

SPECIAL PERMIT	
Petition Received	FEB 2 1977
Maps	FEB 10 1977
Action Span	FEB 2 - MARCH 19
Action Date	MAR 1
Recordation	MAR 10 1977

SP77-257 - DEIRDRE WALLER

(HAWAII)

March 3, 1977

Ms. Deirdre Waller
P. O. Box 974
Honokaa, Hawaii 96727

Dear Ms. Waller:

The original of the attached letter is
on file in the office of the Hawaii Planning Depart-
ment, 25 Aupuni Street, Hilo, Hawaii.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encls.

25965UTTON

EXCELEBASE

by

ROY RIVER

March 3, 1977

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

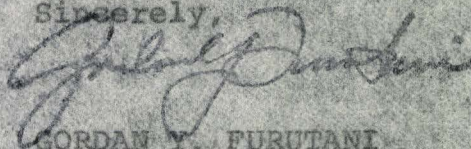
Attention: Mr. Raymond Suefuji, Planning Director

Gentlemen:

At its meeting on March 1, 1977, the Land Use Commission voted to approve a Special Permit request by Ms. Deirdre Waller (SP77-257) to allow a day care center to be established within the State Land Use Agricultural District at Nienie, Hanakua, Hawaii, Tax Map Key 4-5-10: portion of 14; subject to the conditions imposed by the Hawaii Planning Commission.

A copy of the staff memorandum is enclosed for your information.

Sincerely,



GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encl.

cc: Ms. Deirdre Waller
Department of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Dept. of Planning & Economic Development
Office of Environmental Quality Control

17. *Arizonicus* L. M. - 1/3

SEC 6. PLAT 071

10

PLAT 11

FORREST RESERVE

HAMAKUA

PLAT

3 1198

Portion of PAALAEA to LAUKA, HAMAKUA, HAWAII.

(Honokaa Sugar Co)

80 Mary M. A. Nachbar,
Evelyn A. Fallon,
Lorraine A. Parasa,
Caroline A. Kirby - T/O

K A A O

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Wahiawa Recreation Center
Wahiawa, Ohau, Hawaii

March 1, 1977 - 9:00 a.m.

Approved
6/28/77

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
James Carras
Charles Duke
Colette Machado
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell
Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Michael Marsh, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

ACTION

SP77-258 - MAKOTO NITAHARA DBA NANI MAU GARDENS
APPLICATION FOR SPECIAL PERMIT TO SERVE FOODS AND DRINKS, AND
TO PROVIDE ENTERTAINMENT AT THE NANI MAU GARDENS IN THE AGRI-
CULTURAL DISTRICT AT PANAWEA FARM LOTS, WAIAKEA, SOUTH HILO, HAWAII

Chairman Tangen called on the Executive Officer to identify
the subject parcel on the map and to summarize the pertinent facts
contained in the staff memo.

Following a brief discussion, Commissioner Carras moved to
approve the Special Permit, subject to the conditions imposed by
the Hawaii County Planning Commission, which was seconded by
Commissioner Oura and unanimously carried.

↓
SP77-257 - DEIRDRE WALLER
SPECIAL PERMIT APPLICATION TO ESTABLISH A DAY CARE CENTER IN THE
AGRICULTURAL DISTRICT AT NIENIE, HAMAKUA, HAWAII

Mr. Furutani, Executive Officer, located the subject parcel
on the map and enumerated the conditions imposed by the County
Planning Commission.

Upon motion by Commissioner Oura and seconded by Commis-
sioner Duke, it was unanimously carried to approve the Special

Permit, subject to the conditions imposed by the Hawaii County Planning Commission.

HEARING

A76-427 - MILILANI TOWN, INC.

Pursuant to a notice published in the Honolulu Star Bulletin on January 28, 1977, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Mililani Town, Inc. to amend the land use district boundaries for approximately 591 acres presently in the Agricultural District into the Urban District at Mililani Town, Oahu, Docket No. A76-427.

Petition for Intervention

Timely Request by Neighborhood Board No. 25

Upon motion by Commissioner Duke, seconded by Commissioner Machado, Neighborhood No. 25, represented by Mr. John C. Holmstrom, was admitted as a party to the proceedings.

Untimely Request by Life of the Land

It was moved by Commissioner Duke and seconded by Commissioner Carras to deny the intervention request by Life of the Land due to its untimeliness. The motion was carried unanimously.

Admittance of Public Witness

Commissioner Duke moved to waive the requirement for timely application and to admit Mr. Edward Brown of Life of the Land as a public witness. The motion was seconded by Commissioner Whitesell and carried.

Swearing In

All those testifying during these proceedings were duly sworn in by the Chairman.

Mr. Furutani identified the petitioned area on the map.

Public Witness

Mr. Edward Cooper Brown, representing Life of the Land, having been duly sworn in, testified and was examined as set forth in the transcript on----- Pages

Oral testimony----- 22 to 24

Examined by Commissioner Machado----- 25

Examined by Commissioner Whitesell----- 25 to 26

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP77-257 - DEIRDRE WALLER

DATE March 1, 1977

PLACE Wahiawa Recreation Center
Wahiawa, Oahu, HI

TIME 9:00 am.

NAME	YES	NO	ABSTAIN	ABSENT
DUKE, CHARLES	✓			
WHITESELL, CAROL	✓			
OURA, MITSUO	✓			
MACHADO, COLETTE	✓			
MIYASATO, SHINSEI	✓			
SAKAHASHI, STANLEY	✓			
CARRAS, JAMES	✓			
YANAI, EDWARD	✓			
TANGEN, EDDIE	✓			

Comments: I move that we approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission
FROM: Staff
SUBJECT: SP77-257 - Deirdre Waller

March 1, 1977
9:00 a.m.

The petitioner, Deirdre Waller, representing the proposed Ahualoa Montessori School, is requesting a Special Permit to allow the establishment of a day care center on a portion of a 4.4 acre property situated within the State Land Use Agricultural District.

The property involved is located along the north or makai side of the Old Mamalahoa Highway, approximately one (1) mile from the Hawaii Belt Highway--Old Mamalahoa Highway intersection and Tex's Drive In, Nienie, Hamakua, Hawaii, Tax Map Key 4-5-10: portion of 14.

The petitioner intends to utilize an existing building on the property for the day care center. This building is being used as a residence and should the subject permit be approved, it will be used as a day care center and residence. The remainder of the property will be maintained for pasture use and a vegetable garden.

In support of the request, the applicant presented the following:

1. "The area of Ahualoa has sufficient population and need that the neighborhood feels it would benefit from a day care center."
2. "The surrounding land will in no way be affected. As far as we can foresee, no burden will be put upon any public agencies. Utilities are already in existence for our purposes. Playground equipment is planned for the future and would be installed within the house yard area."
3. "The center will provide day care services for three hours a day, Monday, Tuesday, Wednesday, and two hours a day, Thursday and Friday. The number of children will not exceed fifteen for any day. There will be no provisions for day care services on Saturday and Sunday."
4. "We feel a day care center would be the highest and best use of the land for the public welfare. At the same time, a reasonable level of Agricultural uses will be maintained."

The owner of the property, Jan N. Jardine, has authorized the application for the Special Permit. (Letter available in the files)

The General Plan Land Use Pattern Allocation Guide Map designates the area for intensive agricultural uses, with an alternate urban expansion designation. The County zone for the parcel is Agricultural - 5 acres (A-5a).

The land is of the Kukuaiau soil series which consists of well drained silty clay loams formed in volcanic ash. The land slopes from 6 to 12 percent and the annual rainfall is from 70 to 100 inches.

Surrounding land uses include scattered single-family dwellings, pasture, cane and vacant lands. The adjacent parcels to north, east and west of the subject property is in sugar cane production. There is a piggery on the property across the roadway. A County Department of Water Supply's reservoir site borders the area in question.

Pertinent Comments from governmental agencies:

1. DEPARTMENT OF WATER SUPPLY

"... the applicant shall be advised that water services shall be limited to a 5/8 inch meter or whatever is existing now. No additional services, probably not required, will be granted to the parcel in question."

2. THE FIRE DEPARTMENT

"No fire hydrants are provided in the area. Honokaa fire station located 2 miles distant. Building shall comply with the minimum requirements of the fire and life safety code."

3. THE STATE DEPARTMENT OF AGRICULTURE

The State Department of Agriculture "...finds no impact to agriculture in the area at this time."

All other cooperating agencies had no comments or objections to the subject request.

At the public hearing held by the Hawaii County Planning Commission on December 22, 1976, the representatives of the proposed day care center were the only ones who presented testimony. In addition, a petition containing 29 signatures from people who were in support of the school was introduced by the applicant into the record at that time.

On January 20, 1977, the Planning Commission voted to recommend approval of this Special Permit to the Land Use Commission based on the following:

"1. That approval of the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses for which they are best suited and are in the general interest of public health and welfare. The purpose of the subject request is to allow the establishment of a day care center, utilizing an existing building on the property. This structure will also continue to be used as a single-family dwelling. No additional buildings will be constructed. The remainder of the land will continue to be used for agricultural activities. Therefore, even with the establishment of the day care center on the premises, the present agricultural uses on the remainder of the 4.4 acre lot will not be substantially affected nor altered.

"2. That the proposed use is consistent with the policies of the County General Plan in providing a variety of educational opportunities for the island population. Present trends and needs in this direction have risen recently. At the present time, there is only one each nursery school and day care center located in Honokaa and Waimea. Therefore, it is felt that additional facilities should be made available to adequately meet the increased needs of the communities within close proximity to the proposed center. It is further determined that the proposed use will make the highest and best use of the subject land for the general welfare and benefit of the public as it will provide added educational opportunities for pre-school children in the area.

Further, approval of the proposed use will not be inherently contrary to the spirit and intent of the County's Zoning Code in that nursery schools are "conditionally permitted uses" within the County's Agricultural zoned district.

"3. That the establishment of the proposed use on the subject lot will not adversely affect the surrounding properties. The proposed day care center activity will be conducted on a portion of the 4.4 acre parcel. As stated earlier, the remaining area will still be utilized for some form of agricultural activity. Surrounding lands are basically in agricultural usage. Since the day care service will be for only three (3) hours a day on Mondays, Tuesdays, and Wednesdays, and for two (2) hours on Thursdays and Fridays, no adverse impacts are expected on these adjacent properties from the proposed use. The State Department of Agriculture confirmed this by commenting that they '...find no

impact to agriculture in the area at this time.' In addition, the proposed facility will be located close enough to the Town of Honokaa to be tied into an area which is urbanizing in character rather than being located in an area which is totally agriculture or rural.

- "4. That the proposed use will not unreasonably burden the public agencies to provide additional facilities and/or services. All essential utilities and services are available to the subject property. Although some increase in the need for services may be generated by the proposed use, the increase is not expected to be of any substantial nature."

Recommendation for approval of the Special Permit was subject to the following conditions:

- "1. That the day care center shall be established on the subject property within one (1) year from the effective date of approval of the Special Permit;
- "2. That prior to occupancy of the facility, the petitioner shall submit plans to the Planning Department for 'Plan Approval';
- "3. That should the landowner, Jan Jardine, decide to lease portions of the land to the petitioner for the day care center, then that portion of land shall be subdivided into a minimum-lot size of one (1) acre;
- "4. That the rules, regulations, and requirements of the County Department of Water Supply and State Department of Health shall be complied with;
- "5. That the Special Permit run concurrent with the duration of the lease agreement for the facility between the landowner and the petitioner or until the termination of the day care facility by the petitioner, whichever occurs first; and
- "6. That all other applicable rules and regulations, including the Building and Fire Codes, shall be complied with."

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

February 18, 1977

Ms. Deirdre Waller
P. O. Box 974
Honokaa, Hawaii 96727

Dear Ms. Waller:

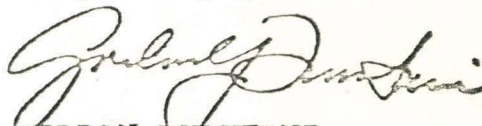
Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

Please note that petition
SP77-257 Deirdre Waller

will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,



GORDAN PURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

February 18, 1977

Mr. Raymond Suefuji
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Suefuji:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

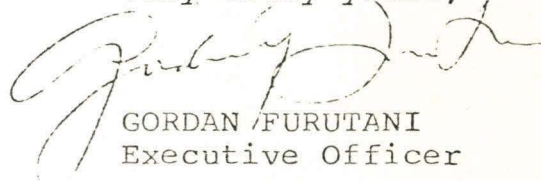
Please note that petition

SP77-258 Makoto Nitahara dba Nani Mau Gardens & SP77-257 Deirdre Waller

will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME, & PLACE

March 1, 1977 - 9:00 a.m.
Hale Hookipa
Wahiawa Recreation Center
1139 Kilani Avenue
Wahiawa, Oahu, Hawaii 96786

A G E N D A

I. HEARING

A76-427 Mililani Town, Inc.

