

## County of Hawai'i

### WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

April 14, 2010

Ms. Paula Uusitalo, Executive Director  
Hawai'i Island Adult Care, Inc.  
34 Rainbow Drive  
Hilo, HI 96720

Dear Ms. Uusitalo:

Use Permit Application (USE 10-000018)  
Applicant: Hawaii Island Adult Care, Inc.  
Request: To Operate an Adult Day Care Center  
Tax Map Key: 2-8-014:003

The Windward Planning Commission at its duly held public hearing on April 1, 2010, voted to approve the above-referenced application to operate an adult day care center within an existing church fellowship hall situated within the Single Family Residential – 10,000 square feet (RS-10) district. The property is the site of the existing Hilo Coast United Church of Christ facility located along the southwestern end of the Old Government Main Road, across from Honomū Park in Honomū Village, Honomū, South Hilo, Hawai'i.

Approval of this request is based on the following:

The applicant requests a Use Permit to allow the establishment and operation of the Honomū Adult Day Care Center within the fellowship hall of the Hilo Coast United Church of Christ. The hall, constructed approximately ten years ago, is fully ADA compliant and is unused during the week. The applicant and landowner hope to utilize the hall and provide a much needed service for the community. The building can be licensed for 10 individuals with 4 to 5 staff at any one time, depending on the need and activities for the day. The proposed hours of operation are Monday to Friday, from 7:00 a.m. to 5:00 p.m., except Federal holidays. Approvals have been secured from the

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County Building Division, Fire Department, and State Department of Health for the proposed use. As of this writing, the license to operate the adult day care is pending final approval from the State Department of Human Services.

The applicant states that the need for adult day care for frail elders and mentally/physically challenged adults ranks in the top three needs of elderly in East Hawai'i. Adult day care allows these individuals to live at home for as long as possible, deter premature institutionalization, and allows caregivers to continue employment or receive respite from their responsibilities. Adult Day Care includes supervised care with activities to stimulate the mind and exercise the body, and provides much needed socialization.

**Rule 7 (Use Permits) of the Planning Commission's Rules of Practice and Procedure states that the Planning Commission may approve a Use Permit based on the certain criteria.** Section 7-6, Criteria for Granting a Use Permit, states:

"The Commission may approve a Use Permit upon finding that:

- (a) The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan;
- (b) The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties; and
- (c) The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure."

The proposed use in the State Land Use Urban district and Single-Family Residential 10,000 square feet (RS-10) zoned district may be allowed through the granting of a Use Permit. The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses as well as the goals and policies of the General Plan. The intent and purpose of the Zoning Code is to promote health, safety, morals or the general welfare of the community through regulations and restrictions relative to the location and use of buildings, off-street parking, the percentage of lots that may be occupied, the density of population and land for trade, industry, residence or other purposes.

**The proposed project will complement the goals, policies and standards of, among others, the Land Use and Economic Elements of the General Plan.** The

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General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Low Density Urban, which includes residential uses, with ancillary community and public uses, and neighborhood and convenience-type commercial uses. The property is also designated Important Agricultural Land. The property is unclassified by the Land Study Bureau's Detailed Land Classification System.

The desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties. The project site is an approximately 3.6-acre property and improved with an approximately 2,538-square foot church and 1,600-square foot fellowship hall. Parking is available on site. Surrounding properties are zoned RS-10 to the north and east, A-20a to the south and RS-7.5 to the west across the Old Māmalahoa Highway. A church is located adjacent to the property to the north, and the Honomū Park gym and ball field is located across the property to the west. The area is a mix of commercial and residential uses. Therefore, the proposed use will not detract from the present character of the area, as a variety of urban uses characterize the vicinity of the project site.

Due to the noise and traffic inherent to the activities already established in the area, it is not anticipated that noise and traffic associated with the proposed use will adversely impact surrounding properties. The proposed use will provide much needed services for frail elders and mentally/physically challenged adults in the community. Noise sources that currently impact the project site are minimal.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure. County water is available to the site. Access to the project site is from the Old Māmalahoa Highway. The applicant proposes to use an existing septic system in compliance with the State Department of Health. All other utilities are available to the site. The police station is located in Laupāhoehoe and the closest fire department is located in Hilo, approximately 12 miles from the site.

**The subject request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area.** The property is not located in the Special Management Area. There are no identified recreational resources, historic resources, public access to the shoreline or mountain areas, scenic and open space preserves, coastal ecosystems, marine resources or other natural and environmental resources in the area. Thus, the proposed request and use of the property will not adversely impact those resources.

By letter dated March 9, 2010, the DLNR-Historic Preservation Division has determined that no historic properties will be affected as development/construction has

altered the land, and no new construction or land alteration is proposed in connection with this permit. SHPD has also stated that all structures are less than twenty years in age. According to the applicant, there are no listed, candidate or proposed endangered plant or animal species on the site. There is no record of a designated public access to the shoreline or mountain areas that traverses the property. According to the Flood Insurance Rate Map (FIRM), the property is located in Zone "X", area outside of the 500-year flood plain. There are no valued cultural, historical or natural resources on the property and no evidence of any traditional and customary Native Hawaiian rights being practiced on the site. Thus, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

Based on the above, the establishment and operation of the Honomū Adult Day Center within the fellowship hall of the Hilo Coast United Church of Christ is compatible with the existing land uses and the physical and social environment of the area and promote the effectiveness and objectives of the Zoning Code and General Plan. Approval of the request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code within two (2) years from the effective date of this permit. Plans shall identify all existing and/or proposed structures, paved driveway accesses and parking stalls associated with the proposed development. Landscaping shall be included on the plans to mitigate any potential adverse noise or visual impacts to adjacent properties in accordance with the Planning Department's Rule No. 17, Landscaping Requirements.
3. The hours of operation for the Adult Day Care Center shall be limited from Monday through Friday, 7:00 a.m. to 5:00 p.m.
4. Vehicular traffic associated with the Adult Day Care Center shall be through the southernmost driveway on Old Māmalahoa Highway.
5. All driveway connections to the Old Māmalahoa Highway shall conform to Chapter 22, County Streets, of the Hawai'i County Code.

6. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
7. If required, a drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of a construction permit. Drainage improvements, if required, shall be constructed, meeting with the approval of the Department of Public Works prior to receipt of a Certificate of Occupancy.
8. Septic tank(s) shall be installed, meeting with the standards and requirements of the State Department of Health, prior to the issuance of a Certificate of Occupancy.
9. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
10. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
11. An initial 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.
  - 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).

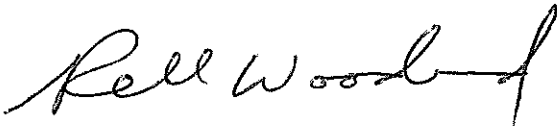
Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate the revocation of the Use Permit.

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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 contact the Planning Department at 961-8288.

Sincerely,

A handwritten signature in cursive script that reads "Rell Woodward". The signature is written in black ink and is positioned above the typed name and title.

Rell Woodward, Chairman  
Windward Planning Commission

Lhawaiiislandadultcareuse10-000018PC

cc: Hilo Coast United Church of Christ  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Mr. Gilbert Bailado /