



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT



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LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

March 3, 1977

#354

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Raymond Suefuji, Planning Director

Gentlemen:

At its meeting on March 1, 1977, the Land Use Commission voted to approve a Special Permit request by Ms. Deirdre Waller (SP77-257) to allow a day care center to be established within the State Land Use Agricultural District at Nienie, Hamakua, Hawaii, Tax Map Key 4-5-10: portion of 14; subject to the conditions imposed by the Hawaii Planning Commission.

A copy of the staff memorandum is enclosed for your information.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encl.

cc: Ms. Deirdre Waller
Department of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Dept. of Planning & Economic Development
Office of Environmental Quality Control

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GORDAN FURUTANI
Executive Officer

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission

FROM: Staff

SUBJECT: SP77-257 - Deirdre Waller

March 1, 1977
9:00 a.m.

The petitioner, Deirdre Waller, representing the proposed Ahualoa Montessori School, is requesting a Special Permit to allow the establishment of a day care center on a portion of a 4.4 acre property situated within the State Land Use Agricultural District.

The property involved is located along the north or makai side of the Old Mamalahoa Highway, approximately one (1) mile from the Hawaii Belt Highway--Old Mamalahoa Highway intersection and Tex's Drive In, Nienie, Hamakua, Hawaii, Tax Map Key 4-5-10: portion of 14.

The petitioner intends to utilize an existing building on the property for the day care center. This building is being used as a residence and should the subject permit be approved, it will be used as a day care center and residence. The remainder of the property will be maintained for pasture use and a vegetable garden.

In support of the request, the applicant presented the following:

1. "The area of Ahualoa has sufficient population and need that the neighborhood feels it would benefit from a day care center."
2. "The surrounding land will in no way be affected. As far as we can foresee, no burden will be put upon any public agencies. Utilities are already in existence for our purposes. Playground equipment is planned for the future and would be installed within the house yard area."
3. "The center will provide day care services for three hours a day, Monday, Tuesday, Wednesday, and two hours a day, Thursday and Friday. The number of children will not exceed fifteen for any day. There will be no provisions for day care services on Saturday and Sunday."
4. "We feel a day care center would be the highest and best use of the land for the public welfare. At the same time, a reasonable level of Agricultural uses will be maintained."

The owner of the property, Jan N. Jardine, has authorized the application for the Special Permit. (Letter available in the files)

The General Plan Land Use Pattern Allocation Guide Map designates the area for intensive agricultural uses, with an alternate urban expansion designation. The County zone for the parcel is Agricultural - 5 acres (A-5a).

The land is of the Kukuaiau soil series which consists of well drained silty clay loams formed in volcanic ash. The land slopes from 6 to 12 percent and the annual rainfall is from 70 to 100 inches.

Surrounding land uses include scattered single-family dwellings, pasture, cane and vacant lands. The adjacent parcels to north, east and west of the subject property is in sugar cane production. There is a piggery on the property across the roadway. A County Department of Water Supply's reservoir site borders the area in question.

Pertinent Comments from governmental agencies:

1. DEPARTMENT OF WATER SUPPLY

"... the applicant shall be advised that water services shall be limited to a 5/8 inch meter or whatever is existing now. No additional services, probably not required, will be granted to the parcel in question."

2. THE FIRE DEPARTMENT

"No fire hydrants are provided in the area. Honokaa fire station located 2 miles distant. Building shall comply with the minimum requirements of the fire and life safety code."

3. THE STATE DEPARTMENT OF AGRICULTURE

The State Department of Agriculture "...finds no impact to agriculture in the area at this time."

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

At the public hearing held by the Hawaii County Planning Commission on December 22, 1976, the representatives of the proposed day care center were the only ones who presented testimony. In addition, a petition containing 29 signatures from people who were in support of the school was introduced by the applicant into the record at that time.

On January 20, 1977, the Planning Commission voted to recommend approval of this Special Permit to the Land Use Commission based on the following:

"1. That approval of the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses for which they are best suited and are in the general interest of public health and welfare. The purpose of the subject request is to allow the establishment of a day care center, utilizing an existing building on the property. This structure will also continue to be used as a single-family dwelling. No additional buildings will be constructed. The remainder of the land will continue to be used for agricultural activities. Therefore, even with the establishment of the day care center on the premises, the present agricultural uses on the remainder of the 4.4 acre lot will not be substantially affected nor altered.

"2. That the proposed use is consistent with the policies of the County General Plan in providing a variety of educational opportunities for the island population. Present trends and needs in this direction have risen recently. At the present time, there is only one each nursery school and day care center located in Honokaa and Waimea. Therefore, it is felt that additional facilities should be made available to adequately meet the increased needs of the communities within close proximity to the proposed center. It is further determined that the proposed use will make the highest and best use of the subject land for the general welfare and benefit of the public as it will provide added educational opportunities for pre-school children in the area.

Further, approval of the proposed use will not be inherently contrary to the spirit and intent of the County's Zoning Code in that nursery schools are "conditionally permitted uses" within the County's Agricultural zoned district.

"3. That the establishment of the proposed use on the subject lot will not adversely affect the surrounding properties. The proposed day care center activity will be conducted on a portion of the 4.4 acre parcel. As stated earlier, the remaining area will still be utilized for some form of agricultural activity. Surrounding lands are basically in agricultural usage. Since the day care service will be for only three (3) hours a day on Mondays, Tuesdays, and Wednesdays, and for two (2) hours on Thursdays and Fridays, no adverse impacts are expected on these adjacent properties from the proposed use. The State Department of Agriculture confirmed this by commenting that they "...find no

impact to agriculture in the area at this time.'
In addition, the proposed facility will be located close enough to the Town of Honokaa to be tied into an area which is urbanizing in character rather than being located in an area which is totally agriculture or rural.

- "4. That the proposed use will not unreasonably burden the public agencies to provide additional facilities and/or services. All essential utilities and services are available to the subject property. Although some increase in the need for services may be generated by the proposed use, the increase is not expected to be of any substantial nature."

Recommendation for approval of the Special Permit was subject to the following conditions:

- "1. That the day care center shall be established on the subject property within one (1) year from the effective date of approval of the Special Permit;
- "2. That prior to occupancy of the facility, the petitioner shall submit plans to the Planning Department for 'Plan Approval';
- "3. That should the landowner, Jan Jardine, decide to lease portions of the land to the petitioner for the day care center, then that portion of land shall be subdivided into a minimum-lot size of one (1) acre;
- "4. That the rules, regulations, and requirements of the County Department of Water Supply and State Department of Health shall be complied with;
- "5. That the Special Permit run concurrent with the duration of the lease agreement for the facility between the landowner and the petitioner or until the termination of the day care facility by the petitioner, whichever occurs first; and
- "6. That all other applicable rules and regulations, including the Building and Fire Codes, shall be complied with."