

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the) SP78-311
Petition for Special Permit)
of) FINDINGS OF FACT,
FRATERNAL ORDER OF EAGLES) CONCLUSIONS OF LAW AND
)) DECISION AND ORDER

FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION AND ORDER

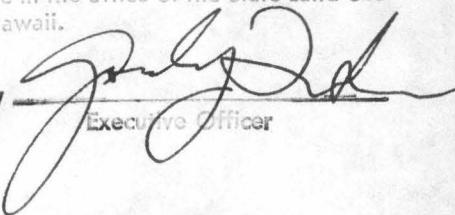
This is to certify that this is a true and correct copy of the
Decision and Order on file in the office of the State Land Use
Commission, Honolulu, Hawaii.

NOV 30 1978

Date

by

Executive Officer



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the) SP78-311
Petition for Special Permit)
of) FINDINGS OF FACT,
FRATERNAL ORDER OF EAGLES) CONCLUSIONS OF LAW AND
) DECISION AND ORDER
)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION AND ORDER

The Land Use Commission of the State of Hawaii,
having duly considered the entire record in the above-entitled
matter, makes the following Findings of Fact and Conclusions
of Law:

FINDINGS OF FACT

1. The Petition for Special Permit was filed
by the Fraternal Order of Eagles, to allow the establishment
of a fraternal home on one (1) acre of land situated within
the State Land Use Agricultural District at Keaau, Puna,
Hawaii.

2. The subject property is located in the vicinity
of the Girl Scout Service Center and the Keaau Rubbish Dump
Site, along the Keaau-Pahoa Road, Tax Map Key 1-6-04: portion
of parcel 11.

3. The Petitioner proposes to construct a 2,800-
square foot fraternal home which is to include a meeting/
recreation room, bar, kitchen, office, storage area, and
restrooms.

4. The subject one (1)-acre area is a portion of a 22.4-acre parcel that the Petitioner intends to lease from W. H. Shipman, Ltd.

5. The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the area as "Orchard". Present County Zoning is Agricultural-20 acres (A-20a).

6. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or "Very Poor" for the subject property. The subject site is not designated as "Agricultural Lands of Importance to the State of Hawaii" by the State Department of Agriculture.

7. The use of land surrounding the subject property includes the Keaau Solid Waste Transfer Station, the Hawaii Island Humane Society Kennel, and the Girl Scout Service Center. Much of the surrounding land area is vacant.

8. Access to the subject property is proposed to be from the Keaau-Pahoa Road via the Girl Scout Service Center access road, which has an 80-foot right-of-way.

9. The Petitioner has stated that the proposed site has been unused for many years and that it is unsuited for agricultural activities. The Petitioner has also stated that use of the site for the fraternal home would be the highest and best use.

10. The Hawaii County Department of Public Works and State Department of Health have cited applicable regulations and requirements that the proposed development must comply with.

11. The Hawaii County Department of Water Supply, Department of Parks and Recreation, Police Department, Fire Department, Hawaii Electric Light Company, Inc., State Department of Agriculture and Department of Transportation had no objections to the proposed use.

12. A public hearing on the Special Permit application was held by the Hawaii County Planning Commission on June 29, 1978. The Petitioner was the only person to testify on the permit request.

CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in an agricultural district may be permitted by Special Permit pursuant to HRS § 205-6 and the State Land Use Commission District Regulation, Part V.

2. The approval of the subject request will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Land Use Regulations state that lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics may be

included in the Agricultural District. The area under consideration consists primarily of pahoehoe lava. Although there may be certain agricultural activities which could be undertaken on the subject property, it is determined that the requested use will not be detrimental to the island's agricultural resource base nor will it have an adverse impact on the overall agricultural activity of the region and the island. Further, the proposed use is consistent with the County General Plan and the Zoning Code. Fraternal homes are a permitted use within the County of Hawaii's Agricultural zoned district. Based on these considerations, it is determined that the granting of the subject request will not be contrary to, but rather promote, the intent of the Land Use Law and Regulations.

3. The proposed use will not unreasonably burden public facilities and services. All essential utilities are available to the subject site.

4. The proposed use will not adversely affect surrounding properties. Anticipated impacts are limited to increased number of vehicles on the roads, increased water consumption, and sewage generation. These impacts, however, will not affect surrounding properties since the existing facilities and utilities are adequate or will be made adequate by the Petitioner.

5. The use described in the Petition is an unusual and reasonable use pursuant to HRS § 205-6 and State Land Use Commission District Regulation, Part V.

DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit No. 78-311, for the establishment of a fraternal home on one (1) acre of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii, Tax Map Key 1-6-04: portion of parcel 11, be approved subject to the following conditions:

1. That the requirements of the Departments of Water Supply, Public Works, and Health shall be complied with.

2. That the development shall occur as represented by the Petitioner.

3. That tentative subdivision approval for the one (1)-acre lot shall be obtained within one (1) year from the effective date of the Special Permit. The Petitioner, as authorized by the landowner, shall be responsible for obtaining final subdivision approval.

4. That construction on the fraternal house shall commence within one (1) year from the date of final subdivision approval and be completed within two (2) years thereafter.

5. That all other applicable rules, regulations, and requirements, including the plan approval process, shall be complied with.

6. That should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

DATED: Honolulu, Hawaii, November 29, 1978.

LAND USE COMMISSION

By C. W. Duke
C. W. DUKE
Chairman and Commissioner

By Shinichi Nakagawa
SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By James R. Carras
JAMES CARRAS
Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By George Pascua
GEORGE PASCUA
Commissioner

By Carol B. Whitesell
CAROL WHITESELL
Commissioner

By Edward Yanai
EDWARD YANAI
Commissioner

No. 179532

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO

Sidney Fuke, Pl. Director

STREET AND NO.

25 Aupuni Street

P.O., STATE AND ZIP CODE

Hilo, Hawaii 96720

POSTAGE

\$.28

CONSULT POSTMASTER FOR FEES

OPTIONAL SERVICES

RETURN RECEIPT SERVICE

CERTIFIED FEE

,80 \$

SPECIAL DELIVERY

\$

RESTRICTED DELIVERY

\$

SHOW TO WHOM AND DATE
DELIVERED

,45 \$

SHOW TO WHOM, DATE, AND
ADDRESS OF DELIVERY

\$

SHOW TO WHOM AND DATE
DELIVERED WITH RESTRICTED
DELIVERY

\$

SHOW TO WHOM, DATE AND
ADDRESS OF DELIVERY WITH
RESTRICTED DELIVERY

\$

5P-18-311

TOTAL POSTAGE AND FEES

\$ 1.53

POSTMARK OR DATE



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, afix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

Show to whom and date delivered. \$ C

Show to whom, date, and address of delivery. C

RESTRICTED DELIVERY

Show to whom and date delivered. C

RESTRICTED DELIVERY

Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Sidney Fuke, Pl. Director
25 Aupuni St.

Hilo, Hawaii 96720

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	179532	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

Addressee

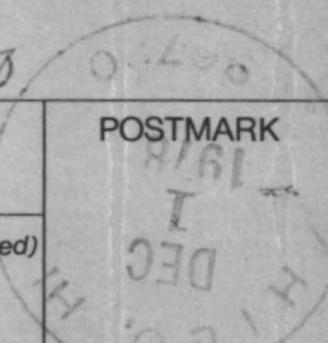
Authorized agent

4.

DATE OF DELIVERY

12/1/78

POSTMARK



5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



State of Hawaii
LAND USE COMMISSION
Suite 1795, Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)



No. 179533

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO

Alfred Michal

STREET AND NO.

P. O. Box 1189

P.O., STATE AND ZIP CODE

Hilo, Hawaii 96720

POSTAGE

\$.28

CONSULT POSTMASTER FOR FEES

OPTIONAL SERVICES

RETURN RECEIPT SERVICE

CERTIFIED FEE

.80 \$

SPECIAL DELIVERY

\$

RESTRICTED DELIVERY

\$

SHOW TO WHOM AND DATE
DELIVERED

.40 \$

SHOW TO WHOM, DATE, AND
ADDRESS OF DELIVERY

\$

SHOW TO WHOM AND DATE
DELIVERED WITH RESTRICTED
DELIVERY

\$

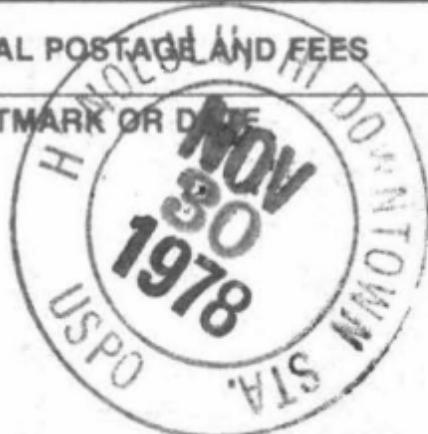
SHOW TO WHOM, DATE AND
ADDRESS OF DELIVERY WITH
RESTRICTED DELIVERY

\$

TOTAL POSTAGE AND FEES

\$ 1.53

POSTMARK OR DATE



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
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● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

Show to whom and date delivered \$
 Show to whom, date, and address of delivery
 RESTRICTED DELIVERY
Show to whom and date delivered
 RESTRICTED DELIVERY
Show to whom, date, and address of delivery . \$. . .
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Alfred Michal

P. O. Box 1189
Hilo, Hawaii 96720

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	179533	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

4.

DATE OF DELIVERY DEC 1 1978

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



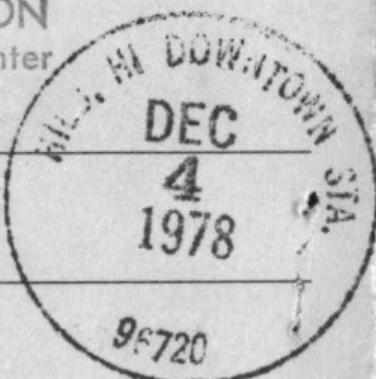
RETURN
TO



State of Hawaii
LAND USE COMMISSION
Suite 1795, Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813
(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)
Petition for Special Permit) SP78-311
of FRATERNAL ORDER OF EAGLES) FRATERNAL ORDER OF EAGLES
)

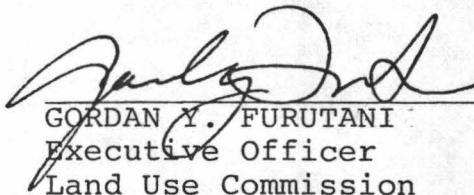
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use
Commission's Decision and Order was served upon the
following by certified mail:

Sidney Fuke, Planning Director
Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Alfred Michal, President
Fraternal Order of Eagles
Hilo Aerie No. 3642
P. O. Box 1189
Hilo, Hawaii 96720

Dated: Honolulu, Hawaii, this 30th day of November, 1978.


GORDAN Y. FURUTANI
Executive Officer
Land Use Commission

+

SP 18-311
FRATERNAL EAGLES
LIVE MAPS
ORDER OK

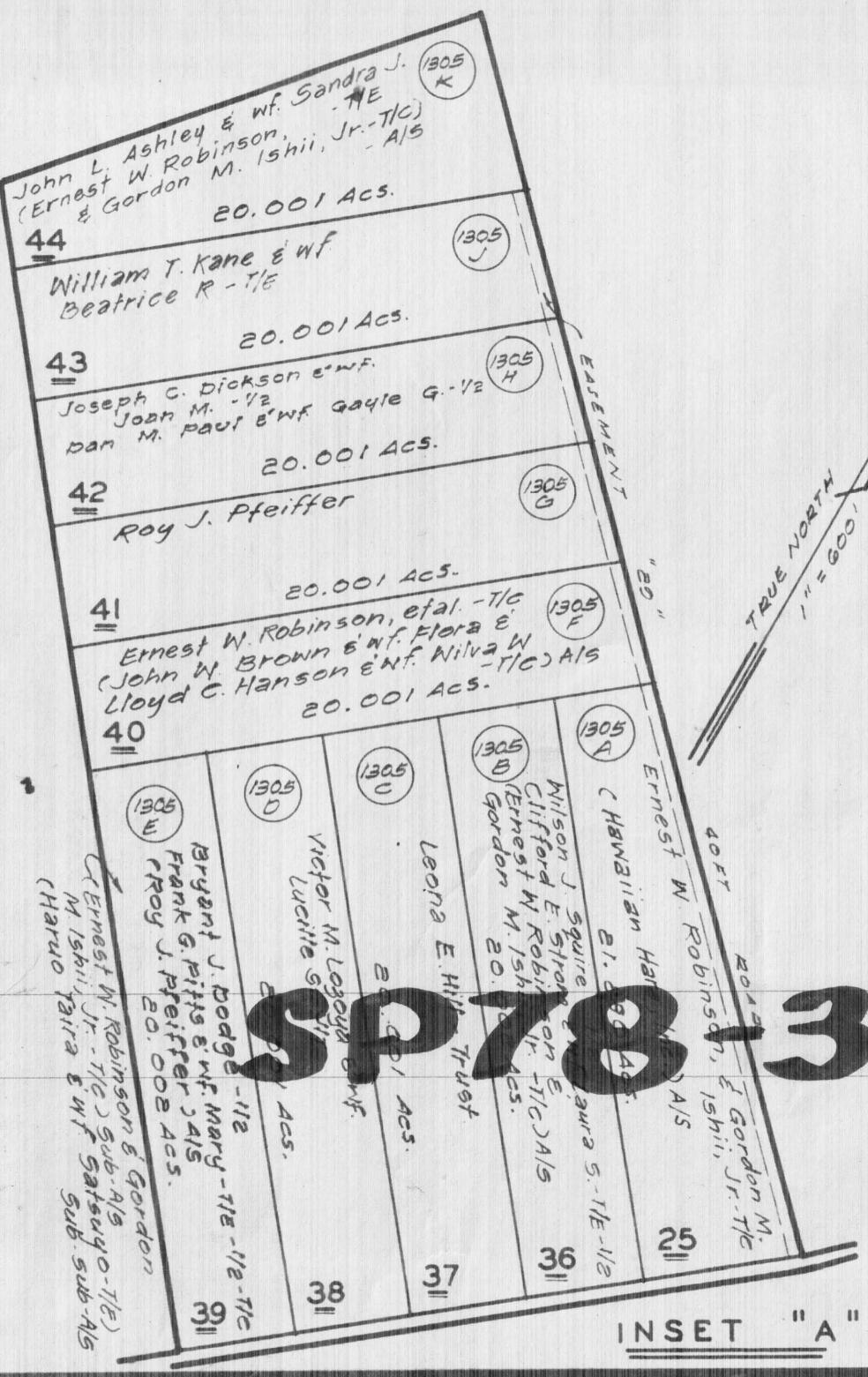


DWG. NO. 2251 REVISED

C.D. CT. APP. 1053 SURVEY DEPT. & THE

SOURCE: I. K. H. MARCH 2251 DATE REVISED JAN. 27, 1985 & APP. G. 1984

BY: I. K. H. MARCH 2251 DATE REVISED JAN. 27, 1985 & APP. G. 1984



SP78-311 FRATERNAL ORDER OF EAGLES



5491

INSET "B"

POR. LD. CT. APP. 1053, KEAAU, PUNA, HAWAII.

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

NOTICE: Owner's, lessee's and vendee's names recorded on this tax map point may not be current. Refer to Administrative Directive 24-68 dated November 21, 1985, as amended by PPD-Point 4-76, dated July 2, 1976.

