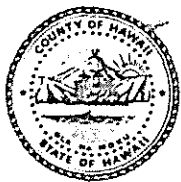


#715



## Planning Commission

Bernard K. Akana  
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8286

### CERTIFIED MAIL

October 3, 1989

Allegra Perhaes, Executive Director  
Family Crisis Shelter, Inc.  
P.O. Box 612  
Hilo, HI 96720

Dear Ms. Perhaes:

Special Permit Application  
TMK: 7-8-05:9

The Planning Commission at its duly held public hearing on September 20, 1989, voted to approve your application, Special Permit No. 715, to allow the establishment of the West Hawaii Family Crisis Shelter on one acre of land situated within the State Land Use Agricultural District. The property is situated on the west side of the Kuakini Highway and the Hawaiian Telephone Company's substation, approximately 1,200 feet southeast of the Kuakini Highway-Puuloa Road intersection, Keauhou, North Kona, Hawaii.

Approval of this request is based on the following:

The granting of this request would not be contrary to the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. 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 they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The subject property is not classified by the ALISH Map system. According to the U.S.D.A., Soil Conservation Service's Soil Survey Report, the soils of the subject area are of the Punaluu Series. The Land Study Bureau's Overall Capability rating for these soils is Class E or Very Poor, which also reflects the poor potential for conducting agricultural activities in this particular location. The subject property has been improved with a single-family dwelling

OCT 03 1989

Allegra Perhaes, Executive Director  
October 3, 1989  
Page 2

and various plantings. It is felt that the establishment of the West Hawaii Family Crisis Shelter on .953 acres of land will not singularly or cumulatively have an adverse impact on the agricultural resources of the North Kona District or the County of Hawaii. This type of use does not attract similar uses to the area as does an office commercial or service-related establishment. Therefore, this approval should not cause a proliferation of similar requests in this area.

The proposed use will not adversely affect surrounding properties. The subject property is a large parcel that has existing perimeter landscaping. It is felt that this factor, coupled with the central siting of the structure on the property, should be effective in containing any nuisance-level noises emanating from the Center. The applicant proposes to install a chainlink fence for security purposes. This will be largely hidden from view by the existing landscaping.

The granting of this request will not alter the essential rural-agricultural character of the area. The surrounding land uses include single-family dwellings, vacant properties, and the Hawaiian Telephone Company's substation. The establishment of a temporary emergency home for battered women and children within an existing residence will not significantly change this setting. It does provide its temporary residents with a safe, rural atmosphere which is conveniently situated immediately off of Kuakini Highway and close to the urban centers of Keauhou and Kailua. As a condition of plan approval, a paved parking surface shall be provided in view of the moderate volume of traffic received at the permanent Center. This requirement will assist in dust control.

The proposed use will not unreasonably burden public agencies to provide public road, water, and other infrastructure and services. The property is serviced by a 1-inch water meter, which is adequate for the project. All other cooperating agencies raised no objections to the request.

The request conforms to the goal of the Land Use Element in the General Plan which reads, "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." It is felt that approval of the West Hawaii Crisis Shelter in this particular location is in keeping with the physical and social

Allegra Perhaes, Executive Director  
October 3, 1989  
Page 3

environment of the North Kona District which is largely rural interspersed with public or quasi-public utilities and facilities. These include the nearby Hawaiian Telephone substation, Kona Baptist Church/HPA school, and a baseyard.

Based on the above considerations, it is determined that the establishment of the West Hawaii Family Crisis Shelter and related improvements is an unusual and reasonable use of land which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, landscaping, fencing, and a paved parking area. All parking shall be accommodated on the subject property. No parking shall be permitted on Kalelei Street or its right-of-way.
3. The West Hawaii Family Crisis Shelter shall be established (occupancy permit) within one year from the date of receipt of Final Plan Approval.
4. Access shall meet with the approval of the Department of Transportation-Highways Division and the Department of Public Works.
5. Comply with all other applicable laws, rules, regulations, and requirements, including those of the Department of Health.
6. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what

Allegra Perhaes, Executive Director  
October 3, 1989  
Page 4

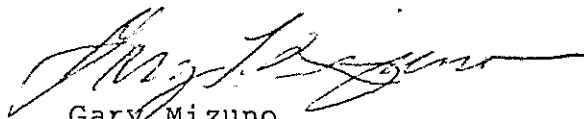
extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.

7. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). 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.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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

Sincerely,



Gary Mizuno  
Chairman, Planning Commission

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Office - Kona  
State Land Use Commission

bcc: Plan Approval Section