

COUNTY OF HAWAI'I PLANNING DEPARTMENT RECOMMENDATION

HAWAIIAN ACRES COMMUNITY ASSOCIATION AMEND SPECIAL PERMIT NO. 845 (PL-SPP-2025-000090)

Upon careful review of the request against the guidelines for amending a Special Permit, the Planning Director is recommending that the requests to **allow the development and operation of a community certified kitchen within a new multi-use community center building, parking, and related improvements, allow additional community uses on the property, and amend Condition No. 8 to allow an increase in the number of farmers' market stalls from 20 to 25 be approved by the Planning Commission.** Since this recommendation is made without the benefit of public testimony, the Director reserves the right to modify and/or alter this recommendation based upon additional information presented at the public hearing. This approval recommendation is based on the following findings:

The applicant, Hawaiian Acres Community Association (HACA), is requesting several amendments to Special Permit No. 845, which was originally issued in 1993 to allow the establishment of a volunteer fire station, community center and related improvements situated on three (3) acres of land and amended in 2014 to allow the establishment of a farmers' market and additional community uses within the community center building.

The current amendment requests include allowing the construction and operation of a certified community kitchen within a new, multi-use community center building, allowing additional community uses on the property, and amending Condition No. 8 to allow an increase in the number of farmers' market stalls from 20 to 25.

The first request is to allow the development and operation of a community certified kitchen within a new, 2,100 square foot (30'x70'), ADA compliant, multi-use community center building, parking, and related improvements on the back half of the property. This new building will replace the older community center structure that was destroyed in a fire in 2023 and will host community activities that were permitted to be held in the old community center structure (e.g., exercise/fitness programs, instructional classes, and fund-raising events) and newly described activities below.

The new, multi-use community center building will include the community certified kitchen, classroom/workshop/event space, two shared office spaces, two public restrooms and storage.

The community certified kitchen will include cooking, packaging/labeling, and value-added processing areas and is anticipated to operate 7 days a week from 8:00 a.m. to 7:00 p.m. and accommodate up to 12 people at a time. There will be a kitchen manager responsible for managing the kitchen schedule, ensuring compliance with policies, and coordinating use to avoid conflict with larger community events in the center.

The second request is to allow the expansion of community uses on the property, including the frequency of classes/activities from two classes per day to four classes per day with 10 to 15 participants per activity/class from the hours of 9:00 a.m. and 9:00 p.m. Additional proposed uses include:

- Educational activities related to the certified kitchen (e.g., food handling and labeling requirements, culinary arts, nutrition, general excise tax licensing, and value-added food processing).
- Monthly or bi-monthly HACA board meetings and Hawaiian Acres Road Corporation (HARC) meetings with 20-50 attendees.
- Monthly Hawaiian Acres Volunteer Fire Fighters training for up to 30 participants from 4:30 p.m. and 6:30 p.m.
- Weekly and monthly food distribution activities (e.g., weekly Vibrant Hawai‘i ‘Kaukau for Keiki’, monthly Food Basket ‘Kūpuna Pantry Program’, and ‘Da Box’ Community Supported Agriculture (CSA) program.
- Large events (e.g., fundraisers/holiday-specific celebrations) with up to 50 participants at a time and 100 total participants over four hours.
- The applicant proposes to repurpose the foundation/pony walls and existing septic system related to the burnt-down community center building by constructing a covered pavilion with grills and public restrooms.

Additionally, the applicant requests flexibility to add future community-serving programs or activities as needs/opportunities arise, without having to amend the Special Permit each time, provided they are similar in nature and less intensive than currently approved uses. This would save time and County resources while allowing the facility to

adapt to evolving community needs.

The third request is to amend Condition No. 8 to increase the number of vendor stalls from 20 to 25. The farmers' market will continue to be held one day a week for 4 to 6 hours. Under this amendment request, the number of vendors will be capped at 25 and the applicant anticipates that there will be approximately 50 visitors on site at any given time and approximately 200 visitors for the 6-hour period.

