

CERTIFIED MAIL

June 13, 1985

Ms. Francilla Malaka
P. O. Box 1260
Pahoa, HI 96778

Dear Ms. Malaka:

Special Permit Application (85-15)
TMK: 2-4-35:16

The Planning Commission at its duly held public hearing on June 6, 1985, voted to approve your application, Special Permit No. 587, to allow the establishment of a day care and after-school facility on 3 acres of land situated within the State Land Use Agricultural District at Waiakea Homestead, South Hilo, Hawaii.

Approval of this request is based on the following:

The proposed day care and after-school facility will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of these statutory provisions is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people in Hawaii. The subject property is situated within the County's Agriculture 3-acre and State Land Use "Agriculture" zoned districts. The Zoning Code requires a Use Permit for a day care and after-school facility for property within the State Land Use Urban district. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject area within the "Low Density" classification. "Low Density" is defined as "Low Density Residential, neighborhood commercial and ancillary community and public uses, residential no more than 4 units per acre." A major objective in the State Land Use Law is that the affected County's General Plan and related planning documents are being complied with when evaluating applications for "Special Permits." Since a day care and after-school facility could be permitted, provided that a Use Permit is obtained, within the County's Agricultural zone and "Low Density" designation of the General Plan, we have further concluded that

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approval of the proposed use would not be circumventing the County's planning efforts for this particular area.

Based on the above considerations, we have concluded that the approval of the subject request will not be contrary to the purpose and intent of the Land Use Law and Regulations but rather would promote the effectiveness and objectives of that law.

The subject property is developed with the existing single family dwelling. Even after the additional improvements are constructed, the majority of the property would remain undeveloped and available for agricultural use. As such, approval of the subject request will not result in a significant loss of agricultural land. Furthermore, approval of the subject request will not be detrimental to the Island's agriculture resource base nor will it have an adverse impact on the overall agricultural activity of the district, region, island or State.

The approval of this particular request is not anticipated to have any adverse effect on surrounding properties. The subject property is of sufficient size to accommodate all necessary structures and improvements as well as provide adequate buffers to surrounding properties.

The proposed use will not unreasonably burden public agencies to provide additional facilities and services. All essential services and utilities are available to the subject site.

Based on the foregoing findings, we have further concluded that the proposed day care and after-school facility is an unusual and reasonable use and would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Approval of this Special Permit request is subject to the following conditions:

1. The petitioner, successors or its assigns shall be responsible for complying with the stated conditions of approval.
2. Plans for the proposed day care and after-school facility shall be submitted to the Planning Department for "Plan Approval" within 1 year from the effective date of this Special Permit.

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3. Construction of the proposed improvements, including a paved driveway and parking area, shall commence within one year from the issuance of final plan approval and be completed within two years thereafter. The paved driveway and parking area must be completed, however, prior to the establishment of the day care and after-school facility.
4. The hours of operation for the day care and after-school facility shall be restricted to 7:00 a.m. to 5:30 p.m. Monday through Friday.
5. The requirements of the Department of Social Services and Housing, Department of Health, Department of Public Works and Department of Water Supply shall be complied with.
6. All other State and County Rules, Regulations and Requirements shall be complied with.
7. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Special Permit shall be void.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Donald Thompson
Chairman, Planning Commission

cc: State Land Use Commission
Department of Public Works
Department of Water Supply
County Real Property Tax Division

bcc: Plan Approval Section