PARS DROPPED: 2 to 10, 18 to 20, 24, 26 to 28, 40,

DEPARTMENT OF TAXATION
PROPERTY ASSESSMENT DIVISION
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP

THIRD	TAXATION DIVISION	
ZONE	SEC.	PLAT
1	6	04

SCALE: 1 IN. = AS NOTED

ACCESS ROAD

To Keauhou-Pahoa
Road →

300.0' ↗

**Girl Scout
Service Center**

288.0'

**PARKING
AREA**

150.0'

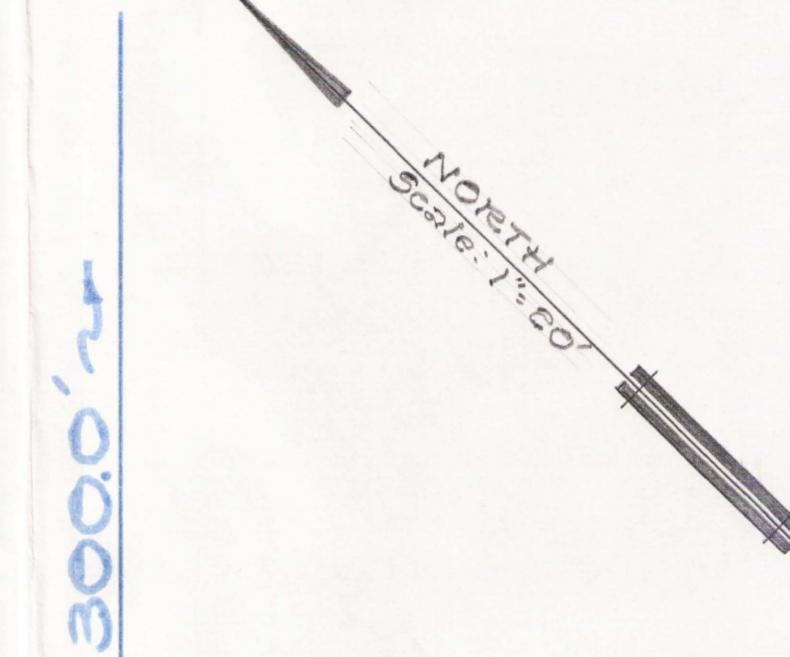
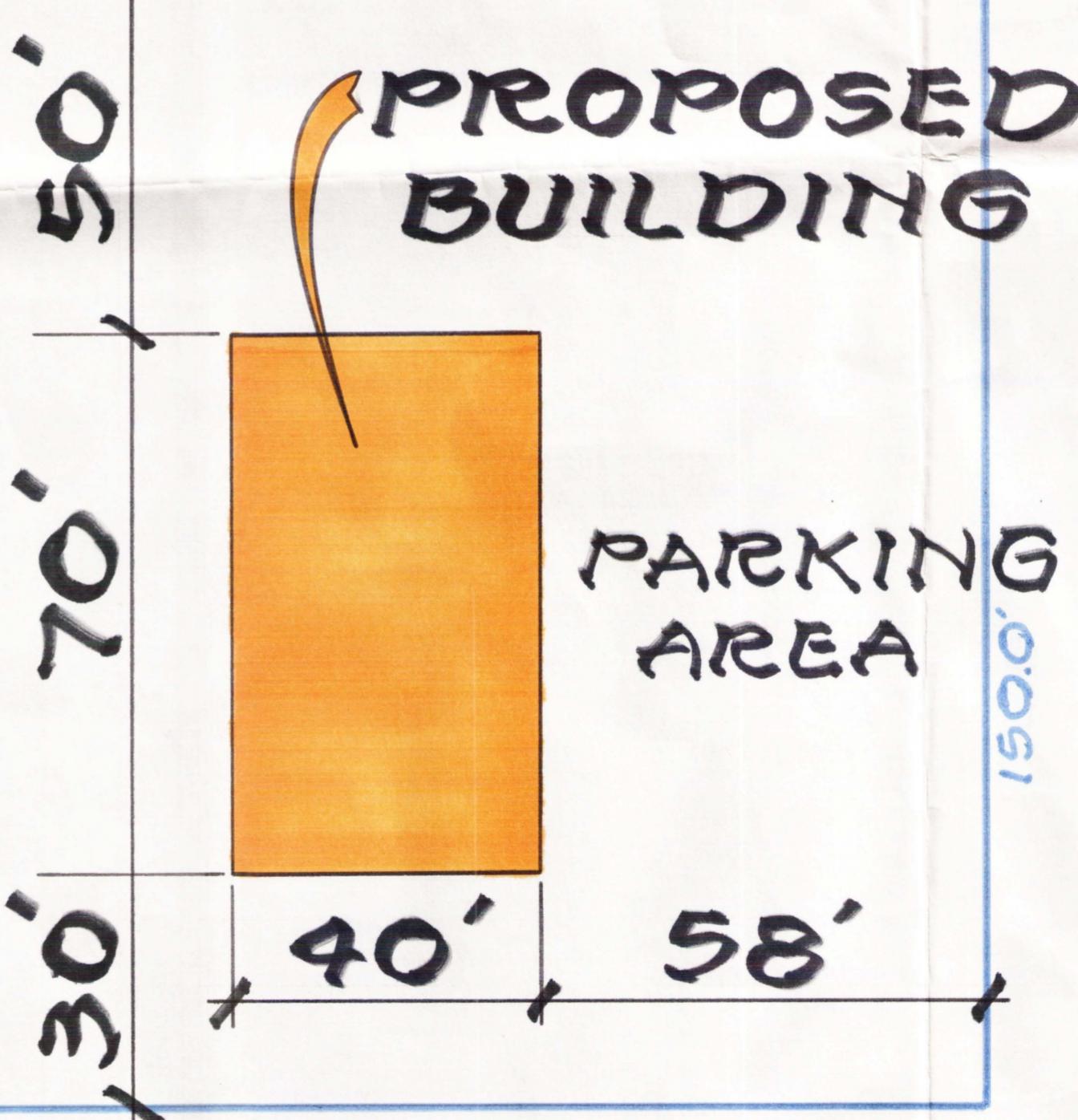
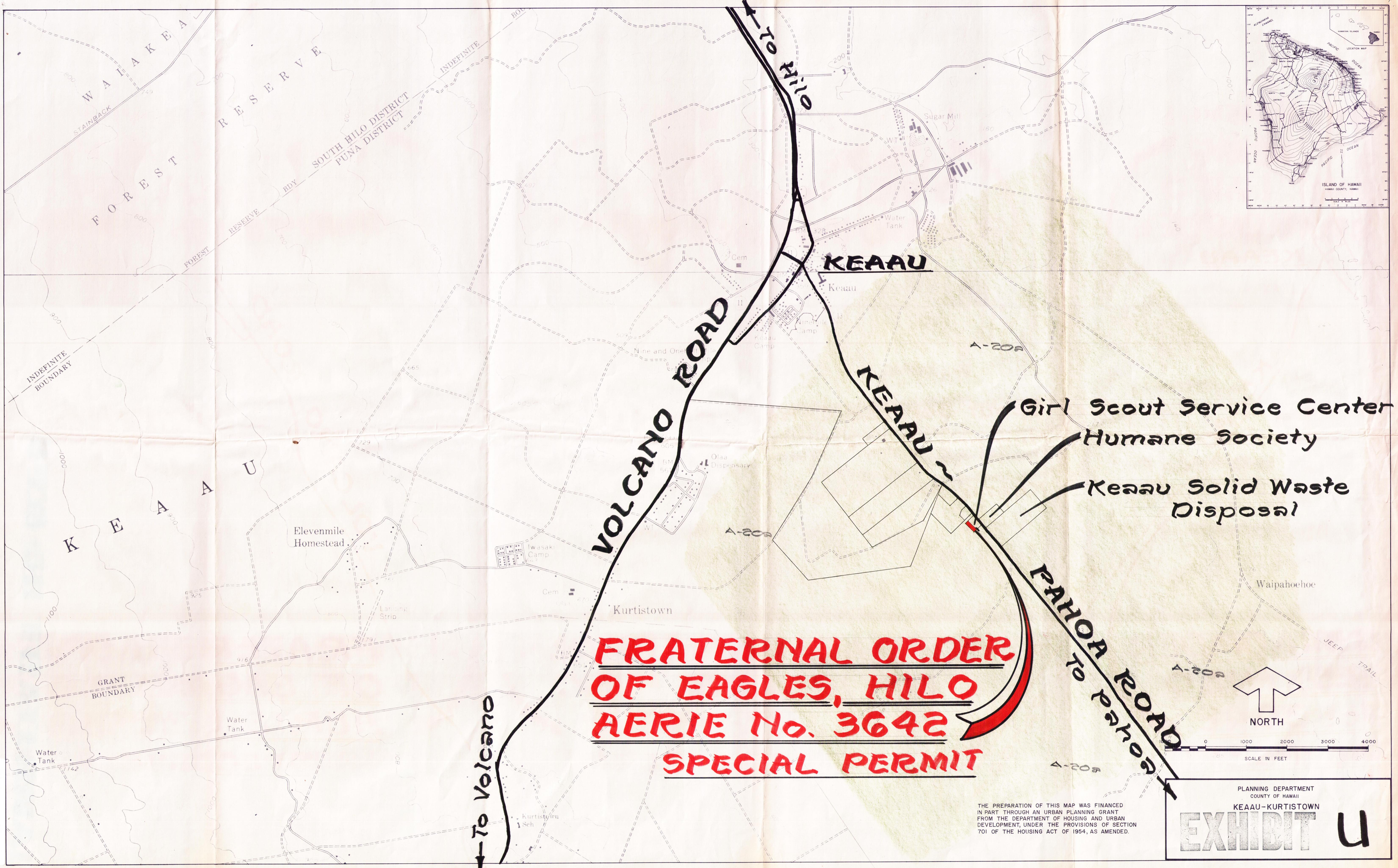


EXHIBIT V





**FRATERNAL ORDER
OF EAGLES, HILO
AERIE NO. 3642
SPECIAL PERMIT**

THE PREPARATION OF THIS MAP WAS FINANCED
IN PART THROUGH AN URBAN PLANNING GRANT
FROM THE DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT, UNDER THE PROVISIONS OF SECTION
701 OF THE HOUSING ACT OF 1954, AS AMENDED.

PLANNING DEPARTMENT
COUNTY OF HAWAII

KEAUHOU-KURTISTOWN

EXHIBIT U

* B P 0 5 4 9 3 * 5493

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

PIIHONUA
UNITED
DEPARTMENT
GEOLOG
155°07'30"
19°37'30"

<p style="text-align: center;">LAND USE DISTRICT BOUNDARIES</p> <p style="text-align: center;">STATE OF HAWAII LAND USE COMMISSION DEPT. OF PLANNING & ECONOMIC DEVELOPMENT</p> <p style="text-align: center;">EFFECTIVE DATE: DEC 20 1974</p>		
<p style="text-align: center;">DISTRICTS</p> <p>U = URBAN R = RURAL A = AGRICULTURAL C = CONSERVATION</p>		

MOUNTAIN VIEW QUADRANGLE
HAWAII-ISLAND AND COUNTY OF HAWAII
7.5 MINUTE SERIES (TOPOGRAPHIC)
SE/4 HILO 15' QUADRANGLE

SP78-311 FRATERNAL ORDER OF EAGLES

Topography by photogrammetric methods from aerial photographs taken 1954 and 1962. Field check Polyconic projection. Old Hawaiian datum 10,000-foot grid based on Hawaiian coordinate system 1000-meter Universal Transverse Mercator grid to zone 5, shown in blue.

APPROXIMATE MEAN
DECLINATION, 1963

CONTOUR INTERVAL 20 FEET
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON 25, D. C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

HAWAIIAN ISLANDS

H-67

MOUNTAIN VIEW, HAWAII
SE/4 HILO 15' QUADRANGLE
N1930 - W15500 / 7.5



KEAU-PAHOA

ROAD

H. Shipman, Ltd.

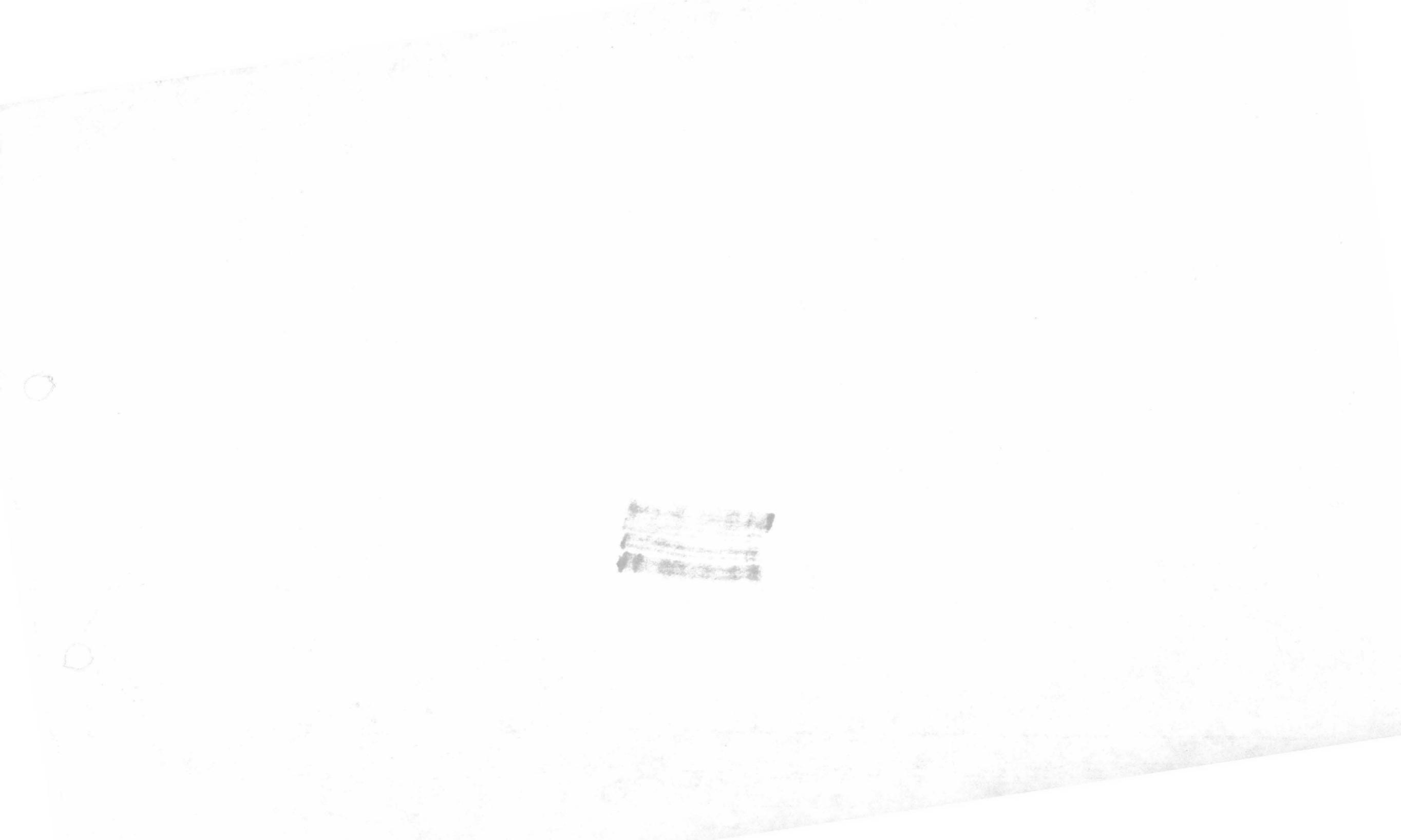
26.453 Ac.

