

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

Nov 27 11 20 AM '81

November 23, 1981

Mr. Shozo Nagao
Fire Chief
Fire Department, County of Hawaii
466 Kinoole Street
Hilo, HI 96720

Dear Mr. Nagao:

Nullification of Special Permit No. 78-310 (LUC 396)
Construction of Water Storage Tanks
Tax Map Key 9-2-31:19

The Planning Commission at its regular meeting on November 18, 1981, voted to nullify Special Permit No. 78-310 (LUC 396) as a result of non-compliance with performance time condition. The permit allowed the construction of water storage tanks for volunteer fire fighting purposes on approximately 1 acre of land situated within the State Land Use Agricultural District at Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, Hawaii.

Should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,



BERT H. NAKANO
Chairman, Planning Commission

lgy

cc: State Land Use Commission
Department of Water Supply
Department of Public Works
Kona Services Office

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

November 5, 1981

Mr. Shozo Nagao
County of Hawaii
Fire Department
466 Kinoole Street
Hilo, Hawaii 96720

Dear Mr. Nagao:

Special Permit No. 78-310 (LUC 396)
Construction of Water Storage Tanks
Tax Map Key 9-2-31:19

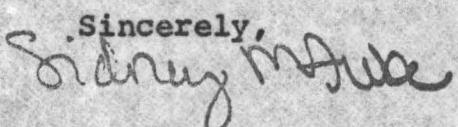
Please be informed that the Planning Director is recommending to the Planning Commission that the above-captioned Special Permit be nullified as a result of non-compliance with the performance time condition.

This matter will be discussed by the Planning Commission at its meeting on Wednesday, November 18, 1981, at 10:00 a.m. in the Police Department's Building A Conference Room, Public Safety Building, South Hilo, Hawaii. You may present your case to the Planning Commission at that time if you so desire.

Enclosed for your information is a copy of the Planning Commission's agenda.

Should you have any questions, please feel free to contact Norman Hayashi of this office at 961-8288.

Sincerely,



Sidney M. Fuke
Planning Director

smn

Enclosure

cc: State Land Use Commission

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

October 7, 1981

Mr. Shozo Nagao
County of Hawaii
Fire Department
466 Kinole Street
Hilo, HI 96720

Dear Mr. Nagao:

Special Permit 78-310 (LUC 396)
Water Storage Tanks
Hawaiian Ocean View Estates
Tax Map Key 9-2-31:19 (Lot 9)

OCT 13 1981
10 17
1981
LAND USE COMMISSION
HAWAII

The State Land Use Commission, at its meeting on August 15, 1978, approved the Special Permit 78-310 to allow the construction of water storage tanks for volunteer fire fighting purposes on the subject property. Approval of the Special Permit was subject to the conditions imposed by the Hawaii County Planning Commission at its regular meeting on July 19, 1978. The State Land Use Commission stated, additionally, that failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit.

Condition No. 1 of the Permit stated "That construction commence within two (2) years of the effective date of approval and be completed within two (2) years thereafter."

Pursuant to a copy of a letter dated May 15, 1980, from Governor George R. Ariyoshi, received from your department on September 21, 1981, the State did not release funds for the proposed project.

Based on the foregoing, we will be recommending to the Planning Commission that the Special Permit be nullified. We will inform you as to when the matter will be discussed by the Planning Commission as soon as the meeting date has been determined.

Mr. Shozo Nagao
Page 2
October 7, 1981

Should you have any questions, please feel free to contact our office.

Sincerely,

Sidney Fukue
SIDNEY FUKE
Planning Director

AK:smn

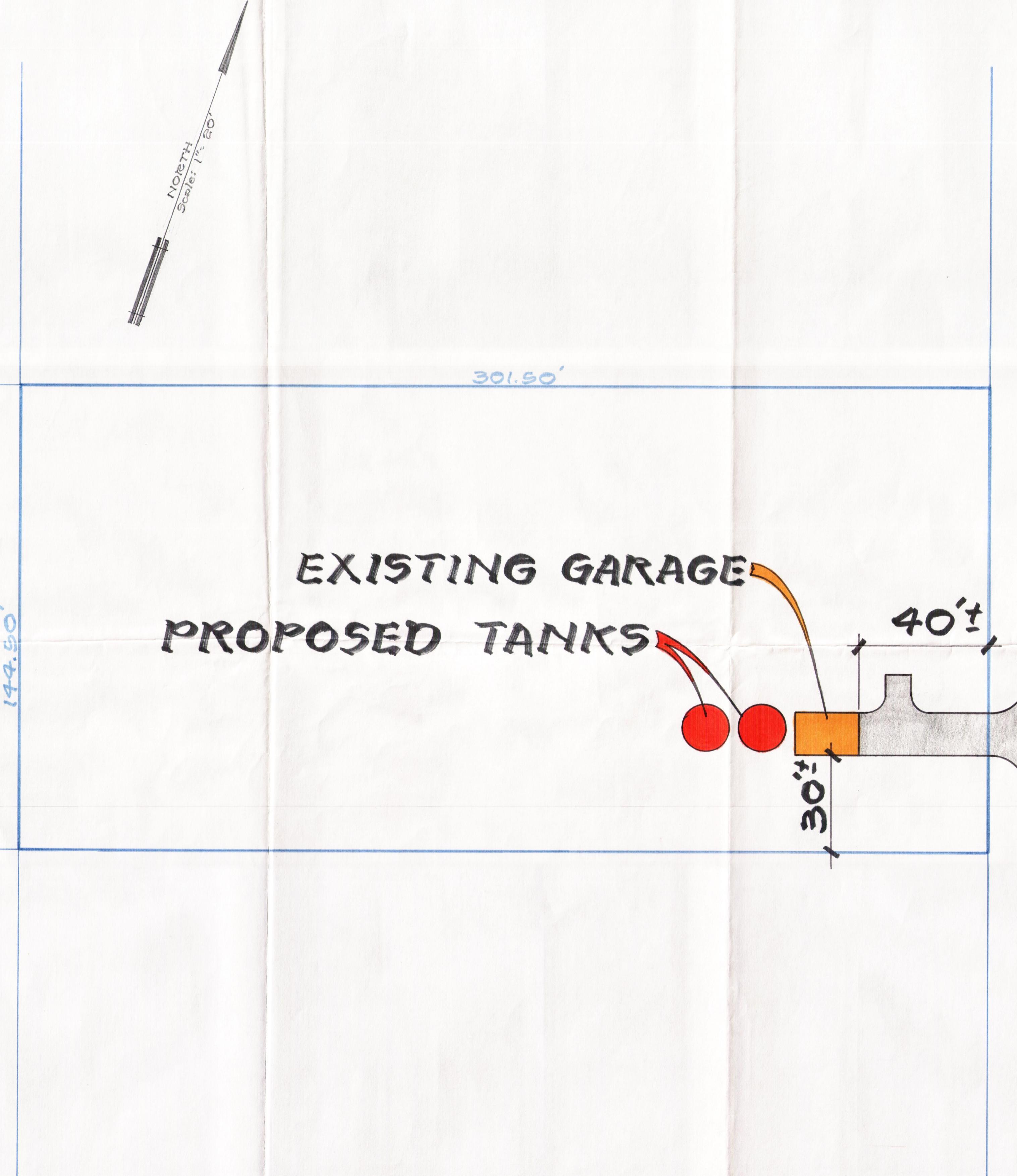
cc: ✓ State Land Use Commission
Department of Water Supply
Planning Commission

SP78-310
County of HI. FIRE
LUC MAPS

8
DEPT.



LINE MAPS



ORCHID CIRCLE MAUKA

OCEAN VIEW
PARKWAY

EXHIBIT S





SP 78-310 COUNTY OF HAWAII FIRE DEPARTMENT

Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

Topography by photogrammetric

Topography by photogrammetric methods from aerial photographs taken 1954 and 1961. Field checked 1962

Polyconic projection. Old Hawaiian datum.

1000-meter Universal Transverse Mercator grid ticks

1000-meter Universal Transverse Mercator grid ticks
zone 5, shown in blue

Zone 5, shown in blue

118°
TRUE NORTH
MAGNETIC NORTH
APPROXIMATE MEAN
DECLINATION, 1962

CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL
DREDGE LINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
THE MEAN RANGE OF TIDE IS APPROXIMATELY 1 FOOT

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON 25, D. C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

SCALE 1:240

HAWAIIAN ISLANDS

4-22

POHUE BAY, HAWAII
SE/4 HOOPULOA 15 QUADRANGLE
N1000 - W15545 (7.5'

Kamaoa, Hawaii
South Kona Project

BEFORE THE LAND USE COMMISSION

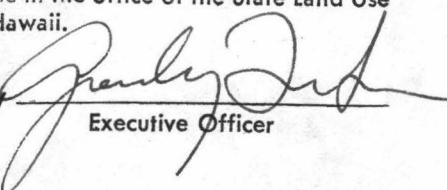
OF THE STATE OF HAWAII.

In the Matter of the) SP78-310
Petition for Special Permit)
of COUNTY OF HAWAII FIRE) COUNTY OF HAWAII
DEPARTMENT) FIRE DEPARTMENT
)

This is to certify that this is a true and correct copy of the
Decision and Order on file in the office of the State Land Use
Commission, Honolulu, Hawaii.

NOV 21 1978

Date

by 
Executive Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the) SP78-310
Petition for Special Permit)
of COUNTY OF HAWAII FIRE) FINDINGS OF FACT,
DEPARTMENT) CONCLUSIONS OF LAW AND
) DECISION AND ORDER

The Land Use Commission of the State of Hawaii
having duly considered the entire record in the above-
entitled matter, makes the following findings of fact and
conclusions of law:

FINDINGS OF FACT

1. The Petition for Special Permit was filed
by the County of Hawaii Fire Department, to allow the
construction of water storage tanks for volunteer fire
fighting purposes on approximately one (1) acre of land
situated within the State Land Use Agricultural District
at Hawaiian Ocean View Estates Subdivision, Kahuku, Kau,
Hawaii.

2. The subject property is located on the
northeastern corner of the intersection of Ocean View Parkway
and Orchid Circle Mauka, in the Hawaiian Ocean View Estates
Subdivision, Tax Map Key 9-2-31: 19.

3. The Petitioner proposes to construct water
storage tanks for use as backup storage capacity for fire
trucks serving the area. The use of an existing 384-square
foot garage structure for parking the fire truck is also
proposed.

4. The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the subject area as "Orchard". Present County Zoning is Agricultural 1-acre (A-1a).

5. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or "Very Poor" for the subject site.

6. Access to the subject site is from both Ocean View Parkway and Orchid Circle Mauka, which are privately owned roads consisting of oil-treated cinder surfaces with 16 feet widths.

7. The subject property is a portion of the Hawaiian Ocean View Estates Subdivision which consists of over 10,000 individual lots. There are approximately 150 single family dwellings situated in the subdivision.

8. The Petitioner has stated that the proposed use would complement the objectives of the Land Use Law and Regulations by providing added security and protection to residents of the area.

9. The Hawaii Electric Light Company, Inc., County Department of Public Works, State Department of Agriculture, Department of Health and U.S.D.A. Soil Conservation Service had no objections to the proposed use.

10. A public hearing on the Special Permit application was held by the Hawaii County Planning Commission on June 29, 1978. Fire Chief Donald Thompson and County Councilman Jim Dahlberg testified in support of the request.

CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in an agricultural district may be permitted by Special Permit pursuant to HRS Chapter 205-6, and the State Land Use Commission District Regulation, Part V.

2. The approval of the subject request would not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. 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 these lands are best suited in the interest of public health and welfare of the people. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District includes lands surrounded by or contiguous to agricultural and ancillary activities by reason of topography, soil and other related characteristics. According to the United States Department of Agriculture, Soil Conservation Service's Soil Survey Report issued in December of 1973, the subject area is classified as 'A'a lava. The Soil Conservation Service's overall capability rating for this soil type is Class VIII. Class VIII refers to soils that have limitations that preclude their use for commercial plants and restrict their uses to recreation, wildlife, or to water supply, and to aesthetic purposes. This class is the lowest in the Soil Conservation Service's ranking system for agricultural activity.

Although it is still possible that some form of agricultural activity may be conducted on the subject property, it is concluded that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the capability class rating of the subject property for agricultural productivity.

Further, the use of the subject property for non-agricultural purpose is not expected to have any adverse effect on the overall agricultural potential of the region or the County and State as the land is not presently being used for any agricultural activity.

3. The proposed use will make the highest and best use of the land for the public welfare. The construction of the proposed storage tanks will increase the fire fighting capabilities of the area. It is determined that the use of the subject area for the proposed water tank and garage uses will be in the best interest of public health and welfare of the people, properties, and improvements of this portion of the County of Hawaii.

4. The granting of this Special Permit request will be in accordance with the Public Facilities Element of the County General Plan which states as a goal:

"To provide public facilities that effectively service communities needs and to seek ways of improving public service through better and more functional facilities which are in keeping with environmental and aesthetic concerns of the community."

5. The proposed use will not have any significant adverse impact on surrounding areas. The only adverse impact associated with the proposed water tanks and garage facilities will be the visibility of these improvements from surrounding areas. However, the proposed improvements will not be out of character with the surrounding areas. It is determined that long term benefits from the proposed improvements, namely increased fire protection, will more than offset any adverse impact which may occur.

6. The use described in the petition is an unusual and reasonable use pursuant to HRS Chapter 205-6 and State Land Use Commission District Regulation, Part V.

DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit Number 78-310, for the construction of water storage tanks on approximately one (1) acre of land situated within the State Land Use Agricultural District at Hawaiian Ocean View Estates Subdivision, Kahuku, Kau, Hawaii, Tax Map Key 9-2-31: 19, be approved subject to the following conditions:

1. That construction commence within two (2) years of the effective date of approval and be completed within two (2) years thereafter.

2. That all other applicable rules, regulations and requirements shall be complied with.

3. That should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

DATED: Honolulu, Hawaii, November 9, 1978.

By C. W. Duke
C. W. DUKE
Chairman and Commissioner

By Shinichi Nakagawa
SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By James R. Carras
JAMES CARRAS
Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By George Pascua
GEORGE PASCUA
Commissioner

By Carol B. Whitesell
CAROL WHITESELL
Commissioner

By EDWARD K. YANAI
EDWARD K. YANAI
Commissioner

974768

SP 78-312
SP 78-310
SP 78-309

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO

SIDNEY FUKE

STREET AND NO.

25 Aupuni St.

P.O., STATE AND ZIP CODE

Hilo, Hi. 96720

POSTAGE

\$ 1.06

CONSULT POSTMASTER FOR FEES

OPTIONAL SERVICES

RETURN RECEIPT SERVICE

SHOW TO WHOM AND DATE
DELIVERED

.45¢

SHOW TO WHOM, DATE, AND
ADDRESS OF DELIVERY

¢

SHOW TO WHOM AND DATE
DELIVERED WITH RESTRICTED
DELIVERY

¢

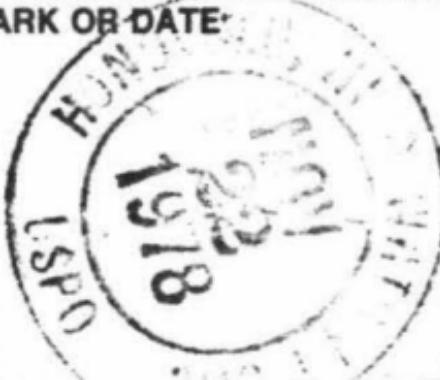
SHOW TO WHOM, DATE AND
ADDRESS OF DELIVERY WITH
RESTRICTED DELIVERY

¢

TOTAL POSTAGE AND FEES

\$ 1.43

POSTMARK OR DATE:



● SENDER: Complete address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

Show to whom and date delivered..... \$
 Show to whom, date, and address of delivery..... \$
 RESTRICTED DELIVERY
 Show to whom and date delivered..... \$
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery . \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

SIDNEY FUKE

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	9 74768	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

4.

