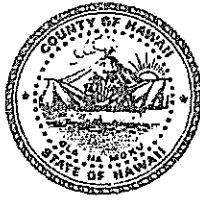


Harry Kim
Mayor



County of Hawaii
PLANNING COMMISSION

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

NOV 20 2002

Mr. Norm Baker
CFS Real Property, Inc.
91-1841 Ft. Weaver Road, Suite 300
Ewa Beach, HI 96706

Dear Mr. Baker:

Special Permit Application (SPP 02-035)
Applicant: CFS Real Property, Inc.
Request: Establish a Family Transition Shelter
Tax Map Key: 2-4-6:24

The Planning Commission at its duly held public hearing on November 15, 2002, voted to approve the above-referenced application. Special Permit No. 1183 is hereby issued to legitimize the establishment of a Family Transition Center on approximately 3.3852 acres of land in the State Land Use Agricultural District. The property is a flag lot located on the south side of Hoaka Road with an approximately 750-foot driveway, and approximately ¼ mile west of Hoaka Road-Ainaola Drive intersection, Waiākea Homesteads, Waiākea, South Hilo, Hawai'i.

Approval of this request is based on the following:

The applicant is requesting to legitimize the existing Family Transition Center. Constructed as a four-bedroom, three-bath single family residence in 1979, these improvements have been utilized as a Family Transition Center since 1995. This Center, operating 24 hours a day and 7 days a week, will accommodate a maximum of 18 clients and a staff of five employees. The Center helps victims of domestic abuse to be safe, connect with community resources and have a safe and permanent place to live when they leave the Center.

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. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. This particular property is situated within the County's Agricultural (A-3a) zoned district.

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and within the State Land Use Agricultural District. The use is located within an area whose soils are classified as "C" or Fair by the Land Study Bureau's Overall Master Productivity Rating. The Agricultural Lands of Importance to the State of Hawaii (ALISH) Map does not classify the property as Prime, Unique or Other Important Agricultural Lands. The improvements do not displace any existing agricultural uses on the property, diminish the agricultural potential of the area, or adversely affect the agricultural potential of the property and the surrounding area.

The granting of this request would promote the effectiveness and objectives of Chapter 205A, Hawaii Revised Statutes, relating to Coastal Zone Management Program. Given the fact that the Family Transition Center utilizes the existing development, it is unlikely that any archaeological features and threatened species of plants or animals are present on the property. There is no designated public access to the mountain areas or to the shoreline over the property. The project site is located over 10 miles from the nearest shoreline and consists of a dwelling, a shed and undeveloped land. The development does not impact any recreational resources, including access to and along the shoreline, mountain access, scenic and open space nor visual resources, coastal ecosystems, and marine coastal resources. Further, the property will not be affected by any coastal hazards or beach erosion. The structures are not visible from either Ainaola Drive or Hoaka Road due to the trees and dense vegetation along the highway. The development is sited over 750 feet from the highway. Due to its location and distance from the ocean, it is not anticipated that the Family Transition Center would obstruct any ocean (makai) views. Therefore, the approval of the subject request shall not be contrary to the objectives and policies of the Coastal Zone Management Program.

The desired use shall not adversely affect the surrounding properties. The existing dwelling and related improvements are situated on 3.3852 acres of land. The property is of sufficient size to allow for adequate buffers in minimizing any physical, social or other impacts that this use may have on the area. The dwelling is located over 750 feet from the highway. The property was cleared only to allow for the driveway, house site and lawn areas. The rest of the property remains undeveloped. However, to mitigate any potential noise and visual impacts to the adjacent properties, the applicant will be required to maintain a minimum five-foot wide natural vegetation buffer along all property boundaries around the dwelling portion of the flag lot.

CFS has rented the subject property since 1995. In FY 2002, CFS was successful in obtaining a Community Development Block Grant to purchase the property. During the processing of this grant, it was discovered that a Special Permit was required to continue to operate the site as a Family Transition Center. Four letters in support of the Community Development Block Grant were included as part of the Special Permit application. Further, no complaints or other comments have been received from the

surrounding property owners or the public during the seven years of operation or in response to this application.