To incorporate approximately 591 acres from the
Agricultural District into the Urban District at
Mililani Town, Oahu.

II. ACTION ON SPECIAL PERMITS

1. SP77-258 Makoto Nitahara dba Nani Mau Gardens

A Special Permit to allow the serving of foods and
drinks, as well as to provide entertainment at the
Nani Mau Gardens arboretum situated within the
Agricultural District at Panaewa Farm Lots, Waiakea,
South Hilo, Hawaii.

2. SP77-257 Deirdre Waller

A Special Permit to allow the establishment of a
day care center situated within the Agricultural
District at Nienie, Hamakua, Hawaii.

III. MISCELLANEOUS

1. Adoption of Minutes

* A COPY OF THIS AGENDA WAS MAILED TO ALL PERSONS AND ORGANIZATION ON THE
ATTACHED MAILING LISTS. 2/18/77

1. All island 2. Oahu 3. Hawaii



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII
FEB 2 10 38 AM '77

HERBERT T. MATAYOSHI
Mayor

RAYMOND H. SUEFUJI
Director

January 21, 1977

Mr. Gordan Furutani
Executive Officer
Land Use Commission
190 South King St., Suite 1795
Honolulu, HI 96813

SP77-257

Re: Special Permit Application
Applicant: Deirdre Waller

In accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, we are transmitting the decision and findings of the County Planning Commission on the above application.

The special permit request was to allow the establishment of a day care center on portion of a 4.4-acre property situated within the State Land Use Agricultural District. The property involved is located along the north or makai side of the Old Mamalahoa Highway, approximately one (1) mile from the Hawaii Belt Highway-Old Mamalahoa Highway intersection and Tex's Drive In, Nienie, Hamakua, Hawaii, Tax Map Key 4-5-10:portion of 14.

The Planning Commission at a duly advertised public hearing held on December 22, 1976 in the Cafetorium of the Kealakehe Elementary School, Kealakehe, North Kona, Hawaii, discussed the subject request. The Commission on January 20, 1977, voted to recommend the approval of the special permit to the Land Use Commission as it was found:

1. That approval of the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses for which they are best suited and are in the general interest of public health and welfare. The purpose of the subject request is to allow the establishment of a day care center, utilizing an existing building on the property. This structure will also continue to be used as a single-family

Mr. Gordan Furutani
Page 2
January 21, 1977

dwelling. No additional buildings will be constructed. The remainder of the land will continue to be used for agricultural activities. Therefore, even with the establishment of the day care center on the premises, the present agricultural uses on the remainder of the 4.4-acre lot will not be substantially affected nor altered.

2. That the proposed use is consistent with the policies of the County General Plan in providing a variety of educational opportunities for the island population. Present trends and needs in this direction have risen recently. At the present time, there is only one each nursery school and day care center located in Honokaa and Waimea. Therefore, it is felt that additional facilities should be made available to adequately meet the increased needs of the communities within close proximity to the proposed center. It is further determined that the proposed use will make the highest and best use of the subject land for the general welfare and benefit of the public as it will provide added educational opportunities for preschool children in the area.

Further, approval of the proposed use will not be inherently contrary to the spirit and intent of the County's Zoning Code in that nursery schools are "conditionally permitted uses" within the County's Agricultural zoned district.

3. That the establishment of the proposed use on the subject lot will not adversely affect the surrounding properties. The proposed day care center activity will be conducted on a portion of the 4.4-acre parcel. As stated earlier, the remaining area will still be utilized for some form of agricultural activity. Surrounding lands are basically in agricultural usage. Since the day care service will be for only three (3) hours a day on Mondays, Tuesdays, and Wednesdays, and for two (2) hours on Thursdays and Fridays, no adverse impacts are expected on these adjacent properties from the proposed use. The State Department of Agriculture confirmed this by commenting that they "... find no impact to agriculture in the area at this time." In addition, the proposed facility will be located close enough to the Town of Honokaa to be tied into an area which is urbanizing in character rather than being located in an area which is totally agriculture or rural.
4. That the proposed use will not unreasonably burden the public agencies to provide additional facilities and/or services. All essential utilities and services are available to the subject

Mr. Gordan Furutani
Page 3
January 21, 1977

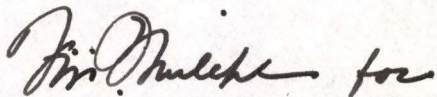
property. Although some increase in the need for services may be generated by the proposed use, the increase is not expected to be of any substantial nature.

The favorable recommendation was also subject to the following conditions:

1. That the day care center shall be established on the subject property within one (1) year from the effective date of approval of the Special Permit;
2. That prior to occupancy of the facility, the petitioner shall submit plans to the Planning Department for "Plan Approval";
3. That should the landowner, Jan Jardine, decide to lease portions of the land to the petitioner for the day care center, then that portion of land shall be subdivided into a minimum-lot size of one (1) acre;
4. That the rules, regulations, and requirements of the County Department of water Supply and State Department of Health shall be complied with;
5. That the Special Permit run concurrent with the duration of the lease agreement for the facility between the landowner and the petitioner or until the termination of the day care facility by the petitioner, whichever occurs first; and
6. That all other applicable rules and regulations, including the Building and Fire Codes, shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be deemed null and void.

Enclosed are copies of the Exhibits from the subject docket.



(Mrs.) Lorraine R. Jitchaku
Chairman, Planning Commission

lat

Enclosures

cc Deirdre Waller
Land Use Division, DPED

PLANNING COMMISSION

JAN 4 10 56 AM '77

Planning Department
County of Hawaii

Agenda for the Meeting on Thursday, January 13, 1977 - 2:00 p.m.
Waimea School Cafetorium, Waimea, South Kohala, Hawaii

MINUTES

1. December 16, 1976
2. December 22, 1976

REPORTS

UNFINISHED BUSINESS

1. Preliminary hearing on the application of Burgess, Inc., for variances from the minimum setback and parking requirements. More specifically, the requests are as follows: a) seven-foot front yard setback along Alii Drive in lieu of the minimum requirement of twenty (20) feet; b) ten-foot front yard setback along Likana Road in lieu of the minimum requirement of twenty (20) feet; c) five-foot side yard setback from east property line in lieu of the minimum requirement of twelve (12) feet; d) eight-foot side yard setback from west property line in lieu of the minimum requirement of twelve (12) feet; e) no side yard setback between Parcels 11 and 12; and f) no parking stalls in lieu of the minimum requirement of sixty-five (65) stalls. The properties involved are located along the mauka side of Alii Drive, adjacent and to the east of the Kona Hukilau Hotel, Kailua Village, North Kona, TMK: 7-5-06:11 and 12.
- ✓ 2. Application of Deirdre Waller for a Special Permit to allow the establishment of a day care center on portion of a 4.4-acre property situated within the State Land Use Agricultural District. The property involved is located along the north or makai side of the Old Mamalahoa Highway, approximately one (1) mile from the Hawaii Belt Highway-Old Mamalahoa Highway intersection and Tex's Drive In, Nienie, Hamakua, TMK: 4-5-10: portion of 14.

NEW BUSINESS

1. Preliminary hearing on the application of Dodo Mortuary, Inc., for a variance to allow the expansion to the existing mortuary which is a nonconforming use situated within the Multiple Family Residential - 1,000 square foot (RM-1) zoned district. The property involved is located along Wainaku Street adjacent to the Clem Akina Park and the intersection of Waipahoehoe Lane and Wainaku Street, Puueo, South Hilo, TMK: 2-6-08:10.
2. Preliminary hearing on the application of Boise Cascade Home and Land Corporation for the following requests: a) Change of Zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for the

LIST OF EXHIBITS - Deirdre Waller

LAND USE COMMISSION
STATE OF HAWAII
FEB 2 10 38 AM '77

- A. Application Form
- A-1. Letter from Waller (10-28-76)
- A-2. Letter from Waller (10-27-76)
- A-3. Letter from Jardine (Landowner) (10-18-76)
- A-4. Applicant's location map
- A-5. Applicant's site plan
- B. Departmental acknowledgment letter (11-3-76)
- C. Letters to agencies (11-3-76)
- D. HELCO (11-5-76)
- E. Education (11-8-76)
- F. Water Supply (11-9-76)
- G. Public Works (11-9-76)
- H. Agriculture (11-15-76)
- I. Fire (11-17-76)
- J. Police (11-17-76)
- K.
- L.
- M. Letter to Waller (12-1-76)
- N. Letter from Waller (12-13-76)
- O. Letter from Waller (12-17-76)
- P. Letter to surrounding property owners (11-30-76)
- P-1. Map for surrounding property owners
- P-2. List of surrounding property owners
- Q. Public hearing notice
- Q-1. Public hearing notice in Hawaii Tribune-Herald
- R. Letter to Waller (11-29-76)
- S. Petition
- T. Letter to Waller (12-27-76)
- U. Letter to Waller (12-30-76)
- V. Location map - presentation (please return)
- W. Site map - presentation (please return)

- X. Staff background
- Y. Connie Steven's letter
- Z. Agreement
- AA. Acknowledgment letter to Steven's (1-6-77)
- BB. Staff recommendation
- CC. Public hearing transcript
- DD. Minutes (12-22-76)
- EE. Letter to applicant (1-11-76)
- FF. Voting sheet
- GG. Minutes (1-20-77)
- HH. Letter to applicant (1-21-77)

APPLICATION FOR SPECIAL PERMIT

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT: Deirdre A. Waller

APPLICANT'S SIGNATURE: Deirdre A. Waller

ADDRESS: P.O. Box 974
Honokaa, HI. 96727

TELEPHONE: 775-7438

TAX MAP KEY: 4-5-10-14 AREA: 4.4 acres
(Size of Parcel)

OWNER: Jan N. Jardine (formerly Jan Hunt)

OWNER'S SIGNATURE: Jan N. Jardine

APPLICANT'S INTEREST, IF NOT OWNER: Representative of Day Care Group

REQUESTED USE: Day Care Center

APPLICANT'S REASON(S) FOR REQUESTING SPECIAL PERMIT: (Please attach)

NOTE: The applicant must show that:

- (a) such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
- (b) the desired use shall not adversely affect surrounding properties;
- (c) such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;
- (d) unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
- (e) the land upon which the proposed use is sought is unsuited for the uses permitted within the district;
- (f) the proposed use will not substantially alter or change the essential character of the land and the present use; and
- (g) the proposed use will make the highest and best use of the land involved for the public welfare.

THIS APPLICATION MUST BE ACCOMPANIED BY:

- (a) 16 copies of the completed application form with attachments.
- (b) 16 copies of a location map.
- (c) 16 copies of a site plan with existing and proposed uses.
- (d) any additional information.
- (e) \$100.00 processing fee.

For Official Use:

Date received _____
120th day _____
Public Hearing date _____
Action date _____
To Land Use Commission _____

P.O. 3 2/75

EXHIBIT A

Oct. 28, 1976

Dear Sir:

1 Nov

Please add this to my application for a "special land use permit" for a day care center in Ahualoa, Hi.

All other materials will arrive in two manila envelopes, 9x12.

Thank you. Sorry I forgot this enclosure.

Sincerely,

Seridre Waller
PO Box 974
Honokaa, Hi.
96727

710 200 200 100 100

FILED

County Planning Commission
25 Aupuni St.
Hilo, Hi. 96720

To Whom It May Concern;

I, Deirdre Waller, representing the proposed Ahualoa Montessori School, am requesting a "special land use permit" for the parcel of land, tax map key number 4-5-10-14, owned by Jan Hunt Jardine.

I intend to show that the proposed day care center is an "unusual and reasonable" use within an agricultural district.

The parcel in question consists of 4.4 acres, one acre of which is unsuitable for agricultural purposes due to the varied topography (mostly gulch). A county water tank is situated in this area.

There is approximately two acres of fenced pasture land that will be used for grazing animals.

An existing vegetable garden near the house will be maintained. Planting fruit trees within the house yard is a future projection for the site.

The unusual, but reasonable request is that we be allowed to run a day care center, in the name of The Ahualoa Montessori School, on this property. The landlady is in agreement with our purposes.

The area of Ahualoa has sufficient population and need that the neighborhood feels it would benefit from a day care center.

The surrounding land will in no way be affected. As far as we can foresee, no burden will be put upon any public agencies. Utilities are already in existence for our purposes. Playground equipment is planned for the future and would be installed within the house yard area.

Cont' Page 2

A more regular flow of traffic will ensue, although this will be minimal. The number of children attending per day will not exceed fifteen, and these will be making use of car pools.