W. H. Shipman, Ltd.
New TMC
parcel 55

22.40 Ac.

55

311 FRATERNAL ORDER OF EAGLES TMK 1-6-04: -



STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

State Conference Rooms A & B
3060 Eiwa Street
Lihue, Kauai

Approved
OCT 19 1978

August 15, 1978 - 9:30 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
James Carras
Shinsei Miyasato
George Pascua
Carol Whitesell
Edward Yanai

COMMISSIONERS ABSENT: Colette Machado
Mitsuo Oura

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Chief Clerk

Ray Russell, Court Reporter

The meeting was called to order by Chairman Duke.

ACTION

SP76-248 - CITY & COUNTY OF HONOLULU, BUILDING DEPARTMENT
REQUEST FOR A ONE YEAR TIME EXTENSION TO COMMENCE CONSTRUCTION
OF A FIRE AND POLICE TRAINING FACILITY AT WAIPIO PENINSULA, OAHU

Mr. Daniel Yasui, staff planner, presented a resume of the staff memorandum and pointed out the area on the map.

In response to a request for clarification, Mr. Kawada expressed his opinion that the subject request was for a time extension of one year to commence construction and did not refer to the 5-year completion date of the project.

Chairman Duke suggested that the Commission add another condition to the Special Permit clearly stating that the project be completed within 5 years from original date of approval. It was his feeling that a fire and police training center was a much needed facility. He criticized the lack of funding by the City which was causing the delay in completing this project.

Commissioner Carras moved that the Special Permit be approved, subject to the conditions imposed by the Hawaii County Planning Commission. The motion was seconded by Vice Chairman Nakagawa and unanimously carried.

✓ SP78-311 - FRATERNAL ORDER OF EAGLES
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A FRATERNAL HOME
AT KEAAU, PUNA, HAWAII

A resume of the staff memorandum relevant to the subject request was presented by Mr. Yasui. The area was also pointed out on the maps.

Commissioner Carras moved that the Special Permit be approved, subject to the conditions stipulated by the Hawaii County Planning Commission. The motion was seconded by Commissioner Pascua and unanimously approved.

SP78-312 - CASTLE & COOKE, INC.
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A WATER RESERVOIR
SYSTEM AT WAIPIO, OAHU

Mr. Furutani presented a summary of the staff memorandum and located the property on the maps and oriented it with various surrounding landmarks. Two exhibits were circulated; one of the water system master plan and the other showing the landscaping and grading plans submitted by the petitioner. A brief explanation of the two exhibits was offered by Mr. Furutani.

Vice Chairman Nakagawa moved that the Special Permit be approved, subject to the conditions imposed by the City Planning Commission and the 7th condition recommended by staff that construction of the first water reservoir commence within one year from the effective date of the Special Permit. The motion was seconded by Commissioner Carras.

Commissioner Whitesell went on record to indicate that the Commission was concerned with the overall water situation--the availability, the direct impact, the overdraft situation, etc., in the Central Oahu area.

The motion was unanimously carried.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

SP78-311
ITEM FRATERNAL ORDER OF EAGLES

DATE August 15, 1978

PLACE State Conf. Rooms A&B
Lihue, Kauai

TIME 9:30 a.m.

	NAME	YES	NO	ABSTAIN	ABSENT
	WHITESELL, CAROL	X			
	MACHADO, COLETTE				X
	OURA, MITSUO				X
S	PASCUA, GEORGE R.	X			
	MIYASATO, SHINSEI	X			
	NAKAGAWA, SHINICHI	X			
M	CARRAS, JAMES	X			
	YANAI, EDWARD	X			
	DUKE, CHARLES	X			

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
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

August 8, 1978

Mr. Sidney Fuke
Planning Director
Hawaii Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

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

Please note that petitions

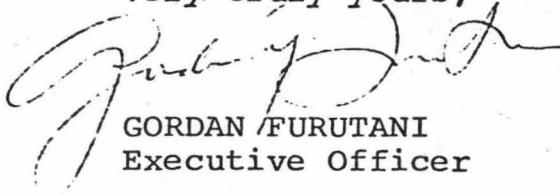
✓ SP78-310 - County of Hawaii Fire Department

✓ SP78-311 - Fraternal Order of Eagles

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
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

August 8, 1978

Mr. Alfred Michal, President
Fraternal Order of Eagles
Hilo Aerie No. 3642
P. O. Box 1189
Hilo, Hawaii 96720

Dear Mr. Michal:

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

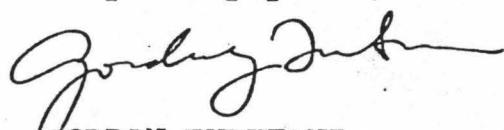
Please note that petition

SP78-311 - Fraternal Order of Eagles

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

August 15, 1978 - 9:30 a.m.
State Conference Rooms A & B
3060 Eiwa Street
Lihue, Kauai

A G E N D A

I. ACTION

1. SP76-248 - City & County of Honolulu, Building Department (Time Extension)

To allow a one (1) year time extension to commence construction of a fire and police training facility within the State Land Use Agricultural District at Waipio Peninsula, Oahu.

2. SP78-310 - County of Hawaii Fire Department (Hawaii)

To allow the construction of water storage tanks for volunteer fire fighting purposes on approximately one (1) acre of land situated within the State Land Use Agricultural District at Hawaiian Ocean View Estates Subdivision, Kahuku, Kau, Hawaii.

3. SP78-311 - Fraternal Order of Eagles (Hawaii)

To allow the establishment of a fraternal home on one (1) acre of land, situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii.

4. SP78-312 - Castle & Cooke, Inc. (Oahu)

To allow the establishment of a water reservoir system on approximately 1.9 acres of land situated within the State Land Use Agricultural District at Waipio, Oahu.

II. HEARING

1. A78-438 - Grove Farm Company, Inc. (Kauai)

To reclassify approximately 61 acres of land from the Agricultural District to the Urban District at Lihue, Kauai, for the development of a multi-phase regional, mall-type shopping center.

III. MISCELLANEOUS

MAY 25 1978 MAY 26 1978

1. Adoption of Minutes
2. Meeting Schedule

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission August 15, 1978
FROM: Staff
SUBJECT: SP78-311 - Fraternal Order of Eagles

The petitioner, Fraternal Order of Eagles, is requesting a Special Permit to allow the establishment of a fraternal home on one (1) acre of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii, Tax Map Key 1-6-4: portion of 11. The subject property is located in the vicinity of the Girl Scout Service Center and the Keaau Rubbish Dump Site, along the Keaau-Pahoa Road (see County Exhibit M-1).

The Special Permit request specifically involves the construction of a 2,800 square foot fraternal home which will contain a meeting/recreation room, bar, kitchen, office, restrooms and storage area. The subject one (1) acre area is a portion of a 22.4 acre parcel of land owned by W. H. Shipman, Ltd. The petitioner intends to lease the land from the land-owner should the Special Permit be granted.

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

"We, Fraternal Order of Eagles, Hilo Aerie No. 3642, plan the following use of the subject property and provide the following reasons for our request for Special Permit.

"Hilo Aerie No. 3642 plans to build their home on this property for use by their members. Our planned construction initially would be a building approximately 40 ft. x 70 ft. which would include a kitchen, men's and ladies wash rooms, a small bar and meeting rooms for our member's meetings. The planned building would be on concrete slab, double wall and designed for future additions of one story only if future needs warrant. All requirements of the Hawaii County building code and Hawaii County Health Department would be met in the construction of our building.

"Our use of this home would be, mainly for our bi-monthly meetings and certain social events. The intended use

would be as a private club for use by its members and guests. A liquor license, probably a club license will be applied for, upon approval of our Special Permit and the initiation of construction of the home.

"The one acre building site meets the requirements of the Hawaii County Ordinance for Fraternal homes. Ample parking would be provided to meet the requirements of the building code and the members of the order.

"The surrounding area is largely agricultural, one story buildings, and our planned construction would fit into the surrounding environment.

"Paved road, water and electricity is available to this property. We will provide our own cesspool to handle the sewage from home. The rocky condition of the soil will not cause a drainage problem. A slight slope of the land will not cause run-off of rainfall during our heaviest rain.

"Our planned building will be air conditioned during the hours of use and will be designed with security in mind. Few, if any windows, will be used and the doors suitable to prevent break-ins. Police and fire protection should be minimal.

"Our search for a suitable site upon which to build our home has been exhaustive. We have found no suitable, affordable site in the Hilo or Pahoa area for our home. This site has the environment which we believe to be ideal for our home. The location is central for our members who reside in Hilo and the Puna District.

"Our use of this property will not materially affect the surrounding present use of land. Our use appears to be compatible with the Girl Scout's headquarters. Their use is mainly during the daytime hours and our use will be mainly during the evening hours.

"This land has had no use during the past many years. It has been idle and appears to be unsuited for agricultural use as is presently zoned. We feel that the use of this one acre parcel for the home of Aerie No. 3642 would be highest and best use."

The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the subject area as Orchard. Present County Zoning is Agricultural 20-acres (A-20a). The proposed fraternal home use of the subject property is a

conditionally permitted use within the County's Agricultural zoned district provided that structures are located at least 30 feet from any property line.

According to the U.S. Department of Agriculture Soil Conservation Service's Soil Survey dated December, 1973, the land involved consists of pahoehoe lava with no soil covering. The area receives 150 inches of rainfall annually. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or "Very Poor" for the subject site. Additionally, the property is not designated as Unique, Important, or Other Important Agricultural Land by the State Department of Agriculture.

Access to the subject property is proposed to be off the Keaau-Pahoa Road via the Girl Scout Service Center access road, which has an 80-foot right-of-way. The Girl Scout Service Center access road has a 20-foot wide asphalt concrete pavement up to the rear property line.

Surrounding land uses include the Keaau Solid Waste Transfer Station, the Hawaii Island Humane Society kennel, the Girl Scout Service Center, and vacant lands.

Pertinent comments from governmental agencies:

1. State Department of Health

The Department of Health noted the following:

"The environmental health concerns are threefold:

- "1. Food Service Establishment Permit for the proposed kitchen and bar complex.
- "2. Number of sanitary facilities for the projected maximum population utilizing the Fraternal Home at a given time.
- "3. Sewage disposal system to be approved by the Area Registered Sanitarian."

2. Department of Public Works

The Department of Public Works commented as follows:

- "1) Construction, exits and provisions for the handicapped shall be according to building regulation requirements.
- "2) Right-of-way shall be provided, creating an extension of the existing 80 feet Right-of-Way.

"3) Pavement shall be provided to the southerly boundary of the lot. The road section shall be a continuation of the existing road.

"4) On site drainage should be provided for parking areas."

3. Department of Water Supply

The Department of Water Supply noted that there is an 8-inch waterline along the Keaau-Pahoa Road.

Other cooperating agencies, including the Department of Parks and Recreation, Hawaii Electric Light Company, Inc., Police Department, Department of Agriculture, Department of Transportation, and Fire Department had no objections to the permit request.

A public hearing was held by the Hawaii Planning Commission on June 29, 1978. Mr. Bob Williamson, past president of the Fraternal Order of Eagles, spoke in support of the permit request. No other persons testified either in support or in opposition to the Special Permit. Discussion of the Planning Commission also focused upon the development plans of both the County and the landowner for the surrounding area. For the Commission's information, the June 29, 1978 hearing transcript has been attached (County Exhibit P).

On July 20, 1978, the Hawaii Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission based on the following findings:

"That the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Land Use Regulations state that lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics may be included in the Agricultural District. The area under consideration consists primarily of pahoehoe lava. The Land Study Bureau has classified this land as 'E' or Very Poor. Further, the property in question is not designated as Unique, Important or Other Important Land under the Lands of Agricultural Importance to the State of Hawaii classification system. Although there may be certain agricultural

activities which could be undertaken on the subject property, it is determined that the requested use will not be detrimental to the island's agricultural resource base nor will it have an adverse impact on the overall agricultural activity of the region and the island. Further, the proposed use is consistent with the County General Plan and the Zoning Code. Fraternal homes are a permitted use within the County's Agricultural zoned district. Based on these considerations, it is determined that the granting of the subject request will not be contrary to, but rather promote, the intent of the Land Use Law and Regulations.

"That the proposed use will not unreasonably burden public facilities and services. The subject area is approximately one mile from the village of Keaau where police and fire protection services are available. The Keaau-Pahoa Road serving the proposed site is adequate for the expected traffic increase and all essential utilities are available to the subject site off the main highway.

"That the proposed use will not adversely affect surrounding properties. Surrounding land uses include the Keaau Solid Waste Transfer Station, the Hawaii Island Humane Society, the Girl Scout Service Center, and vacant lands. The proposed fraternal home is not anticipated to adversely affect these uses as the anticipated impacts are limited to increased number of vehicles on the roads, increased water consumption, and sewage. These impacts, however, do not affect surrounding properties since the existing facilities and utilities are adequate or will be made adequate by the petitioner.

"The Commission would like to note that the pattern of Special Permits in this area, if continued, could have the effect of creating an urban district. The land-owner should be aware that future requests in this area will be reviewed accordingly."

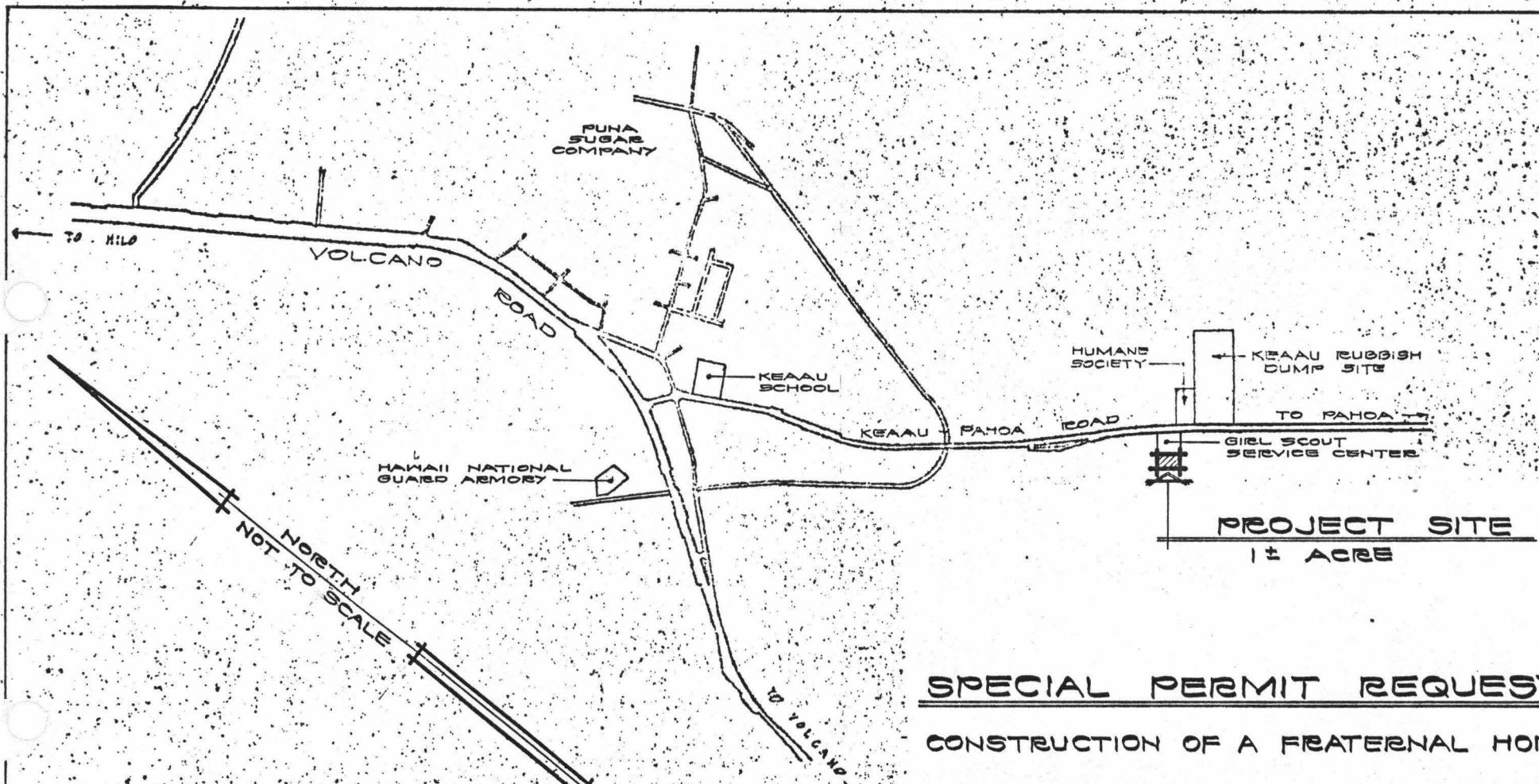
For the Commission's information, the meeting minutes of July 20, 1978 have been attached (County Exhibit X).