The desired use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Access to the project site is from Hoaka Road, which is a paved County road in good condition. The traffic generated by the Family Transition Center is within the capability of the existing road. The site is currently served by telephone and electrical utilities. Sewage is handled by a septic system. Although County water is available to the subject property, the applicant will comply with the Department of Water Supply's requirement to install a 1-inch meter and a backflow preventer within nine (9) months from the date of approval of the Special Permit. In addition, the facilities charge for the 1-inch meter will be paid after the installation of the new meter has been approved by the Department of Water Supply. The development is in an area designated as Zone "X", area outside the 500-year floodplain. The applicant is working with and will comply with requirements of the Fire Department, Department of Public Works and all applicable agencies. Further, fire, police and emergency services are available in Hilo.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The project site and surrounding areas are designated for agricultural uses by both State and County land use laws. Through the issuance of a Special Permit, a community may establish various "non-agricultural" services and uses that benefit its residents. This facility will continue to provide a much needed service as the only Family Transition Center in East Hawaii. The emergency FTC program is a necessary element for the intervention and prevention of domestic/family violence. Without it, victims who need protection, counseling and support would have no place to turn to for help in dealing with their crisis. The program is designed to prevent or decrease the occurrence of domestic and family violence and provide support to actual and potential victims of domestic and family violence. These goals are accomplished through the various services offered to each individual or family unit. This type of public benefit effectively serves the needs of the community with minimal impact to the surrounding community.

The land upon which the use is sought is suited for the uses permitted within the district, however, this use will not interfere with such uses. The subject property was used as a residence since 1979 and rented as a Family Transition Center since 1995. Other than the driveway, house site and lawn areas, the majority of the property remains in its natural state. Thus, the Family Transition Center does not impair the agricultural productivity or potential of the subject property, nor will it seriously or significantly deplete the County of Hawaii's agricultural land resource.

The use will not substantially alter or change the essential character of the land and the present use. CFS will continue to utilize the developed areas of the subject parcel. In addition, the existing open area adjacent to the dwelling can be utilized for any required parking. Since this parcel was already residentially developed, it is not anticipated that cultural, archaeological or botanical resources will be affected. Further, as no valued cultural, historical or native resources or any traditional and customary Native Hawaiian rights were practiced in the area, it is also not anticipated that the request will have any adverse impact on cultural or historical resources in the area.

The request will not be contrary to the General Plan. The subject property is within an area designated as Orchards in the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The use is consistent with the following goals and policies 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.
- The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

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.

Protective Services

- Additional rehabilitation and counseling centers shall be established as needed.

Based on the above considerations, the approval of the existing Family Transition Center is an unusual and reasonable use of lands situated within the State Land Use Agricultural District which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

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Approval of this request is subject to the following conditions. Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this permit.

1. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The applicant shall install a new 1-inch meter and a backflow preventer within nine (9) months from the effective date of this permit as required by the Department of Water Supply. In addition, the facilities charge is required to be paid after the installation of the new 1-inch meter has been approved by the Department of Water Supply.
3. The proposed use shall be established in substantial conformance with representations made in the application.
4. The applicant shall finalize all necessary permits for the establishment of the use as required by the Department of Public Works, Building Division within one (1) year from the effective date of this permit.
5. The Family Transition Center shall be established within one (1) year from the effective date of this permit. Prior to the establishment of this use, Final Plan Approval shall be secured from the Planning Director in accordance with the Zoning Code pertaining to Plan Approval. Plans shall identify all existing structures and driveway, proposed parking areas and adequate turnaround areas for emergency vehicles.
6. A five-foot wide natural vegetation buffer shall be maintained along all property boundaries around the dwelling portion of the flag lot to mitigate any visual or noise impacts.
7. The applicant shall comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Public Works and the Fire Department.
8. Should any unidentified sites or remains such as lava tubes, artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources—Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the (DLNR-HPD) when it finds that sufficient mitigative measures have been taken.

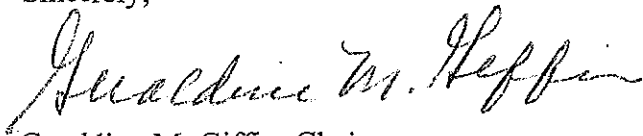
9. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission that the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.
10. An initial extension of time for the performance of conditions, with the exception of Condition No. 2, 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.
 - 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).

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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Should you have any questions, please contact Alice Kawaha of the Planning Department at 961-8288.

Sincerely,

A handwritten signature in cursive script that reads "Geraldine M. Giffin".

Geraldine M. Giffin, Chairman
Planning Commission

LcfsrealpropertyPC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources
Brian Minaai, Director/DOT-Highways, Honolulu
Mr. Michael J. Ferus & Ms. Janice J. Lau