The center will provide day care services for three hours a day, Monday, Tuesday, Wednesday, and two hours a day, Thursday and Friday. The number of children will not exceed fifteen for any day. There will be no provisions for day care services on Saturday and Sunday.

The house will be maintained as a single family dwelling since a director-teacher will be in residence.

We feel a day care center would be the highest and best use of the land for the public welfare. At the same time, a reasonable level of agricultural uses will be maintained.

Thank you very much for your consideration.

EXHIBIT

A-2

Deirdre Waller

To The Land Use Commission:

Jan N. Jardine
P.O. Box 696
Kamuela, HI 96743
Oct. 18, 1976

This letter is to notify you that I am aware that Deirdre Waller is representing the Ahualoa Day Care center in applying for a special use permit to operate a day care center on my property in Ahualoa. (refer to tax map key # 4-5-10-14).

I am also aware that besides the school, they will continue to use the property for agricultural purposes by maintaining a large vegetable garden, planting fruit trees, and keeping certain farm animals.

To avoid any confusion I would like to point out that the property may still be recorded under my former name, Jan Niske Hunt.

Sincerely,

Jan N. Jardine

IRONWOODS
gulch Area

County
Water
Tank

IRONWOODS
gulch Area

Fields

guest
House

GOAT
HOUSE

Veg.
Garden

DAY CARE
CENTER

Garage
storage

PASTURE

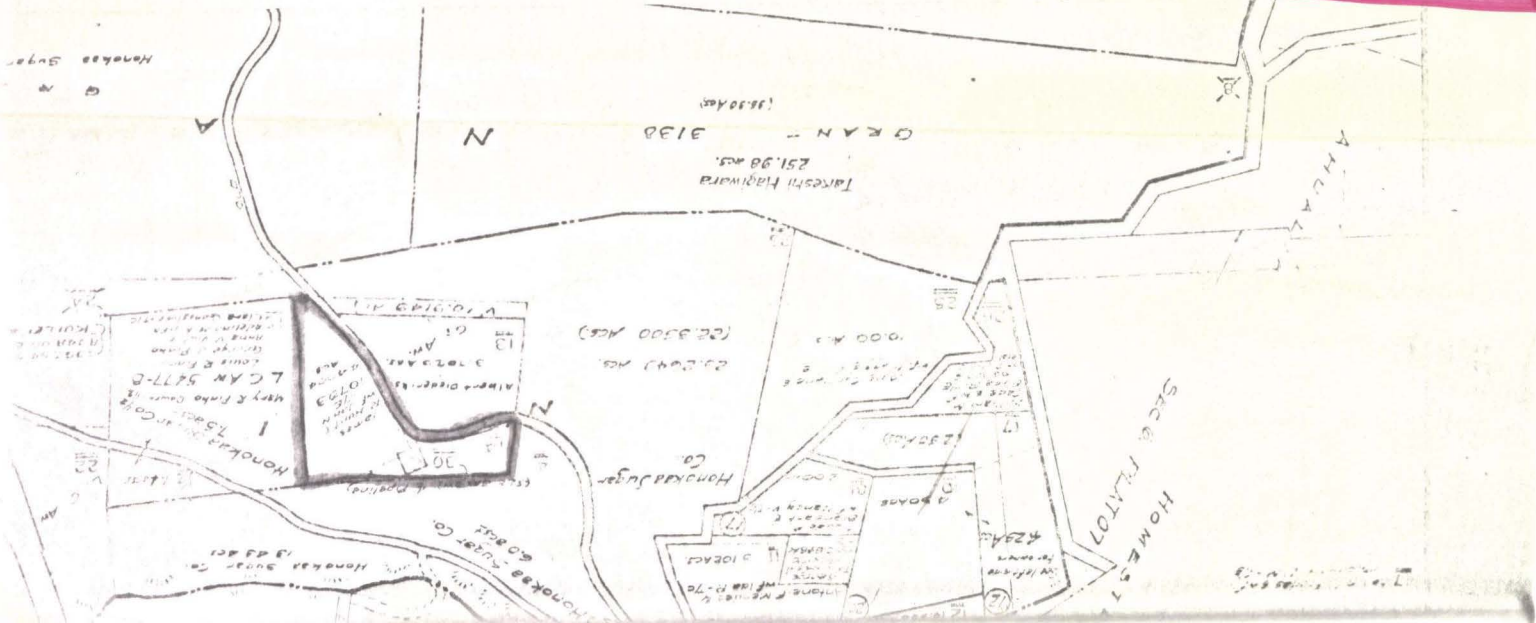
PASTURE

Pig Farm
3.7 acres

MAMALAHOA
HIGHWAY

Site Plan ↗
Location Map ↘

EXHIBIT A-5



November 3, 1976

Ms. Deirdre Waller
P. O. Box 974
Honokaa, HI 96727

Re: Special Permit - Day Care Center
TMK: 4-4-10:04

This is to acknowledge receipt of the above-mentioned special permit application on November 1, 1976.

The County Planning Commission will conduct a public hearing on this request within a period of not less than thirty (30) nor more than one hundred twenty (120) days from the receipt of the application. The Planning Commission will then act on the application not earlier than fifteen (15) days after the public hearing but within a reasonable time thereafter. Should the Planning Commission recommend favorably on the request, it will be forwarded to the State Land Use Commission for final action.

The Planning Commission may deny the request if it deems that the proposed use does not meet with the special permit guidelines. In such a circumstance, its decision will be considered final. However, in accordance with the provisions of Chapter 205-6, Hawaii Revised Statutes, a Planning Commission denial may be appealed to the circuit court of the circuit in which the land is situated, in this case, the Third Circuit Court.

Notice of the time and place of the public hearing will be forwarded to you as soon as your application is placed on its agenda for Commission action. Should any questions arise in the meantime, please contact Norman Hayashi or Ilima Piianaia of this Department, at 961-8288.

Sidney M. Fuji
RAYMOND SUEFUJI
Director

rfd

EXHIBIT B

NOV - 3 1976

MEMORANDUM:

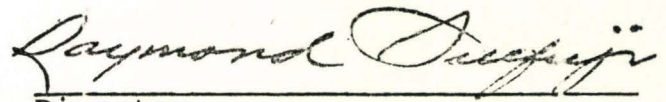
PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, R&D, DOE,
Police, Fire, Soil Conserv., Dept. of Ag. Date: November 3, 1976
Helco, Virginia-staff

From: Planning Director

Subject: SPECIAL PERMIT APPLICATION
Deirdre Waller
TMK: 4-5-10:4

May we have your comments within two (2) weeks from the
above date for the special permit application filed by
Ms. Deirdre Waller.


Director

lgv

enclosures

EXHIBIT C

NOV - 4 1976

HAWAII ELECTRIC LIGHT COMPANY, INC.
P. O. BOX 1027 HILO, HAWAII-96720



November 5, 1976

County of Hawaii
Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Raymond Suefuji
Director

Subject: Special Permit Applications

Gentlemen:

We have no comments to the following applications as
per your memorandums of November 1st and 3rd:

Makoto Nitahara
TMK: 2-2-40:13

✓ Deirdre Waller
TMK: 4-5-10:14

Very truly yours,

Niwao (He)

Jitsuo Niwao, Manager
Engineering Department

JN:bk

EXHIBIT

D

HAWAII DISTRICT
Department of Education

Date: November 8, 1976

To: Hawaii County
Department of Planning

From: Hawaii District
Department of Education

Subject: Special Permit Application, Deirdre Waller, TMK: 4-5-10:4

☒ Hawaii District Department of Education has no objection to the application.

☐ Hawaii District Department of Education recommends the following:

Schools Affected:

For the Department of Education:

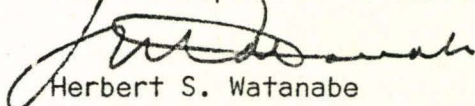
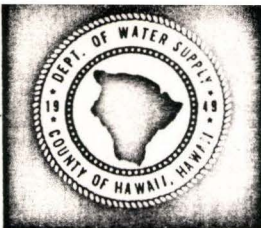

Herbert S. Watanabe
Staff Specialist
Business & Facilities

EXHIBIT E



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820

HILO, HAWAII 96720

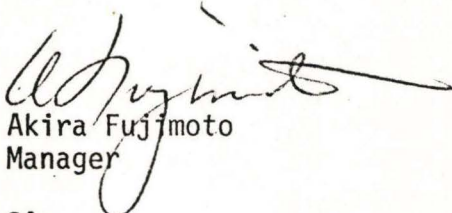
25 AUPUNI STREET

November 9, 1976

TO: Planning Department
FROM: Department of Water Supply
SUBJECT: SPECIAL PERMIT APPLICATION
DEIRDRE WALLER
TMK: 4-5-1044

We have no adverse comments or objections to the applicant's Special Permit request for a Day Care Center.

However, the applicant shall be advised that water services shall be limited to a 5/8-inch meter or whatever is existing now. No additional services, probably not required, will be granted to the parcel in question.


Akira Fujimoto
Manager

QA

cc: Deirdre A. Waller

... *Water brings progress...*

EXHIBIT

F

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

Date November 9, 1976

MEMORANDUM

TO: Planning Department

FROM: Chief Engineer

SUBJECT: Application for Special Permit
Applicant: Deirdre Waller
Location: Ahualoa, Hamakua, HI
TMK: 4-5-10:4

We have reviewed the subject application and have no comments to offer.

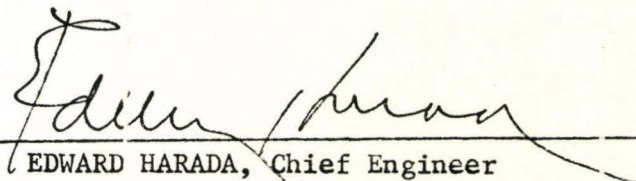

EDWARD HARADA, Chief Engineer

EXHIBIT G

GEORGE R. ARIYOSHI
GOVERNOR



JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE

YUKIO KITAGAWA
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
1428 SO. KING STREET
HONOLULU, HAWAII 96814

November 15, 1976

MEMORANDUM

To: Mr. Raymond Suefuji, Director
Hawaii County Planning Department

Subject: Special Permit Application
Deirdre Waller
TMK: 4-5-10¹/₄ Ahualoa, Hawaii

The Department of Agriculture has reviewed the above application
and finds no impact to agriculture in the area at this time.

Thank you for the opportunity to comments.

Yukio Kitagawa
JOHN FARIAS, JR.
Chairman, Board of Agriculture

JF:n:d

EXHIBIT

H1

HAWAII COUNTY FIRE DEPARTMENT

✓
1
HFD

TO: Planning Director

DATE: November 17, 1976

FROM: Fire

SUBJECT: Special Permit Application
Deirdre Waller
TMK: 4-5-10:4

No fire hydrants are provided in the area. Honokaa fire station located 2 miles distant. Building shall comply with the minimum requirements of the fire and life safety code.

Teruie W Kohao
Fire Inspector



POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720



OUR REFERENCE

GUY A. PAUL


YOUR REFERENCE

CHIEF OF POLICE

November 17, 1976

TO : RAYMOND SUEFUJI, PLANNING DIRECTOR
FROM : GUY A. PAUL, CHIEF OF POLICE
SUBJECT: SPECIAL PERMIT APPLICATION
DEIRDRE WALLER
TMK: 4-5-1014

The special permit application submitted by Deirdre Waller has been reviewed and from the police standpoint, we can foresee no adverse effects from the requested land use.


GUY A. PAUL
CHIEF OF POLICE

RLP/k

EXHIBIT J

December 1, 1976

Ms. Deirdre Waller
P. O. Box 974
Honokaa, HI 96727

Re: Special Permit Application

In reviewing your petition for a Special Permit to allow a day care center within the State Land Use Agricultural District, we need further clarification on the following points:

1. Is the building which will be used for the center an existing one or will it be a new structure?
2. If it is an existing structure, is it now in use as a single-family residence? How large is the building?
3. The site plan submitted shows a guest house on the parcel. How old is this building, and will it also be used as part of the day care facilities?
4. Do you anticipate that the children will come from Honokaa and Kamuela as well as Ahualoa?
5. Approximately how many acres of the total 4.4 acres will be used for the day care center purposes?

We would appreciate your response prior to December 17, 1976.

Thank you.

Sidney M. Fuji

RAYMOND SUFUJI
Director

VKG:rfd

EXHIBIT *MA*

Planning Dept.

Dec 13, 1976

Dear Mr. Suefyji,

Thank you for your letter of Dec. 1, 1976 concerning the Special Permit Application.

Answers to your questions as follows:

1.) The building to be used already exists.

2.) Yes, it is in use as a single family dwelling. The size of the building is approx. 800 sq. ft. of floor space. Refer to the map which accompanies the original application.