DATE OF DELIVERY

11/24/78

POSTMARK

O. HI
NOV 24 1978

5. ADDRESS (complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

No. 574771

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO

DONALD THOMPSON

STREET AND NO.

466 Kinoole St.

P.O., STATE AND ZIP CODE

Hilo, Hi. 96720

POSTAGE		\$.41
OPTIONAL SERVICES	CERTIFIED FEE	.80 ¢
	SPECIAL DELIVERY	¢
	RESTRICTED DELIVERY	¢
RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	.45 ¢
	SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
	TOTAL POSTAGE AND FEES	\$ 1.66
POSTMARK OR DATE		

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, afix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

- SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

Show to whom and date delivered.....¢
 Show to whom, date, and address of delivery ..¢
 RESTRICTED DELIVERY
 Show to whom and date delivered.....¢
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery .\$.
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

DONALD THOMPSON, CHIEF
 COUNTY OF HAWAII FIRE DEPT.

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

974771

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

m. obasa

4.

DATE OF DELIVERY

11/24/78

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

SP78-310 - C/H Fire Dept. 1000-1977-0-249-595

24 NOV

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE: \$300



State of Hawaii
LAND USE COMMISSION
Suite 1795, Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96812

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the matter of the)
Petition for Special Permit)
of COUNTY OF HAWAII FIRE) SP78-310
DEPARTMENT) COUNTY OF HAWAII
) FIRE DEPARTMENT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use
Commission's Decision and Order was served upon the
following by certified mail:

Sidney Fuke, Planning Director
Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Donald Thompson, Chief
County of Hawaii Fire Department
466 Kinoole Street
Hilo, Hawaii 96720

Dated: Honolulu, Hawaii, this 21st day of November, 1978.


GORDAN Y. FURUTANI
Executive Officer
Land Use Commission

August 21, 1978

Mr. Donald Thompson
County of Hawaii
Fire Department
466 Kinooole Street
Hilo, Hawaii 96720

Dear Mr. Thompson:

The original of the attached letter is on file in
the office of the Hawaii County Planning Department,
25 Aupuni Street, Hilo, Hawaii.

Please be advised that failure to comply with any
of the delineated conditions of approval, particularly
those relating to time, shall be reason for termination
of the Special Permit. The Land Use Commission will not
consider any request for time extension which is filed
after the stipulated commencement or expiration dates.

A copy of the staff memorandum is herewith enclosed
for your information. The Land Use Commission's Decision
and Order on SP78-310 will be forwarded to you at a later
date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encls.

August 21, 1978

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on August 15, 1978, the Land Use Commission voted to approve a Special Permit request by the County of Hawaii Fire Department (SP78-310) to allow the construction of water storage tanks for volunteer fire fighting purposes on approximately 1 acre of land situated within the State Land Use Agricultural District at Hawaiian Ocean View Estates Subdivision, Kahuku, Kau, Hawaii, Tax Map Key 9-2-31: 19.

Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission. Please be advised that the petitioner's failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit. The Land Use Commission will not consider any request for time extension which is filed after the stipulated commencement or expiration dates.

A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP78-310 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: Hawaii Fire Department

August 21, 1978

Department of Planning and
Economic Development
State Of Hawaii
250 South King Street
Honolulu, Hawaii 96813

Attention: Mr. Hideto Kono, Director

Gentlemen:

At its meeting on August 15, 1978, the Land Use Commission voted to approve a Special Permit request by the County of Hawaii Fire Department (SP78-310) to allow the construction of water storage tanks for volunteer fire fighting purposes on approximately 1 acre of land situated within the State Land Use Agricultural District at Hawaiian Ocean View Estates Subdivision, Kahuku, Kau, Hawaii, Tax Map Key 9-2-31: 19. Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission.

Please note that a copy of the Land Use Commission's Decision and Order on this matter is on file at the Commission's office.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: Dept. of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Office of Environmental Quality Control
Division of Land Management, DLNR

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

State Conference Rooms A & B
3060 Eiwa Street
Lihue, Kauai

August 15, 1978 - 9:30 a.m.

Approved
OCT 19 1978

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
James Carras
Shinsei Miyasato
George Pascua
Carol Whitesell
Edward Yanai

COMMISSIONERS ABSENT: Colette Machado
Mitsuo Oura

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Chief Clerk

Ray Russell, Court Reporter

The meeting was called to order by Chairman Duke.

ACTION

SP76-248 - CITY & COUNTY OF HONOLULU, BUILDING DEPARTMENT
REQUEST FOR A ONE YEAR TIME EXTENSION TO COMMENCE CONSTRUCTION
OF A FIRE AND POLICE TRAINING FACILITY AT WAIPIO PENINSULA, OAHU

Mr. Daniel Yasui, staff planner, presented a resume of the staff memorandum and pointed out the area on the map.

In response to a request for clarification, Mr. Kawada expressed his opinion that the subject request was for a time extension of one year to commence construction and did not refer to the 5-year completion date of the project.

Chairman Duke suggested that the Commission add another condition to the Special Permit clearly stating that the project be completed within 5 years from original date of approval. It was his feeling that a fire and police training center was a much needed facility. He criticized the lack of funding by the City which was causing the delay in completing this project.

In response to Vice Chairman Nakagawa's questions, Chairman Duke recalled that the great concerns raised by the community regarding noise, smoke, interference with TV reception by the low-flying helicopters had been addressed at the County level and resolved to the community's satisfaction.

Vice Chairman Nakagawa moved that the time extension request by the City & County of Honolulu, Docket SP76-248, be approved, subject to the deletion of the last sentence in the County's condition No. 1 which states "----The Planning Commission may, with the Land Use Commission's concurrence, extend the time limit if it deems that unusual circumstance warrant the granting of such an extension".

Mr. Kawada counseled that he did not believe the Land Use Commission had the authority to delete any condition stipulated by the County.

Commissioner Pascua moved to go into executive session, seconded by Vice Chairman Nakagawa, for the purpose of discussing the legal aspects of the motion on the floor. The motion was defeated with the following votes:

Ayes: Commissioners Carras, Nakagawa, Pascua

Nays: Commissioners Yanai, Whitesell, Miyasato,
Chairman Duke

Vice Chairman Nakagawa again moved that the request by the City & County of Honolulu, SP76-248, for a one-year time extension to commence construction of a fire and police training facility be approved.

The Executive Officer suggested that staff could express the Commission's position regarding the 5-year time limit for completion of the project, and the concern that this project be expeditiously implemented in the interest and betterment of the community, in its communication to the City.

Counselor Kawada noted for the record that the motion applied only to the commencement of the construction and in no way referred to the 5-year completion date.

Commissioner Carras seconded the motion and it was unanimously carried.

SP78-310 - COUNTY OF HAWAII FIRE DEPARTMENT
SPECIAL PERMIT TO ALLOW THE CONSTRUCTION OF WATER STORAGE TANKS
FOR VOLUNTEER FIRE FIGHTING PURPOSES AT HAWAIIAN OCEAN VIEW
ESTATES SUBDIVISION, KAHUKU, KAU, HAWAII

Mr. Yasui apprised the Commission of the pertinent data concerning the subject request and pointed out the location on the maps.

Commissioner Carras moved that the Special Permit be approved, subject to the conditions imposed by the Hawaii County Planning Commission. The motion was seconded by Vice Chairman Nakagawa and unanimously carried.

SP78-311 - FRATERNAL ORDER OF EAGLES

SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A FRATERNAL HOME AT KEAAU, PUNA, HAWAII

A resume of the staff memorandum relevant to the subject request was presented by Mr. Yasui. The area was also pointed out on the maps.

Commissioner Carras moved that the Special Permit be approved, subject to the conditions stipulated by the Hawaii County Planning Commission. The motion was seconded by Commissioner Pascua and unanimously approved.

SP78-312 - CASTLE & COOKE, INC.

SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A WATER RESERVOIR SYSTEM AT WAIPIO, OAHU

Mr. Furutani presented a summary of the staff memorandum and located the property on the maps and oriented it with various surrounding landmarks. Two exhibits were circulated; one of the water system master plan and the other showing the landscaping and grading plans submitted by the petitioner. A brief explanation of the two exhibits was offered by Mr. Furutani.

Vice Chairman Nakagawa moved that the Special Permit be approved, subject to the conditions imposed by the City Planning Commission and the 7th condition recommended by staff that construction of the first water reservoir commence within one year from the effective date of the Special Permit. The motion was seconded by Commissioner Carras.

Commissioner Whitesell went on record to indicate that the Commission was concerned with the overall water situation--the availability, the direct impact, the overdraft situation, etc., in the Central Oahu area.

The motion was unanimously carried.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP78-310 - COUNTY OF HAWAII
FIRE DEPARTMENT

DATE August 15, 1978

PLACE State Conference Rooms A&B
Lihue, Kauai

TIME 9:30 a.m.

NAME	YES	NO	ABSTAIN	ABSENT
MACHADO, COLETTE				X
WHITESELL, CAROL	X			
PASCUA, GEORGE R.	X			
MIYASATO, SHINSEI	X			
M CARRAS, JAMES	X			
S NAKAGAWA, SHINICHI	X			
OURA, MITSUO				X
YANAI, EDWARD	X			
DUKE, CHARLES	X			

Comments: I move that the Special Permit be approved, subject to the conditions imposed by the Hawaii Planning Commission.

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

August 8, 1978

Mr. Sidney Fuke
Planning Director
Hawaii Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

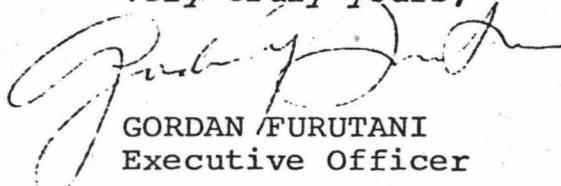
Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

Please note that petitions
SP78-310 - County of Hawaii Fire Department
SP78-311 - Fraternal Order of Eagles

will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

August 8, 1978

Mr. Donald Thompson
County of Hawaii
Fire Department
466 Kinoole Street
Hilo, Hawaii 96720

Dear Mr. Thompson:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

Please note that petition

SP78-310 - County of Hawaii Fire Department

will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME & PLACE

August 15, 1978 - 9:30 a.m.
State Conference Rooms A & B
3060 Eiwa Street
Lihue, Kauai

A G E N D A

I. ACTION

1. SP76-248 - City & County of Honolulu, Building Department (Time Extension)

To allow a one (1) year time extension to commence construction of a fire and police training facility within the State Land Use Agricultural District at Waipio Peninsula, Oahu.

2. SP78-310 - County of Hawaii Fire Department (Hawaii)

To allow the construction of water storage tanks for volunteer fire fighting purposes on approximately one (1) acre of land situated within the State Land Use Agricultural District at Hawaiian Ocean View Estates Subdivision, Kahuku, Kau, Hawaii.

3. SP78-311 - Fraternal Order of Eagles (Hawaii)

To allow the establishment of a fraternal home on one (1) acre of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii.

4. SP78-312 - Castle & Cooke, Inc. (Oahu)

To allow the establishment of a water reservoir system on approximately 1.9 acres of land situated within the State Land Use Agricultural District at Waipio, Oahu.

II. HEARING

1. A78-438 - Grove Farm Company, Inc. (Kauai)

To reclassify approximately 61 acres of land from the Agricultural District to the Urban District at Lihue, Kauai, for the development of a multi-phase regional, mall-type shopping center.

III. MISCELLANEOUS

1. Adoption of Minutes MAY 25 1978 MAY 26 1978

2. Meeting Schedule

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission August 15, 1978
FROM: Staff
SUBJECT: SP78-310 - County of Hawaii Fire Department

The petitioner, County of Hawaii Fire Department, is requesting a Special Permit to allow the construction of water storage tanks for volunteer fire fighting purposes on approximately one (1) acre of land situated within the State Land Use Agricultural District at Hawaiian Ocean View Estates Subdivision, Kahuku, Kau, Hawaii, Tax Map Key 9-2-31: 19. The subject property is located on the northeastern corner of the intersection of Ocean View Parkway and Orchid Circle Mauka, in the Hawaiian Ocean View Estates Subdivision (see attached County Exhibit J-1).

The Special Permit request specifically involves the construction of water storage tanks for the purpose of providing backup storage capacity for fire trucks serving the area. Also included in the request is the use of a 384-square foot garage constructed in 1972 for parking the fire truck. This garage structure was permitted as an apparatus shed.

In support of the request, the petitioner has in part stated the following:

"1. Hawaiian Ocean View Estates presently has a volunteer fire fighting unit that utilizes a fire truck stationed at Tax Map Key 9-2-31: 19, Lot 9, which is owned by the County of Hawaii. Existing water storage for the fire truck is of a limited capacity. Should a sizeable fire occur, the existing storage would be depleted rapidly. Additional storage, therefore, would be very beneficial to the residents in that area.

There is also a volunteer fire fighting unit at Naalehu (approximately 12 miles away). With an additional storage of water at Hawaiian Ocean View Estates, the Naalehu fire truck could be used at Hawaiian Ocean View Estates throughout the fire without having to refill at a water point located at Waiohinu, approximately 10 miles southeast of Hawaiian Ocean View Estates, which would waste precious time.

- "2. The proposed use would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The proposed use would, in fact, compliment the objectives by providing added security to those residents engaged in or who plan to engage in the permitted use of the land.
- "3. The proposed use shall not adversely affect surrounding properties; it will provide better fire protection. Also, all required setbacks and building regulations will be adhered to.
- "4. The proposed use will not put any burden on public agencies to provide additional services. The sub-division is privately owned and maintained, and this project would only aid the volunteer fire fighters dependability.
- "5. With the increasing number of homes being built in Hawaiian Ocean View Estates, a voluntary fire fighting unit was established; therefore, as mentioned previously, this use will result in aiding those volunteers.
- "6. The land upon which the permitted use is requested was dedicated and conveyed to the County of Hawaii on May 4, 1965 by Hawaiian Ocean View Estates. Although the land itself is suited for the existing permitted use, it is not the County of Hawaii's intent to use it as such.
- "7. No alterations or changes will occur to the essential character of the land and its present use.
- "8. Fire protection is essential to every community; therefore, it is felt that the requested use will make the highest and best use of the land involved for the public welfare."

The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the subject area as Orchard. Present County Zoning is Agricultural 1-acre (A-1a).