The applicant articulated the following reasons for the request: The Hawaiian Acres subdivision, established in 1958, is a large rural subdivision developed without full public utility infrastructure. HACA (founded in 1961), has long worked to improve conditions for residents and foster community connection. Since the COVID-19 pandemic, HACA members and local volunteers have provided essential food distribution and social service navigation, partnering with organizations such as Vibrant Hawai'i and the Hawai'i Island Food Basket to support kūpuna, families, and other vulnerable residents. The 2023 fire that destroyed the Hawaiian Acres Community Center significantly reduced the ability to deliver these services, forcing operations into the smaller on-site fire house and limiting outreach, emergency preparedness, and program delivery.

To restore and expand these capabilities, the applicant seeks to amend its special permit to construct a new multi-use community building that includes the construction and operation of a certified community commercial kitchen, funded in part by a County of Hawai'i grant and fiscally sponsored by Puna Mākaukau, a 501(c)(3) nonprofit organization. The proposed facility will provide a permanent, code-compliant location for food preparation, distribution, and value-added agricultural production, benefiting households impacted by inflation, unemployment, and food or housing insecurity, with a focus on low- and moderate-income residents. As part of the island-wide Resilience Hub network, the kitchen will also enhance disaster readiness and recovery capacity, supporting the County's broader goals for community resilience, food security, and rural economic development.

Granting the amendment requests would not be contrary to the original reasons for the granting of the permit. The proposed uses articulated in the amendment request would serve as an extension of the community-oriented activities already

permitted under the existing Special Permit for the 3-acre property, which currently authorizes uses such as a community center with activities, classes, meetings, a farmers' market, and a volunteer fire station. As such, these uses are also determined to be an unusual and reasonable use of lands situated within the Agricultural District and will not be contrary to the objectives of Chapter 205, HRS, as amended. The land upon which the existing and proposed uses are sought is unsuited for the uses permitted within the district. Soils are classified as "E" or "Very Poor" for agricultural productivity by the Land Study Bureau and unclassified by the Agricultural Lands of Importance to the State of Hawai'i (ALISH) Map.

Additionally, conditions of approval will minimize any potential adverse impacts to surrounding properties. Namely, the applicant will be required to secure Final Plan Approval from the Planning Director to allow for the review of the new multi-use community center building and increased farmers' market plans to ensure there is enough parking and landscaping to help mitigate traffic, visual and noise impacts and to ensure proper site drainage.

Conditions of approval will continue to require on-site parking for all community events and activities and parking on public or private streets will be prohibited. Furthermore, the applicant will continue to be required to provide traffic control attendant(s) to actively manage traffic flow and parking associated with farmers' market days in addition to larger community events. There will be sufficient graded land area surrounding the new multi-purpose community center building to accommodate parking needs for all permitted and proposed activities and uses.

A condition of approval will require the applicant to construct and operate the multi-use community center building/certified kitchen and provide community programs, activities, and uses as substantially represented in the application and as presented to the Planning Commission.

A condition of approval will also allow the applicant to introduce future community-serving programs or activities without the need to amend the Special Permit, provided they are similar in nature to the currently approved uses. Any such additions must be equal to or less in scale, intensity, and potential impact than the existing uses to avoid creating greater effects on the surrounding area. This safeguard ensures that

environmental, traffic, noise, and other impacts remain within the limits of previously approved thresholds. All other provisions and conditions of the Special Permit will continue to apply to any new programs. This approach allows the applicant to respond to evolving community needs while ensuring alignment with the scale and scope of already permitted uses.

While the applicant anticipates construction of the multi-use community center building to be complete within two years, the Planning Director is inclined to provide a 10-year timeframe to complete construction to account for any unanticipated delays related to funding, permitting, etc.

The amendment requests will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection.

Conditions of approval will compel the applicant to comply with State Department of Health requirements for operation of the certified kitchen and wastewater disposal. Additionally, the applicant will be required to supply potable and fire suppression water for the proposed structures and uses on the property.

Finally, to address the grading violation issued by the Department of Public Works, Engineering Division, a condition of approval will be added to require compliance with Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code, which will guide the applicant in securing an after-the-fact grading permit.

Based on the preceding, the granting of the amendment requests would not be contrary to the original reasons for the granting of this permit.