3.) The guest house is used as a weaving studio by the Landlady and will continue to be used for that purpose. It is approx. 3 years old.

EXHIBIT N

con't

(2)

4.) We do anticipate children from Honokaa, Kamuela, Paieho, Kalapa.

5.) Approximately an acre and a half, will be used by the day care center.

I hope these answers are satisfactory.

See you at the hearing.

Sincerely,
Deirdre Waller
P.O. Box 974
Honokaa, HI.
96727

December 17, 1976

Ms. Deirdre Waller
P. O. Box 974
Honokaa, HI 96727

Re: Special Permit Application
Day Care Center
TMK: 4-5-10:Portion of 14

Thank you for your early response in providing us with the additional information regarding the above-described Special Permit application. With this information, we shall be able to complete the processing of the application.

Should you have any questions in the meantime, please feel free to contact Norman Hayashi or Ilima Piianaia of this office, at 961-8288.



RAYMOND SUEFUI
Director

NH:rfd

EXHIBIT C

DEC 20 1976



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

RAYMOND H. SUEFUJI
Director

November 30, 1976

Dear Property Owner: (TMK:


Re: Special Permit Application
Nienie, Hamakua, Hawaii
Tax Map Key 4-5-10:portion of 14

You are hereby notified that a request for a special permit to allow the establishment of a day care center on portion of a 4.4 acre property situated within the State Land Use Agricultural District has been submitted by the petitioner, Deirdre Waller.

The proposed use is to be located along the north or makai side of the Old Mamalahoa Highway, approximately one (1) mile from the Hawaii Belt Highway-Old Mamalahoa Highway intersection and Tex's Drive In, Nienie, Hamakua, Hawaii.

A public hearing on the subject among others will be held beginning at 6:00 p.m. on Wednesday, December 22, 1976 at the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii.

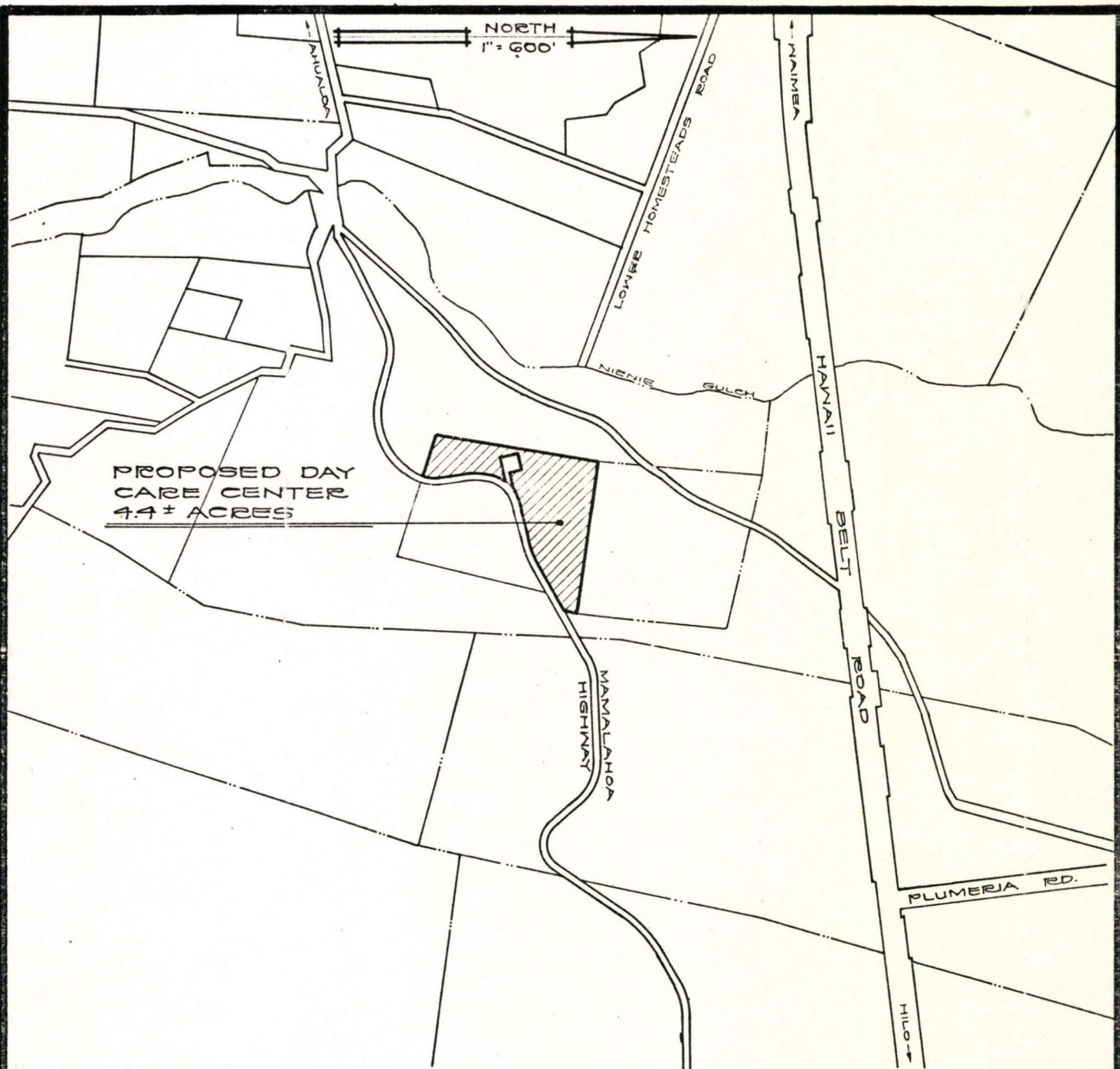
You are invited to comment on the application at the hearing or submit written comments prior to the hearing.


Raymond Suefuji
Director

lat

Enclosure

EXHIBIT P



SPECIAL PERMIT REQUEST

PROPOSED DAY CARE CENTER

NIEHIE, HAMAKUA, HAWAII

TAX MAP KEY : 4-5-08-14

APPLICANT : DEIDRE WALLER

NOV. 9, 1976

EXHIBIT P-1

SPECIAL PERMIT
DEIRDRE WALLER
4-5-08: 14
DAY CARE CENTER

4-5-08: 4 DROPPED

13 Labrador, Anthony
P.O. Box 524
Honolulu, HI 96721

15 Kitagawa, Isao ETAL
Box 9
Honolulu, HI 96721

23 DROPPED

? 30

EXHIBIT P-2

PUBLIC HEARINGS
PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Kealahou School Cafetorium, Kealahou, North Kona,
Hawaii

DATE: Wednesday, December 22, 1976

TIME: 6:00 p.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. PETITIONER: HAWAIIANA INVESTMENT CO., INC.

LOCATION: Along the makai side of Alii Drive, adjacent
and to the south or Keauhou side of the Kona
Shores Condominium complex, in the vicinity
of Kahului Bay, Kahului 2nd, North Kona.

TMK: 7-5-19:3 & 15 and 7-5-21:13 & 36

PURPOSE: Special Management Area (SMA) Use Permit
request to allow the construction of pro-
tective sea walls within the Kona Sea
Village Condominium complex.

EXHIBIT

Q

2. PETITIONER: DEIRDRE WALLER

LOCATION: Along the north or makai side of the Old Mamalahoa Highway, approximately one (1) mile from the Hawaii Belt Highway - Old Mamalahoa Highway intersection and Tex's Drive In, Nienie, Hamakua.

TMK: 4-5-10:portion of 14

PURPOSE: Special Permit request to allow the establishment of a day care center on portion of a 4.4-acre property situated within the State Land Use Agricultural District.

3. PETITIONER: BURGESS, INC.

LOCATION: Along the mauka side of Alii Drive, adjacent and to the east of the Kona Hukilau Hotel, Kailua Village, North Kona.

TMK: 7-5-06:11 and 12

PURPOSE: Special Management Area (SMA) Use Permit request to allow the construction of an addition to the existing Banyan Court shopping mall complex, which would include resort-oriented shops, cafes and office spaces.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building

at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION
LEON K. STERLING, JR., Chairman
By RAYMOND H. SUEFUJI
Planning Director

(Hawaii Tribune-Herald: December 2 and 20, 1976
Honolulu Advertiser: December 2, 1976)

PUBLIC HEARINGS

PLANNING COMMISSION COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Kealahou School Cafetorium, Kealahou, No Kona, Hawaii

DATE: Wednesday, December 22, 1976

TIME: 6:00 p.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. PETITIONER: HAWAIIANA INVESTMENT CO., INC.

LOCATION: Along the makai side of Alii Drive, adjacent and to the south or Keauhou side of the Kona Shores Condominium complex, in the vicinity of Kahului Bay, Kahului 2nd, North Kona.

TMK: 7-5-19.3 & 15 and 7-5-21:13 & 36

PURPOSE: Special Management Area (SMA) Use Permit request to allow the construction of protective sea walls within the Kona Sea Village Condominium complex.

2. PETITIONER: DEIRDRE WALLER

LOCATION: Along the north or makai side of the Old Mamalahoa Highway, approximately one (1) mile from the Hawaii Belt Highway—Old Mamalahoa Highway intersection and and Tex's Drive In, Nienie, Hamakua.

TMK: 4-5-10:portion of 14

PURPOSE: Special Permit request to allow the establishment of a day care center on portion of a 4.4-acre property situated within the State Land Use Agricultural District.

3. PETITIONER: BURGESS, INC.

LOCATION: Along the mauka side of Alii Drive, adjacent and to the east of the Kona Hukilau Hotel, Kailua Village, North Kona.

TMK: 7-5-06:11 and 12

PURPOSE: Special Management Area (SMA) Use Permit request to allow the construction of an addition to the existing Banyan Court shopping mall complex, which would include resort-oriented shops, cafes and office spaces.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION
LEON K. STERLING, JR., Chairman
By RAYMOND H. SUEFUJI
Planning Director

(935 — Hawaii Tribune-Herald: December 2, 20, 1976.)

November 29, 1976

Ms. Deirdre Waller
P. O. Box 974
Honokaa, HI 96727

Re: Notice of a Public Hearing
Special Permit Application
Tax Map Key: 4-5-10:portion of 14

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 7:00 p.m. on Wednesday, December 22, 1976 at the Kealahou School Cafetorium, Kealahou, North Kona, Hawaii.

The presence of a representative will be appreciated in order that all questions relative to the request may be clarified.

A copy of the hearing notice is enclosed for your information.

Sidney M. Aue

Raymond Suefuji
Director

LAT:ktg
Enclosure

EXHIBIT

R

NOV 29 1976

THE UNDERSIGNED DO SUPPORT THE SPECIAL
PERMIT ZONING VARIANCE FOR THE PROPOSED
AHUALOA MONTESSORI SCHOOL, AHUALOA, HAWAII;
TAX MAP KEY, 4-5-10: PORTION OF 1A

NAME

ADDRESS:

Kathryn Robinson	PO Box 809 Honokaa
Margaret O'Connell	
Rebecca Luf	
Susan Hazelhoff	
Deirdre Waller	Ahualoa, Hi.
Opelle Jeckle	Ahualoa, Hi.
Donna Pritchard	Kaapahu, Hawaii
Edith Olafson	Ahualoa Hawaii
Stephen Olafson	Ahualoa Hawaii
Autumn Preble	Waimea, Hawaii
Patricia Montgomery	Ahualoa, Hawaii
Marilyn Mackley	Ahualoa, Hawaii
Sarah Petersen	Ahualoa, Hawaii
Timothy R. Tupper	Ahualoa, Hawaii
Fielding Schatz	Box 596, Kamuela
Hillery House	P.O. Box 911 Honokaa
David Little	Kohi Maui
Karol Knechtle Box 163	Volcano, Hi
Peter G. Lindeman	Kamuela, Hawaii
Maline Noy	Ahualoa, Hawaii
Richard A. Spiegel	Kukuihaele, Hawaii
Charles W. Joyce	Ahualoa, Hawaii
Erica Brainerd	Volcano, Hawaii
Jo Ann McCall	Paauilo, Hi.
Steve Marlowe	AHUALOA, HI.
Leonora Mead	Waimea, Hi
Jim Luf	Seville, Va
Connie Fay	Ahualoa, Hi.
Jerry Lanthier - Welch	Ahualoa, Hi.

EXHIBIT S

December 27, 1976

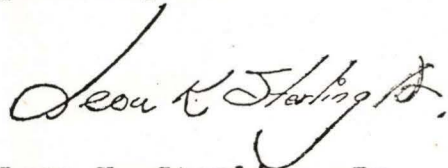
Ms. Deirdre Waller
P. O. Box 974
Honokaa, HI 96727

Re: Special Permit Application
Tax Map Key 4-5-10:por. of 14

The Planning Commission at its meeting of December 22, 1976, held a duly advertised public hearing on your application for a special permit to allow the establishment of a day care center on portion of a 4.4-acre property situated within the State Land Use Agricultural District at Nienie, Hamakua, Hawaii.