The subject area is presently used for the parking of the fire truck. This parcel was originally dedicated to the County of Hawaii in May, 1965, by the developer. The use of this area was limited by a deed restriction solely for the purpose of establishing a neighborhood park and/or playground site. This deed is presently in the process of being amended to permit the proposed use.

The subject area is a portion of the Hawaiian Ocean View Estates Subdivision which consists of over 10,000 lots,

approximately one acre in size. There are approximately 150 single family dwellings situated in this subdivision. The area immediately surrounding the subject parcel is presently vacant.

Soils of the subject area consist of A'a lava. This lava type has practically no soil covering and is generally bare of vegetation except for mosses, lichens, ferns, and ohia trees. The U.S.D.A. Soil Conservation Service's overall capability rating for these soils is Class VIII. Class VIII refers to those soils and landforms that have limitations that preclude their use for commercial plants and restrict their use to recreation, wildlife, water supply, or for aesthetic purposes. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or "Very Poor" for the subject site. Average annual rainfall is between 20 to 24 inches.

Access to the subject area is from both Ocean View Parkway and Orchid Circle Mauka. These roads, which are privately owned and maintained, consist of oil-treated cinder surfaces approximately 16 feet wide within a forty (40) foot wide right-of-way.

The water system for this area consists of individual roof catchment with tank storage. In addition, there is no public electrical service to many parts of the subdivision including the area under consideration.

All cooperating agencies, including the Hawaii Electric Light Company, Inc., Department of Public Works, Department of Agriculture, Department of Health and U.S.D.A. Soil Conservation Service had no objections to the Special Permit.

At the public hearing held by the Hawaii Planning Commission on June 29, 1978, Fire Chief Donald Thompson spoke in support of the request. Under public testimony, Councilman Jim Dahlberg, on behalf of the people of Kau, requested the Planning Commission's favorable recommendation of the Special Permit. For the Commission's information, the June 29, 1978 hearing transcript has been attached (County Exhibit M).

On July 19, 1978, the Hawaii Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission based on the following findings:

"That the proposed use would not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. 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 these lands are best suited in the interest of public health and welfare of the people.

"The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District does include lands surrounded by or contiguous to agricultural and ancillary activities by reason of topography, soil and other related characteristics. According to the United States Department of Agriculture, Soil Conservation Service's Soil Survey Report issued in December of 1973, the subject area is classified as 'A'a lava. The Soil Conservation Service's overall capability rating for this soil type is Class VIII. Class VIII refers to soils that have limitations that preclude their use for commercial plans and restrict their use to recreation, wildlife, or to water supply, and to esthetic purpose. This class is the lowest in the Soil Conservation Service's ranking system for agricultural activity. The Land Study Bureau's overall master productivity rating for agricultural use is Class 'E' or 'Very Poor'.

"Although it is still possible that some form of agricultural activity may be conducted on the subject property, it is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the capability class rating of the subject property for agricultural productivity and the above-cited criterion for determining the Agricultural District classification.

"Further, the use of the subject property for non-agricultural purpose is not expected to have any adverse effect on the overall agricultural potential of the region or the County and State as the land is not presently being used for any agricultural activity.

"That the proposed use will make the highest and best use of the land involved for the public welfare. The subject request is to allow the construction of water storage tanks for volunteer fire fighting purposes and the retention of a garage for the storage of a fire truck. The granting of this request will provide a much needed facility for this area of Ka'u. The Hawaiian Ocean View Estates Subdivision, within which the subject area is situated, consists of over 10,000 lots approximately one acre in size. There have been over 150 single family residential dwellings constructed within this subdivision since 1965. Because of this growth and the relative isolation of this subdivision, a volunteer fire fighting unit was formed to provide fire protection. However, the nearest dependable water system is in the village of Waiohinu, over ten miles away. Consequently, when the fire truck tanks are emptied, the truck must be driven to Waiohinu, refilled there, then returned to the site of the fire which is a twenty mile round trip. The construction of the proposed storage tanks will permit the truck to be refilled within the subdivision, thus

significantly decreasing the distance the truck must travel. This will enable the truck to provide much more efficient service, thereby increasing its fire fighting capabilities. It is therefore determined that the use of the subject area for the proposed water tank and garage uses will be in the best interest of public health and welfare of the people, properties, and improvements of this portion of the County.

"Furthermore, the granting of this Special Permit request will be in accordance with the Public Facilities Element of the General Plan which states as a goal:

'To provide public facilities that effectively service communities needs and to seek ways of improving public service through better and more functional facilities which are in keeping with environmental and aesthetic concerns of the community.'

"That the proposed use will not have any significant adverse impact on surrounding areas. The only adverse impact associated with the proposed water tanks and garage facilities will be the visibility of these improvements from surrounding areas. However, it is determined that the proposed improvements will not be out of character with the surrounding areas. The Hawaiian Ocean View Estates Subdivision consists primarily of vacant lands and scattered residences. The proposed development, including the garage will be of a scale and manner in keeping with this character. Furthermore, the reasonable size of the subject parcel as well as surrounding areas will allow the siting of improvements whereby visual impact can be adequately mitigated. Furthermore, it is determined that long term benefits of the proposed improvements, namely increased fire protection, will more than offset any adverse impact which may occur."

For the Commission's information, the July 19, 1978 meeting minutes have been attached (County Exhibit U).

The favorable recommendation was subject to the following conditions:

- "1. That construction commence within two (2) years of the effective date of approval and be completed within two (2) years thereafter.
- "2. That all other applicable rules, regulations and requirements shall be complied with."

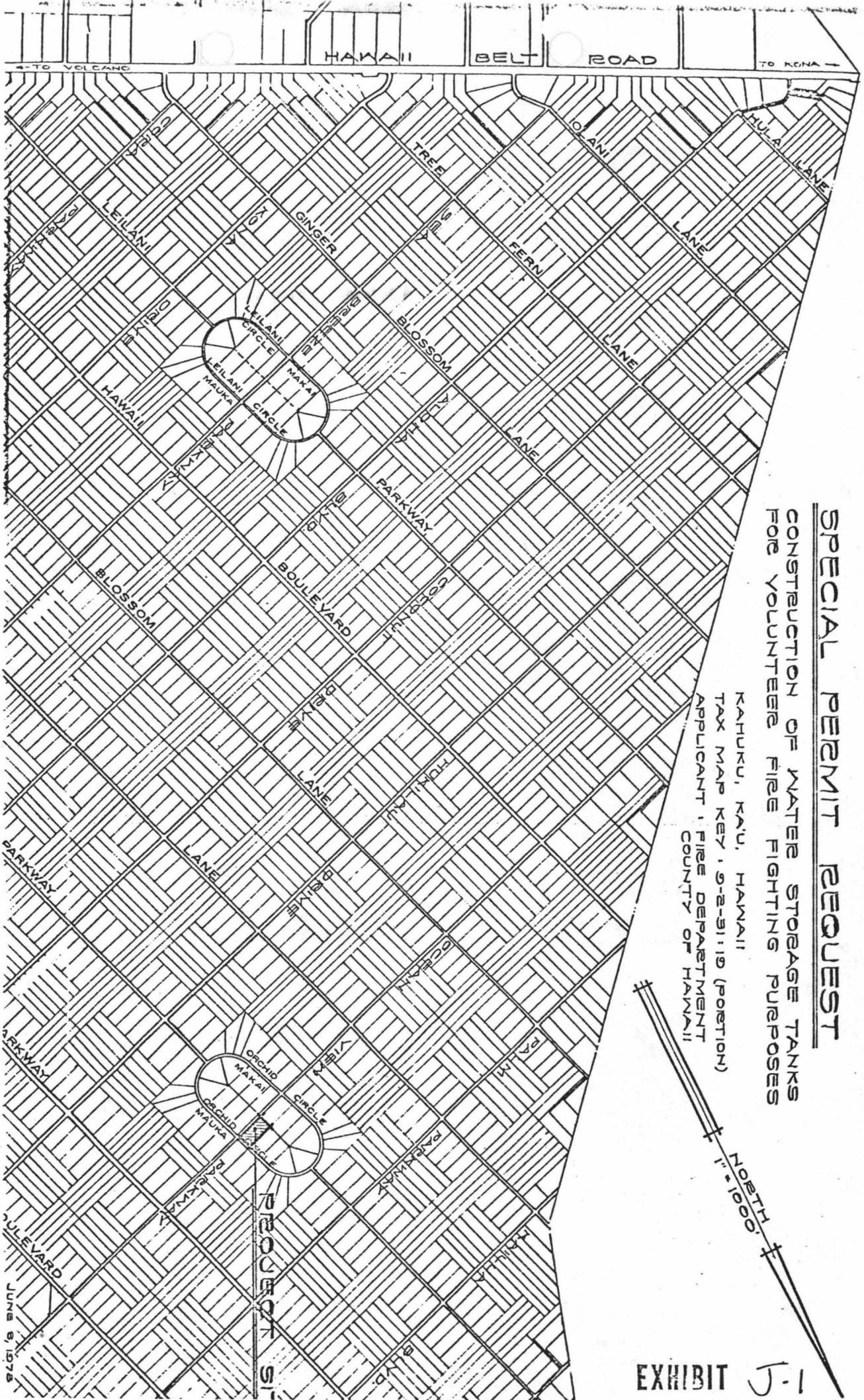
It was further stated by the Planning Commission that: "Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void."

SPECIAL PERMIT REQUEST

CONSTRUCTION OF WATER STORAGE TANKS
FOR VOLUNTEER FIRE FIGHTING PURPOSES

KAHUKU, KAU, HAWAII
TAX MAP KEY - 9-2-3110 (PORTION)
APPLICANT, FIRE DEPARTMENT
COUNTY OF HAWAII

NORTH
1" = 1000'



EXHIBIT

J-1

Luc

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
June 29, 1978

A regularly advertised public hearing, on the application of the County of Hawaii Fire Department, was called to order at 7:00 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Lorraine R. Jitchaku
Haruo Murakami
Bert H. Nakano
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: Shigeru Fujimoto
Ex-officio Member
Akira Fujimoto

Sidney M. Fuke, Director
Ilima Piianaia, Planner

David Murakami, representing Ex-officio Member Edward Harada
Lionel Meyer, Deputy Corporation Counsel

and about 21 people in attendance

CHAIRMAN: . We'll proceed with public hearings advertised for 7 p.m. Item number four on the agenda, public hearing on the application of the County of Hawaii Fire Department for a Special Permit to allow the construction of water storage tanks for volunteer fire fighting purposes on 43,567 square feet of land situated within the State Land Use Agricultural District. The property involved is located on the northeastern corner of the intersection of Ocean View Parkway and Orchid Circle Mauka, Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, TMK: 9-2-31:19. Staff?

PIIANAIA: (Presented background on file.)

CHAIRMAN: Thank you, Ilima. For the benefit of the audience, the purpose of the Special Permit is to use land within the State Land Use Agricultural or Rural District for other than uses permitted within these districts. The Planning Director's role is to review and make recommendations to the Planning Commission. The Planning Commission's role is advisory if recommending for approval, adjudicatory if denial. Our responsibility is to conduct a public hearing after 30 days but within 120 days from receipt of the petition. This affords the Commission an opportunity to receive information from the staff and from the petitioner. Public testimony will be taken. No testimony or

rebuttal will be allowed after the public hearing is closed. Vote to close the public hearing or continue the public hearing will be by a majority vote.

Members of the Commission, you have heard the staff's background report on the application. Do you have any questions of the staff? If there are no questions from the staff, the Chair at this time would like to invite the applicant or a representative of the applicant to come forward.

Chief Thompson, we'll have to swear you in. Do you swear to tell the truth and nothing but the truth on this matter now before the Hawaii County Planning Commission?

THOMPSON: I do.

CHAIRMAN: Would you please be seated and state your name into the microphone.

THOMPSON: My name is Donald Thompson. I'm the Fire Chief for the Hawaii County Fire Department; and this particular permit is set up for that particular parcel indicated by your staff.

CHAIRMAN: Thank you, Chief Thompson. Do you have anything to add to the staff's background report?

THOMPSON: No, I think this covers everything with the exception that it may confuse the members of this board, or Commission, in that it was mentioned that it was a ten-mile distance to the closest water point, and if we're dealing with fires, we'll have to take double that because of the turn-around time, which would be twenty miles.

CHAIRMAN: Commissioners, do you have any questions you'd like to direct to Chief Thompson?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Commissioner Murakami.

MURAKAMI: Chief Thompson, when you say, "Existing water storage for the fire truck is of a limited capacity", what is the limited capacity with the existing water tank you have now?

THOMPSON: We have about a 5,000 gallon water tank.

MURAKAMI: Five thousand gallons?

THOMPSON: Yes. And the one we intend to put up would be in excess of 20,000.

MURAKAMI: Twenty-thousand.

THOMPSON: Yes.

CHAIRMAN: Commissioner Sakamoto?

SAKAMOTO: Chief Thompson, in case of, you know, when you have the tank and then in case of fire and you use all the water, how you're going about filling up the tank?

THOMPSON: Well, depending on the amount of water we would draw from that particular source; and with about 24,000 gallons and based on the size of hose you use, we may not exhaust or deplete that tank on one fire. And given the nature of the area, we have some rain other than during the drought area, we'll use its own watershed or a cover as a catchment for the water system.

CHAIRMAN: Commissioner Orita, you have a question?

ORITA: Chief, how many volunteers have you got in case you do have a fire?

THOMPSON: Out there we have approximately 17 volunteers who are active in firefighting and training; but in the time of need, we find that this number is triple because you have a lot of people interested in that area and it's their property, they'll come out.

CHAIRMAN: Commissioner Murakami.

MURAKAMI: Mr. Thompson, normally, what is the normal amount of water you use for a normal fire for a residential home?

THOMPSON: It depends on the extent of the fire and what is burning. Let's take a normal home, a normal type of fire, and when I say normal we will usually have a fire that is a mattress-type fire, then with the use of minimum supply of water, maybe 150 gallons, you can remove that mattress from the building and only use the amount of water that you need. But if the whole building was enveloped, then the use of the water will not be on the building, but it would be used to cool off those areas, structures that are still standing.

MURAKAMI: In other words, what you're saying is that the existing 5,000 capacity is not enough actually if you have a really good fire?

THOMPSON: That's right.

CHAIRMAN: Both in terms of extinguishing the fire and preventing it from spreading.

THOMPSON: And preventing it from spreading.

CHAIRMAN: Yes, staff.

PIIANAIA: Chief Thompson, just for clarification purposes, in the submittals you showed two proposed water tanks. Do you expect to put up more than two tanks?

THOMPSON: Not at this time.

PIIANAIA: In the future do you expect to put up more than two tanks?

THOMPSON: Not on this site.

PIIANAIA: Thank you.

CHAIRMAN: Commissioners, do you have any further questions of Chief Thompson? Chief, there does not appear to be any further questions from the Commission. However, this is a public hearing and we'd like to ask that you remain in the audience in the event a question comes up that we'd like to refer to you. Thank you.

Ladies and gentlemen, this is a public hearing on the application of the County of Hawaii Fire Department for a Special Permit. The Chair at this time would like to recognize anyone who would like to testify either for or against this application.

Councilman Dahlberg, we'll have to swear you in. Do you swear to tell the truth and nothing but the truth on this application now before the Hawaii County Planning Commission?

DAHLBERG: I do.