The favorable recommendation was subject to the following conditions:

- "1. That the requirements of the Departments of Water Supply, Public Works, and Health shall be complied with.
- "2. That the development shall occur as represented by the petitioner.

- "3. That tentative subdivision approval for the one (1) acre lot shall be obtained within one (1) year from the effective date of the Special Permit. The petitioner, as authorized by the landowner, shall be responsible for obtaining final subdivision approval.
- "4. That construction on the fraternal house commence within one (1) year from the date of final subdivision approval and be completed within two (2) years thereafter.
- "5. That all other applicable rules, regulations, and requirements, including the plan approval process, shall be complied with."

It was further stated by the Planning Commission that: "Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void."



SPECIAL PERMIT REQUEST

CONSTRUCTION OF A FRATERNAL HOME

KEAAU, PUNA, HAWAII

TAX MAP KEY : I-G-04 : 11 (PORTION)

APPLICANT : FRATERNAL ORDER OF EAGLES,
HILO AERIE NO. 3642

JUNE 8, 1978

EXHIBIT M-1

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
June 29, 1978

A regularly advertised public hearing, on the application of the Fraternal Order of Eagles, Hilo Aerie No. 3642, was called to order at 3:39 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Lorraine R. Jitchaku
Haruo Murakami
Bert H. Nakano
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: Shigeru Fujimoto
Ex-officio Member
Akira Fujimoto

Sidney M. Fuke, Director
Ilima Piianaia, Planner
Keith Kato, Planner
William Moore, Planner

David Murakami, representing Ex-officio Member Edward
Harada
Lionel Meyer, Deputy Corporation Counsel

and about 16 people in attendance

CHAIRMAN: We will now proceed with public hearings advertised for 3:30 p.m. Public hearing number one, public hearing on the application of the Fraternal Order of Eagles, Hilo Aerie No. 3642 for a Special Permit to allow the establishment of a fraternal home on one (1) acre of land situated within the State Land Use Agricultural District. The area involved is adjacent to the Girl Scout Service Center on the south side and just off of the Kea'au-Pahoa Road, Kea'au, Puna, TMK: 1-6-04:portion of 11. Staff?

KATO: (Presented background on file.)

CHAIRMAN: Thank you, Keith. Commissioners, do you have any questions of the staff on the background report for this application for a Special Permit?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Commissioner Murakami.

MURAKAMI: Keith, can you tell me, is this property located right next to the Girl Scout and Humane Society? It's in between or how far away?

EXHIBIT P

KATO: The Humane Society is located across the street, across the Kea'au-Pahoa Road. It is directly behind the Girl Scout Center.

MURAKAMI: Behind.

CHAIRMAN: Commissioners, any further questions of the staff? If there are no further questions of the staff, the Chair would like to ask the applicant or a representative of the applicant to come forward.

PIIANAIA: May I just clarify one thing on the staff's background on the Henry Opukahaia School's Special Permit, that has expired.

CHAIRMAN: Thank you, staff. Yes, we'll have to swear you in. Would you please raise your right hand. Do you swear to tell the truth and nothing but the truth on this application now before the Hawaii County Planning Commission?

WILLIAMSON: I do.

CHAIRMAN: Please be seated and state your name into the microphone.

WILLIAMSON: My name is Bob Williamson. I'm the past president of the Fraternal Order of Eagles, Hilo Aerie 3642.

CHAIRMAN: Thank you. Mr. Williamson, before I ask the Commission if they have any questions, the Chair would like to ask you just a couple of questions. First of all, could you tell us a little about the Fraternal Order of Eagles, how it got started, what your goals, objectives are.

WILLIAMSON: Yes, the Fraternal Order of Eagles is many, many years old. They were first started back in, I believe, 1882 as a national organization. Our aerie here in Hilo, Number 3642, is now three years old. We have been renting space, first in Hilo to hold our meetings and our social events; we found that to be quite impractical, so now for about the past year and a half, we've been using the community center at Pahoa for our meetings and social events. We are very anxious, though, to obtain the land and to build our own home so that we could use that for the meetings and social events, that's the background on it.

CHAIRMAN: Yes, now tell me some background on the organization, what are the goals of the organization, and what are the purposes, is it a community service organization or what?

WILLIAMSON: Yes.

CHAIRMAN: I don't think we understand the organization and what it does.

WILLIAMSON: You're right. It is a community service organization. It is a fraternal organization. Its goals are basically those to help in a charitable manner locally as well as to the national organization. It is also a social organization to bring

people together and to have them mix and get to know each other better. It also is very strong as far as the family is concerned. Our activities usually involve the families. We're a benevolent organization and although we haven't been very charitable or benevolent here in the Hilo area in the past three years, we're still growing, and we expect to become more so as we are older and especially after getting our own home.

CHAIRMAN: Are you incorporated?

WILLIAMSON: Yes, yes, we are.

CHAIRMAN: Okay, how many members do you have Mr. Williamson?

WILLIAMSON: The men's organization is the aerie and we have about 70 members right now. The auxiliary has about 50 members now, that would be the ladies counterpart to the men's organization. So totally, about 120 members.

CHAIRMAN: Thank you. Commissioners, do you have any questions of Mr. Williamson?

JITCHAKU: Mr. Chairman?

CHAIRMAN: Commissioner Jitchaku.

JITCHAKU: Several questions, and Mr. Williamson, I hope you didn't mind when we went along and the staff read the background of bars. Today was our bar. We get very educated on this Commission. Sometimes it's graveyards, churches, so today was bar day.

CHAIRMAN: We are the Planning Commission, not the Liquor Commission.

JITCHAKU: Is your special permit, is this permit contingent upon the lease of your property to Shipman?

WILLIAMSON: Yes. Yes, it is. Our agreement with Shipman is that we will lease the property, providing we get the special permit for use.

JITCHAKU: Okay, question for the staff. Since several of the applications that have come before the Commission within the last couple of years has been in the Shipman area not included in his master plan, namely the Girl Scout, Henry Opukahaia School, were the Henry Opukahaia and the Girl Scout on lease land or was that a donated land?

PIIANAIA: Henry Opukahaia School was donated by W. H. Shipman, Limited and the Girl Scouts, I believe, was also donated.

JITCHAKU: Okay, another question for staff. Then the one acre we're talking about it says that the portion of a 22.4-acre parcel owned by Shipman, so in essence to that, is the 22 including the Girl Scout and Henry Opukahaia or there's 22 acres more in the area owned by Shipman?

PIIANAIA: Twenty-two acres more; and for your information, this one-acre portion if this were to be approved, would have to be subdivided for a valid lease.

JITCHAKU: Okay, have you, staff again, have you received the, there were several master plans, maybe one, however, there was one that had to do with Shipman in regards to the industrial, was the master plan everything in the Keau district?

PIIANAIA: The master plan encompasses all of Shipman's lands.

JITCHAKU: Oh, okay, okay. And nothing that, we're not expecting anything, to bring those lands, the development current, not to your knowledge?

PIIANAIA: I'd like to defer to the Planning Director.

FUKE: Commissioner Jitchaku, the questions that you are raising right now are questions that we on the staff level have also discussed. There is a master plan prepared by Belt, Collins and Associates for the Shipman property. I'll be meeting with Mr. Blackshear the week after next to just go over much more specifically about their overall development plans. Part of the concern that the staff initially had was not to have the landowners put the Commission as well as the staff in a position of saying there is a need right over here so let's give the one acre, and later on having a need being satisfied five miles away. But we wanted to see a coordinated development.

JITCHAKU: That was basically my concern. And another thing, especially in the area of good planning, you know, I was concerned about here we have these services, which is good, they all need the area, but then I was kind of worried about all the other types of, you know.

FUKE: We share the same concern.

JITCHAKU: Thank you. Thank you, Mr. Williamson.

CHAIRMAN: Commissioners, further questions of the applicant? Commissioner Murakami.

MURAKAMI: You mentioned about community service, I notice in this statement where the Department of Public Works stated that "provisions for the handicapped", do you folks take care handicapped, or what is your folks' position as far as the handicapped? Is this building to try and help the handicapped people or what is it?

WILLIAMSON: The purpose of the home would not be to invite the handicapped into the home to try to give them any benefit or help in that regard, no. Our benefits or our help to the handicapped are more through donations to those facilities which are intended to help them; but no, we would not be having the handicapped visit our home as such.

MURAKAMI: In other words, the home is strictly for your meetings and all that, actually your organization only? As far

as help is concerned, you folks go out and help, this is what you're trying to say?

WILLIAMSON: Yes, sir. That is correct; and we'll do it more through donations when it comes to the charitable end and the benevolent part of it, yes, sir.

MURAKAMI: Mr. Chairman, now continuing, I notice in the statement, "The environmental health concerns are three-fold", what is your folks' feeling on these three proposals?

WILLIAMSON: I'm sorry, Commissioner, I didn't understand the question.

MURAKAMI: The question is the Department of Health, you know, stated that "The environmental health concerns are three-fold: (1) Food service establishment permit for the proposed kitchen and bar complex, (2) Number of sanitary facilities for the projected maximum populations utilizing the Fraternal Home at a time, and (3) Sewage disposal system to be approved by the Area Registered Sanitarian", what is your opinion on these three proposals?

WILLIAMSON: I understand your question. Thank you, Commissioner. We're aware that the Department of Health has their requirements with regard to sanitary facilities and so forth, and we are willing to comply with them. Just as an example, the bar would have to have a three basin station for the washing of glasses. This is a requirement of theirs; and we certainly would live up to that. Also, the number of bathrooms or toilet facilities to accommodate the maximum crowds anticipated would be provided too. We're not at the point where we can yet tell exactly how many toilets would be installed, but we would definitely plan to follow their requirements. Same with the cesspools for sewage disposal, we would provide adequate facilities for that.

MURAKAMI: Thank you.

CHAIRMAN: These conditions would be at the time of plan approval.

MURAKAMI: Yes.

CHAIRMAN: Thank you. Commissioners, any further questions?

PIIANAIA: Mr. Chairman, may staff ask a couple of questions?

CHAIRMAN: Yes.

PIIANAIA: It's just for clarification.

CHAIRMAN: Surely.

PIIANAIA: You propose a bar and eating facility basically, would these be private, would they be, what, especially with the eating facility, would it consist of? Just the dining room or, specifically, we'd like to clarify your proposed use, these areas.

WILLIAMSON: Our plan would be to have the facilities used for our members and guests. As I told you we now have approximately 120 members between the aerie and the auxiliary. We do intend to increase that; but our plan would not be to open the kitchen, open the home as a restaurant inviting the public. It would be basically for members and their guests only.

PIIANAIA: Would this be limited to your bi-monthly meetings, the use of these facilities? Or would you expect, for instance, say the aerie grows, for it to be used on a daily basis?

WILLIAMSON: No, we would expect to use it for our bi-monthly meetings, yes; but we probably would have some social events there every weekend, perhaps Friday or Saturday or Sunday evenings. But not seven days each week, no.

PIIANAIA: Thank you.

CHAIRMAN: Okay, Mr. Williamson, you make reference to a club license. Is it your understanding a club license shall be general only but excluding alcohol and shall authorize the licensee to sell liquors to members of the club and to guests thereof enjoying the privileges of membership for consumption only on the premises kept and operated by the club, and shall authorize any bonafide club member to keep a private locker on the premises a reasonable quantity of liquor if owned by himself for his own personal use and not be to be sold and which may be consummed only on the premises, is this generally what you're referring to as a club license? That's right out of the statutes, by the way.

WILLIAMSON: Yes, sir. We have read that. We have talked to the liquor commissioner here in Hilo and are acquainted with the requirements for a club license.

CHAIRMAN: And that would be solely what you would be interested in terms of liquor use?

WILLIAMSON: Yes.

CHAIRMAN: Okay, thank you. Commissioners, any further questions? Mr. Williamson, this is a public hearing, the Chair at this time will be inviting members of the audience to speak either for or against your application. However, prior to inviting the audience to participate, the Chair would like to ask that you submit to the Department a copy of your charter of incorporation, your constitution and by-laws to afford the Commission a better understanding of your organization.

At this time, the Chair would like to invite anyone who wishes to testify either for or against the application before the Commission.

If there's no public testimony to come before the Commission, before we close the public hearing, I would like to ask the Director to comment on questions raised concerning the Shipman properties and master plan thereof.

FUKE: Thank you, Mr. Chairman. I'd like to just clarify some of the questions and concerns which were raised by Commissioner

Jitchaku. I do have in my hand right now a copy of the plan prepared and sent to Mr. Shipman dated June 30, 1975, from Belt, Collins and Associates. In their regional land use plan, which is not necessarily which has been approved by the County for the proposed area, they did reflect the Henry Opukahaia School site; and as Ilima had mentioned earlier that the Commission would soon consider as far as nullification of the permit. Surrounding that area and also which would encompass this particular area, they're entertaining a possibility of a potential industrial park.

So as you can see, there are still many unanswered questions, and I would hope that in my meeting with Mr. Blackshear or Mr. Devine, that I will be able to provide the Commission with an update as the development of Puna progresses.

JITCHAKU: Thank you.

CHAIRMAN: Thank you, Mr. Director. If there's no further testimony to come before the Commission, the Chair will entertain a motion to close the public hearing.

PARIS: Mr. Chairman, I so move.

CHAIRMAN: Is there a second to the motion?

JITCHAKU: Second the motion.

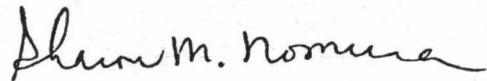
CHAIRMAN: It has been moved by Commissioner Paris and seconded by Commissioner Jitchaku that the application of the Fraternal Order of Eagles for a Special Permit be closed. All those in favor so signify by saying aye?

COMMISSIONERS: Aye.

CHAIRMAN: Oppose, same sign? The public hearing is closed.