In accordance with the provisions of Section 205-6, Hawaii Revised Statutes, the Commission shall act on such petition not earlier than fifteen (15) days after the said public hearing.

We shall notify you when the Commission is ready to take action on your request.



Leon K. Sterling, Jr.
Chairman, Planning Commission

lat

cc Land Use Commission
Land Use Division, DPED

EXHIBIT T

DEC 29 1976

December 30, 1976

Ms. Deirdre Waller
P. O. Box 974
Honokaa, HI 96727

Re: Special Permit Application
Tax Map Key: 4-5-10:portion of 14

This is to inform you that your application will be discussed on Thursday, January 13, 1977 by the Planning Commission. The meeting will be held at the Waimea School Cafetorium, Waimea, South Kohala, Hawaii, and is scheduled to begin at 2:00 p.m.

We shall notify you of the Commission's action.

A copy of the agenda is enclosed for your information.

Sidney M. Fuji

Raymond Suefuji
Director

LAT:kth

EXHIBIT u

JAN 1 1977

SPECIAL PERMIT: DEIRDRE WALLER

The petitioner, Deirdre Waller, representing Ahualoa Montessori School, is requesting a Special Permit to allow the establishment of a day care center on approximately 1.5 acres of land situated within the State Land Use Agricultural District. The area involved, which is a part of a 4.4-acre parcel, is located along the makai side of the old Mamalahoa Highway, approximately 4,800 feet west of the old Mamalahoa Highway - Hawaii Belt Road junction at Honokaa. The parcel is located within the land division of Nienie, Hamakua (TMK 4-5-10:4).

The owner of the parcel, Jan N. Jardine has, by signature, authorized the application for the Special Permit. The following letter was also submitted by Ms. Jardine: (Read Jardine's letter)

The proposed Ahualoa Montessori School will provide day care services for not more than 15 children per day. These services will be provided for three hours a day on Mondays, Tuesdays and Wednesdays, and for two hours a day on Thursdays and Fridays. The center will not be open on Saturdays and Sundays. The children at the day care center are expected to come from the Paauiilo, Honokaa, Kamuela and Kalopa areas.

The petitioner intend to utilize the existing single-family dwelling of approximately 800 square feet for the day care facility. This dwelling will also be used as a residence as a director-teacher will be living in the structure. The remainder of the area where suitable, will be used for vegetable gardening, pasture and fruit crops. Within the 4.4-acre parcel, there is also

EXHIBIT X

a guest house which is presently used as a weaving studio by the landlord. A garage/storage building is also situated on the property.

Surrounding land uses include scattered single-family dwellings, pasture, cane and vacant lands. The adjacent parcels to north, east and west of the subject property is in sugar cane production. There is a piggery on the property across the roadway. The County Department of Water Supply's reservoir site as indicated on the presentation map identified as Exhibit _____, borders the area in question.

The General Plan Land Use Pattern Allocation Guide Map designates the area for intensive agricultural uses, with an alternate urban expansion designation. The County zone for the parcel is Agricultural - 5 acres (A-5a).

For the Commissioners' information, the State Land Use Commission recently reclassified forty-two (42) acres of land situated approximately 600 feet from the subject property from an Agricultural to an Urban District.

According to the U. S. Department of Agriculture Soil Conservation Service's Soil Survey Report issued in December 1973, the land is of the Kukuaiau soil series which consist of well drained silty clay loams formed in volcanic ash. The land slopes from 6 to 12 percent and the annual rainfall is from 70 to 100 inches.

Access to the property is via the Old Mamalahoa Highway which has a 40-foot right-of-way with an 18-foot pavement.

The Department of Water Supply stated they had no adverse comments or objections to the request. However, they stated that "the applicant shall be advised that water services shall be limited to a 5/8-inch meter or whatever is existing now. No additional services, probably not required, will be granted to the parcel in question."

The Fire Department stated the following:

"No fire hydrants are provided in the area. Honokaa fire station located 2 miles distant. Building shall comply with the minimum requirements of the fire and life safety code."

The State Department of Agriculture stated that they "...find no impact to agriculture in the area at this time."

All other cooperating agencies had no comments on or objections to the subject request.

In support of the request, the petitioner has stated the following:

(Read Petitioner's Reasons)

Mr. Leon K. Sterling Jr.
Chairman, Planning Commission
Planning Department
25 Aupuni Street
Hilo, H. 96720

Mr. Sterling:

This is the copy of the lease that
I have with Mr. Jardine. You will
notice that we are renting the house
as well as a 20% interest in the property,
the land between the fence & the road, and
between the ^{new} studio & the house.

Thank you very much for your help.

Sincerely,
Constance Stevens

STANDARD FORM — RESIDENTIAL

Rental Agreement

This Rental Agreement made this 23 day of SEPTEMBER, 1976 at HONOLULU Hawaii between

_____, who is the (owner) (authorized managing agent residing on island) of the premises hereinafter called the landlord and tenant or tenants listed below:

	NAME	AGE	SEX	SOCIAL SECURITY NUMBER
1.	STEVENS	27	F	323-26-7530
2.				
3.				

The landlord hereby rents to the tenants jointly and severally the dwelling unit described below for the following term and upon the following conditions:

Description of dwelling unit and premises: UNIT 2RD FLOOR FARM HOUSE UNIT
(For personal property, attach a separate schedule which lists the condition of same.)Term: Term shall be from 23, 1976 to and including 22, 1977. If Tenant remains in possession of the premises with Landlord's written consent after the expiration of said term, he shall become a tenant from month-to-month at the same rent and on the same terms as are contained herein. Provided, however, if he remains in possession without Landlord's written consent, the monthly rent shall be two times the monthly rent herein mentioned.

Amount of security deposit: _____ (By law, not to exceed 1 month rent)

Special conditions: 1. NO SMOKING OR DRINKING IN THE UNIT OR ON THE PORCH.
2. NO PETS ALLOWED.
3. NO CARPORTS OR VEHICLES IN THE DRIVEWAY.

Limited occupancy: Occupancy shall be restricted to the tenants listed above and the following:

	NAME	AGE	SEX	SOCIAL SECURITY NUMBER
1.				
2.				
3.				

ALL PARTIES AGREE:

1. Tenancy and notice to vacate: That when tenancy is month-to-month the landlord or the tenant may terminate the rental agreement upon giving written notice to the other no less than 28 days in advance of the anticipated termination. If notice is given and changed the 28 days shall run from the last change, likewise no rent increase for a month-to-month tenancy shall be made without similar written 28 days' notice. In cases of demolition proceedings, landlord shall give tenant 90-day notice to vacate.

2. Agents for service: The tenants herein hereby designate each other (excluding minors) as their duly constituted agents for service of notice, summons, or legal process for any claim or action arising out of the tenancy created herein. Service of process on any such agent designated shall be service on the principal.

3. Assignability: This agreement is not assignable or subject to subleasing by the tenant.

LANDLORD AGREES:

- That he shall deliver possession of the described dwelling unit in the agreed condition to the tenant on the date agreed to herein.
- That he shall furnish to the tenant a written receipt for rents paid at the time of said payment. Cancelled checks shall constitute written receipt.
- That if he sells the unit, he will give an accounting of security deposit to new owner, and within 20 days after transaction, new owner must give written notice to tenant of amount credited to him.

TENANT AGREES:

- Rent: To pay the rent on the _____ day of each month for that month in advance without notice or demand at _____
- Rental rate: \$ _____ per _____ payable monthly at \$ _____ per month.
Year, Month, etc.

TENANT'S TERMS AND CONDITIONS CONTINUED ON REVERSE SIDE.

BEFORE SIGNING, READ THIS:

IT IS EXPRESSLY UNDERSTOOD THAT THE TERMS AND CONDITIONS PRINTED ON THE REVERSE SIDE ARE INCORPORATED INTO THIS AGREEMENT.

In witness whereof the parties have executed this Rental Agreement in duplicate on the day and year written above, a copy of which, by law, shall be given to the tenant.

Tenant(s) signature _____	Landlord signature _____
Tenant(s) signature _____	Address _____
Tenant(s) signature _____	Name of owner if different from Landlord _____
Tenant(s) signature _____	Address _____
Tenant(s) signature _____	Name of authorized managing agent residing on island _____
Tenant(s) signature _____	Address _____
	The above are authorized to act for and on behalf of the owner for the purposes of service of process and of receiving and receipting rents, notices, and demands.

RECEIPT BY TENANT(S) FOR HOUSE RULES ATTACHED HERETO.


Tenant(s) signature _____
 Notice: By his signature, tenant acknowledges that he has read and understands the house rules, which are part of this agreement.

January 6, 1977

Ms. Connie Stevens
General Delivery
Honokaa, HI 96727

Re: Special Permit - Day Care Center
TMK: 4-5-10:Portion of 14

Thank you for sending us a copy of the lease agreement between you and Jan N. Jardine. This copy will be made part of the official record for the above-described special permit application.


RAYMOND SUEFUJI
Director

NH:rfd

EXHIBIT AA

JAN 7 - 1977

RECOMMENDATIONS: Deirdre Waller

Upon review of the request against the guidelines for considering a Special Permit, staff is recommending that it be given favorable consideration, based on the following findings:

1. That approval of the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses for which they are best suited and are in the general interest of public health and welfare. The purpose of the subject request is to allow the establishment of a day care center, utilizing an existing building on the property. This structure will ^{also} continue to be used as a single-family dwelling. No additional buildings will be constructed. The remainder of the land will continue to be used for agricultural activities. Therefore, even with the establishment of the day care center on the premises, the present agricultural uses on the remainder of the 4.4-acre lot will not be substantially affected nor altered.
2. That the proposed use is consistent with the policies of the County General Plan in providing a variety of educational opportunities for the island population. Present trends and needs in this direction have risen recently. At the present time, there is only one each nursery school and day care center located in Honokaa and Waimea. Therefore, it is felt that additional

EXHIBIT BB

facilities should be made available to adequately meet the increased needs of the communities within close proximity to the proposed center. It is further determined that the proposed use will make the highest and best use of the subject land for the general welfare and benefit of the public as it will provide added educational opportunities for preschool children in the area.

Further, approval of the proposed use will not be inherently contrary to the spirit and intent of the County's Zoning Code in that nursery schools are "conditionally permitted uses" within the County's Agricultural zoned district.

3. That the establishment of the proposed use on the subject lot will not adversely affect the surrounding properties. The proposed day care center activity will be conducted on a portion of the 4.4-acre parcel. As stated earlier, the remaining area will still be utilized for some form of agricultural activity. Surrounding lands are basically in agricultural usage. Since the day care service will be for only three (3) hours a day on Mondays, Tuesdays, and Wednesdays, and for two (2) hours on Thursdays and Fridays, no adverse impacts are expected on these adjacent properties from the proposed use. The State Department of Agriculture confirmed this by commenting that they "... find no impact to agriculture in the area at this time." In addition, the proposed facility will be located close enough to the Town of Honokaa to be tied into an area which is urbanizing in character rather than being located in an area which is totally agriculture or rural.

4. That the proposed use will not unreasonably burden the public agencies to provide additional facilities and/or services. All essential utilities and services are available to the subject property. Although some increase in the need for services may be generated by the proposed use, the increase is not expected to be of any substantial nature.

It is further recommended that the request be given favorable consideration, subject to the following conditions:

1. That the day care center shall be established on the subject property within one (1) year from the effective date of approval of the Special Permit;
2. That prior to occupancy of the facility, the petitioner shall submit plans ~~to the Planning Department~~ to the Planning Department for "Plan Approval";
3. That should the landowner, Jan Jardine, decide to lease ~~additional~~ ^{for the day care center,} portions of the land to the petitioner, then that portion of land ~~used for the day care center~~ shall be subdivided into a minimum lot size of one (1) acre;
4. That the rules, regulations, and requirements of the County ^{State Department of} Departments of Water Supply and Health shall be complied with;
5. That the Special Permit run concurrent with the duration of the lease agreement for the facility between the landowner and the petitioner or until the termination of the day care facility by the petitioner, whichever occurs first; and

6. That all other applicable rules and regulations, including the Building and Fire Codes, shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be deemed null and void.

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
December 22, 1976

A regularly advertised public hearing, on the application of Deirdre Waller, was called to order at 7:11 p.m. in the Cafetorium of the Kealakehe Elementary School, Kealakehe, North Kona, by Chairman Sterling.

