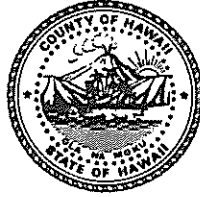


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL
Z 095 323 807

MAR 05 1997

Mr. Robert Fredericks
1760 Cesar Chavez, Suite RS
San Francisco, CA 94124

Dear Mr. Fredericks:

Special Permit Application (SPP 96-22)
Applicant: E Ala 'Ike, a Division of Rise Institute
Request: Establishment of a Special Needs Education and
Treatment Facility
Tax Map Key: 4-7-8:15

The Planning Commission at its duly held public hearing on February 27, 1997, voted to approve the above-referenced application. Special Permit No. 958 is hereby issued to allow the construction and establishment of a Special Needs Education and Treatment Facility and related uses on approximately 41,317 square feet of land within the State Land Use Agricultural District. The property is located within the Kapulena Subdivision Unit 1, along the makai side of the Honokaa-Waipio Highway and is approximately 4 miles west of Honokaa and 3 miles east of Kukuihaele at Haukoi, 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 for those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The property is located in an area with soils classified as the Paauhau series, which are soils that are generally used for sugarcane. The single family dwelling on the subject property was previously used by the Hamakua Sugar Company in the 1940's as part of its supervisor housing program. Although the ALISH maps identify the subject properties as Prime Agricultural Lands, the subject properties have a soil rating of "C" or "Fair." The applicant, E Ala 'Ike, a Division of Rise Institute, proposes to construct and establish a Special Needs Education and Treatment Facility and related uses on approximately 41,317 square feet of land

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within the State Land Use Agricultural District. The facility will accommodate approximately 20 students daily, and the existing dwelling will be renovated to provide meeting and educational space. It should be noted that, based on the proposal, minimum parking requirements will be 7 paved, striped stalls which would include 1 paved accessible stall and a parking area for the bus. Should there be future expansion of the proposal, an additional parking area for a second bus should be provided. The subject area has been utilized for residential purposes for more than 50 years. Consequently, the granting of this Special Permit will not displace any agricultural use. In addition, a large inventory of unused agricultural land exists near the site and throughout the Hamakua District. No existing or potential agricultural enterprise would be harmed by the proposed project. Therefore, the proposed development would not remove significant lands from agricultural use and 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 single family residential dwellings and agricultural activities. The subject site is located approximately four miles from Honokaa and, therefore, is within close proximity of urban activity. As immediate surrounding properties are in agricultural or residential use, it is not expected that the proposed facility would cause significant adverse impacts to surrounding properties. The proposed educational and training center will be established in the existing residence on the property, and any further construction would be in a similar "plantation" design and scale. The uses will be low key with minimal impact. Any detailed landscaping or buffers can be reviewed during Final Plan Approval. Overall, it is not anticipated that the immediate surrounding parcels would be impacted by the establishment of a Special Needs Education and Treatment Facility.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection. The project site is located within an area adequately served with essential services and facilities such as water, transportation systems and other utilities. The subject site is located approximately four miles from Honokaa where there is ongoing urban activity. Access to the subject property is from the Honokaa-Waipio Highway, a State highway. Sewage is proposed to be handled by an existing cesspool. The traffic generated by the site is minimal and within the capability of the existing highway. Potential impacts will be minimized through the use of buses to transport students who will be utilizing the educational facility. Furthermore, because the proposed facility is intended to serve students from the area, the proposed use will not result in an increase in regional traffic. The proposed use may result in an actual decrease in regional traffic as necessary educational services are provided in the Honokaa area. All roadway and driveway improvements shall conform to the Department of Transportation - Highways Division. In addition to the above, to ensure the safety of the children, a condition is being included to require the applicant to construct a fence along the sides and rear boundaries of the property prior to the opening of the facility.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The facility will provide a much needed service in the Hamakua District and augment existing education services provided by schools. Further, it will reduce the impacts on existing school facilities by providing special education services in this location. Currently, special education services are available only in Hilo or Waimea, or as part of the existing school facilities in Honokaa and other school sites.

The Department of Education sees a need for a day treatment program to provide intensive educational and mental health services to youth in the Honokaa area. The development of this facility will relieve the State of the responsibility of developing its own facilities to provide such services. The Hamakua District has been faced with a tremendous transition since the closure of the Hamakua Sugar Mill in 1992. Employment is down, and families are facing new problems as workers have to commute to job sites outside the immediate area, including the resort facilities in South Kohala. The social impacts of these changes have been great as Hamakua faces the highest measures of need of any community within the County. The children of Hamakua have suffered along with the parents in this economic transformation.

The use will not substantially alter or change the essential character of the land and the present use. The proposed educational facility will be housed in the existing residence on the subject property, and will be in keeping with the existing residential character and scale of the surrounding Kapulena community.

The lands upon which the proposed use is sought is not unsuitable for the uses permitted in the district; however, the proposed uses will not interfere with permitted uses. The subject area is currently vacant of any agricultural uses and has been in residential use since the 1940's. Therefore, these lands are not suitable for agricultural use, and no agricultural activity will be diminished. The zoning for the property is Agricultural-40 acres (A-40a).

The proposed use is consistent with the following goals, policies and standards of the General Plan. The subject parcel falls within an area designated as Intensive Agricultural on the General Plan LUPAG Map. The zoning for the property is Agricultural-40 acres (A-40a) with a State Land Use designation of Agricultural. This would allow a Special Permit to be applied for to allow for other than agricultural uses on the subject property. The proposed request would complement and be consistent with the following goals, policies and standards of the General Plan:

Land Use Element

- * Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural and physical environments of the County.

Public Facilities

- * Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community.
- * The County shall coordinate with appropriate State agencies for the provision of public facilities to serve the needs of the community.

Based on the above considerations, the request to construct and establish a Special Needs Education and Treatment Facility and related uses would be an unusual and reasonable use of land within the State Land Use Agricultural District, which would not

be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

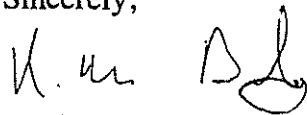
1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. Construction of the proposed Special Needs Education and Treatment Facility and related uses shall be completed within five (5) years from the effective date of the permit. Prior to the start of construction, Final Plan Approval, in accordance with the Zoning Code, shall be secured from the Planning Department. Plans shall identify existing and proposed structures, fire protection measures, paved and striped driveway and paved parking stalls (asphalt or asphalt-concrete), and detailed landscaping associated with the proposed uses.
4. No parking shall be allowed on the highway right-of-way.
5. A fence around the perimeter of the property, meeting with the approval of the Planning Director, shall be constructed and completed prior to the opening of the facility.
6. All roadway improvements and driveway accesses shall meet with the approval of the State Department of Transportation - Highways Division.
7. An initial extension of time for the performance of conditions of the permit may be granted by the Planning Director upon the following circumstances:
 - A) 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 the Zoning Code.
 - C) Granting of the extension would not be contrary to the original reasons for the granting of the permit.
 - 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).

Mr. Robert Fredericks
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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.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

AK:syw

LEAla101.PC

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