State DLNR-HPD  
Mr. Gilbert Bailado, GIS Analyst