PRESENT: Leon K. Sterling, Jr. ABSENT: Akira Fujimoto, Ex-officio Member
Scott H. Asai
Lorraine R. Jitchaku
Arthur W. Martin
William F. Mielcke
Haruo Murakami
Charles H. Sakamoto, Jr.

Raymond H. Suefuji, Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

Clifford H. F. Lum, Corporation Counsel
David H. Murakami, representing Ex-officio Member Edward Harada

and about 20 people in attendance

CHAIRMAN: We move on to the next item of the public hearing. Public hearing on the application of Deirdre Waller for a Special Permit to allow the establishment of a day care center on portion of a 4.4-acre property situated within the State Land Use Agricultural District. The property involved is located along the north or makai side of the Old Mamalahoa Highway, approximately one (1) mile from the Hawaii Belt Highway-Old Mamalahoa Highway intersection and Tex's Drive In, Nienie, Hamakua, TMK: 4-5-10:portion of 14.

Mr. Hayashi.

HAYASHI: (Staff submitted Exhibits A through X and presented background information on file.)

CHAIRMAN: Thank you Mr. Hayashi. Does anyone have any questions to the staff report? Mr. Sakamoto.

SAKAMOTO: Norman, you said there's a piggery across from the building. Do you know how far?

HAYASHI: According to our land use inventory, the piggery is situated right across from Mamalahoa Highway. It's where Ilima is pointing out on the map.

SAKAMOTO: Thank you.

JITCHAKU: Mr. Chairman, I have a question.

CHAIRMAN: Mrs. Jitchaku.

JITCHAKU: Of the petitioner; so, I will wait until you call the petitioner up.

EXHIBIT CC

CHAIRMAN: Fine. Are there any other questions of the staff on the staff report? Any comments? Let me outline this now. This is special permit. The purpose of: To use the land within the State Land Use Agricultural or Rural District for other than uses permitted within these districts. The Planning Commission is to conduct the public hearing after 30 days but within 120 days from receipt of the petition. The public testimony will be taken. No testimony or a rebuttal will be allowed after public hearing is closed. Take the action; and then, this is submitted to the State Land Use Commission for their final approval.

Is the petitioner or the applicant present? Would you care to come up please. Would you swear to tell the truth and nothing but the truth on this matter now before the Planning Commission, so help you God.

TESTIFIER: Certainly.

CHAIRMAN: Now, will you state your name please.

DEIRDRE WALLER: Deirdre Waller.

CHAIRMAN: You have every opportunity to question the staff report or make any comments or anything else that you want to add to it.

WALLER: No, I'm very pleased with their evaluation.

JITCHAKU: Mr. Chairman, I have a question.

CHAIRMAN: Commissioner Jitchaku has a question.

JITCHAKU: Mrs. Waller, just for some background information. What is the name of Montessori out of curiosity? What is the meaning of that word?

WALLER: That's the name of a woman who started a certain method of teaching children and we will be following in her footsteps.

JITCHAKU: I see. You did mention that this is a very unusual request, however, it does seem unusual because you are limiting, I understand, the number of children to no more than 15 and the hours are sort of unusual. Like, if it's a day care center, normally, you have women that works eight hours a day. However, you are going to open just for three hours a day on certain days like Monday, Tuesday, Wednesday; and on Thursday and Friday, it's just for two hours. Would you like to explain?

WALLER: The proposed clientele for this day care center - most of them are not full-time working mothers and their needs are not eight hours a day, five days a week.

JITCHAKU: I see. So, it's more or less of a sense like maybe tutoring for couple of hours or so. It is not a school. So, what are the ages of the children?

WALLER: The ages will be preschool children, three to five.

JITCHAKU: Thank you.

CHAIRMAN: Are there any other questions?

MIELCKE: Mr. Chairman, I had the question along that same lines as Commissioner Jitchaku. Would you just explain a little bit to me about the teaching methods and the philosophy of the school?

WALLER: Well, as long as we're gonna have children under our care, we want to give them the best care possible. And, this woman was very concerned about developing the full personality of the child. Not just the academic, but the emotional and the physical. And, also, paying particular attention to each individual. Each child as an individual, rather than just giving the program that everybody has to conform to. So, that's why the number is very small and the hours are also very short because each child is given full attention. And, because of that and of their short concentration time span, they can't take too much concentrated effort. So, the hours are short and the school is small because we want to give them individual attention, too.

MIELCKE: Would anybody from the community be eligible to enroll children in the school?

WALLER: Yes, anybody would be.

MIELCKE: And do you have a fee schedule in mind?

WALLER: Yes, we do. Forty dollars a month for the three-day session and twenty-six dollars a month for the two-day session.

MIELCKE: I see. And Mrs. Waller, would you be one of the teachers there at the day care center?

WALLER: One of the helpers.

MIELCKE: One of the helpers?

WALLER: Ah ha.

MIELCKE: I see. You've been involved in a Montessori School organization before?

WALLER: Yes, I have taught Headstart on Maui a few years ago and Headstart in Boston, Massachusetts, too. The teacher....the Director who will be living there is a trained Montessori teacher and she is here if you would like to ask any questions of her.

CHAIRMAN: Thank you.

MIELCKE: Thank you, Mr. Chairman.

CHAIRMAN: Any other questions of the applicant? Commissioner Martin.

MARTIN: Most of the questions I was going to ask have been asked already. You mentioned about the individual attention to the children. So, will all 15 children be coming at the same time or will the hours be kind of staggered, so actually, the teacher will be teaching all day long?

WALLER: No, as we've set it up, there'll be no more than 15 each day and we have only projected one teacher with helpers. But, we really do not expect 15. I just used that as a round number, really. Probably, no more than 10 a day.

MARTIN: You are aware on that agency which, I don't know the agency which....

WALLER: The DSS licenses the Day Care Centers.

MARTIN: Yes, licenses the Day Care Centers. They look at how much area for each child?

WALLER: Right.

MARTIN: I wondered if this is where you got the 15?

WALLER: That's where we got the 15.

MARTIN: I guess what I was asking was that you will, say, on your three-hour a day, you go from 9:00 to 12:00 and all the children will come at that time?

WALLER: Yes.

MARTIN: Yes, that's all I have to ask. Would you mind introducing the teacher just so we can see who she is.

WALLER: No, I don't mind it at all. Connie, come on up. Also, the landlady is here, too, Jan Jardine.

ASAI: I have a question, Mr. Chairman.

CHAIRMAN: Commissioner Asai.

ASAI: Miss or Mrs. Waller.

WALLER: Mrs.

ASAI: Mrs. Waller, of these children, will the parents be bringing them to school and picking them up later?

WALLER: Yes, they will.

ASAI: I see.

WALLER: As I mentioned before, we'll try to make good use of car pools.

I'd like to introduce Connie Stevens. She will be the Director.

CHAIRMAN: Fine. Would you swear to tell the truth and nothing but the truth on this matter now before the Planning Commission, so help you God.

CONNIE STEVENS: I do.

CHAIRMAN: Will you give your name again so that the secretary might get it please.

STEVENS: Connie Stevens.

CHAIRMAN: You have any statements that you would like to make, Mrs. Stevens, or any questions you would like to ask?

STEVENS: Well, I'm very pleased with the report that was read. We have with us this evening a petition from people in the community who feel that there is a need for the school. And, perhaps, we should introduce that into the record.

CHAIRMAN: Yes, please do turn it in to the staff, and we will make it part of the record. Any of the Commissioners have any questions of the young lady?

MIELCKE: Mr. Chairman.

CHAIRMAN: Mr. Mielcke.

MIELCKE: Mrs. Stevens, would you tell me just a little bit about your educational background and your training in this particular area of preschool education.

STEVENS: Yes. I have a Bachelor's degree from the University of Chicago and in the Human Development Program at the University of Chicago working on my doctorate. And after I got my Bachelors, I studied for a year under some Master teachers from the Netherlands in a school in Chicago and was certified by them and then was later certified by the American Montessori Society to teach the Montessori method. And I've taught for 7 years, 6 of those years, I taught in the Montessori School and one year I taught in an elementary school in Oakland Elementary School in California. I have my Californian certificate.

MIELCKE: Thank you.

JITCHAKU: I have a question.

CHAIRMAN: Commissioner Jitchaku.

JITCHAKU: Can you go into the background teaching of the Montessori method? Is it educational or more or less a physical thing or whatever?

STEVENS: Well, the main special point in Montessori education, as Mrs. Waller pointed out, is that in Montessori, we look at the whole child so that the education of the child is oriented not only toward the development of the intellect but also to the development of physical and emotional being of the child. So, we're really looking at....that's one of the reasons why we like the country setting. Because in that setting, the children are much freer. There is more access to the world of nature than there would be in an urban setting. One of the reasons why I am delighted if we can get the zoning change to have the school in that setting.

JITCHAKU: Thank you.

CHAIRMAN: Commissioner Martin.

MARTIN: Mr. Chairman. How many.... Now, let's see, you have one aide. I guess Mrs. Waller is an aide. How many aides will there be altogether?

STEVENS: At this point, we see that all the parents will participate as aides in working with the children.

MARTIN: You are aware that under the Department of Social Service, they ask for so many people there all the time per number of how many students you have?

STEVENS: Right.

MARTIN: I think it's based on the age of the children.

STEVENS: Right.

MARTIN: Perhaps, you got the figures on.

STEVENS: There is. For 15 children, one teacher is thought of as sufficient. I prefer, if there are that many children, to have several other adults. Particularly, since there is an age range.

MARTIN: Is that true, since you're gonna have three-year olds, too?

STEVENS: Yes. When you go down to two-year olds, then you have to have a higher ratio. But, for the age range - three, four and five, one teacher per 15 is sufficient.

MARTIN: So, now, how many aide will you have there full time? About the same amount of time you will be there?

STEVENS: Well, if we have 15....

MARTIN: You have commitments, I should say.

STEVENS: Yes. If we have 15 children, for sure we'll have Mrs. Waller; and then, of course more than is legally required.

MARTIN: So, right now, you are sure that you will have one?

STEVENS: Yes.

MARTIN: Have you got.... Have you been certified by the Department of Social Service yet?

STEVENS: Their certification is contingent on our getting a zoning change.

CHAIRMAN: I wanna cut this. I think she has given a very good background on what is involved in the land use. It is understood that she's already informed us that she is very familiar with the Department of Education rules and regulations and I'm certain that the Department of Health will get into this.

MARTIN: Mr. Chairman, that's not the Department of Education - Department of Social Services - different department.

CHAIRMAN: That's what I'm trying to make, Commissioner Martin, is that all the agencies involved will come into it. If we allow this, we could also get very involved to how many toilets and (inaudible) and everything else they're going to have, but that's not our kuleana. I'm cutting it.

MARTIN: Mr. Chairman, I feel my question was important. They were important to me.

CHAIRMAN: I said they were, but I said I'm cutting it from here on in. I think she's given us very good answers and somewhat more than satisfied this Commission. Unless, there's any other discussion.... Would you have any questions of the staff or any other Commissioners?

STEVENS: No, I don't think.

CHAIRMAN: Thank you very much.

HAYASHI: Mr. Chairman, staff.

CHAIRMAN: Mr. Hayashi.

HAYASHI: I would like to pose two questions to the petitioner.

CHAIRMAN: Go ahead.

HAYASHI: First of all, what kind of arrangements do you have with Mrs. Jardine regarding the use of that property? Would there be some type of lease agreement?

WALLER: Yes, there will be.

HAYASHI: For the record, would you be able to submit that document?

WALLER: Yes.

HAYASHI: Do you further intend to convert the structures for use as your day care facility?

WALLER: We have no projections for that.

HAYASHI: So, your application, as far as the structure is concerned, you are only thinking of using the existing single-family dwelling?

WALLER: Yes.

HAYASHI: Thank you, Mr. Chairman. Thank you (to petitioner).

CHAIRMAN: Mr. Lum.

CORPORATION COUNSEL: You stated that you would be leasing that portion?

WALLER: Yes.

CORPORATION COUNSEL: The 4.4 acres?

WALLER: Ah hum.

CORPORATION COUNSEL: How much would you be leasing?

WALLER: What we're leasing is the house and the yard area; and after having talked with the landlady, that will probably be \$350 a month.

CHAIRMAN: You mean for the total area, the 4.4 acres?

WALLER: It's about an acre.

CORPORATION COUNSEL: Do you realize that you will be having to come in for a subdivision?

WALLER: What, what did you say?

CORPORATION COUNSEL: If you are leasing a portion of the property, you have to come in for a subdivision.

CHAIRMAN: Weren't their intent to leasing the whole portion, Mr. Hayashi, and that they were going to keep part of it that they weren't using in for the cottage?

WALLER: Maybe, I'm confused. Yes, right. We'll be maintaining the land. Not specifically.....

