



# Planning Commission

Lorraine R. Inouye  
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

## CERTIFIED MAIL

January 23, 1992

Ms. Michelle Lee  
Brantley Center, Inc.  
P. O. Box 1407  
Honokaa, HI 96727

Dear Ms. Lee:

Special Permit Application  
Applicant: Brantley Center, Inc.  
Establishment of a Residential Project for the  
Chronically, Severely and Mentally Ill  
Tax Map Key: 4-5-01:Portion of 11

The Planning Commission at its duly held public hearing on January 16, 1992, voted to approve your application, Special Permit No. 795, to allow the establishment of a residential project for the chronically, severely and mentally ill on 4,500 square feet of land situated within the State Land Use Agricultural District. The property is the site of the teacher's cottages, Kalua, Hamakua, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote 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 requested use would not be contrary to the objectives of the State Land Use Law for the agricultural district.

The desired use will not adversely affect the surrounding properties. Surrounding uses include residences, state/county services and various commercial uses. The proposed use will not involve an increase in noise, odors, visual impacts, or visits to the property by the public, than what existed with the teachers' cottages.

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The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Water is available to the project site. No agencies expressed objections to the request. The width of the Old Government Road pavement is 18 feet. This is adequate to accommodate the minimal increase in traffic. Therefore, infrastructural needs are not anticipated to increase.

The land upon which the proposed use is sought is not unsuited for the uses permitted within the district. However, the proposed use will not interfere with permitted uses.

The use will not substantially alter or change the essential character of the land and the present use. Minimal land alterations will take place to allow the proposed use.

The request is not contrary to the General Plan. The proposed use is compatible with the Low Density designation of the LUPAG Map of the General Plan.

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, driveway and paved parking area associated with the proposed use.
3. Construction shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.
4. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department

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shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.

5. Comply with all other laws, rules, regulations and requirements.
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 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 with 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 shall 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.

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

Sincerely,

*Mike Luce*

Mike Luce, Chairman  
Planning Commission

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jdk

xc: Mayor  
Planning Director  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
DLNR  
DLNR - Land Management (Hilo)  
Plan Approval Section