CHAIRMAN: Would you please be seated and state your name into the microphone.

DAHLBERG: My name is Jim Dahlberg from the district of Ka'u. Mr. Chairman and Members of the Planning Commission, thank you for this opportunity to address you this evening. The people of the district of Ka'u have made it very clear to me as their representative to the County Council that 24-hour fire protection and fire protection in general is of top priority to the district. And so I come before you this evening to ask you to approve of the putting of tanks on the property in Hawaiian Ocean View because this will help us to be one step closer to having that much more of an efficient, not only fighting fire organization in the Hawaiian Ocean View Estates, but for Ka'u in general; and because this is of top priority to the people of Ka'u, I would like to please ask for your approval this evening. I'd be happy to answer any questions that you might have of me.

CHAIRMAN: Thank you, Councilman Dahlberg. Commissioners, do you have any questions you'd like to refer?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Commissioner Murakami.

MURAKAMI: Jim, can you tell me what the total cost of putting up a tank like this? Since you're on the Council, more or less you folks got an idea as to what the appropriation of it.

DAHLBERG: Okay, I'd not familiar with the total cost of both tanks or one tank; and I would refer that question to our Fire Chief.

CHAIRMAN: Chief Thompson, do you have the cost estimates?

THOMPSON: At the present time, we're working on a \$25,000 budget; and this is not a County-funded project. This is a

project that is funded through the State and this is latched on to the appropriation with the Board of Water Supply.

CHAIRMAN: And the funds have been allocated?

THOMPSON: Yes.

MURAKAMI: All right then let me ask you another question. You say you're working on \$25,000 funds, what kind of a structure would it be constructed with, metal, concrete?

THOMPSON: This will be a metal tank.

CHAIRMAN: Thank you. Commissioners, any further questions of Councilman Dahlberg? Thank you for your testimony.

DAHLBERG: Thank you.

CHAIRMAN: The Chair at this time would like to recognize anyone else who would like to testify either for or against this application. Staff, any further questions of the applicant?

PIIANAIA: No, Mr. Chairman.

CHAIRMAN: If there is no further testimony to come before the Commission, the Chair will entertain a motion to close the public hearing.

JITCHAKU: So move, Mr. Chairman.

NAKANO: Second the motion.

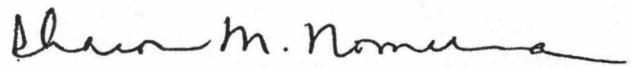
CHAIRMAN: It has been moved by Commissioner Jitchaku and seconded by Commissioner Nakano that the application of the County of Hawaii Fire Department for a Special Permit be closed. All those in favor so signify by saying aye?

COMMISSIONERS: Aye.

CHAIRMAN: Oppose, same sign? The public hearing is closed.

Public hearing adjourned at 7:19 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T:



William F. Mielcke
Chairman, Planning Commission

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
July 19, 1978

The Planning Commission met in regular session at 1:15 p.m. in the Pahoa Neighborhood Facility Community Center, Pahoa, Puna, Hawaii, and at 6:30 p.m. in the Na'alehu Elementary School Cafetorium, Na'alehu Village, Kaunamano, Ka'u, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Lorraine R. Jitchaku
Bert H. Nakano
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: Shigeru Fujimoto
Haruo Murakami
Ex-officio Member
Akira Fujimoto

Sidney M. Fuke, Director
Ilima Piianaia, Planner
Osamu Matsunami, CZM Liaison Officer

David Murakami, representing Ex-officio Member Edward
Harada
Lionel Meyer, Deputy Corporation Counsel

and about 16 people in attendance at 1:15 p.m. and
17 people at 6:30 p.m.

All those testifying were duly sworn in.

EXHIBIT 4

Mr. Jim Dahlberg verbally presented some research material done by members of the Sportsmen Club of Ka'u and pointed out that the club's position was that the SMA Use Permit not be approved unless public access along the road is guaranteed. Mr. Dahlberg said the following questions were raised by the club members during their discussions: (1) will public access to Kawaa Bay be guaranteed along the shoreline trail if the SMA Permit is approved; (2) will construction and grading of the access road, reservoir, and water line destroy or relocate portions of the shoreline trail if the Permit is approved; (3) is the public presently allowed to use the access road in question to reach the ocean; and (4) will the public be allowed to use the access road in the future to reach the shoreline. Mr. Dahlberg said he questioned whether the petitioner did in fact receive proper permission to proceed and pointed out that the public access concern is something that has been a right to the people of Ka'u for over 50 years, which is slowly being taken away. Upon the Commission's request, Mr. Dahlberg said he will be submitting a written statement to the Commission later.

For the record, staff pointed out that the Department has on file a certified letter sent to the petitioner's representative, Stanley Roehrig, asking him to address the discrepancies in the CDUA and SMA Permit applications.

At this time the Deputy Corporation Counsel questioned Mr. Dahlberg whether he was appearing as an interested party on behalf of the Sportsmen Club of Ka'u. In reply, Mr Dahlberg stated that at the present time, he did not consider the club to be an interested party.

It was moved by Commissioner Jitchaku and seconded by Commissioner Paris that the public hearing be continued; motion was carried. The Chair at this time pointed out that he will leave it to the staff to determine the date for continuing the public hearing.

SPECIAL PERMIT
COUNTY OF HAWAII
FIRE DEPARTMENT
KAHUKU, KA'U

Application of the County of Hawaii Fire Department for a Special Permit to allow the construction of water storage tanks for volunteer fire fighting purposes on 43,567 square feet of land situated within the State Land Use Agricultural

District. The property involved is located on the northeastern corner of the intersection of Ocean View Parkway and Orchid Circle Mauka, Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, TMK: 9-2-31:19.

Staff presented recommendation for approval with conditions on file.

There was no one from the public testifying on the application.

It was moved by Commissioner Sakamoto and seconded by Commissioner Jitchaku to send a favorable recommendation to the State Land Use Commission with the conditions outlined by the staff. A roll call vote was taken and motion carried with seven ayes.



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF
HAWAII

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

July 31, 1978

Aug 1 1978 AH '78

LAND USE COMMISSION
STATE OF HAWAII

Mr. Gordan Furutani
Executive Officer
Land Use Commission
190 South King Street
Suite 1795
Honolulu, Hawaii 96813

Dear Mr. Furutani:

Special Permit Application
Petitioner: County of Hawaii Fire Department

In accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, we are transmitting the decision and findings of the County Planning Commission on the above application.

The special permit request was to allow the construction of water storage tanks for volunteer fire fighting purposes on 43,567 square feet of land situated within the State Land Use Agricultural District at Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, Hawaii, Tax Map Key 9-2-31:19.

The Planning Commission at a duly advertised public hearing held on June 29, 1978 in the Councilroom, County Building, South Hilo, Hawaii, discussed the subject request. The Commission on July 19, 1978, voted to recommend the approval of the special permit to the Land Use Commission based on the following findings:

That the proposed use would not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. 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 these lands are best suited in the interest of public health and welfare of the people.

The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District does include lands surrounded by or contiguous to agricultural and ancillary activities by reason of topography, soil and other related characteristics. According to the United States Department of Agriculture, Soil Conservation Service's Soil Survey Report issued in December of 1973, the subject area is classified as 'A'a lava. The Soil Conservation Service's overall capability rating for this soil type is Class VIII. Class VIII refers to soils that have limitations that preclude their use for commercial plans and restrict their use to recreation, wildlife, or to water supply, and to esthetic purpose. This class is the lowest in the Soil Conservation Service's ranking system for agricultural activity. The Land Study Bureau's overall master productivity rating for agricultural use is Class E or Very Poor.

Although it is still possible that some form of agricultural activity may be conducted on the subject property, it is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the capability class rating of the subject property for agricultural productivity and the above-cited criterion for determining the Agricultural District classification.

Further, the use of the subject property for non-agricultural purpose is not expected to have any adverse effect on the overall agricultural potential of the region or the County and State as the land is not presently being used for any agricultural activity.

That the proposed use will make the highest and best use of the land involved for the public welfare. The subject request is to allow the construction of water storage tanks for volunteer fire fighting purposes and the retention of a garage for the storage of a fire truck. The granting of this request will provide a much needed facility for this area of Ka'u. The Hawaiian Ocean View Estates Subdivision, within which the subject area is situated, consists of over 10,000 lots approximately one acre in size. There have been over 150 single family residential dwellings constructed within this subdivision since 1965. Because of this growth and the relative isolation of this subdivision, a volunteer fire fighting unit was formed to provide fire protection. However, the nearest dependable water system is in the village of Waiohinu, over ten miles away. Consequently, when the fire truck tanks are emptied, the truck must be driven to Waiohinu, refilled there, then

returned to the site of the fire which is a twenty mile round trip. The construction of the proposed storage tanks will permit the truck to be refilled within the subdivision, thus significantly decreasing the distance the truck must travel. This will enable the truck to provide much more efficient service, thereby increasing its fire fighting capabilities. It is therefore determined that the use of the subject area for the proposed water tank and garage uses will be in the best interest of public health and welfare of the people, properties, and improvements of this portion of the County.

Furthermore, the granting of this Special Permit request will be in accordance with the Public Facilities Element of the General Plan which states as a goal:

"To provide public facilities that effectively service communities needs and to seek ways of improving public service through better and more functional facilities which are in keeping with environmental and aesthetic concerns of the community."

That the proposed use will not have any significant adverse impact on surrounding areas. The only adverse impact associated with the proposed water tanks and garage facilities will be the visibility of these improvements from surrounding areas. However, it is determined that the proposed improvements will not be out of character with the surrounding areas. The Hawaiian Ocean View Estates Subdivision consists primarily of vacant lands and scattered residences. The proposed development, including the garage will be of a scale and manner in keeping with this character. Furthermore, the reasonable size of the subject parcel as well as surrounding areas will allow the siting of improvements whereby visual impact can be adequately mitigated. Furthermore, it is determined that long term benefits of the proposed improvements, namely increased fire protection, will more than offset any adverse impact which may occur.

The favorable recommendation was also subject to the following conditions:

1. That construction commence within two (2) years of the effective date of approval and be completed within two (2) years thereafter.
2. That all other applicable rules, regulations and requirements shall be complied with.

Mr. Gordan Furutani
Page 4

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

Enclosed are copies of the Exhibits from the subject docket.

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

lgv
Enclosures

cc Mr. Donald Thompson
Land Use Division, DPED
Manager, Water Supply

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

JUL 25 11 01 AM '78

July 20, 1978

Mr. Donald Thompson, Chief
County of Hawaii Fire Department
466 Kinoole Street
Hilo, Hawaii 96720

Dear Mr. Thompson:

Special Permit Application
Tax Map Key 9-2-31:19

The Planning Commission at its regular meeting of July 19, 1978, considered your application for a special permit to allow the construction of water storage tanks for volunteer fire fighting purposes on 43,567 square feet of land situated within the State Land Use Agricultural District at Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, Hawaii.

The Commission voted to forward a favorable recommendation to the Land Use Commission subject to the following conditions:

1. That construction commence within two (2) years of the effective date of approval and be completed within two (2) years thereafter.
2. That all other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

Mr. Donald Thompson
Page 2
July 20, 1978

In the meantime, should you have any questions, please
feel free to contact the Planning Department at 961-8288.

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

lgv

cc State Land Use Commission
Land Use Division, DPED
Manager, Water Supply

LIST OF EXHIBITS - COUNTY OF HAWAII FIRE DEPARTMENT

- A. Application form
- A-1. Applicant's reasons
- A-2. Applicant's environmental assessment
- A-3. Applicant's location map
- A-4. Applicant's project location plan
- A-5. Applicant's specific location plan
- A-6. Applicant's plot plan
- B. Acknowledgement letter (5/22/78)
- C. Memo to the agencies (5/22/78)
- D. Water Supply (5/10/78)
- E. Helco (5/25/78)
- F. Public Works (5/25/78)
- G. Agriculture (5/20/78)
- H. Health (6/2/78)
- I. Soil Conservation Service (6/9/78)
- J. Letter to the surrounding property owners (6/16/78)
- J-1. Map sent to the surrounding property owners
- J-2. List of the surrounding property owners
- K. Letter to the applicant (6/16/78)
- K-1. Public Hearing Notice
- L. Minutes (6/29/78)
- M. Transcript (6/29/78)
- N. Letter to the applicant (6/30/78)
- O. Letter to the applicant (7/10/78)

- P. Staff Background
- Q. Staff Recommendation
- R. Location Map (please return)
- S. Plot plan (please return)
- T. voting sheet
- U. Minutes 7/19/78

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT: Hawaii Fire Department, County of HawaiiAPPLICANT'S SIGNATURE: Donald ThompsonADDRESS: 466 Kinoole StreetHilo, Hawaii 96720TELEPHONE: 935-2978TAX MAP KEY: 9-2-31:19, Lot 9AREA: 43,567 square feet(Size of Parcel)OWNER: County of Hawaii

OWNER'S SIGNATURE: _____

APPLICANT'S INTEREST, IF NOT OWNER: Hawaii Fire DepartmentREQUESTED USE: Installation of water storage tanks within agricultural zoned land for volunteer fire fighting purposes. Water storage tanks to provide backup storage capacity of fire truck.APPLICANT'S REASON(S) FOR REQUESTING SPECIAL PERMIT: *(Please attach)*

NOTE: The applicant must show that:

- (a) such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
- (b) the desired use shall not 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;
- (d) unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
- (e) the land upon which the proposed use is sought is unsuited for the uses permitted within the district;
- (f) the proposed use will not substantially alter or change the essential character of the land and the present use; and
- (g) the proposed use will make the highest and best use of the land involved for the public welfare.

THIS APPLICATION MUST BE ACCCOMPANIED BY:

- (a) 16 copies of the completed application form with attachments.
- (b) 16 copies of a location map.
- (c) 16 copies of a site plan with existing and proposed uses.
- (d) any additional information.
- (e) \$100.00 processing fee.

For Official Use:

Date received _____
120th day _____
Public Hearing date _____
Action date _____
To Land Use Commission _____

EXHIBIT A

STATEMENT OF REASONS

FOR

SPECIAL PERMIT

HAWAII FIRE DEPARTMENT

County of Hawaii

1. Hawaiian Ocean View Estates presently has a volunteer fire fighting unit that utilizes a fire truck stationed at Tax Map Key 9-2-31:19, Lot 9, which is owned by the County of Hawaii. Existing water storage for the fire truck is of a limited capacity. Should a sizeable fire occur, the existing storage would be depleted rapidly. Additional storage, therefore, would be very beneficial to the residents in that area.
There is also a volunteer fire fighting unit at Naalehu (approximately 12 miles away). With an additional storage of water at Hawaiian Ocean View Estates, the Naalehu fire truck could be used at Hawaiian Ocean View Estates throughout the fire without having to refill at a water point located at Waiohinu, approximately 10 miles southeast of Hawaiian Ocean View Estates, which would waste precious time.
2. The proposed use would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The proposed use would, in fact, compliment the objectives by providing added security to those residents engaged in or who plan to engage in the permitted use of the land.
3. The proposed use shall not adversely affect surrounding properties; it will provide better fire protection. Also, all required setbacks and building regulations will be adhered to.
4. The proposed use will not put any burden on public agencies to provide additional services. The subdivision is privately owned and maintained, and this project would only aid the volunteer fire fighters dependability.