Public hearing adjourned at 4:05 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S.T.:



William F. Mielcke
Chairman, Planning Commission

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
July 20, 1978

The Planning Commission met in regular session at 1:08 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke ABSENT: Shigeru Fujimoto
J. Walsh Hanley (From 2:05 p.m.) Haruo Murakami
Lorraine R. Jitchaku (From 3:30 p.m.)
Bert H. Nakano Ex-officio Member
Alfredo Orita Akira Fujimoto
William J. Paris, Jr.
Charles H. Sakamoto

Sidney M. Fuke, Director (From 1:40 p.m.)
Duane Kanuha, Deputy Director (Left at 1:40 p.m.)
Ilima Piianaia, Planner
Keith Kato, Planner (Left at 5:08 p.m.)
William Moore, Planner (Left at 5:08 p.m.)
Janie Patch, Student Intern

David Murakami, representing Ex-officio Member Edward
Harada
Lionel Meyer, Deputy Corporation Counsel (From 1:40 p.m.)

and about 4 people in attendance at 1:08 p.m., 12 people
at 1:30 p.m., 5 people at 4:08 p.m. and 15 people at
7:00 p.m.

EXHIBIT X

MINUTES: It was moved by Commissioner Sakamoto and
seconded by Commissioner Orita that the

The petitioner's representative, Ted Matsuo, said that they would be able to comply with the conditions outlined by the staff. Mr. Matsuo clarified that the building floor elevation is 21 feet above sea level and 4 feet elevation relative to the ground. He pointed out that the existing foam building will be relocated close by and that the new building will be of metal construction.

There was no one from the public testifying on the application.

It was moved by Commissioner Nakano and seconded by Commissioner Sakamoto that the public hearing be closed; motion was carried.

It was moved by Commissioner Nakano and seconded by Commissioner Murakami that the application be approved with the conditions outlined by the staff. A roll call vote was taken and motion carried with six ayes.

RECESS: The Chair called a recess at 1:24 p.m. until the next scheduled item at 1:30 p.m.

RECONVENED: The meeting reconvened at 1:30 p.m.

**SPECIAL PERMIT
FRATERNAL ORDER
OF EAGLES,
HILO AERIE
NO. 3642
KEA'AU, PUNA** Application of the Fraternal Order of Eagles, Hilo Aerie No. 3642 for a Special Permit to allow the establishment of a fraternal home on one (1) acre of land situated within the State Land Use Agricultural District. The area involved is adjacent to the Girl Scout Service Center, on the south side and just off of the Kea'au-Pahoa Road, Kea'au, Puna, TMK: 1-6-04:portion of 11.

Staff pointed out that the Fraternal Order of Eagles has submitted a copy of their bylaws which have been transmitted to the Commissioners.

Staff presented recommendation for approval with conditions on file.

The petitioner's representative, Bob Williamson, clarified for the Commission that the Fraternal Home would generally receive most of its use during evening hours, and that they do not feel that it would be in any conflict or disturbance to the Girl Scout Center nearby.

It was moved by Commissioner Paris and seconded by Commissioner Orita to send a favorable recommendation to the State Land Use Commission with the conditions outlined by the staff. A roll call vote was taken and motion carried with six ayes.

**VARIANCE
BEN H. GADDIS
WAIAKEA, SOUTH
HILO** Preliminary hearing on the application of Ben H. Gaddis for a variance to allow the construction of a lanai addition to an existing single family dwelling with a front yard setback of 26¹ feet in lieu of the minimum requirement of 40 feet. The area involved is located along the west side of Mala'ai Street, approximately 460 feet south of the intersection of Mala'ai Street and Hoaka Road, Waiakea-Lani subdivision, Waiakea Homesteads, 2nd Series, Waiakea, South Hilo, TMK: 2-4-54:18.



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

COUNTY OF
HAWAII

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

July 31, 1978

LAND USE COMMISSION
STATE OF HAWAII
Aug 1 10 29 AM '78

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

Dear Mr. Furutani:

Special Permit Application
Petitioner: Fraternal Order of Eagles,
Hilo Aerie No. 3642

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 fraternal home on one (1) acre of land situated within the State Land Use Agricultural District at Kea'au, Puna, Hawaii, Tax Map Key 1-6-04:portion of 11.

The Planning Commission at a duly held public hearing on June 29, 1978 in the Councilroom, County Building, South Hilo, Hawaii, discussed the subject request. The Commission on July 20, 1978, voted to recommend the approval of the special permit to the Land Use Commission based on the following findings:

That the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the

State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Land Use Regulations state that lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics may be included in the Agricultural District. The area under consideration consists primarily of pahoehoe lava. The Land Study Bureau has classified this land as "E" or very poor. Further, the property in question is not designated as Unique, Important or other Important Land under the Lands of Agricultural Importance to the State of Hawaii classification system. Although there may be certain agricultural activities which could be undertaken on the subject property, it is determined that the requested use will not be detrimental to the island's agricultural resource base nor will it have an adverse impact on the overall agricultural activity of the region and the island. Further, the proposed use is consistent with the County General Plan and the Zoning Code. Fraternal homes are a permitted use within the County's Agricultural zoned district. Based on these considerations, it is determined that the granting of the subject request will not be contrary to, but rather promote, the intent of the Land Use Law and Regulations.

That the proposed use will not unreasonably burden public facilities and services. The subject area is approximately one mile from the village of Keaau where police and fire protection services are available. The Keaau-Pahoa Road serving the proposed site is adequate for the expected traffic increase and all essential utilities are available to the subject site off the main highway.

That the proposed use will not adversely affect surrounding properties. Surrounding land uses include the Keaau Solid Waste Transfer Station, the Hawaii Island Humane Society, the Girl Scout Service Center, and vacant lands. The proposed fraternal home is not anticipated to adversely affect these uses as the anticipated impacts are limited to increased number of vehicles on the roads, increased water consumption, and sewage. These impacts, however, do not affect surrounding properties since the existing facilities and utilities are adequate or will be made adequate by the petitioner.

The Commission would like to note that the pattern of Special Permits in this area, if continued, could have the effect of creating an urban district. The landowner should be aware that future requests in this area will be reviewed accordingly.

The favorable recommendation was also subject to the following conditions:

1. That the requirements of the Departments of Water Supply, Public Works, and Health shall be complied with.
2. That the development shall occur as represented by the petitioner.
3. That tentative subdivision approval for the one (1) acre lot shall be obtained within one (1) year from the effective date of the Special Permit. The petitioner, as authorized by the landowner, shall be responsible for obtaining final subdivision approval.
4. That construction on the fraternal house commence within one (1) year from the date of final subdivision approval and be completed within two (2) years thereafter.
5. That all other applicable rules, regulations, and requirements, including the plan approval process, shall be complied with.

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

Enclosed are copies of the Exhibits from the subject docket.

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

lgv
Enclosures
cc Mr. Alfred Michal
Land Use Division, DPED

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

7-46 AM '78
JUL 24
LAND USE COMMISSION
STATE OF HAWAII

July 21, 1978

Mr. Alfred Michal, President
Fraternal Order of Eagles,
Hilo Aerie No. 3642
P. O. Box 1189
Hilo, Hawaii 96720

Dear Mr. Michal:

Special Permit Application
Tax Map Key 1-6-04:portion of 11

The Planning Commission at its regular meeting of July 20, 1978, considered your application for a special permit to allow the establishment of a fraternal home on one (1) acre of land situated within the State Land Use Agricultural District at Kea'au, Puna, Hawaii.

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

1. That the requirements of the Department of Water Supply, Public Works, and Health shall be complied with.
2. That the development shall occur as represented by the petitioner.
3. That tentative subdivision approval for the one (1) acre lot shall be obtained within one (1) year from the effective date of the Special Permit. The petitioner, as authorized by the landowner, shall be responsible for obtaining final subdivision approval.

Mr. Alfred Michal
Page 2
July 21, 1978

4. That construction on the fraternal house commence within one (1) year from the date of final subdivision approval and be completed within two (2) years thereafter.
5. That all other applicable rules, regulations, and requirements, including the plan approval process, shall be complied with.

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

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

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

lgv

cc State Land Use Commission
Land Use Division, DPED

LIST OF EXHIBITS - FRATERNAL ORDER OF EAGLES, HILO AERIE NO. 3642

- A. Application form
- A-1. Applicant's reasons
- A-2. Applicant's location map
- A-3. Applicant's floor plan
- A-4. Applicant's plot plan
- A-5. Applicant's proposed building plans
- A-6. Applicant's By-Laws
- B. Departmental acknowledgement letter (5/18/78)
- C. Memo to various agencies (5/18/78)
- D. P & R (5/20/78)
- E. Helco (6/1/78)
- F. Water Supply (6/1/78)
- G. Health (6/2/78)
- H. Public Works (6/5/78)
- I. Police (6/5/78)
- J. Agriculture (6/5/78)
- K. Highways (6/6/78)
- L. Fire (6/8/78)
- M. Letter to surrounding property owners (6/16/78)
- M-1. Map sent to surrounding property owners
- M-2. List of surrounding property woners
- N. Letter to the applicant (6/16/78)
- N-1. Public Hearing Notice
- O. Minutes 6/29/78
- P. Transcript 6/29/78

- Q. Letter to the applicant (6/30/78)
- R. Letter to the applicant (7/10/78)
- S. Staff background
- T. Staff recommendation
- U. Location Map (please return)
- V. Plot Plan (please return)
- W. Voting Sheet
- X. Minutes 7/20/78

APPLICATION FOR SPECIAL PER

Luc

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT: Fraternal Order of Eagles, Hilo Aerie No. 3642

APPLICANT'S SIGNATURE: Alfred P. Mitchell - Pres.

ADDRESS: P. O. Box 1189, Hilo, Hawaii 96720

TELEPHONE: 935-2991 Bob Williamson

TAX MAP KEY: 1-6-04-11 (portion) AREA: One Acre
(size of parcel)

OWNER: W. H. Shipman Ltd.

OWNER'S SIGNATURE: Ray S. Blakemore - Pres-

APPLICANT'S INTEREST, IF NOT OWNER: Lessee

REQUESTED USE: See attached

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

RECEIVED

'78 MAY 11 PM 12 38

PLANNING DEPT.
COUNTY OF HAWAII
FILE NO

FRATERNAL ORDER OF EAGLES
HILO AERIE NO. 3642

PROPOSED USE OF SUBJECT PROPERTY

We, Fraternal Order of Eagles, Hilo Aerie No. 3642, plan the following use of the subject property and provide the following reasons for our request for Special Permit.

Hilo Aerie No. 3642 plans to build their home on this property for use by their members. Our planned construction initially would be a building approximately 40 ft. x 70 ft. which would include a kitchen, men's and ladies wash rooms, a small bar and meeting rooms for our member's meetings. The planned building would be on concrete slab, double wall and designed for future additions of one story only if future needs warrant. All requirements of the Hawaii County building code and Hawaii County Health Department would be met in the construction of our building.

Our use of this home would be, mainly for our bi-monthly meetings and certain social events. The intended use would be as a private club for use by its members and guests. A liquor license, probably a club license will be applied for, upon approval of our Special Permit and the initiation of construction of the home.

The one acre building site meets the requirements of the Hawaii County Ordinance for Fraternal homes. Ample parking would be provided to meet the requirements of the building code and the members of the order.

The surrounding area is largely agricultural, one story buildings, and our planned construction would fit into the surrounding environment.

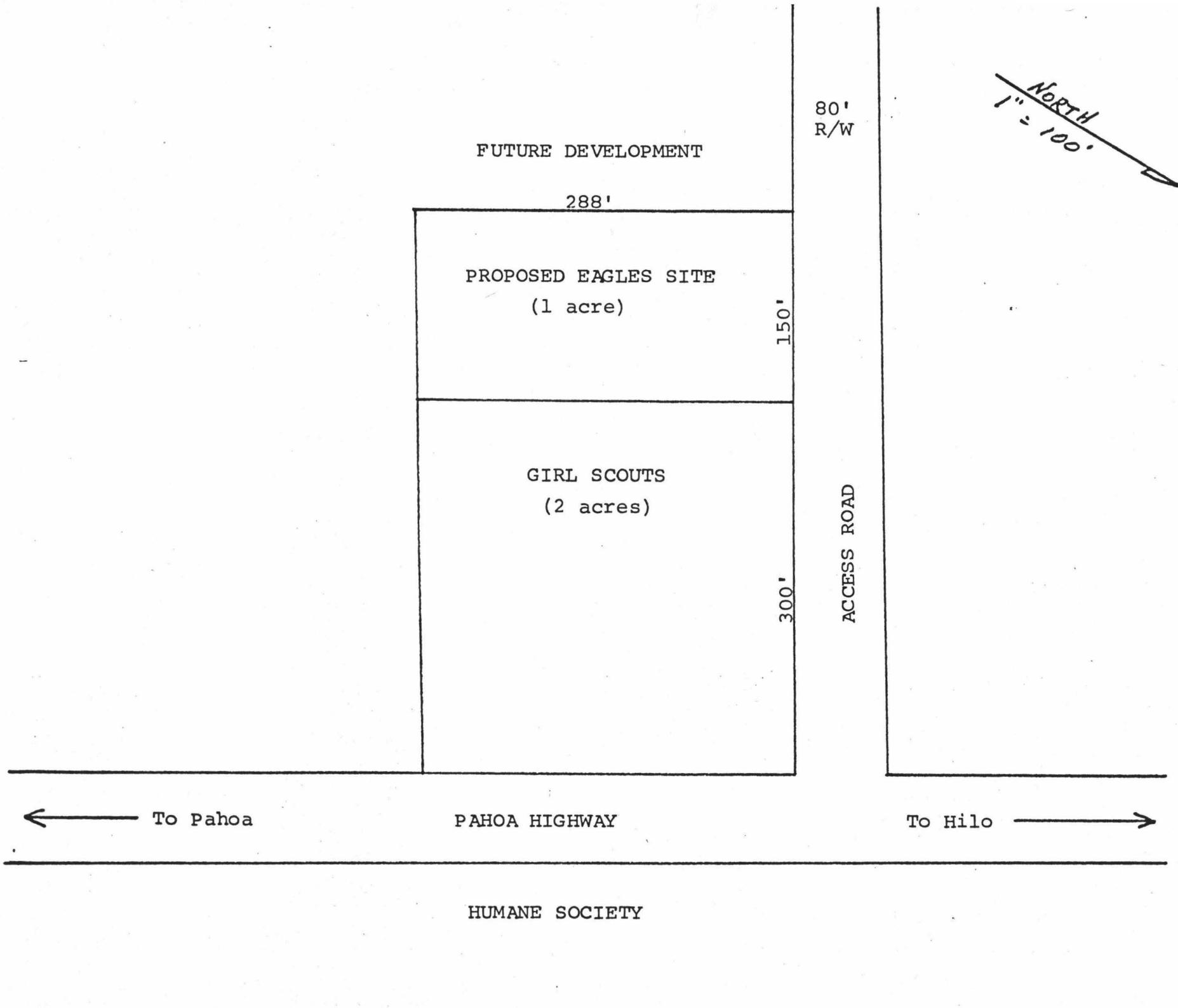
Paved road, water and electricity is available to this property. We will provide our own cesspool to handle the sewage from home. The rocky condition of the soil will not cause a drainage problem. A slight slope of the land will not cause runoff of rainfall during our heaviest rain.

Our planned building will be air conditioned during the hours of use and will be designed with security in mind. Few, if any windows, will be used and the doors suitable to prevent break-ins. Police and fire protection should be minimal.

Our search for a suitable site upon which to build our home has been exhaustive. We have found no suitable, affordable site in the Hilo or Pahoa area for our home. This site has the environment which we believe to be ideal for our home. The location is central for our members who reside in Hilo and the Puna District.