Approval of these requests would not be contrary to the General Plan, Puna Community Development Plan, or other documents such as Design Plans. The amendment request continues to be consistent with the Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan, which is located in an area identified as Extensive Agriculture. This category includes lands not classified as Important Agricultural Land and includes lands that are not capable of producing sustained, high agricultural yields without the intensive application of modern farming methods and technologies due to certain physical constraints such as soil composition, slope, machine tillability and climate. Other less intensive agricultural uses such as grazing and pasture may be included in the Extensive Agriculture category.

Additionally, the proposed community certified kitchen, expanded farmers' market and additional community service uses are consistent with the following policies of the General Plan:

- *Assist in the expansion of the agricultural industry through the protection of important agricultural lands, development of marketing plans and programs, capital improvements and continued cooperation with appropriate State and Federal agencies.*
- *Identify the needs of the business community and take actions that are necessary to improve the business climate.*
- *Assist in the promotion of the agriculture industry whose products are recognized as being produced on the island of Hawai'i.*
- *Encourage the establishment of open farmers' markets to allow local agricultural producers to market their products.*
- *Assist in cooperative marketing and distribution endeavors to expand opportunities for local agricultural products for export as well as to the local market.*
- *Continue to seek ways of improving public service through the coordination of service and maximizing the use of personnel and facilities.*
- *Coordinate with appropriate State agencies for the provision of public facilities to serve the needs of the community.*

While the Hawaiian Acres Subdivision is not situated within a designated village or town center in Puna Community Development Plan (PCDP) where community centers are expected to be located, the property has hosted community center uses for decades, thus the Director has determined that the expansion of community center uses on the property is appropriate due to historic use and community need. Furthermore, the proposed uses are supported by the following PCDP goals and actions:

- *Opportunities for diversified agriculture increase.*
- *Puna's agricultural production emphasizes environmentally friendly methods.*
- *Puna agricultural products represent an increasing local market share.*
- *Local job growth is primarily in "green" industries such as agriculture, alternative energy, communications technology, eco-tourism and natural resources management.*
- *Provide land and infrastructure for farmers' markets within village/town centers.*

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance

with the Fire Code, installation of improvements required by the Americans with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the preceding findings, the Planning Director recommends that the requests to amend Special Permit No. 845 be approved by the Windward Planning Commission.

The Planning Director also recommends the replacement of the whole slate of existing conditions to be replaced with new conditions that address the existing permitted uses and proposed amended uses on the property and updates standard condition language. Approval of this amendment request is subject to the following conditions (new material is underscored and deleted material is bracketed and struck through):

- ~~1. The applicant, successor or assigns shall be responsible for complying with all stated conditions of approval.~~
- ~~2. Final Plan Approval shall be secured from the Planning Department for the farmers market and related improvements within one year from the effective date of this amendment. Plans shall identify structures, fire protection measures, paved and gravel parking stalls and paved driveway access (chip seal, concrete or asphalt concrete), and landscaping buffer associated with the proposed uses. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Detailed landscaping plans shall include landscaping buffers in the form of trees and shrubbery along the northeast and northwest property boundaries of the project.~~
- ~~3. The applicant shall secure and finalize all building permits for all existing structures from the Building Division Department of Public Works within one (1) year from the effective date of this amendment.~~
- ~~4. All parking for the community association building/emergency shelter and the farmers market shall be on the subject property. Parking shall be prohibited on Road 8 or Road C for these uses.~~