EXHIBIT A-1

5. With the increasing number of homes being built in Hawaiian Ocean View Estates, a voluntary fire fighting unit was established; therefore, as mentioned previously, this use will result in aiding those volunteers.
6. The land upon which the permitted use is requested was dedicated and conveyed to the County of Hawaii on May 4, 1965 by Hawaiian Ocean View Estates. Although the land itself is suited for the existing permitted use, it is not the County of Hawaii's intent to use it as such.
7. No alterations or changes will occur to the essential character of the land and its present use.
8. Fire protection is essential to every community; therefore, it is felt that the requested use will make the highest and best use of the land involved for the public welfare.

ENVIRONMENTAL ASSESSMENT

1. IDENTIFICATION OF AGENCY:

Hawaii Fire Department
County of Hawaii
466 Kinoole Street
Hilo, HI 96720

2. DESCRIPTION OF PROPOSED ACTION:

The Hawaii Fire Department of the County of Hawaii proposes to install water storage tanks for fire fighting purposes on Tax Map Key 9-2-31:19, Lot 9, being within Hawaiian Ocean View Estates.

The parcel in question was dedicated and conveyed to the County of Hawaii on May 4, 1965 by Hawaiian Ocean View Estates, a Nevada Corporation. Presently, there are volunteer fire fighters with a fire truck at Hawaiian Ocean View Estates; however, water storage capacity is limited. The nearest dependable water system is located 10 miles away from the subdivision, at Waiohinu; and the nearest fire protection is the Naalehu Volunteer Fire Truck, located 12 miles south.

Therefore, the proposed additional water storage capacity would increase the dependability of the volunteer fire protection. The Naalehu Volunteer Fire Truck could be utilized for fire fighting at Hawaiian Ocean View Estates, and both fire trucks could refill at the subdivision without having to waste precious time refilling their trucks with water elsewhere.

It should be noted that the proposed water storage is primarily intended for fire fighting and not for consumption.

Monies from Legislative Appropriations in the sum of \$35,000.00 would be used to finance the proposed project.

This Environmental Assessment is being prepared in accordance with Chapter 343, Hawaii Revised Statutes, which requires an environmental impact statement of all agency actions proposing the use of State or County land or funds.

Along with this Environmental Assessment, an application for Special Permit is being prepared for submittal to the Planning Department of the County of Hawaii for the proposed use of Tax Map Key 9-2-31:19, Lot 9.

3. AGENCIES CONSULTED DURING ASSESSMENT:

A. County of Hawaii

1. Department of Public Works
2. Planning Department
3. Hawaii Fire Department

B. State of Hawaii

1. Department of Land and Natural Resources
2. Department of Agriculture
3. Department of Health

C. Others

1. Ka'u Soil Conservation
2. Hawaiian Ocean View Estates Association
3. Audubon Society

4. DESCRIPTION OF AFFECTED ENVIRONMENT:

The subject land is located within Hawaiian Ocean View Estates in Kahuku, Ka'u, Hawaii. This subdivision consists of approximately 10,800 lots and is located 65 miles south of Hilo, Hawaii (on State Highway No. 11). The typical lot size is one acre and is zoned "Ag 1" by the County of Hawaii General Plan for orchard and alternate urban expansion use and designated "Agriculture" by the State Land Use Designation.

The roads within the subdivision are privately owned, oil treated cinder surface and maintained by the owners.

The number of homes within the subdivision is approximately 150 and increasing yearly. The water system is of the roof catchment type with rainfall of 20 - 24 inches (average annual).

The land consists of pahoehoe and aa lava with little or no soil. Vegetation consists of ohia trees and various shrubs. Topography of the land is sloping roughly to the ocean. There exist no known historical sites within the subject parcel.

5. DESCRIPTION OF PROPOSED USE:

The parcel designated by Tax Map Key 9-2-31:19, Lot 9, consists of 43,567 square feet and will be used as a volunteer fire fighting station with water storage tanks and rain catchment system thereon.

The proposed use will not create any added demand upon available public facilities; in fact, it will enhance it.

Proposed construction will be done by a private entity under contract or agreement with the Fire Department of the County of Hawaii. Should further improvements be required, they will be developed in accordance with all applicable State and County requirements.

6. ANTICIPATED IMPACTS ON THE ENVIRONMENT:

The proposed project is not anticipated to have any significant impacts upon the environment.

Only minimal land clearing will be involved. The number of ohia trees and shrubs that may be removed for the placement of the storage tanks will be insignificant as compared to the total number on the same parcel.

The proposed storage tanks will be of the round prefabricated type, available in several sizes; therefore, no extensive construction will occur.

Visual impacts are unavoidable; however, the placement of the tanks and painting will be considered in an effort to lessen any adverse visual effects.

The project will not create any additional traffic in the area and will not compete with any existing use of the area.

7. ANTICIPATED ECONOMIC IMPACTS:

The proposed project does not have any significant economic impacts. It will only provide for additional water storage capability, thereby making the fire fighting capabilities a little more dependable.

This project, however, might possibly boost the economy of the area by instilling a greater feeling of security for residents living there and for those who are planning to live there.

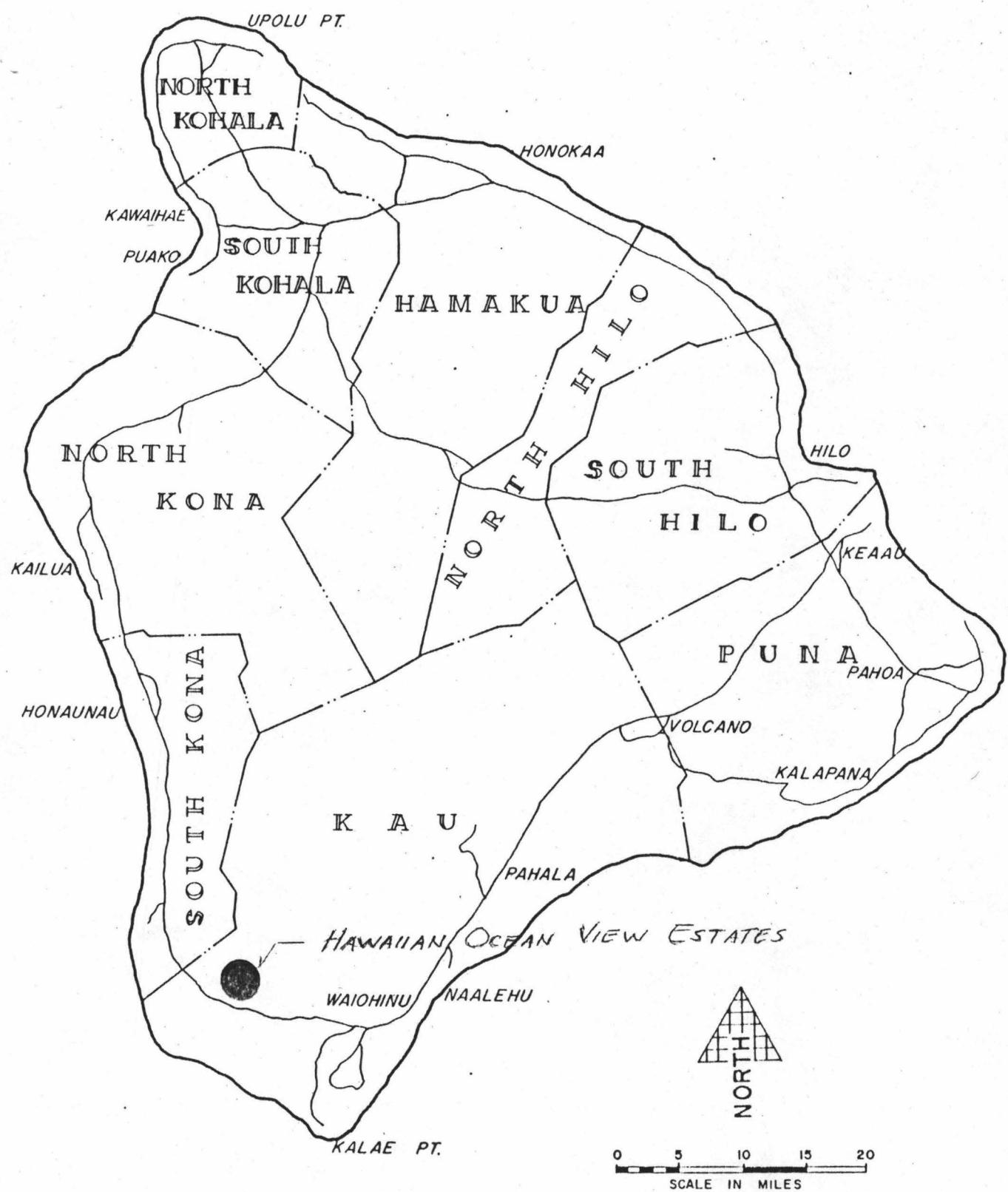
8. ALTERNATIVE OF THE PROPOSED ACTION:

The only alternative to the proposed action would be "no action." Fire fighting would then depend on the limited water storage existing and on the volunteer fire trucks from Hawaiian Ocean View Estates and Naalehu. Both trucks, however, would have to depend on their own carrying storage capacity and timely refilling at a water point located at Waohinu, approximately 10 miles southeast of Hawaiian Ocean View Estates.

9. CONCLUSION:

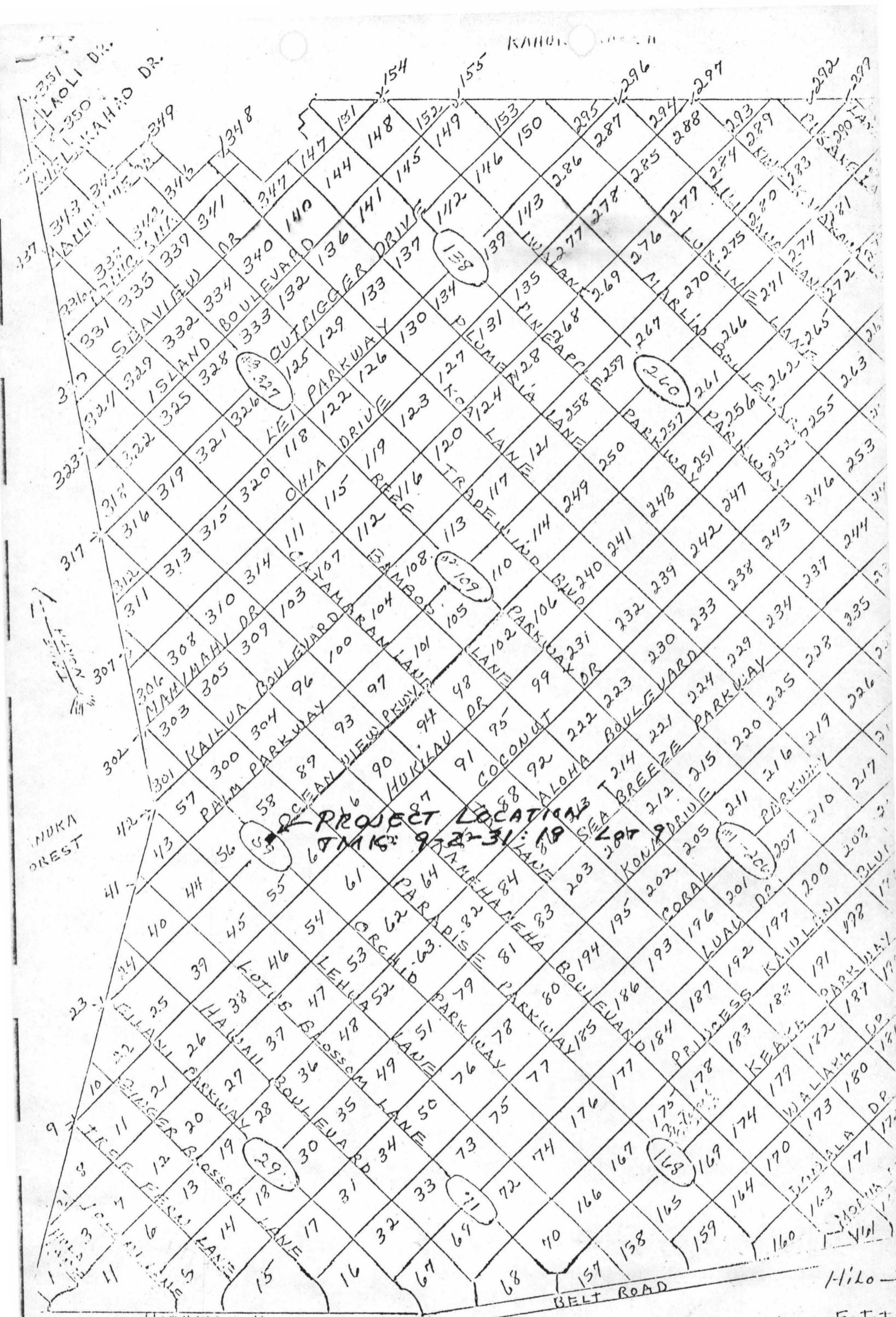
Based on the foregoing discussion of the subject proposed action, it is determined that the overall benefits of the action will greatly outweigh the adverse effects. It can also be seen that the project would not result in any significant environmental impacts and that an Environmental Impact Statement will not be required.

This assessment, therefore, shall serve as a Negative Declaration for the proposed project.