Our use of this property will not materially affect the surrounding present use of land. Our use appears to be compatible with the Girl Scout's headquarters. Their use is mainly during the daytime hours and our use will be mainly during the evening hours.

This land has had no use during the past many years. It has been idle and appears to be unsuited for agricultural use as is presently zoned. We feel that the use of this one acre parcel for the home of Aerie No. 3642 would be highest and best use.



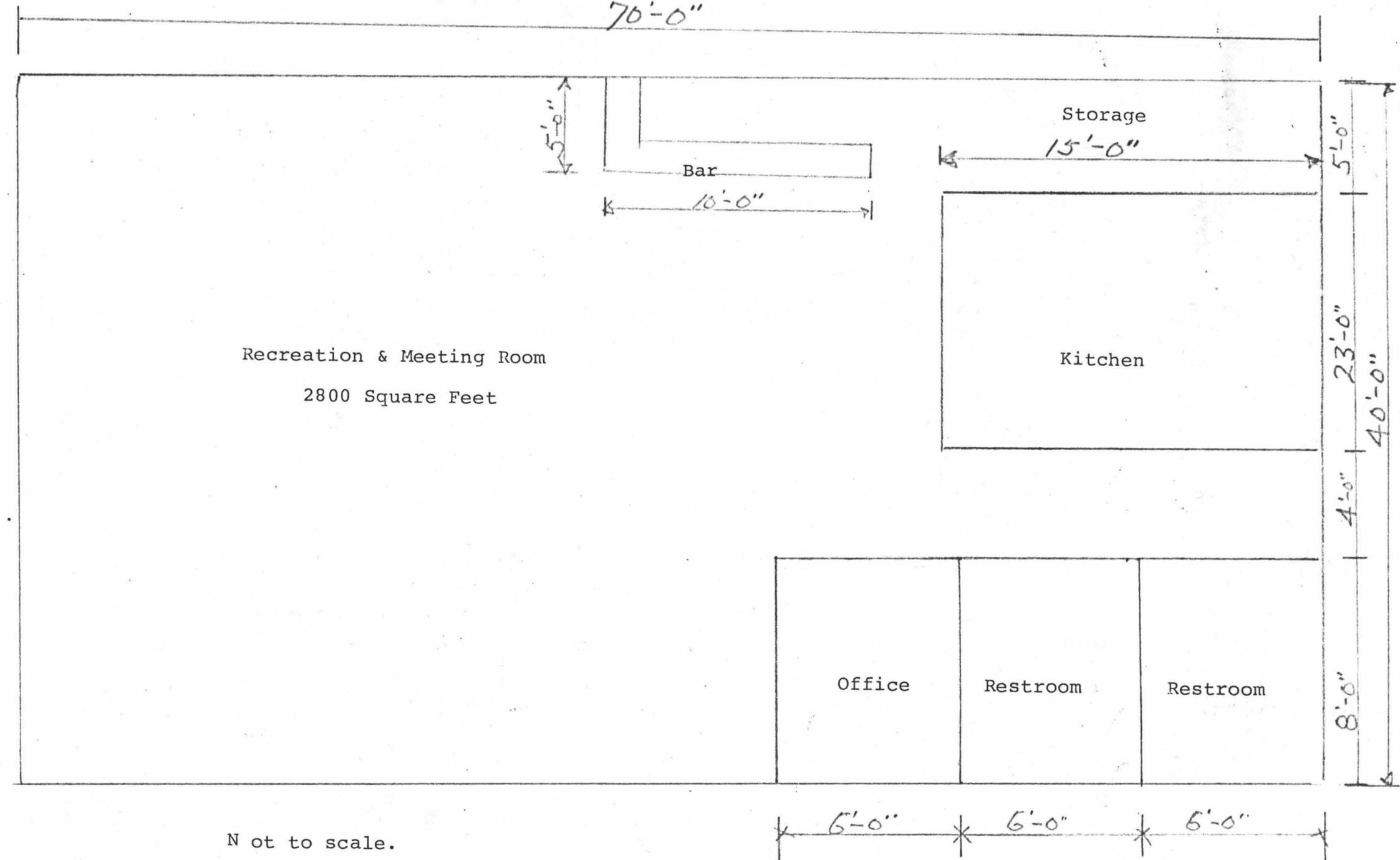


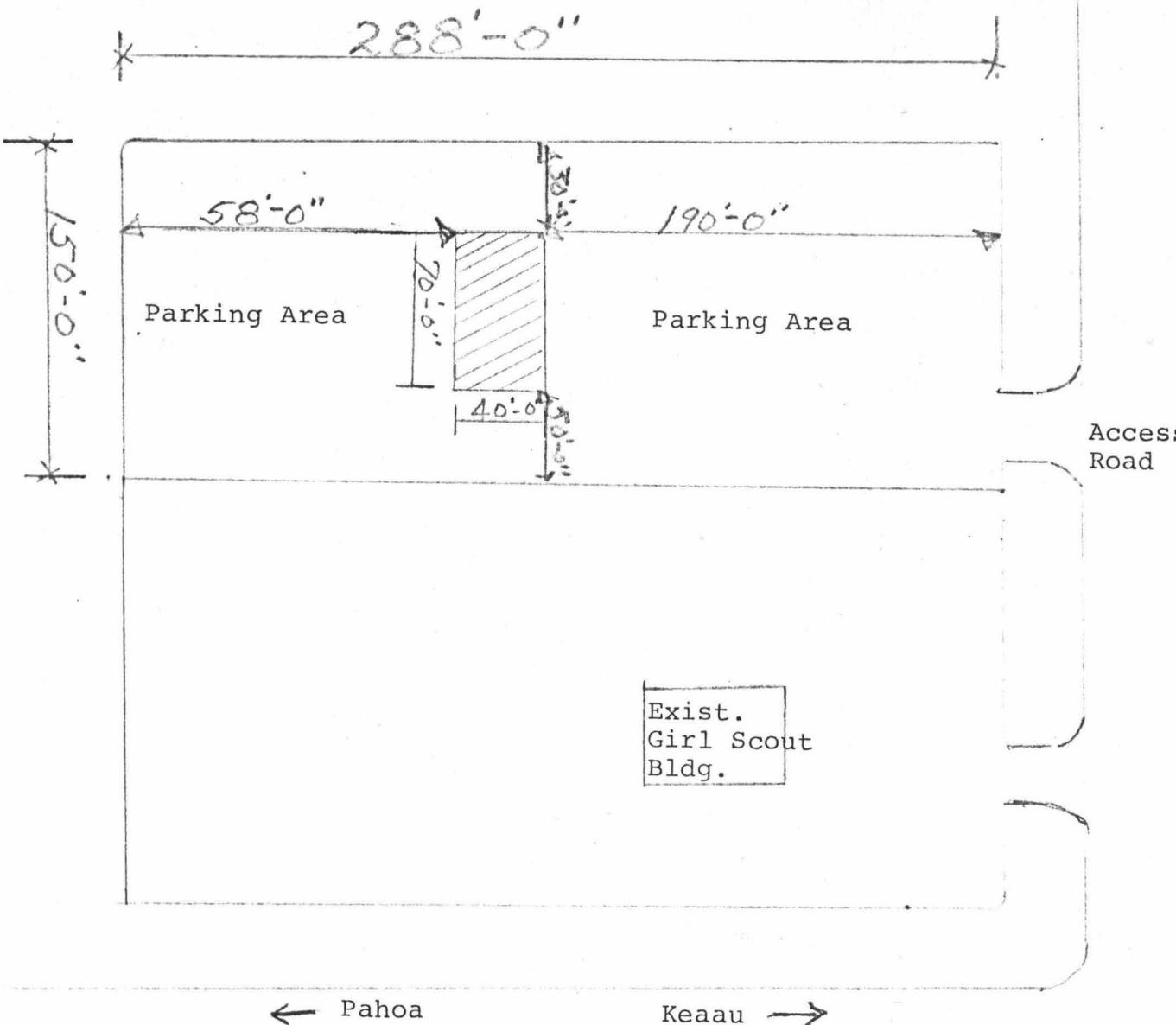
EXHIBIT A-3

EXHIBIT A-3

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PLANNING DEPT.
COUNTY OF HAWAII
FILE NO.



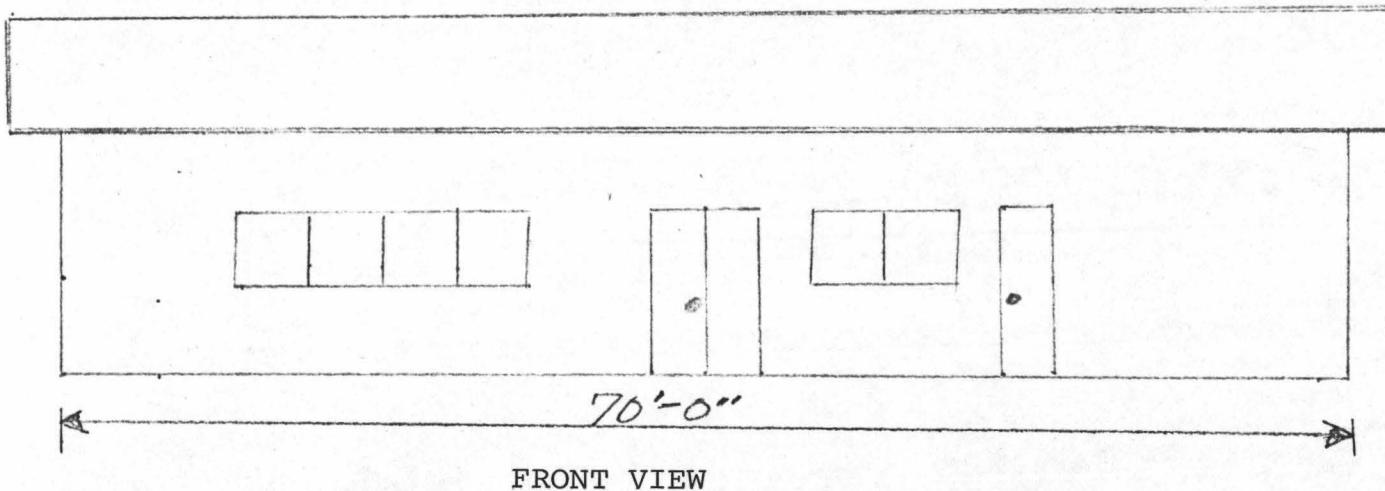
PLOT PLAN
TMK # 3/1/6/4/11

Not to scale.

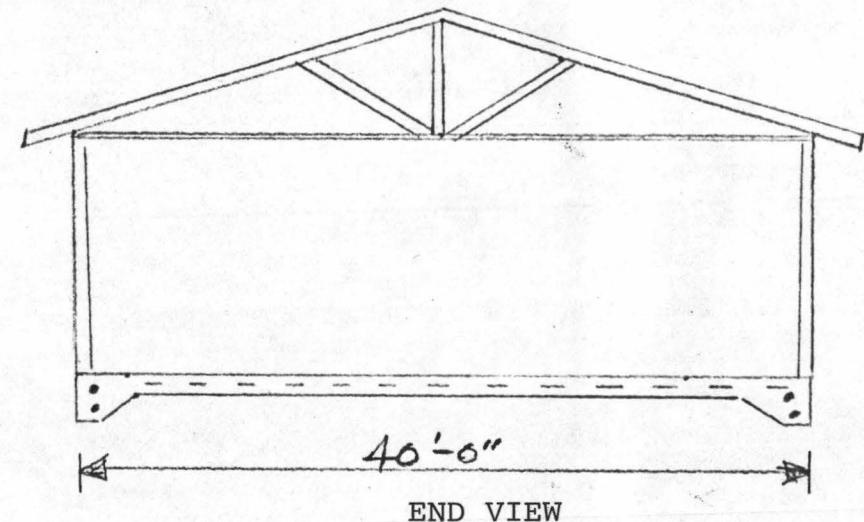
EXHIBIT A-4

PROPOSED BUILDING FOR
FRATERNAL ORDER OF EAGLES

HILO AERIE #3642
P. O. BOX 1189
HILO, HAWAII



SCALE: $3/32 \times 1/8 = 1'0"$
4" Thick Concrete Slab
2 x 4 Studs 16" o.c.
3/8 Exterior Plywood
Prefinished Interior Paneling



Corrigated Galv. Iron Roof
Roof Truss @ 4'0" o.c.
Doors & Windows
Vinyl Tile Floor Covering
Pertains to TMK # 3-1-6-4-11 (Portion)

EXHIBIT A-5

(Not printed at Government expense)



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 94th CONGRESS, SECOND SESSION

A Word Portrait of the Fraternal Order of Eagles

REMARKS

OF

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1976

Mr. DENT. Mr. Speaker, on February 6, 1976, the Fraternal Order of Eagles will celebrate the 78th anniversary of its founding. I am proud to say at the outset that I am a lifetime member of the FOE and, like many thousands of members, am proud of the organization's record in the field of humanitarianism and fraternalism.

I recommend to the attention of my colleagues the following short history of the FOE, compiled by Mr. Daniel Splain, son of Mr. Maurice Splain, who has long been associated with the organization and has spearheaded its growth in Pennsylvania. On reading the history you will note how the FOE grew in Seattle and spread across the country, reaching into Canada and Mexico.

The membership of the Eagles has included as many as five Presidents of the United States, as well as former Chief Justice Earl Warren and other notables.

The long list of accomplishments of the Eagles precludes my enumerating them here. I have been personally associated with them all in their endeavors during my public life, sponsoring at their request the Jobs After Forty Act and the Administration on Aging.

This is, indeed, an organization that deserves recognition for its outstanding humanitarian endeavors. I find appropriate the remarks of President Franklin D. Roosevelt on the occasion of his initial establishment of the Social Security System. He said:

The Pen I am presenting to the Order, one used to sign the Social Security Act, is a symbol of my approval of the Fraternity's vision and courage.

I am confident that my colleagues will want to join me in congratulating the Fraternal Order of Eagles on the 78th anniversary of its founding, and will read with interest the short history that follows:

A WORD PORTRAIT OF THE FRATERNAL ORDER OF EAGLES

(Compiled by Dan Splain)

Nine days before the explosion of the battleship Maine in Havana Harbor touched off the Spanish-American War, six lonely vaudeville troupers strolled to Moran's Shipyard on the tideflats of Seattle to form the Order of Good Things on February 6, 1898. The purpose of the organization, as its first President, John Cort later related was "to make human life more desirable by lessening its ills and promoting peace, prosperity, gladness and hope."

In February, 1976, in a new wonder age of atoms, missiles and moon walks, the far-flung Organization that sprouted from the Seattle seedling—the Fraternal Order of Eagles—celebrates today the 78th anniversary of its founding, changelessly devoted to the same ideals proclaimed by its founders. Today, the Order embraces over 1700 Aeries in the Continental United States, Alaska, Hawaii, the Philippines, the Dominion of Canada and the Republic of Mexico.

Possibly not in their fondest predictions did the pioneers of the Fraternity envision such tremendous growth. But the universal hunger for friendship and brotherhood struck a responsive chord as the theatrical men played in other cities throughout the nation. New Aeries were formed rapidly in the Pacific Northwest. Cort was elected the first Grand Worthy President of the Order.