PLANNING DIRECTOR: Maybe have control over the entire 4.4.

WALLER: Right, except for the guest house that the landlady will use for her own purposes. Did I satisfy you?

CHAIRMAN: Was a good try, unless something. We might as well look at it now. Are there any other questions or comment? If not, well, thank you very very much.

WALLER: Thank you very much.

CHAIRMAN: Is there anyone else here who would like to speak on the application now before the Commission? There being no further public testimony, what is your pleasure please. Chairman will entertain a motion to close the public hearing.

JITCHAKU: So move, Mr. Chairman.

CHAIRMAN: Moved by Commissioner Jitchaku to close the public hearing. Is there a second to the motion?

SAKAMOTO: I second the motion.

CHAIRMAN: Seconded by Commissioner Sakamoto. Is there any discussion on the motion to close the public hearing? If not, all those in favor of the motion to close the public hearing, indicate by saying aye.

COMMISSIONERS: Aye.

CHAIRMAN: All those opposed? The motion is carried.

MIELCKE: Mr. Chairman, does the applicant understand that no action can be taken for 15 days?

CHAIRMAN: Yes, special permit, no action. Does the applicant understand that we cannot take any action for 15 days?

WALLER: Yes.

Public hearing was adjourned at 7:35 p.m.

Respectfully submitted,

Lei A. Tsuji
Lei A. Tsuji, Secretary

A T T E S T :

Leon K. Sterling, Jr.
Leon K. Sterling, Jr.
Chairman, Planning Commission

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
December 22, 1976

The Planning Commission met in regular session at 4:10 p.m. at the Kealakehe Elementary School Cafetorium, Kealakehe, North Kona, with Chairman Sterling presiding.

PRESENT: Leon K. Sterling, Jr. ABSENT: Akira Fujimoto, Ex-officio Member
Scott H. Asai
Lorraine R. Jitchaku
Arthur W. Martin
William F. Mielcke
Haruo Murakami
Charles H. Sakamoto, Jr.

Raymond H. Suefuji, Planning Director (evening session)
Sidney M. Fuke, Deputy Planning Director (afternoon session)
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

Clifford H. F. Lum, Corporation Counsel
David H. Murakami, representing Ex-officio Member Edward Harada

and about 15 people in attendance at 4:00 p.m. and about 20 people at 6:00 p.m.

EXHIBIT DD

LAND USE COMMISSION
SPECIAL PERMIT
DEIRDRE WALLER
NIENTIE, HAMAKUA

A duly advertised public hearing was held for a Special Permit to allow the establishment of a day care center on portion of a 4.4-acre property situated within the State Land Use Agricultural District. The property involved is

located along the north or makai side of the Old Mamalahoa Highway, approximately one (1) mile from the Hawaii Belt Highway-Old Mamalahoa Highway intersection and Tex's Drive In, Nienie, Hamakua, TMK: 4-5-10:portion of 14.

Staff submitted Exhibits A through X and presented background information on file.

Applicant Deirdre Waller was in agreement with the staff report. Ms. Waller explained that the word "Montessori" is the name of a woman who started a certain method of teaching children. She explained that the school is kept small so that each child can be given individual attention. They will have one teacher and a helper at the school.

Ms. Connie Stevens, Director-teacher of the school, presented a petition from the people in the community with 29 signatures in support of the request. She mentioned that the main point in Montessori is that they will look at the whole child. The education of the child is not only development of the intellect but also the emotional and the physical aspect. This is why they selected the country setting which allows the child to be much more free and is exposed to the world of nature. She stated that the certification of the day care center is contingent upon getting the special permit.

Mrs. Jitchaku moved to close the public hearing; seconded by Mr. Sakamoto; carried.

No action was taken on the Special Permit in accordance with the SLUC's regulation since decisions on such petitions cannot be made earlier than 15 days after the close of the public hearing.

SMA USE PERMIT
BURGESS, INC.
KAILUA, NORTH KONA

A duly advertised public hearing was held for a Special Management Area (SMA) Use Permit to allow the construction of an addition to the existing Banyan Court shopping mall complex,

which would include resort-oriented shops, cafes, and office spaces. The properties involved are located along the mauka side of Alii Drive, adjacent and to the east of the Kona Hukilau Hotel, Kailua Village, North Kona, TMK: 7-5-06:11 and 12.

Staff presented background information and recommended that the request be approved based on findings and with the conditions, on file. Staff clarified that the earlier consideration for a variance is under a different guideline and therefore the recommendation was for a denial and the Commission had deferred action; but this SMA Use Permit must be granted before any other permit can be received.

Applicant Mrs. Kaliko Burgess stated that the condition for consolidation of the two parcels will incur some problems before they can resolve it. She also wondered about the water availability and made an appeal to be able to move ahead in getting the improvements in the area.

Colonel Arthur Chun (retired) commented that the Water Department is imposing a moratorium on all construction by not being able to provide water services until the Kahaalu shaft is completed.



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

RAYMOND H. SUEFUJI
Director

January 11, 1977

TO WHOM IT MAY CONCERN:

In behalf of the Planning Commission, we would like to apologize for having to reschedule the January 13, 1977 meeting to January 20, 1977. Please note that the January 13 agenda has been changed somewhat. Please note further that the meeting will begin at 6:30 p.m. in the Cafetorium of the Waimea School, Waimea, South Kohala, Hawaii.

Again, we apologize for this inconvenience.

Raymond Suefuji
Raymond Suefuji
Director

SF:lat

Enclosure

EXHIBIT E E

JAN 11 1977

PLANNING COMMISSION
County of Hawaii

RECORD OF VOTING

For the Meeting of January 20, 19 77

Applicant: Dorinda Waller

Action: approval, denied, deferred or other (circle)

Members	Ayes	Noes	Excused (Absent)	Abstained from Voting
ASAI, Scott H.				
JITCHAKU, Lorraine	✓			
MARTIN, Arthur W.	✓			
MIELCKE, William F.	✓			
MURAKAMI, Haruo	✓			
SAKAMOTO, Charles	✓			
STERLING, Leon W., Jr.				
HANLEY, J. Walsh				
FUJIMOTO, Shigeru	✓		✓	✓

EXHIBIT FF

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
January 20, 1977

The Planning Commission met in regular session at 6:45 p.m. at the Waimea Elementary & Intermediate School Cafetorium, Waimea, South Kohala, Hawaii, with Chairman Jitchaku presiding.

PRESENT: Lorraine R. Jitchaku ABSENT: Akira Fujimoto, Ex-officio Member
Scott H. Asai
Shigeru Fujimoto
Arthur W. Martin
William F. Mielcke
Haruo Murakami
Charles H. Sakamoto, Jr.

Raymond H. Suefuji, Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner
Virginia K. Goldstein, Planner

Clifford H. F. Lum, Corporation Counsel
David H. Murakami, representing Ex-officio Member Edward Harada

and about 40 people in attendance

Chairman introduced Mr. Fujimoto, newly appointed Commissioner, and Mr. Sakamoto who was reappointed.

EXHIBIT GG

property line in lieu of the minimum requirement of twelve (12) feet; d) eight-foot side yard setback from west property line in lieu of the minimum requirement of twelve (12) feet; e) no side yard setback between Parcels 11 and 12; and f) no parking stalls in lieu of the minimum requirement of sixty-five (65) stalls. The properties involved are located along the mauka side of Alii Drive, adjacent and to the east of the Kona Hukilau Hotel, Kailua Village, North Kona, TMK: 7-5-06:11 and 12.

Staff referred the matter to the Corporation Counsel for further presentation.

Corporation Counsel stated that one of his Deputy was assigned to formulate a preliminary draft of the Parking District Ordinance for Kailua Village. He anticipated the completion of the draft in 30 days. He indicated that if the County Council adopts this bill, then, there may not be a need for the parking requirement but a smaller setback may be necessary. Therefore, he recommended that this matter be deferred.

Ms. Kaliko Chun in behalf of the applicant agreed to go along with the recommendation.

Mr. Murakami moved to defer this matter as recommended by the Corporation Counsel; seconded by Mr. Sakamoto; carried unanimously.

LAND USE COMMISSION
SPECIAL PERMIT
DEIRDRE WALLER
NIENIE, HAMAKUA

Special Permit request to allow the establishment of a day care center on a portion of a 4.4-acre property situated within the State Land Use Agricultural District. The property involved is located along the north or makai

side of the Old Mamalahoa Highway, approximately one (1) mile from the Hawaii Belt Highway-Old Mamalahoa Highway intersection and Tex's Drive In, Nienie, Hamakua, TMK: 4-5-10:portion of 14.

Staff reviewed the background information and recommended favorable consideration based on the findings and with conditions, on file.

Mrs. Connie Stevens, Director-teacher of the school and representing the applicant, stated that she is agreeable to the conditions as stipulated. On the question of lease agreement, Mrs. Stevens replied that it ran for one year; and upon approval of the Special Permit and receipt of the license, the lease will be extended.

Mr. Murakami moved to send a favorable recommendation to the SLUC for the reasons and with the conditions as outlined by the staff; seconded by Mr. Mielcke; carried with one abstention.

LAND USE COMMISSION
SPECIAL PERMIT
MAKOTO NITAHARA dba
NANI MAU GARDENS
WAIAKEA, SOUTH HILO

Special Permit request to allow the serving of foods and drinks, as well as to provide entertainment at the Nani Mau Gardens arboretum which is situated within the State Land Use Agricultural District. The proposed uses will be established within the existing Nani Mau Gardens

complex at the northern corner of Makalika Street and Awa Street, Panaewa Farm Lots, Waiakea, South Hilo, TMK: 2-2-48:13.

Staff recommended favorable consideration based on the findings and with conditions, on file.

January 21, 1977

Ms. Deirdre Waller
P. O. Box 974
Honokaa, HI 96727

Re: Special Permit Application
Tax Map Key 4-5-10:portion of 14

The Planning Commission at its regular meeting of January 20, 1977 considered your application for a special permit to allow the establishment of a day care center on a portion of a 4.4-acre property situated within the State Land Use Agricultural District at Nienie, Hamakua, Hawaii.

The Commission voted to forward a favorable recommendation to the Land Use Commission subject to the following conditions:

1. That the day care center shall be established on the subject property within one (1) year from the effective date of approval of the Special Permit;
2. That prior to occupancy of the facility, the petitioner shall submit plans to the Planning Department for "Plan Approval";
3. That should the landowner, Jan Jardine, decide to lease portions of the land to the petitioner for the day care center, then that portion of land shall be subdivided into a minimum-lot size of one (1) acre;
4. That the rules, regulations, and requirements of the County Department of water Supply and State Department of Health shall be complied with;
5. That the Special Permit run concurrent with the duration of the lease agreement for the facility between the landowner and the petitioner or until the termination of the day care facility by the petitioner, whichever occurs first; and

Ms. Deirdre Waller

Page 2

January 21, 1977

6. That all other applicable rules and regulations, including the Building and Fire Codes, shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be deemed null and void.

In the meantime, should you have any questions, please feel free to contact the Planning Department at 961-8288.