LOCATION MAP

EXHIBIT A-3



-150NA

5 MILES TO THE OCEAN

HAWAIIAN OCEAN VIEW ESTATE

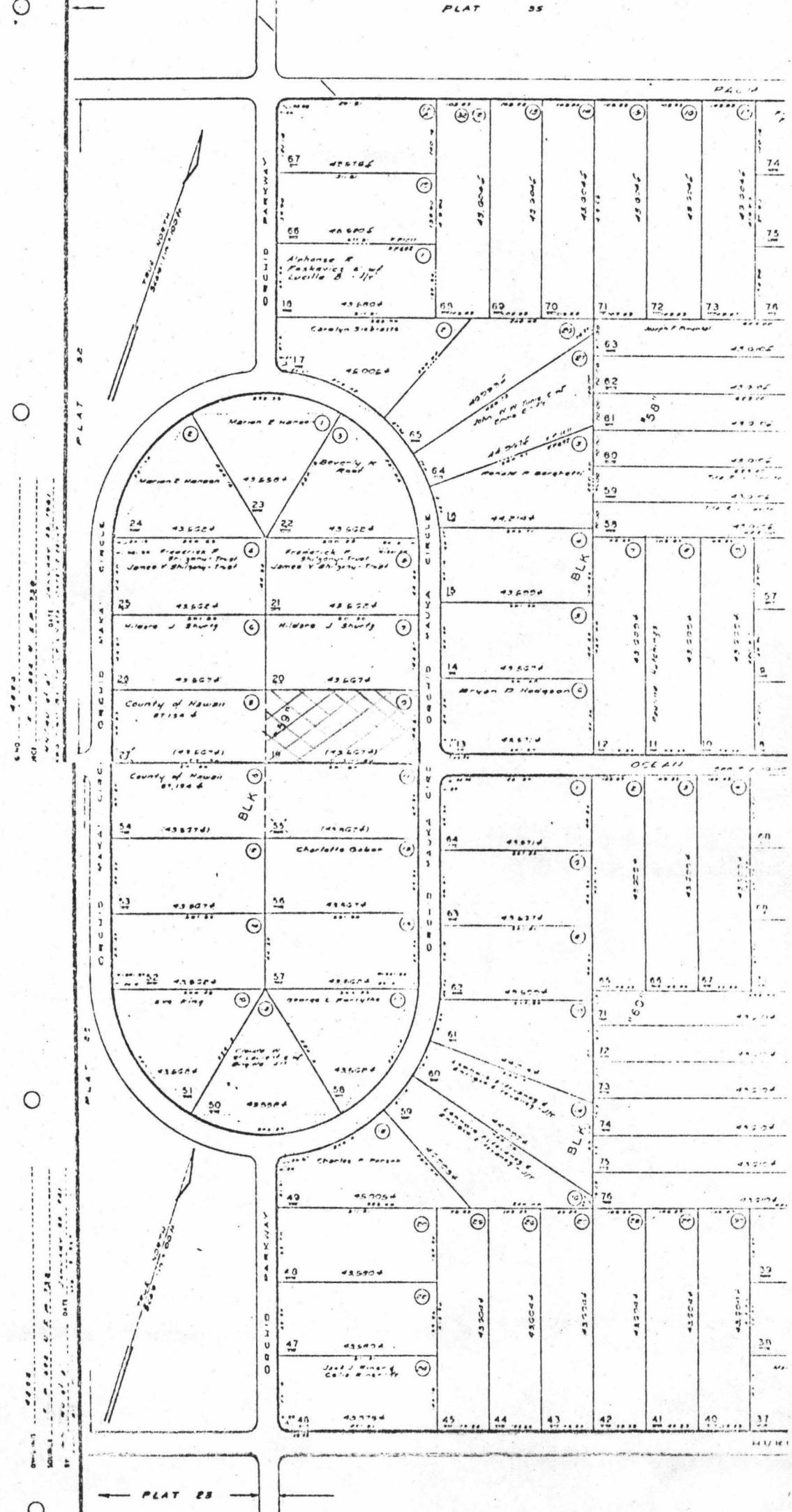
PROJECT LOCATION PLAN ✓
ZONE 9 SEC. 2

MANUKA MESSENGER
P. O. Box 25
MANUKA, HAWAII 96726

EXHIBIT A-4

FILE NO. 1
COUNTY OF HAWAII
PLANNING DEPT.

RECEIVED
78 MAY 11 PM 3 '64



SPECIFIC LOCATION PLAN

FOR HAWAIIAN OCEAN VIEW ESTATES, GR 2291 KAHIWA, KAU, HAWAII, F.P. 738 (Formerly 9-2-01-51)
F.P. 692 (Formerly 9-2-01-7)

EXHIBIT A-5

RECEIVED

'78 MAY 17 PH 3 85

PLANNING DEPT.
COUNTY OF HAWAII
FILE NO.

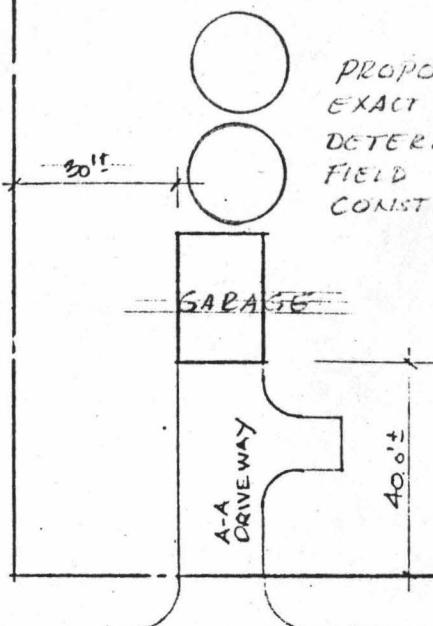
144.50'

SITE PLAN

301.50'

43,567 sf

PROPOSED TANKS
EXACT LOCATION TO BE
DETERMINED ON THE
FIELD TO MINIMIZE
CONSTRUCTION COSTS



PLOT PLAN

Sc. 1" = 20.0'

HAWAIIAN OCEAN VIEW ESTATES
TAX MAP KEY: 9-2-21-19 LOT~9

EXHIBIT A-6

FILE NO
COUNTY OF HAWAII
PLANNING DEPT.

78 MAY 17 PH 3 05

RECEIVED

May 22, 1978

Fire Department
466 Kinoole St.
Hilo, HI 96720

Dear Gentlemen:

Special Permit - Water Storage Tanks
TNK: 9-2-31:19 (lot 9)

This is to acknowledge receipt on May 17, 1978 of the above described special permit application.

The County Planning Commission shall conduct a public hearing on the request within a period of not less than thirty (30) nor more than one hundred twenty (120) days from the receipt of the application. The Planning Commission shall then act on the application not earlier than fifteen (15) days after the public hearing but within a reasonable time thereafter. Should the Planning Commission recommend favorably on the request, it will then be forwarded to the State Land Use Commission for final action.

However, the Planning Commission may deny the request if it is found that the proposed use does not meet the special permit guidelines. In this case, their decision is final. In accordance with the provisions of Chapter 205-6, Hawaii Revised Statutes, a denial by the Planning Commission may be appealable to the Circuit Court of the circuit in which the land is situated, in this case, the Third Circuit Court.

Notice of the time and place of the public hearing shall be forwarded when the application is scheduled for Commission action.

Should any questions arise, please contact Ilima Piianaia or Keith Kato of this department at 961-8288.

Sincerely,



SIDNEY FUKE
Director

EXHIBIT B

IP:ak

cc: DWS

State Land Use Commission
DPED - Land Use Division

MAY 23 1978

MEMORANDUM:

PLANNING DEPARTMENT - County of Hawaii, Hilo, Hawaii 96720

To: DPW SOIL CONSERVATION Date: May 22, 1978
POLICE DEPT. OF AGRICULTURE
HIGHWAYS HELCO
HEALTH

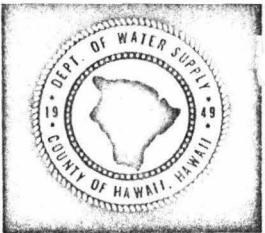
From: DIRECTOR *Sefton*

Subject: Special Permit - Water Storage Tanks
Fire Department
TMK: 9-2-31:19 (lot 9)

The attached application for a special permit is forwarded for your review. May we have written comments within two weeks. Thank you.

ak
Enclosure

7
EXHIBIT C



W
John
DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820

HILO, HAWAII 96720

25 AUPUNI STREET

May 10, 1978

TO: Planning Department
FROM: Manager
SUBJECT: SPECIAL PERMIT APPLICATION
HAWAIIAN OCEAN VIEW ESTATES
TAX MAP KEY 9-2-31:19, LOT 9

Enclosed for your further processing are sixteen (16) copies each of the following:

1. Special Permit Application.
2. Statement of Reasons.
3. Environmental Impact Assessment.
4. Location Map.
5. Project Location Plan.
6. Specific Location Plan.
7. Site Plan.

Should you have any questions or require further information, please call us.

Akira Fujimoto
Akira Fujimoto
Manager

MP

Encs.

cc - Hawaii Fire Dept. (w/encs.)

EXHIBIT D

... Water brings progress...

HAWAII ELECTRIC LIGHT COMPANY, INC.

P. O. BOX 1027 HILO, HAWAII-96720



May 25, 1978

County of Hawaii
Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke
Director

Subject: SMA Use Permits

Gentlemen:

We have no comments to the following permits:

Mr. Kiyoto Segawa)
Office & Warehouse Building) Memo dated 5/18/78
& Related Improvements)
TMK: 2-1-07:47 & 49)

Very truly yours,

Jitsuo Niwao, Manager
Engineering Department

JN:bk

EXHIBIT E

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE May 25, 1978

Memorandum

TO : Planning Department

FROM : Chief Engineer

SUBJECT: Special Permit - Water Storage Tanks
Fire Department
TMK: 9-2-31:19, Lot 9

In response to your May 22, 1978 memo, we have reviewed the subject special permit application and have no comments to offer.

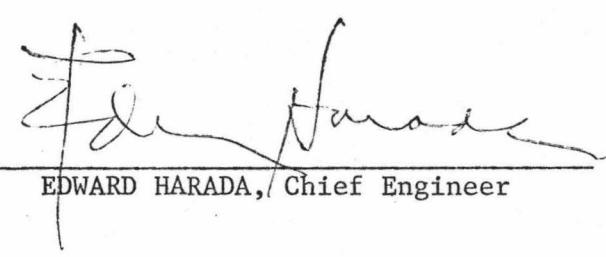

EDWARD HARADA, Chief Engineer

EXHIBIT F

GEORGE R. ARIYOSHI
GOVERNOR



JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE

YUKIO KITAGAWA
DEPUTY TO THE CHAIRMAN

BOARD MEMBERS:

Suzanne D. Peterson
MEMBER - AT - LARGE

ERNEST F. MORGADO
MEMBER - AT - LARGE

Sidney Goo
MEMBER - AT - LARGE

Federico Galdones
HAWAII MEMBER

James E. Nishida
KAUAI MEMBER

FRED M. OGASAWARA
MAUI MEMBER

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
1428 SO. KING STREET
HONOLULU, HAWAII 96814

May 30, 1978

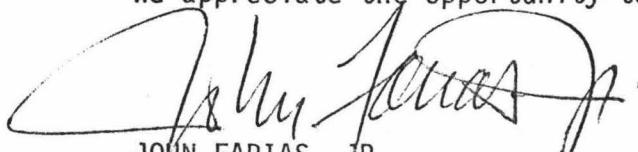
MEMORANDUM

To: Mr. Sidney Fuke, Director
Hawaii County Planning Department

Subject: Special Permit - Water Storage Tanks
Fire Department
TMK: 9-2-31: 19 (lot 9)

The Department of Agriculture has no objections to this
Special Permit request.

We appreciate the opportunity to comment.



JOHN FARIAS, JR.
Chairman, Board of Agriculture

EXHIBIT G

MEMORANDUM:

PLANNING DEPARTMENT - County of Hawaii, Hilo, Hawaii 96720

To: DPW SOIL CONSERVATION Date: May 22, 1978
POLICE DEPT. OF AGRICULTURE
HIGHWAYS HELCO
HEALTH

From: DIRECTOR *Jeff Atwell*

Subject: Special Permit - Water Storage Tanks
Fire Department

TMK: 9-2-31:19 (lot 9)

The attached application for a special permit is forwarded for your review. May we have written comments within two weeks. Thank you.

Department of Health
Hilo, Hawaii
June 2, 1978

ak
Enclosure

COMMENTS

Found no environmental health concern.

Harold
HAROLD MATSUURA
Chief Sanitarian, Hawaii

EXHIBIT H

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

P. O. Box 1361, Hilo, Hawaii 96720

June 9, 1978

Mr. Sidney Fuke, Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Subject: Special Permit - Water Storage Tanks
Fire Department
TMK 9-2-31:19 (lot 9)

There does not appear to be any soil and water conservation-related concerns regarding the above.

Sincerely,

Larry R. Soenen
Larry R. Soenen
District Conservationist

POINT I





PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

COUNTY OF
HAWAII

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

June 16, 1978

Dear Property Owner: TMK:

Special Permit Application
Kahuku, Ka'u, Hawaii
Tax Map Key 9-2-31:19

You are hereby notified that a request for a special permit to allow the construction of water storage tanks for volunteer fire fighting purposes of 43,567 square feet of land situated within the State Land Use Agricultural District has been submitted by the petitioner, County of Hawaii Fire Department.

The property involved is located on the northeastern corner of the intersection of Ocean View Parkway and Orchid Circle Mauka, Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, Hawaii.

A public hearing on the subject among others will be held beginning at 7:00 p.m. on Thursday, June 29, 1978, in the Council-room, County Building, South Hilo, Hawaii.

You are invited to comment on the application at the hearing or submit written comments prior to the hearing.

sincerely,

Sidney M. Fuke
Director

smn

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT J

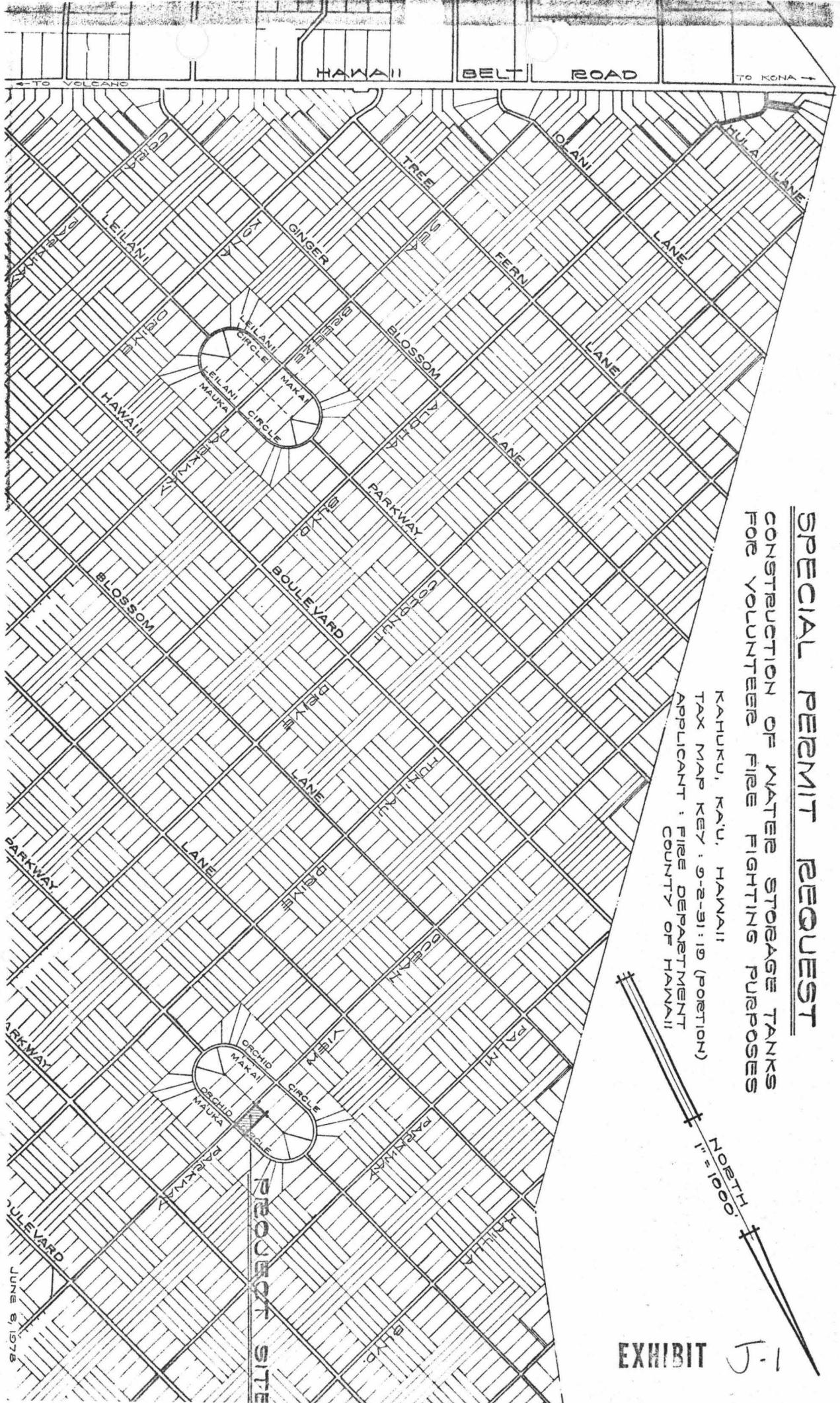
JUN 16 1978

SPECIAL PERMIT REQUEST

CONSTRUCTION OF WATER STORAGE TANKS
FOR VOLUNTEER FIRE FIGHTING PURPOSES

KAHUKU, KAU, HAWAII
TAX MAP KEY : 9-2-31:19 (PORTION)
APPLICANT : FIRE DEPARTMENT
COUNTY OF HAWAII

NORTH
1" = 1000'