The Order was, and remains to this day, the Fraternity of the Common Man. From mill, mine and factory mainly, from the professions, and from public life, from America's melting pot, the Eagles derived their strength, a typical cross-section of the Nation. Several years ago, Collier's Magazine, in preparing an article about the Eagles sent their writer to the local Aerie in Cedar Rapids, Iowa. He asked a spokesman to define the Eagles. He struck this response: "You want to know who the Eagles are—I'll tell you. We're the crowd everybody else gets lost in."

However, not all Eagles are "lost in the

crowd." Five Presidents of the United States were Eagles: Theodore Roosevelt, Warren G. Harding, Franklin Delano Roosevelt, Harry Truman and John F. Kennedy. Former Chief Justice of the Supreme Court Earl Warren is a brother Eagle. Monsignor Flanagan of Boys Town was a Past President of the Omaha Aerie of the Eagles. So was Father Elwood Cassedy, founder of Home on the Range for Boys, as is his successor Father William Fahnlander. Former Governor Lawrence of Pennsylvania helped found the Pennsylvania State Aerie in 1912 along with Congressman John Morin who himself served the Order as Grand Worthy President. World War II and Korean air ace Francis Gabreski (Col. Ret. USAF) is a life member of Oil City Aerie No. 283. J. Edgar Hoover, the late FBI Chief, was a brother, too. The list is infinite. Eagles are people, famous and obscure, mighty and humble, great and small.

Among those who have stood out from the crowd are the career Eagles themselves. There was Con Mann, the hearty Dutchman from Milwaukee, who piloted the Fraternity to a position of national prominence in the early part of this century. Then there was Frank Hering, silver haired orator from Notre Dame University, who made the first known plea for the observance of Mother's Day, who later served the Eagle Magazine as its editor for many years. Among contemporary leaders are Wisconsin Supreme Court Justice Robert W. Hansen, who served the Order twice as its International President; Joseph Fournier, present International President, who travels the crossroads of the Nation garnering support for Eagle Programs, and Maurice Splain, Jr., Grand Aerie Membership Department leader who cares for the membership growth of the Fighting Fraternity.

In the three decades from 1910 to 1940, the burgeoning Order acquired a new title, "the Fighting Fraternity." In those years, the Eagles were in the vanguard in social legislative progress, moving courageously, fighting for changes to insure a more secure life for the people of America. In 1911, in Missouri, led by an Eagle Jurist, Edward Everett Porterfield, the Order sponsored the first Mothers' Pension Act. A year later, in Wisconsin, Eagles rallied 'round a young Eagle and labor lawyer, Daniel Webster Hoan, later Mayor of Milwaukee, to enact the first Workmen's Compensation Act. A few years later,

CONGRESSIONAL RECORD

the Eagles began to demand elimination of a national scourge—the poorhouse. The Rubicon was crossed in 1923, when the Montana legislature passed the first Old Age Pension Law in the nation, sponsored by prominent Eagle legislator Lester Loble, who later became the Order's Grand Worthy President. The Order successfully campaigned for similar laws in the majority of the states. On the national front, the Eagles launched a historic campaign for a national Social Security Act, and spent more than a million dollars for printed materials to publicize and popularize the measure. In signing the Act, President Roosevelt invited an Eagle delegation to the White House and presented them with one of three pens used to sign the Act into law. In so doing, Roosevelt stated, "The pen I am presenting to the Order, one used to sign the Social Security Act, is a symbol of my approval of the Fraternity's vision and courage."

High in the achievements of the Order is the national Mother's Day observance. Back in 1904, in February, Frank Hering, a Notre Dame professor and football coach, gave the first public plea for a Mother's day observance at an Indianapolis Aerie meeting. Inspired by Hering's address, Eagle Aeries began sponsoring Mother's Day programs annually long before Congress set aside the Second Sunday in May as a day reserved for that tribute yearly.

The Eagle story reserves a prominent chapter for the youth of America. With youth programs, junior sports, teen-age dances, youth centers sponsored by hundreds of Aeries, the building of the citizens of tomorrow is an ever paramount project of the Order. The crowning effort in this field came in April, 1941, when the Fraternity dedicated the Eagle Dormitory at Father Flanagan's Boys Town in Nebraska.

Then World War II arrived, the Eagles conceived their famed Memorial Foundation, a trust fund created by donations of Aeries and their Auxiliaries to provide physical welfare services and college education for the children of the Eagle war dead. This foundation was later expanded to include survivors of Korean and Vietnam War dead, and Eagle police and firemen killed in the line of duty.

While significant national campaigns have always characterized Eagle activity, the 'grass roots' strength lies in the local Aeries and Auxiliaries. Their civic and benevolent contributions have been generous and frequent. Blood banks to save lives, an iron lung purchased for a young polio victim, Aerie quarters provide for a teen-age center, a Christmas Party for the underprivileged kids in the community, funds for a city youth playground; donations to the Red Cross, the Community Chest, and other community services and programs is but a part of the magnificent benevolence of the Fraternal Order of Eagles. No accurate accounting of the total spent by local Aeries and Auxiliaries for charitable purposes has ever been kept, but no doubt, over the years, it would run into staggering millions, and in terms of human happiness and betterment the amount is above the monetary realm, and measured only in terms of the human heart.

In the 1950's, the Eagles set their sights on new goals to "make human life more desirable." During that decade, the Eagles raised over one million dollars for the Damon Runyon Cancer Fund, prompting the fund's founder, Walter Winchell, to write in his nationally syndicated column that the Eagles are "the Santa Claus of the Damon Runyon Cancer Fund." The Eagles donation of \$25,000.00 for the entrance to the Chapel of the Four Chaplains at Philadelphia, memorializing the four chaplains of three faiths who gave their lives in WW II aboard the U.S.S. Dorchester, bespeaks the Order's zeal for brotherhood and inter-faith unity. Distribution of thousands of scrolls of Ten Commandments to schools and courts, and presentation of the Ten Commandment granite monoliths to many American cities stressed the Eagles' concern for moral and spiritual values.

Late in 1959, the Organization began construction of a retirement home for senior citizens who are Eagle members. The home in Bradenton, Florida today boasts 75 units, a library, a lake well stocked for fishing and a large recreational hall. The Eagle Village, as the retirement facility is called, is self-governed by a Mayor and council elected by the residents.

In cooperation with CARE, the international relief organization, the Eagles have constructed over 25 Eagles-Care Houses throughout the world.

In the decade just past, the Eagles founded the Max Baer Heart Fund, named after the late Eagle Heavyweight Champ, which has donated over \$2,000,000 dollars for heart research, in the ten years of its existence. The Eagles have now founded the Eagles Cancer Fund which has raised over \$2,000,000.00 dollars supplementing the amount contributed to the Damon Runyon Cancer Fund. Just eight years ago, the Eagles founded the Jimmy Durante Children's Fund to contribute funds for research into the catastrophic diseases of childhood. Durante, for whom the fund is named, has long been an active supporter of Eagle programs.

Four years ago, the Organization initiated the "Golden Eagle Program", a three pronged attack on the problems of our aging citizens. The goal of the program is to add years to life and life to the years of the world's senior citizens in three ways: 1) by sponsoring and supporting legislation that will permit our aged to live in dignity and self-respect; 2) by establishing within the 3200 local Eagle units Retired Eagles Activities Clubs (REAC) to permit older Eagles and their families to participate in programs of their choosing and to offer their aid and counsel to younger Eagle leaders in the management of their club facilities; and 3) the establishment of the Golden Eagle Fund, to raise and distribute funds for gerontological research.

The Eagles are also responsible for legislation protecting the over 40 worker from job discrimination because of his age.

The latest Eagle programs are "Hometown, U.S.A."—a campaign to make our hometowns of America just a little better for you and me, and the "Home and Family Program" designed to strengthen the home and family as the basic unit in our society.

The Fraternal Order of Eagles, with virility and vision, is just beginning to flex its muscles with over 3200 Aeries and Auxiliaries continuing the work started by six men on a Seattle waterfront 78 years ago.

NEW AERIEBY-LAWS

OF

HiloAerie No. 3642

Fraternal Order of Eagles, a Non-Profit, Fraternal Organization instituted by authority of a Charter issued by the Grand Aerie of the Fraternal Order of Eagles, under the date of May 31, 1975

Street Address

City

State or Province

Aerie By-Laws are valid, effective and operative only when prepared on authorized approved forms as provided for in Section 6.4, Paragraph 3, Statutes for Local Aeries, and when presented to and adopted by the Aerie membership, and when approved by the Grand Secretary, all in compliance with the Constitution and Statutes of the Fraternal Order of Eagles.

MEETINGS

Section 1.1 The meetings of this Aerie shall be held on 2d & 4th Tuesday at the hour of 7:00.

Section 1.2 Special meetings shall be held in conformity with Section 72.2, Statutes for Local Aeries, or laws amendatory thereof.

Section 1.3 The By-Laws of this newly formed Aerie shall be in effect for at least one year following the date of institution and until thereafter amended.

NOMINATION AND ELECTION

Section 2.1 The annual nomination, election and installation of officers shall be as provided in Section 91.1 to 91.5, inclusive, Statutes, F.O.E., or laws amendatory thereof. Vacancies in office shall be filled as provided in Section 92.1, Statutes, F.O.E., or laws amendatory thereof.

Section 2.2 The office of Worthy Conductor shall be filled each year by Election X or by appointment by the Worthy President _____. Indicate by X. See Section 80.2, Statutes.

Section 2.3 ELECTION OF AERIE OFFICERS.

(a) The election of officers shall be by WRITTEN BALLOT during the Aerie meeting on the date of election.

Section 2.4 Tellers shall be appointed by the Worthy President (Presiding officer)

Section 2.5 The term of office of the Secretary of this Aerie shall be for 1 year.

5

Section 2.6 There shall be 3 elected Trustees, and they shall be elected for a term of 1 year each. In accordance with Section 2, Article 7, Constitution F.O.E., there shall be not less than three (3) nor more than seven (7) Trustees, and in accordance with Section 80.2., Statutes, F.O.E., or laws amendatory thereof, the Board of Trustees shall consist of an uneven number of members.

AERIE MEMBERSHIP

Each Local Aerie shall be the sole judge of the persons who may be admitted as guests or members and of the qualifications and eligibility of members and guests.

Section 3.1 The fee for membership by initiation, in conformity with Section 70.9, Statutes F.O.E., or laws amendatory thereof, shall be \$ 3.00.

Section 3.2 As provided in Section 70.2, Statutes F.O.E., or laws amendatory thereof, the minimum age that members will be accepted into this Aerie will be the legal age established by the State or Province within which the Aerie is located.

Section 3.3 The fee for the issuance of a Transfer Card shall be \$1.00.

FUNDS

Section 4.1 The following funds are hereby established for this Aerie. Special Funds must be authorized in writing from the Financial Advisor before they can be approved in By-Laws as provided for in Section 110.2, Statutes F.O.E. Funds may be allocated to the Benefit and General Fund only. (Section 110.2, Statutes F.O.E.)

- (a) The Benefit Fund
- (b) The General Fund
- (c) Any other fund only if required by State or Municipal law.

Section 4.2 The revenues of and disbursements from each of the Aerie Funds shall be in strict compliance with the Laws of the Order at all times as provided for in Sections 110.1 - 114.3, Statutes for Local Aeries F.O.E.

Section 4.3 By resolution the Aerie shall designate some banking institution in which each of the said funds shall be separately deposited. Such deposits shall be made only in the name of the Aerie. Withdrawals therefrom shall be made only when approved by the Aerie and only by proper check duly authorized by the Statutes for Local Aeries and in compliance with Section 85.7 and 86.2 of the said Statutes for Local Aeries.

DUES

16.00

Section 5.3 Dues of members shall be \$ 15.00 per year, payable annually.

Section 5.4 Dues of members shall be divided annually among the various funds as follows:

- (a) Benefit Fund \$ 4.00.
- (b) General Fund \$ 11.00 12.00

Section 5.4.1 Dues of Dual members shall be \$ 10.00 per year.

Section 5.4.2 Dues of Dual members shall be divided among the various funds as follows:

- (a) Benefit Fund \$ 1.00
- (b) General Fund \$ 9.00

All dues shall be paid in advance to the Local Aerie annually.

DUTIES OF OFFICERS

Section 6.1 The duties of all officers of this Aerie shall be as set forth in and required by the Constitution and Statutes, Rituals, of the Fraternal Order of Eagles and these By-Laws, or as the same may hereafter be amended.

Section 6.3 If any officer absents himself from 3 consecutive meetings of the Aerie, or duly called or stated officers' meetings, without being excused by a vote of the Aerie in regular session, the office of such officer so absenting himself shall be declared vacant. If the Worthy President is absent from the City, Town or Village in which this Aerie is located for 3 consecutive meetings, he shall, unless excused by a vote of the Aerie, be considered as having vacated his office and the Worthy Vice-President shall succeed thereto and the office of the Worthy Vice-President shall be declared vacant.

Section 6.4 In the event of any officer of this Aerie having been removed from or resigning from his office for the violation of any of the provisions of the Constitution, Statutes, Laws, Rituals, Rules or Regulations of the Order, or of this Aerie, the said officer so having been removed, or resigning his office, shall not again be eligible to hold office in this Aerie until such time as he has been restored to eligibility through a written, secret vote of the Aerie in regular session. The majority vote of those present and voting shall rule.

Section 6.5 It shall be unlawful for any officer of this Aerie to accept employment by this Aerie, and no officer shall be employed by this Aerie, in any capacity whatsoever except as provided for in Section 9.9 of the By-Laws and in accordance with Sections 80.4, 89.2, 89.8 and 93.1, Statutes, as annotated.

Section 6.6 If any officer, employee or member of this Aerie embezzles or through larceny, misappropriation, theft, wilful misapplication or other fraudulent act or acts appropriate any of the funds or other assets of this Aerie to their own use, the Worthy President of this Aerie shall, upon receiving information thereof, file charges on behalf of and in the name and interest of the Aerie against such officer, employee or member with this Aerie's Local Trial Committee and such charges shall be prosecuted in the same manner as any other charges filed under Section 63.1, Statutes, F.O.E.

Such appropriation shall be considered as an offense against the Order and if such officer, employee or member be found guilty, they shall be suspended for a fixed period of time or be expelled from the Order.

Section 6.7 House Rules governing the premises and the conduct of members thereon, shall be adopted by this Aerie, and such House Rules as adopted shall at all times be posted in a conspicuous place in the Aerie premises. The method of the adoption of, and amendments to all House Rules shall be as provided for the adoption and amendments to the Aerie's By-Laws in Sections 122.2 and 122.3, Statutes, F.O.E., or laws amendatory thereof. One copy of said House Rules shall be forwarded to the Grand Secretary to be retained in the files in that office for future reference.

Section 6.8 It shall be unlawful for this Aerie to open or operate a Buffet and/or Social Room unless written authorization is obtained from the Grand Worthy President and the Grand Worthy President may at any time within his discretion withdraw such authorization and thereupon and thereafter such Buffet and/or Social Room shall be and remain closed unless a new authorization is issued by him.

Section 6.9 In the operation of this Aerie's Buffet and Social Rooms, the Aerie shall employ only members of the Order as regular attaches thereof or to perform services therein, except for the performance of menial labor and female help and except when no member of the Order can be obtained to do such work.

FLORAL TRIBUTE TO DECEASED MEMBERS

Section 8.2 On the death of a member, the Aerie shall provide a suitable floral or other form of tribute, costing not to exceed the sum of \$ 20.00 to be paid from the General Fund.

SALARIES

Section 9.1 For the faithful performance of their respective duties, the Worthy President and Worthy Vice-President shall each receive the sum of \$ 1.00 per annum, payable annually.