(Mrs.) Lorraine R. Jitchaku
Chairman, Planning Commission

lat

cc State Land Use Commission
Land Use Division, DPED

4 5

[illegible]

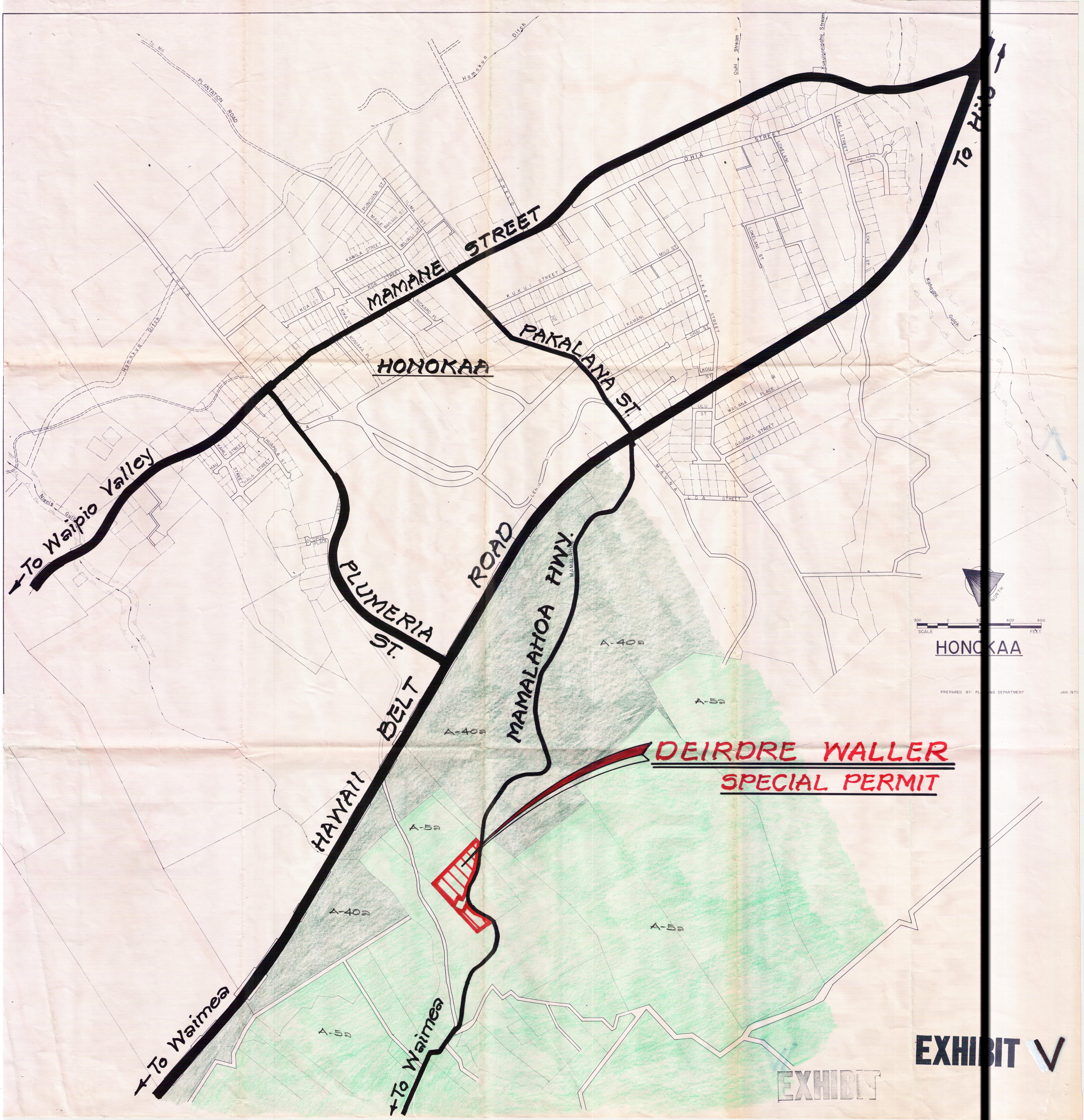
PARCELS DROPPED 18, 24, 20, 10,
5, 77, 21

THIRD DIVISION		
ZONE	SEC.	PLAT
4	5	10

CONTAINING PARCELS

SCALE: 1 in. = 300 ft.

PRINTED FEB 3 1977



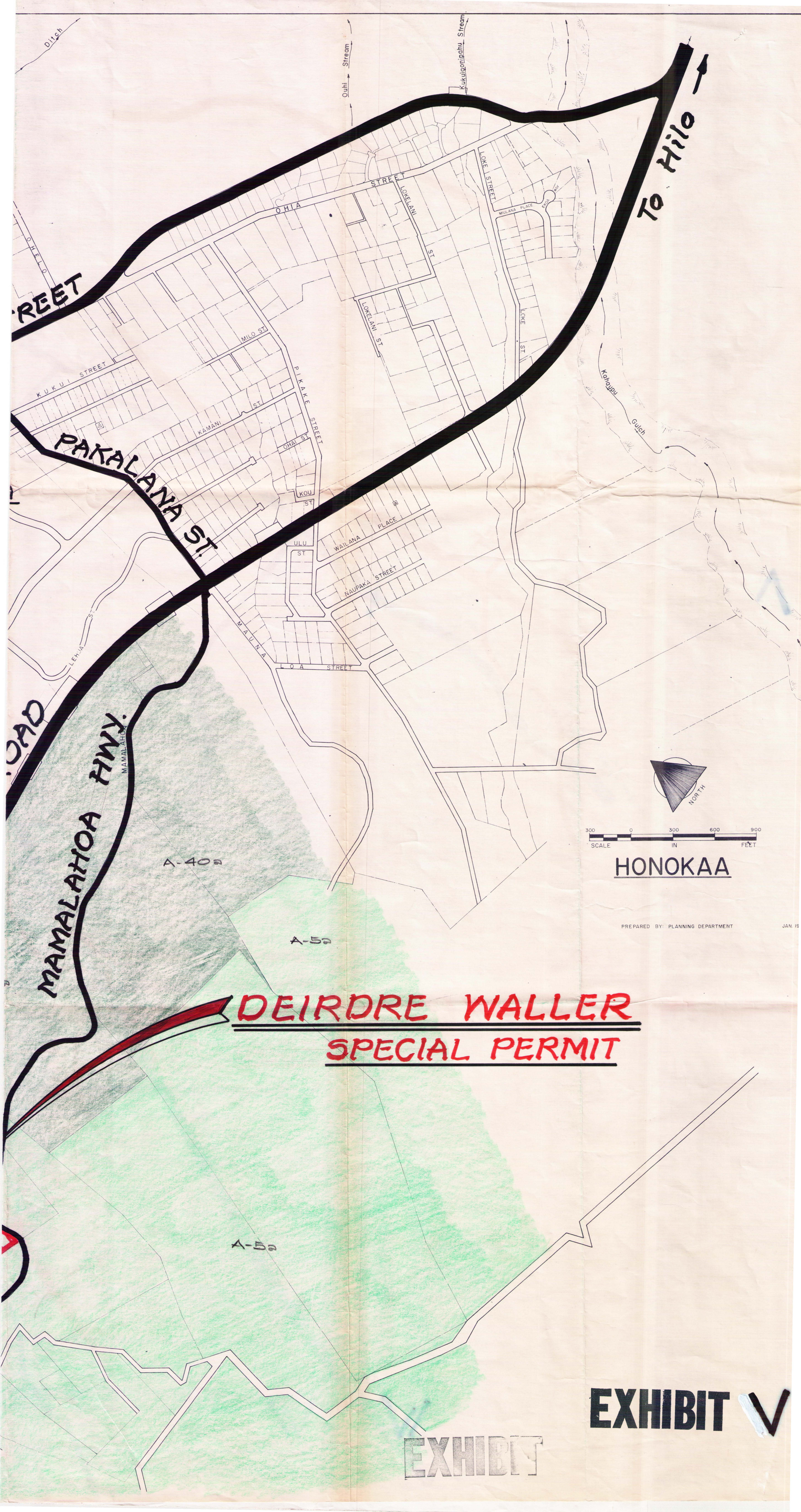
300 0 300 600 900
SCALE FEET
HONOKAA

PREPARED BY: PLANNING DEPARTMENT JAN 1970

**DEIRDRE WALLER
SPECIAL PERMIT**

EXHIBIT V

EXHIBIT



To Hilo

PAKALANA ST

MAMALAHOA HWY

HONOKAA

DEIRDRE WALLER
SPECIAL PERMIT

EXHIBIT V

EXHIBIT

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

BOUNDARY AMENDMENTS	
DOCUMENT NO.	DATE
A75-404 (A to U)	MAY 28, 1976

LAND USE DISTRICT BOUNDARIES		
DISTRICT MAP	STATE OF HAWAII LAND USE COMMISSION DEPT. OF PLANNING & ECONOMIC DEVELOPMENT EFFECTIVE DATE: DEC 20 1974	DISTRICTS
H-43		U = URBAN R = RURAL A = AGRICULTURAL C = CONSERVATION

HONOKAA QUADRANGLE
HAWAII—HAWAII CO.
ISLAND OF HAWAII—HAMAKUA DISTRICT
7.5 MINUTE SERIES (TOPOGRAPHIC)
SW 4 HAMAKUA 15 QUADRANGLE
540 000 FEET

SP77-257 DEIRDRE WALLER



Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography from aerial photographs by photogrammetric methods
Aerial photographs taken 1954 Advance field check 1957
Hydrography compiled from USC&GS charts 4161 (1951) and 4162 (1950)
Polyconic projection. Old Hawaiian datum
10,000-foot grid based on Hawaiian coordinate system, zone 1
1000-meter Universal Transverse Mercator grid ticks,
zone 5, shown in blue
Unchecked elevations are shown in brown

TRUE NORTH
MAGNETIC NORTH
APPROXIMATE MEAN
DECLINATION, 1957

SCALE 1:24,000
1000 2000 3000 4000 5000 6000 7000 FEET
1 KILOMETER
CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL
DEPTH CURVES IN FEET—DATUM IS MEAN LOWER LOW WATER
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
THE MEAN RANGE OF TIDE IS APPROXIMATELY 2 FEET

ROAD CLASSIFICATION
Medium duty ——— Light duty ———
Unimproved dirt - - - - -
State Route ○

HAWAIIAN ISLANDS
QUADRANGLE LOCATION

H-43

HONOKAA, HAWAII
SW 4 HAMAKUA 15 QUADRANGLE
N2000—W15522 5.7 5

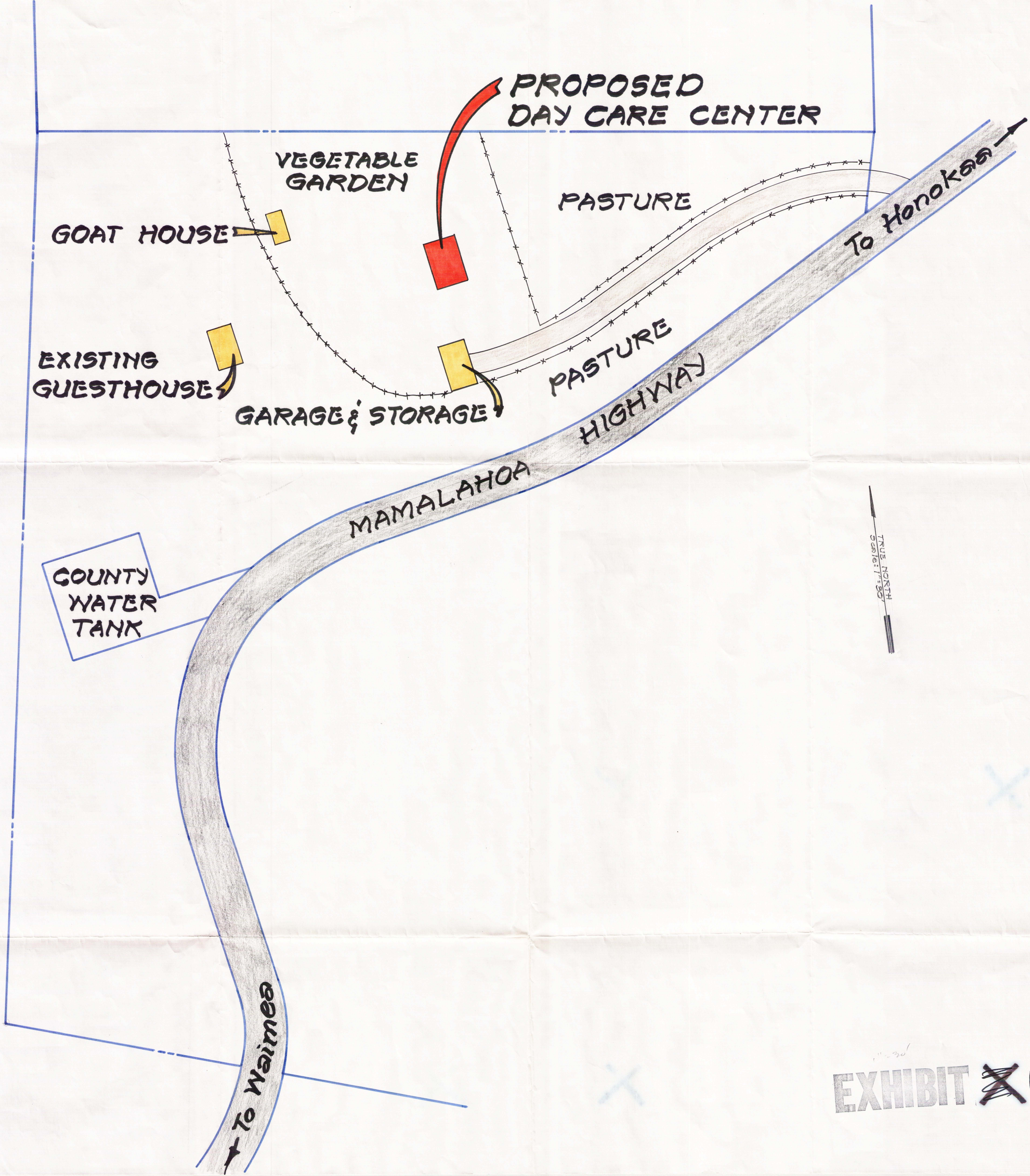


EXHIBIT ~~X~~ W