EXHIBIT

J-1

KATHREN, KIM

Special Permit
COUNTY OF HAWAII / FIRE DEPT.
WATER STORAGE TANKS
TMK 9-2-31 = 19 PCT (LOT 9)

T.O.
6/14

10

13 Ruth Stewart
8521 Milne Drive
Huntington Bch, CA 92646

14 Harry E. Reitz
6208 STYLK Rd.
OKLAHOMA CITY, OK 73112

20 Hildare J. Shurtliff
9900 SO. Hoyne
Chicago ILL 60643

26 same as 20

9-2-30: 53 Exeter Equities
52 Church St
Boston, MA 02116

54 County of Hawaii

56 Eder Eugene
111 E Wisconsin Ave
Milwaukee, WI 53202

64 Joseph Montes
11614 Groveland Ave
Whittier CA 90604

9-2-29:25 Garth Nelson
3216 Ellington Dr.
Hollywood, CA 90068

9-2-32: 1 Gloria G. Morey
7621 Laurel Canyon
N. Hollywood CA 91605

2 Donald MacGregor
1025 Hagen Court
Simi, CA 93065

EXHIBIT J-2

June 16, 1978

Mr. Donald Thompson
County of Hawaii
Fire Department
466 Kinoole Street
Hilo, HI 96720

Dear Mr. Thompson:

Notice of a Public Hearing
Special Permit Application
Tax Map Key 9-2-31:19

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 7:00 p.m. on Thursday, June 29, 1978, in the Council-room, County Building, South Hilo, Hawaii.

The presence of a representative will be appreciated in order that all questions relative to the request may be clarified.

A copy of the hearing notice and agenda is enclosed for your information.

Sincerely,

Sidney M. Fuke
for Sidney M. Fuke
Director

smn

Enclosure

cc: State Land Use Commission
Land Use Division, DPED
Dept. of Water Supply

EXHIBIT K

JUN 16 1978

PUBLIC HEARINGS

PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Councilroom, County Building, South Hilo, Hawaii

DATE: Thursday, June 29, 1978

TIME: Items 1 to 3: 3:30 p.m.
Items 4 and 5: 7:00 p.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. PETITIONER: FRATERNAL ORDER OF EAGLES, HILO AERIE
NO. 3642

LOCATION: Adjacent to the Girl Scout Service Center
on the south side and just off of the Kea'au-
Pahoa Road, Kea'au, Puna.

TMK: 1-6-04:portion of 11

PURPOSE: Special Permit application to allow the
establishment of a fraternal home on one (1)
acre of land situated within the State
Land Use Agricultural District.

2. PETITIONER: THE NATURE CONSERVANCY

LOCATION: Land division of Maulua Nui, North Hilo

TMK: 3-4-02:4

PURPOSE: Variance application from roadway improve-
ment requirements for a proposed 3-lot
subdivision.

RECEIVED K-1

3. PETITIONER: DR. JOHN LEONARD

LOCATION: Immediately north of Sako Store on the east side of the Volcano Highway, Ol'aa Reservation Lots, Ola'a, Puna.

TMK: 1-7-19:portion of 25

PURPOSE: Change of zone application for 24,056 square feet of land from a Single Family Residential - 20,000 square foot (RS-20) to a Neighborhood Commercial - 10,000 square foot (CN-10) zoned district.

4. PETITIONER: COUNTY OF HAWAII FIRE DEPARTMENT

LOCATION: Northeastern corner of the intersection of Ocean View Parkway and Orchid Circle Mauka, Hawaiian Ocean View Estates subdivision, Kahuku, Ka'u.

TMK: 9-2-31:19

PURPOSE: Special Permit application to allow the construction of water storage tanks for volunteer fire fighting purposes on 43,567 square feet of land situated within the State Land Use Agricultural District.

5. PETITIONER: COUNTY OF HAWAII DEPARTMENT OF PUBLIC WORKS

LOCATION: Kamehameha Avenue between Mamo Street and Waianuenue Avenue, city of Hilo, Ponahawai and Punahoa 1st, South Hilo.

TMK: 2-3-01, 02, and 07

PURPOSE: Continuation of a public hearing on the Special Management Area (SMA) Use Permit application to allow the realignment of Kamehameha Avenue between Mamo Street and Waianuenue Avenue.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION,
WILLIAM F. MIELCKE, Chairman
By SIDNEY M. FUKE
Planning Director

(Hawaii Tribune-Herald: June 19 and 27, 1978)

PLANNING COMMISSION

Planning Department
County of HawaiiMINUTES
June 29, 1978

The Planning Commission met in regular session at 1:30 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Lorraine R. Jitchaku
Haruo Murakami
Bert H. Nakano
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: Shigeru Fujimoto
Ex-officio Member
Akira Fujimoto

Sidney M. Fuke, Director
Ilima Piianaia, Planner
Keith Kato, Planner (Left at 4:56 p.m.)
William Moore, Planner (Left at 4:46 p.m.)

Edmund Morimoto, representing Ex-officio Member Edward Harada (Left at 3:30 p.m.)
David Murakami, representing Ex-officio Member Edward Harada (From 3:30 p.m.)
Lionel Meyer, Deputy Corporation Counsel

and about 8 people in attendance at 1:30 p.m., 16 people at 3:49 p.m. and 21 people at 7:00 p.m.

EXHIBIT L

RECESS:

A recess was called at 4:36 p.m. until the scheduled public hearings at 7:00 p.m.

RECONVENED:

The meeting reconvened at 7:00 p.m.

SPECIAL PERMIT
COUNTY OF HAWAII
FIRE DEPARTMENT
KAHUKU, KA'U

Public hearing on the application of the County of Hawaii Fire Department for a Special Permit to allow the construction of water storage tanks for volunteer fire fighting purposes on 43,567 square feet.

of land situated within the State Land Use Agricultural District. The property involved is located on the northeastern corner of the intersection of Ocean View Parkway and Orchid Circle Mauka, Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, TMK: 9-2-31:19.

Staff presented background information on file.

The petitioner's representative, Fire Chief Donald Thompson, clarified that the ten-mile distance to the closest water point mentioned in the staff's report is actually double because ten miles is only one way. He added that the existing 5,000-gallon capacity is inadequate in terms of extinguishing a fire and preventing it from spreading, and they intend to put up tanks in excess of 20,000 gallons.

For the staff's information, Chief Thompson clarified that they do not intend to put up more than two tanks in the future on this site.

Under public testimony, Councilman Jim Dahlberg, on behalf of the people in the district of Ka'u, requested the Commission's favorable recommendation on this request.

Chief Thompson at this time added that they are working on a \$25,000 budget, which is a State-funded project, latched onto the Board of Water Supply's appropriation, and that it will be a metal tank.

It was moved by Commissioner Jitchaku and seconded by Commissioner Nakano that the public hearing be closed; motion was carried.

SMA USE PERMIT
COUNTY OF HAWAII
DEPARTMENT OF
PUBLIC WORKS
SOUTH HILO

Continuation of a public hearing on the application of the County of Hawaii Department of Public Works for a Special Management Area (SMA) Use Permit to allow the realignment of Kamehameha Avenue between Mamo Street and Waianuenue Avenue, in the city of Hilo, Ponahawai and Punahoa 1st, South Hilo, TMK: 2-3-01, 02 and 07.

The Chair reported that as this is a continuation of a public hearing, staff will not be reading the background report again.

The petitioner's representative, Chief Engineer Edward Harada, requested the continuation of the public hearing to allow the Public Works Department further time to digest the information presented at their June 15th workshop, in addition to the testimony to be presented this evening.

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
June 29, 1978

A regularly advertised public hearing, on the application of the County of Hawaii Fire Department, was called to order at 7:00 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT:	William F. Mielcke J. Walsh Hanley Lorraine R. Jitchaku Haruo Murakami Bert H. Nakano Alfredo Orita William J. Paris, Jr. Charles H. Sakamoto	ABSENT:	Shigeru Fujimoto Ex-officio Member Akira Fujimoto
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Sidney M. Fuke, Director
Ilima Piianaia, Planner

David Murakami, representing Ex-officio Member Edward
Harada
Lionel Meyer, Deputy Corporation Counsel

and about 21 people in attendance

CHAIRMAN: . We'll proceed with public hearings advertised for 7 p.m. Item number four on the agenda, public hearing on the application of the County of Hawaii Fire Department for a Special Permit to allow the construction of water storage tanks for volunteer fire fighting purposes on 43,567 square feet of land situated within the State Land Use Agricultural District. The property involved is located on the northeastern corner of the intersection of Ocean View Parkway and Orchid Circle Mauka, Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, TMK: 9-2-31:19. Staff?

PIIANAIA: (Presented background on file.)

CHAIRMAN: Thank you, Ilima. For the benefit of the audience, the purpose of the Special Permit is to use land within the State Land Use Agricultural or Rural District for other than uses permitted within these districts. The Planning Director's role is to review and make recommendations to the Planning Commission. The Planning Commission's role is advisory if recommending for approval, adjudicatory if denial. Our responsibility is to conduct a public hearing after 30 days but within 120 days from receipt of the petition. This affords the Commission an opportunity to receive information from the staff and from the petitioner. Public testimony will be taken. No testimony or

EXHIBIT M

rebuttal will be allowed after the public hearing is closed. Vote to close the public hearing or continue the public hearing will be by a majority vote.

Members of the Commission, you have heard the staff's background report on the application. Do you have any questions of the staff? If there are no questions from the staff, the Chair at this time would like to invite the applicant or a representative of the applicant to come forward.

Chief Thompson, we'll have to swear you in. Do you swear to tell the truth and nothing but the truth on this matter now before the Hawaii County Planning Commission?

THOMPSON: I do.

CHAIRMAN: Would you please be seated and state your name into the microphone.

THOMPSON: My name is Donald Thompson. I'm the Fire Chief for the Hawaii County Fire Department; and this particular permit is set up for that particular parcel indicated by your staff.

CHAIRMAN: Thank you, Chief Thompson. Do you have anything to add to the staff's background report?

THOMPSON: No, I think this covers everything with the exception that it may confuse the members of this board, or Commission, in that it was mentioned that it was a ten-mile distance to the closest water point, and if we're dealing with fires, we'll have to take double that because of the turn-around time, which would be twenty miles.

CHAIRMAN: Commissioners, do you have any questions you'd like to direct to Chief Thompson?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Commissioner Murakami.

MURAKAMI: Chief Thompson, when you say, "Existing water storage for the fire truck is of a limited capacity", what is the limited capacity with the existing water tank you have now?

THOMPSON: We have about a 5,000 gallon water tank.

MURAKAMI: Five thousand gallons?

THOMPSON: Yes. And the one we intend to put up would be in excess of 20,000.

MURAKAMI: Twenty-thousand.

THOMPSON: Yes.

CHAIRMAN: Commissioner Sakamoto?

SAKAMOTO: Chief Thompson, in case of, you know, when you have the tank and then in case of fire and you use all the water, how you're going about filling up the tank?

THOMPSON: Well, depending on the amount of water we would draw from that particular source; and with about 24,000 gallons and based on the size of hose you use, we may not exhaust or deplete that tank on one fire. And given the nature of the area, we have some rain other than during the drought area, we'll use its own watershed or a cover as a catchment for the water system.

CHAIRMAN: Commissioner Orita, you have a question?

ORITA: Chief, how many volunteers have you got in case you do have a fire?

THOMPSON: Out there we have approximately 17 volunteers who are active in firefighting and training; but in the time of need, we find that this number is triple because you have a lot of people interested in that area and it's their property, they'll come out.

CHAIRMAN: Commissioner Murakami.

MURAKAMI: Mr. Thompson, normally, what is the normal amount of water you use for a normal fire for a residential home?

THOMPSON: It depends on the extent of the fire and what is burning. Let's take a normal home, a normal type of fire, and when I say normal we will usually have a fire that is a mattress-type fire, then with the use of minimum supply of water, maybe 150 gallons, you can remove that mattress from the building and only use the amount of water that you need. But if the whole building was enveloped, then the use of the water will not be on the building, but it would be used to cool off those areas, structures that are still standing.

MURAKAMI: In other words, what you're saying is that the existing 5,000 capacity is not enough actually if you have a really good fire?

THOMPSON: That's right.

CHAIRMAN: Both in terms of extinguishing the fire and preventing it from spreading.

THOMPSON: And preventing it from spreading.

CHAIRMAN: Yes, staff.

PIIANAIA: Chief Thompson, just for clarification purposes, in the submittals you showed two proposed water tanks. Do you expect to put up more than two tanks?

THOMPSON: Not at this time.

PIIANAIA: In the future do you expect to put up more than two tanks?

THOMPSON: Not on this site.

PIIANAIA: Thank you.

CHAIRMAN: Commissioners, do you have any further questions of Chief Thompson? Chief, there does not appear to be any further questions from the Commission. However, this is a public hearing and we'd like to ask that you remain in the audience in the event a question comes up that we'd like to refer to you. Thank you.

Ladies and gentlemen, this is a public hearing on the application of the County of Hawaii Fire Department for a Special Permit. The Chair at this time would like to recognize anyone who would like to testify either for or against this application.

Councilman Dahlberg, we'll have to swear you in. Do you swear to tell the truth and nothing but the truth on this application now before the Hawaii County Planning Commission?

DAHLBERG: I do.

CHAIRMAN: Would you please be seated and state your name into the microphone.

DAHLBERG: My name is Jim Dahlberg from the district of Ka'u. Mr. Chairman and Members of the Planning Commission, thank you for this opportunity to address you this evening. The people of the district of Ka'u have made it very clear to me as their representative to the County Council that 24-hour fire protection and fire protection in general is of top priority to the district. And so I come before you this evening to ask you to approve of the putting of tanks on the property in Hawaiian Ocean View because this will help us to be one step closer to having that much more of an efficient, not only fighting fire organization in the Hawaiian Ocean View Estates, but for Ka'u in general; and because this is of top priority to the people of Ka'u, I would like to please ask for your approval this evening. I'd be happy to answer any questions that you might have of me.

CHAIRMAN: Thank you, Councilman Dahlberg. Commissioners, do you have any questions you'd like to refer?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Commissioner Murakami.