5. ~~The applicant shall provide traffic control attendant(s) to actively manage traffic flow and parking associated with the farmers market so that vehicles do not park or back up onto Road C and/or Road 8.~~
6. ~~The applicant shall provide signage indicating where vendors and visitors may park on site.~~
7. ~~Hours of operation for the community center events shall be from 9:00 a.m. to 9:00 p.m., daily.~~
8. ~~The farmers market shall be limited to one day a week and shall limit the amount of vendors to 20.~~
9. ~~No amplification of music or speakers at events will be allowed on the property.~~
10. ~~Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources- Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.~~
11. ~~If the applicant fails to comply with the conditions of approval or causes complaint(s) relating to any interference or nuisance and is unable to resolve them with the surrounding community, the Planning Director shall investigate and, if necessary, suspend the permit. The Planning Director shall then refer the matter to the Planning Commission to revoke the permit. Upon appropriate findings by the Planning Commission, if the applicant fails to comply with the conditions of approval or has caused any unreasonable interference or nuisance on the surrounding community, the permit may be revoked.~~
12. ~~The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements including the Department of Public Works- Building Division for temporary tent permits.~~
13. ~~If the applicants should require an additional extension of time, the applicants shall submit their request to the Planning Commission for appropriate action. Further, should any of the conditions not be met or substantially complied with in~~

~~a timely fashion, the Director may initiate procedures to revoke the permit.]~~

1. The applicant, successor or assigns (“Applicant”) shall be responsible for complying with all stated conditions of approval.
2. The operation of the proposed use shall be conducted in a manner that is substantially representative of the existing permit, plans, and details contained within the Special Permit amendment application received by the Planning Department, and any representations made to the Windward Planning Commission.
3. The Applicant may introduce future community-serving programs or activities that are similar to the approved uses without amending this Special Permit, so long as their scale, intensity, and potential impacts are equal to or less than those of the currently permitted uses, and they comply with all other provisions and conditions of this permit.
4. Construction of the proposed development shall be completed within ten (10) years from the effective date of this amendment. Prior to construction, the Applicant shall secure Final Plan Approval for the multi-use community building and expanded farmers’ market and related improvements. Plans shall identify structures, fire protection measures, paved and gravel parking stalls and paved driveway access (chip seal, concrete or asphalt concrete), and landscaping buffer associated with the proposed uses. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Detailed landscaping plans shall include landscaping buffers in the form of trees and shrubbery along the proposed multi-use community building parking lot.
5. All parking for any permitted uses on the property shall be located on the subject property. Parking shall be prohibited on Moho Road (Road 8) and Po‘olā Road (Road C) for these uses.
6. The Applicant shall provide traffic control attendant(s) to actively manage traffic flow and parking associated with the farmers’ market and larger community events/uses so that vehicles do not park or back up onto surrounding roadways.
7. The Applicant shall provide signage indicating where vendors and visitors may

- park on-site and signage indicating where parking is prohibited.
8. The farmers' market shall be limited to one day a week and shall limit the number of vendors to 25.
 9. Hours of operation for the multi-use community center uses/events shall be from 8:00 a.m. to 9:00 p.m., daily.
 10. To mitigate noise impacts on surrounding properties, no amplification of music or speakers at events will be allowed on the property.
 11. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
 12. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties. Additionally, a drainage study shall be prepared prior to Plan Approval and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works, Engineering Division, prior to issuance of a certificate of occupancy.
 13. The method of wastewater/sewage disposal shall meet the requirements of the State Department of Health.
 14. The proposed community certified kitchen shall meet the requirements of the State Department of Health Food Safety Code.
 15. The Applicant shall install and use a separate, closed potable water tank to be filled with trucked potable water for commercial kitchen and multi-use community center building use. The tank shall always remain filled with sufficient water to meet potable water needs. Fire suppression improvements, including but not limited to on-site water storage, shall meet with the approval of the Fire Department.
 16. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sinkholes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the Department of Land and Natural Resources-State

Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. Subsequent work shall proceed upon archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

17. The Applicant shall comply with all applicable County, State, and Federal laws, rules, regulations and requirements including the Department of Public Works-Building Division for temporary tent permits.

18. If the Applicant fails to comply with the conditions of approval or causes complaint(s) relating to any interference or nuisance and is unable to resolve them with the surrounding community, the Planning Director shall investigate and, if necessary, suspend the permit. The Planning Director shall then refer the matter to the Planning Commission to revoke the permit. Upon appropriate findings by the Planning Commission, if the Applicant fails to comply with the conditions of approval or has caused any unreasonable interference or nuisance on the surrounding community, the permit may be revoked.

19. If the Applicant requires an additional extension of time, the Applicant shall submit their request to the Planning Commission for appropriate action.