MURAKAMI: Jim, can you tell me what the total cost of putting up a tank like this? Since you're on the Council, more or less you folks got an idea as to what the appropriation of it.

DAHLBERG: Okay, I'd not familiar with the total cost of both tanks or one tank; and I would refer that question to our Fire Chief.

CHAIRMAN: Chief Thompson, do you have the cost estimates?

THOMPSON: At the present time, we're working on a \$25,000 budget; and this is not a County-funded project. This is a

project that is funded through the State and this is latched on to the appropriation with the Board of Water Supply.

CHAIRMAN: And the funds have been allocated?

THOMPSON: Yes.

MURAKAMI: All right then let me ask you another question. You say you're working on \$25,000 funds, what kind of a structure would it be constructed with, metal, concrete?

THOMPSON: This will be a metal tank.

CHAIRMAN: Thank you. Commissioners, any further questions of Councilman Dahlberg? Thank you for your testimony.

DAHLBERG: Thank you.

CHAIRMAN: The Chair at this time would like to recognize anyone else who would like to testify either for or against this application. Staff, any further questions of the applicant?

PIIANAIA: No, Mr. Chairman.

CHAIRMAN: If there is no further testimony to come before the Commission, the Chair will entertain a motion to close the public hearing.

JITCHAKU: So move, Mr. Chairman.

NAKANO: Second the motion.

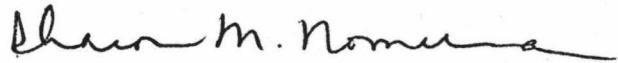
CHAIRMAN: It has been moved by Commissioner Jitchaku and seconded by Commissioner Nakano that the application of the County of Hawaii Fire Department for a Special Permit be closed. All those in favor so signify by saying aye?

COMMISSIONERS: Aye.

CHAIRMAN: Oppose, same sign? The public hearing is closed.

Public hearing adjourned at 7:19 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T:



William F. Mielcke
Chairman, Planning Commission

June 30, 1978

Mr. Donald Thompson
County of Hawaii
Fire Department
466 Kinole Street
Hilo, HI 96720

Dear Mr. Thompson:

Special Permit Application
Tax Map Key 2-2-31:19

The Planning Commission at its meeting of June 29, 1978, held a duly advertised public hearing on your application for a special permit to allow the construction of water storage tanks for volunteer fire fighting purposes on 43,567 square feet of land situated within the State Land Use Agricultural District at Kahuku, Ka'u, Hawaii.

In accordance with the provisions of Section 205-6, Hawaii Revised Statutes, the Commission shall act on such petition not earlier than fifteen (15) days after the said public hearing.

We shall notify you when the Commission is ready to take action on your request.

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

lgv

cc State Land Use Commission
Land Use Division

EXHIBIT N

JUN 30 1978

July 10, 1978

Mr. Donald Thompson, Fire Chief
County of Hawaii
Fire Department
466 Kinoole Street
Hilo, HI 96720

Dear Chief Thompson:

Special Permit Application
Tax Map Key 9-2-31:19

Your application will again be discussed on Wednesday, July 19, 1978, by the Planning Commission. The meeting will be held in the Na'alehu Elementary School Cafetorium, Na'alehu Village, Kaunamano, Ka'u, Hawaii, and is scheduled to begin at 6:30 p.m.

You will be notified of the Commission's decision.

A copy of the agenda is enclosed for your information.

Sincerely,

Sidney M. Fuke

Sidney M. Fuke
Planning Director

SMM

Enclosure

cc: Department of Water Supply
State Land Use Commission
Land Use Division, DPED

EXHIBIT O

JUL 10 1978

SPECIAL PERMIT: COUNTY OF HAWAII FIRE DEPARTMENT

The County of Hawaii Fire Department is requesting a Special Permit to allow the construction of water storage tanks for volunteer fire fighting purposes and for the retention of a garage for the storage of a fire truck on 43,567 square feet of land situated within the State Land Use Agricultural District. The property involved is located on the northeastern corner of the intersection of Ocean View Parkway and Orchid Circle Mauka, Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u (TMK: 9-2-31:19).

More specifically, the Fire Department is proposing to construct water tanks for the purpose of providing backup storage capacity for the fire trucks serving this area. This request is also to allow the continued use of a 384-square foot garage constructed in 1972 for the parking of a fire truck when it is not in use. This building was permitted as an apparatus shed. However, the use of this structure for the parking of the fire truck is included in the Special Permit request to legitimize it.

In support of this request, the Fire Department submitted the following:

- "1. Hawaiian Ocean View Estates presently has a volunteer fire fighting unit that utilizes a fire truck stationed at Tax Map Key 9-2-31:19, Lot 9, which is owned by the

EXHIBIT P

County of Hawaii. Existing water storage for the fire truck is of a limited capacity. Should a sizeable fire occur, the existing storage would be depleted rapidly. Additional storage, therefore, would be very beneficial to the residents in that area.

There is also a volunteer fire fighting unit at Naalehu (approximately 12 miles away). With an additional storage of water at Hawaiian Ocean View Estates, the Naalehu fire truck could be used at Hawaiian Ocean View Estates throughout the fire without having to refill at a water point located at Waiohinu, approximately 10 miles southeast of Hawaiian Ocean View Estates, which would waste precious time.

- "2. The proposed use would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The proposed use would, in fact, compliment the objectives by providing added security to those residents engaged in or who plan to engage in the permitted use of the land.
- "3. The proposed use shall not adversely affect surrounding properties; it will provide better fire protection. Also, all required setbacks and building regulations will be adhered to.

"4. The proposed use will not put any burden on public agencies to provide additional services. The subdivision is privately owned and maintained, and this project would only aid the volunteer fire fighters dependability.

"5. With the increasing number of homes being built in Hawaiian Ocean View Estates, a voluntary fire fighting unit was established; therefore, as mentioned previously, this use will result in aiding those volunteers.

"6. The land upon which the permitted use is requested was dedicated and conveyed to the County of Hawaii on May 4, 1965 by Hawaiian Ocean View Estates. Although the land itself is suited for the existing permitted use, it is not the County of Hawaii's intent to use it as such.

"7. No alterations or changes will occur to the essential character of the land and its present use.

"8. Fire protection is essential to every community; therefore, it is felt that the requested use will make the highest and best use of the land involved for the public welfare."

The General Plan Land Use Pattern Allocation Guide Map designates this area as Orchard. The parcel is situated within the Agricultural - 1 acre (A-1a) zoned district.

The subject area is presently used for the parking of the fire truck. This parcel was originally dedicated to the County of Hawaii in May, 1965, by the developer. The use of this area was limited by a deed restriction solely for the purpose of establishing a neighborhood park and/or playground site. This deed is presently in the process of being amended to permit the proposed use.

The subject area is a portion of the Hawaiian Ocean View Estates Subdivision which consists of over 10,000 lots, approximately one acre in size. There are approximately 150 single family dwellings situated in this subdivision. The area immediately surrounding the subject area is presently vacant.

Soils of the subject area consist of A'a lava. This lava type has practically no soil covering and is generally bare of vegetation except for mosses, lichens, ferns, and ohia trees. The Soil Conservation Service's overall capability rating for these soils is Class VIII. Class VIII refers to those soils and landforms that have limitations that preclude their use for commercial plants and restrict their use to recreation, wildlife, or water supply, or to esthetic purposes. The Land Study Bureau's Master Capability Rating for these soils is Class "E" or "Very Poor". Average rainfall in this area is 20 to 24 inches annually.

Access to the subject area is from both Ocean View Parkway and Orchid Circle Mauka. These roads, which are privately owned and

maintained, consist of oil-treated cinder surfaces approximately 16 feet wide within a forty (40) foot wide right-of-way.

The water system for this area consists of individual roof catchment with tank storage. In addition, there is no public electrical service to many parts of the subdivision including the area under consideration.

All other cooperating agencies had no comments on or objections to the subject request.

RECOMMENDATION: COUNTY OF HAWAII FIRE DEPARTMENT

Upon review of the request against the guidelines for considering a Special Permit, staff is recommending that it be given favorable consideration based on the following findings:

That the proposed use would not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. 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 these lands are best suited in the interest of public health and welfare of the people.

The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District does include lands surrounded by or contiguous to agricultural and ancillary activities by reason of topography, soil and other related characteristics. According to the United States Department of Agriculture, Soil Conservation Service's Soil Survey Report issued in December of 1973, the subject area is classified as 'A'a lava. The Soil Conservation Service's overall capability rating for this soil type is Class VIII. Class VIII refers to soils that have limitations that preclude their use for commercial plant and restrict their use to recreation, wildlife, or to water supply, and to esthetic purpose. This class is the lowest in the Soil Conservation Service's ranking system for agricultural activity. The Land Study Bureau's overall master productivity rating for agricultural use is Class E or Very Poor.

Although it is still possible that some form of agricultural activity may be conducted on the subject property, it is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the capability class rating of the subject property for agricultural productivity and the above-cited criterion for determining the Agricultural District classification.

Further, the use of the subject property for non-agricultural purposes is not expected to have any adverse effect on the overall agricultural potential of the region or the County and State as the land is not presently being used for any agricultural activity.

That the proposed use will make the highest and best use of the land involved for the public welfare. The subject request is to allow the construction of water storage tanks for volunteer fire fighting purposes and the retention of a garage for the storage of a fire truck. The granting of this request will provide a much needed facility for this area of Ka'u. The Hawaiian Ocean View Estates Subdivision, within which the subject area is situated, consists of over 10,000 lots approximately one acre in size. There have been over 150 single family residential dwellings constructed within this subdivision since 1965. Because of this growth and the relative isolation of this

subdivision, a volunteer fire fighting unit was formed to provide fire protection. However, the nearest dependable water system is in the village of Waiohinu, over ten miles away. Consequently, when the fire truck tanks are emptied, the truck must be driven to Waiohinu, refilled there, then returned to the site of the fire which is a twenty mile round trip. The construction of the proposed storage tanks will permit the truck to be refilled within the subdivision, thus significantly decreasing the distance the truck must travel. This will enable the truck to provide much more efficient service, thereby increasing its fire fighting capabilities. It is therefore determined that the use of the subject area for the proposed water tank and garage uses will be in the best interest of public health and welfare of the people, properties, and improvements of this portion of the County.

Furthermore, the granting of this Special Permit request will be in accordance with the Public Facilities Element of the General Plan which states as a goal:

"To provide public facilities that effectively service communities needs and to seek ways of improving public service through better and more functional facilities which are in keeping with environmental and aesthetic concerns of the community."

That the proposed use will not have any significant adverse impact on surrounding areas. The only adverse impact associated with the proposed water tanks and garage facilities will be the visibility of these improvements from surrounding areas. However, it is determined that the proposed improvements will not be out of character with then surrounding areas. The Hawaiian Ocean View Estates Subdivision consists primarily of vacant lands and scattered residences. The proposed development, including the garage will be of a scale and manner in keeping with this character. Furthermore, the reasonable size of the subject parcel as well as surrounding areas will allow the siting of improvements whereby visual impact can be adequately mitigated. Furthermore, it is determined that long term benefits of the proposed improvements, namely increased fire protection, will more than offset any adverse impact which may occur.

It is further recommended that the request be given favorable consideration subject to the following conditions:

1. That construction commence within two (2) years of the effective date of approval and be completed within two (2) years thereafter.
2. That all other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date July 19, 1978

Petitioner County of Hawaii Fire Department - Special Permit

Preliminary hearing Public hearing Request Action

ACTION: Approve

Deny

Defer

Continue

Schedule for public hearing

Other: _____

Commissioners	Aye	No	Excused	Abstain
FUJIMOTO, Shigeru			✓	
HANLEY, J. Walsh	✓			
JITCHAKU, Lorraine R. <i>zul</i>	✓			
MURAKAMI, Haruo			✓	
NAKANO, Bert H.	✓			
ORITA, Alfredo	✓			
PARIS, William Jr.	✓			
SAKAMOTO, Charles <i>ll eve</i>	✓			
MIELCKE, William F.	✓			

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
July 19, 1978

The Planning Commission met in regular session at 1:15 p.m. in the Pahoa Neighborhood Facility Community Center, Pahoa, Puna, Hawaii, and at 6:30 p.m. in the Na'alehu Elementary School Cafetorium, Na'alehu Village, Kaunamano, Ka'u, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Lorraine R. Jitchaku
Bert H. Nakano
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: Shigeru Fujimoto
Haruo Murakami
Ex-officio Member
Akira Fujimoto

Sidney M. Fuke, Director
Ilima Piianaia, Planner
Osamu Matsunami, CZM Liaison Officer

David Murakami, representing Ex-officio Member Edward
Harada
Lionel Meyer, Deputy Corporation Counsel

and about 16 people in attendance at 1:15 p.m. and
17 people at 6:30 p.m.

All those testifying were duly sworn in.

EXHIBIT 4

Mr. Jim Dahlberg verbally presented some research material done by members of the Sportsmen Club of Ka'u and pointed out that the club's position was that the SMA Use Permit not be approved unless public access along the road is guaranteed. Mr. Dahlberg said the following questions were raised by the club members during their discussions: (1) will public access to Kawaa Bay be guaranteed along the shoreline trail if the SMA Permit is approved; (2) will construction and grading of the access road, reservoir, and water line destroy or relocate portions of the shoreline trail if the Permit is approved; (3) is the public presently allowed to use the access road in question to reach the ocean; and (4) will the public be allowed to use the access road in the future to reach the shoreline. Mr. Dahlberg said he questioned whether the petitioner did in fact receive proper permission to proceed and pointed out that the public access concern is something that has been a right to the people of Ka'u for over 50 years, which is slowly being taken away. Upon the Commission's request, Mr. Dahlberg said he will be submitting a written statement to the Commission later.

For the record, staff pointed out that the Department has on file a certified letter sent to the petitioner's representative, Stanley Roehrig, asking him to address the discrepancies in the CDUA and SMA Permit applications.

At this time the Deputy Corporation Counsel questioned Mr. Dahlberg whether he was appearing as an interested party on behalf of the Sportsmen Club of Ka'u. In reply, Mr Dahlberg stated that at the present time, he did not consider the club to be an interested party.

It was moved by Commissioner Jitchaku and seconded by Commissioner Paris that the public hearing be continued; motion was carried. The Chair at this time pointed out that he will leave it to the staff to determine the date for continuing the public hearing.

SPECIAL PERMIT
COUNTY OF HAWAII
FIRE DEPARTMENT
KAHUKU, KA'U Application of the County of Hawaii Fire Department for a Special Permit to allow the construction of water storage tanks for volunteer fire fighting purposes on 43,567 square feet of land situated within the State Land Use Agricultural District. The property involved is located on the northeastern corner of the intersection of Ocean View Parkway and Orchid Circle Mauka, Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, TMK: 9-2-31:19.


Staff presented recommendation for approval with conditions on file.

There was no one from the public testifying on the application.

It was moved by Commissioner Sakamoto and seconded by Commissioner Jitchaku to send a favorable recommendation to the State Land Use Commission with the conditions outlined by the staff. A roll call vote was taken and motion carried with seven ayes.

8

County Exhibits "S"
"R" and



COUNTY OF HAWAII
Fire Department
SPECIAL PERMIT

Ocean View General Store

Leroy's Coffee Shop

EXHIBIT

R