Section 9.2 For the faithful performance of his secretarial duties, the Secretary shall receive a per capita compensation, payable monthly, and based upon the number of members who are in good standing or who are not more than six (6) months in arrears at the end of each month, as follows, .20 cents per month, per member.

Section 9.3 For the faithful performance of his duties, the Treasurer shall receive \$1.00 per annum, payable annually.

Section 9.4 The salary of the Aerie Auditor and the Aerie officers shall not be paid until such time as the duties required of them by the Laws of the Order and the By-Laws of this Aerie have been fulfilled, and all reports then due have been completed, presented and transmitted to those entitled to receive them. (The Worthy President shall enforce the Laws of the Order, Section 82.1 Statutes, F.O.E.)

Section 9.5 For the faithful performance of his or their duties each Trustee shall receive \$1.00 per annum, payable annually. No compensation shall be paid to the Trustees until they have made their reports and shall have strictly complied with Section 89, Statutes, F.O.E., or laws amendatory thereof.

Section 9.7 For the faithful performance of his duties the Aerie Auditor shall receive not in excess of \$25.00 per annum, payable annually.

Section 9.9 In the event the Aerie commences operation of a buffet and social room the salary of Aerie employees shall be as follows:

All hourly paid employees shall be shown with the maximum rate per hour and maximum total hours to be worked for all employees in each category. (Example: Part time bartenders, not in excess of \$ xxxx per hour and not more than xxxxx hours per week for all part time bartenders.) The same shall apply for all hourly workers, waitresses, janitors, doormen, etc. Other employee's wages shall be shown by weekly or monthly payments.

Steward not to exceed \$4.00 per hour nor 50 hours per week

Waitress not to exceed \$2.50 per hour nor 20 hours per week

Doorman not to exceed \$2.50 per hour nor 20 hours per week

Section 9.10 Whenever the Aerie, by properly adopted resolution, sends its Junior Past Worthy President or other accredited representative to the Grand Aerie Convention as provided for in Section 1.3, Statutes for Local Aeries, he may be allowed as his expenses as follows: Not in excess of \$ 20.00 per day while going to, returning from and while in attendance at the sessions during the Grand Aerie Convention. He may also be allowed his registration fee. For transportation to and from the Grand Aerie Convention by the most direct route, he may be allowed actual rail fare plus Pullman, Bus or Airplane fare. If traveling by automobile, he may be allowed not in excess of .10 cents per mile, round trip.

Section 9.11 Whenever the Aerie has, by proper resolution, authorized its duly elected or appointed delegates or representatives to attend its State or Provincial Convention, each delegate or representative may be allowed as his expenses the following: Not in excess of \$15.00 per day while going to, returning from and in actual attendance at the State or Provincial Convention. He may also be allowed the approved registration fee. For transportation to and from the Convention by the most direct route, he may be allowed actual railroad fare or airplane fare. If traveling by automobile, he may be allowed not in excess of .10 cents per mile, round trip. When more than one delegate or representative travels in the same car, the cost of transportation shall be allowed only to the owner or driver of the car and not to the other delegates or representatives riding therein.

Section 10.1 The Worthy President, Worthy Vice-President, Secretary, Treasurer and each Trustee of this Aerie shall be bonded by a "Name Position" Bond, to be purchased by the Aerie, in the amount and according to the following schedule:

Annual Gross Receipts

Classification Number	All Funds	Amount of Bond
(1)	under \$10,000.00	amount of Bond \$ 1,500.00
(2)	under 20,000.00	amount of Bond 3,500.00
(3)	under 40,000.00	amount of Bond 6,500.00
(4)	under 60,000.00	amount of Bond 10,000.00
(5)	60,000.00 and up	amount of Bond 13,500.00

Other employees of the Aerie who handle moneys of the Aerie shall be bonded by individual Bonds, or by rider attached to the officers' Bonds in the same amounts as the above schedule. The Worthy President is charged with the duty and responsibility of seeing to it that all officers and employees required to be bonded shall have submitted their application for the required bond coverage prior to assuming their duties as such officer or employee.

Section 10.2 This Aerie may purchase its Fidelity and/or Surety Bond coverage locally, as provided in Section 48.3, Statutes, F.O.E., or laws amendatory thereof, or may participate in the Eagles' Bond Fund. No officer or employee shall be permitted to assume or discharge the duties of his office or employment, until bonded and until notification thereof has been forwarded to the office of the Grand Secretary, F.O.E., or laws amendatory thereof. In the event an officer or employee shall assume the duties of his office or employment prior to his being Bonded and notification thereof being forwarded to the office of the Grand Secretary, F.O.E., as hereinbefore provided, such act shall vacate such office and forfeit such officers' rights thereto, and such act shall cause the discharge of such employee and work a forfeiture of his rights to compensation.

PROPERTY AND DUTIES

Section 11.1 Under the direction of the Aerie, the Trustees shall be the custodians of and hold in trust for the lawful purposes of the Order and this Aerie, all real property of the Aerie, and all personal property not entrusted to any other officer by the Laws of the Order, in accordance with Section 89.1 - 110.4., Statutes, F.O.E. or laws amendatory thereof.

Section 12.1 These By-Laws are at all times subject to the provisions of the Constitution and Statutes, Fraternal Order of Eagles, and will automatically be amended in any and all respects as the Constitution and Statutes, Fraternal Order of Eagles, are amended in any particular pertaining to these By-Laws.

MISCELLANEOUS .

Section 13.1 In appreciation of services rendered by the retiring Worthy President, the Aerie may, by resolution adopted by the Aerie, present some suitable gratuity to the retiring Worthy President, at a cost not to exceed the sum of \$ 20.00 to be paid from the General Fund.

Special Permit
for [redacted]

May 18, 1978

Mr. Alfred Michal, President
Fraternal Order of Eagles
Hilo Aerie No. 3642
P. O. Box 1189
Hilo, HI 96720

Dear Mr. Michal:

Special Permit
TMK: 1-6-04:portion of 11

This is to acknowledge receipt on May 11, 1978 of the above described special permit application.

The County Planning Commission shall conduct a public hearing on the 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 shall 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 then be forwarded to the State Land Use Commission for final action.

However, the Planning Commission may deny the request if it is found that the proposed use does not meet the special permit guidelines. In this case, their decision is final. In accordance with the provisions of Chapter 205-6, Hawaii Revised Statutes, a denial by the Planning Commission may be appealable to the Circuit Court of the circuit in which the land is situated, in this case, the Third Circuit Court.

Prior to scheduling your application for a public hearing, please submit to us 16 copies of a more detailed plot plan showing the location of the proposed building on the subject property, parking, etc. Please also submit 16 copies of a floor plan of the interior of the structure. We would appreciate receiving these at your earliest convenience so that the processing of the application is not delayed.

Sincerely,

Sidney Fuke

SIDNEY FUKE
Director

EXHIBIT B

MEMORANDUM:

PLANNING DEPARTMENT - County of Hawaii, Hilo, Hawaii 96720

To: DPW POLICE HELCO
DWS FIRE SOIL CONSERV. Date: May 18, 1978
R & D HIGHWAYS DEPT. OF AGRICULTURE
P & R HEALTH

From: DIRECTOR *John A. Hale*

Subject: Special Permit
Fraternal Home
TMK: 1-6-04: portion of 11

The attached application for a Special Permit is forwarded for your review. May we have written comments within two weeks.

ak
Enclosure

EXHIBIT C

DEPARTMENT OF PARKS & RECREATION
COUNTY OF HAWAII

Date: May 30, 1978

TO: PLANNING DEPARTMENT

FROM: DEPARTMENT OF PARKS & RECREATION

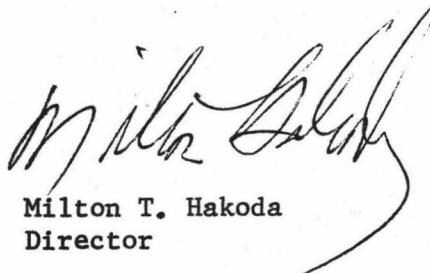
RE: CHANGE OF ZONE APPLICATION
 SPECIAL PERMIT APPLICATION - Fraternal Home
 USE PERMIT APPLICATION
 VARIANCE

FOR: Fraternal Order of Eagles

TMK 1-6-04:por. 11

We have no adverse comments to offer on the subject request.

Thank you for the opportunity to review the application.



Milton T. Hakoda
Director

EXHIBIT D

HAWAII ELECTRIC LIGHT COMPANY, INC.

P. O. BOX 1027 HILO, HAWAII-96720



June 1, 1978

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

Attention: Mr. Sidney M. Fuke
Director

Gentlemen:

SUBJECT: SPECIAL PERMIT APPLICATIONS

Smoked Beef Business
Charles T. Onaka
TMK: 8-4-05:61

Fraternal Home
TMK: 1-6-04: por. of 11

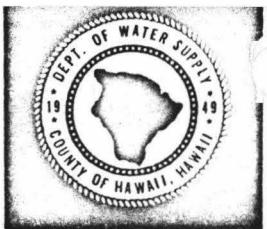
We have no comments to the above application as per
your memorandum of May 18th and 26th, 1978.

Very truly yours,

J. N. Niwao
J. N. Niwao, Manager
Engineering Department

JN:bk

EXHIBIT E



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820

HILO, HAWAII 96720

25 AUPUNI STREET

June 1, 1978

TO: Planning Department
FROM: Manager
SUBJECT: SPECIAL PERMIT APPLICATION
APPLICANT - FRATERNAL ORDER OF EAGLES
OWNER - W. H. SHIPMAN, LTD.
TAX MAP KEY 1-6-04:11 (PORTION)

We have no objections to the subject request.

For your information, the Department of Water Supply has an 8-inch waterline along Keaau-Pahoa Road.

Akira Fujimoto
Akira Fujimoto
Manager

QA

EXHIBIT F

... Water brings progress...

MEMORANDUM:

PLANNING DEPARTMENT - County of Hawaii, Hilo, Hawaii 96720

To: DPW POLICE HELCO Date: May 18, 1978
DWS FIRE SOIL CONSERV.
R & D HIGHWAYS DEPT. OF AGRICULTURE
P & R HEALTH

From: DIRECTOR *Signature*

Subject: Special Permit
Fraternal Home

TMK: 1-6-04: portion of 11

The attached application for a Special Permit is forwarded for your review. May we have written comments within two weeks.

ak
Enclosure

Department of Health
Hilo, Hawaii
June 2, 1978

COMMENTS

The environmental health concerns are threefold:

1. Food Service Establishment Permit for the proposed kitchen and bar complex.
2. Number of sanitary facilities for the projected maximum population utilizing the Fraternal Home at a given time.
3. Sewage disposal system to be approved by the Area Registered Sanitarian.

Harold
HAROLD MATSUURA
Chief Sanitarian, Hawaii

EXHIBIT G

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HAWAII

HILO, HAWAII

DATE

June 5, 1978

Memorandum

TO : Planning Department

FROM : Chief Engineer

SUBJECT: Application for special permit (Fraternal Home)
Applicant: Fraternal Order of Eagles (Bob Williamson)
Location: Keaau, Puna, Hawaii
TMK: 1-6-04: POR. 11

We have reviewed subject special permit application and our comments are as follows:

- 1) Construction, exits and provisions for the handicapped shall be according to building regulation requirements.
- 2) Right-of-way shall be provided, creating an extension of the existing 80 feet Right-of-way.
- 3) Pavement shall be provided to the southerly boundary of the lot. The road section shall be a continuation of the existing road.
- 4) On site drainage should be provided for parking areas.

EDWARD HARADA
EDWARD HARADA, Chief Engineer

EXHIBIT H



POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720



OUR REFERENCE

GUY A. PAUL

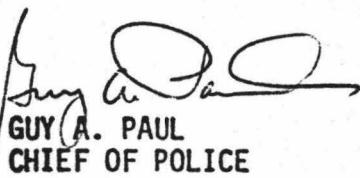
YOUR REFERENCE

CHIEF OF POLICE

June 5, 1978

TO : SIDNEY FUKE, PLANNING DIRECTOR
FROM : GUY A. PAUL, CHIEF OF POLICE
SUBJECT: SPECIAL PERMIT - FRATERNAL HOME
TMK: 1-6-04: portion of 11

The application submitted by the above applicant 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

AAH/RLP/k

EXHIBIT I

GEORGE R. ARIYOSHI
GOVERNOR



JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE

YUKIO KITAGAWA
DEPUTY TO THE CHAIRMAN

BOARD MEMBERS:

Suzanne D. Peterson
MEMBER - AT - LARGE

ERNEST F. MORGADO
MEMBER - AT - LARGE

Sidney Goo
MEMBER - AT - LARGE

Federico Galdones
HAWAII MEMBER

James E. Nishida
KAUAI MEMBER

FRED M. OGASAWARA
MAUI MEMBER

June 5, 1978

MEMORANDUM

To: Mr. Sidney Fuke, Director
Hawaii County Planning Department

Subject: Special Permit
Fraternal Home
TMK: 1-6-04: portion of 11

The Department of Agriculture has reviewed the subject application for special permit, and has no objection to the request. Adjacent to this proposal on the makai side is the Girl Scout Service Center, and on the Keaua side, the Henry Opukahaia School.

We appreciate the opportunity to comment.

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

EXHIBIT J

GEORGE H. ALIYOCHE
GOVERNOR



E. ALVEY WERGERT
DIRECTOR

DEPUTY DIRECTORS
DOUGLAS S. SAKAMOTO
WALLACE AOKI

STATE OF HAWAII

DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION

HAWAII DISTRICT

50 MAKALA STREET

P. O. BOX 4277

HILO, HAWAII 96720

IN REPLY REFER TO

LT-H 78-2.639

June 6, 1978

MEMORANDUM:

TO: Director, Planning Department
County of Hawaii

FROM: District Engineer, Hawaii

SUBJECT: () Change of Zone Application
() Variance Application
() Subdivision Application No.
(x) Special Permit Application
Fraternal Home
TMK 1-6-04: por 11

We have no objections on the proposed action for the subject application.

A handwritten signature in black ink, appearing to read "Schuster".
CHAS L. SCHUSTER

EXHIBIT K

HAWAII FIRE DEPARTMENT • COUNTY OF HAWAII • Hilo, Hawaii 96720

DATE June 8, 1978

Memorandum

TO : Planning Department

FROM : Hiroshi Shishido, Deputy Fire Chief

SUBJECT: SPECIAL PERMIT
FRATERNAL HOME
TMK: 1-6-04: PORTION OF 11

We have no objections to the above application.

Hydrants are located on the main highway. Fire protection is provided by Keaau Fire Station.

Hiroshi Shishido

HIROSHI SHISHIDO
DEPUTY FIRE CHIEF

HS/mo

EXHIBIT L



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

COUNTY OF
HAWAII

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

June 16, 1978

Dear Property Owner: TMK:

Special Permit Application
Kea'au, Puna, Hawaii
Tax Map Key 1-6-04:portion of 11

You are hereby notified that a request for a special permit to allow the establishment of a fraternal home on one (1) acre of land situated within the State Land Use Agricultural District has been submitted by the petitioner, Fraternal Order of Eagles, Hilo Aerie No. 3642.

The property involved is located adjacent to the Girl Scout Service Center on the south side and just off of the Kea'au-Pahoa Road, Kea'au, Puna, Hawaii.

A public hearing on the subject among others will be held beginning at 3:30 p.m. on Thursday, June 29, 1978, in the Council-room, County Building, South Hilo, Hawaii.

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

Sincerely,

f Sidney M. Fuke
Director

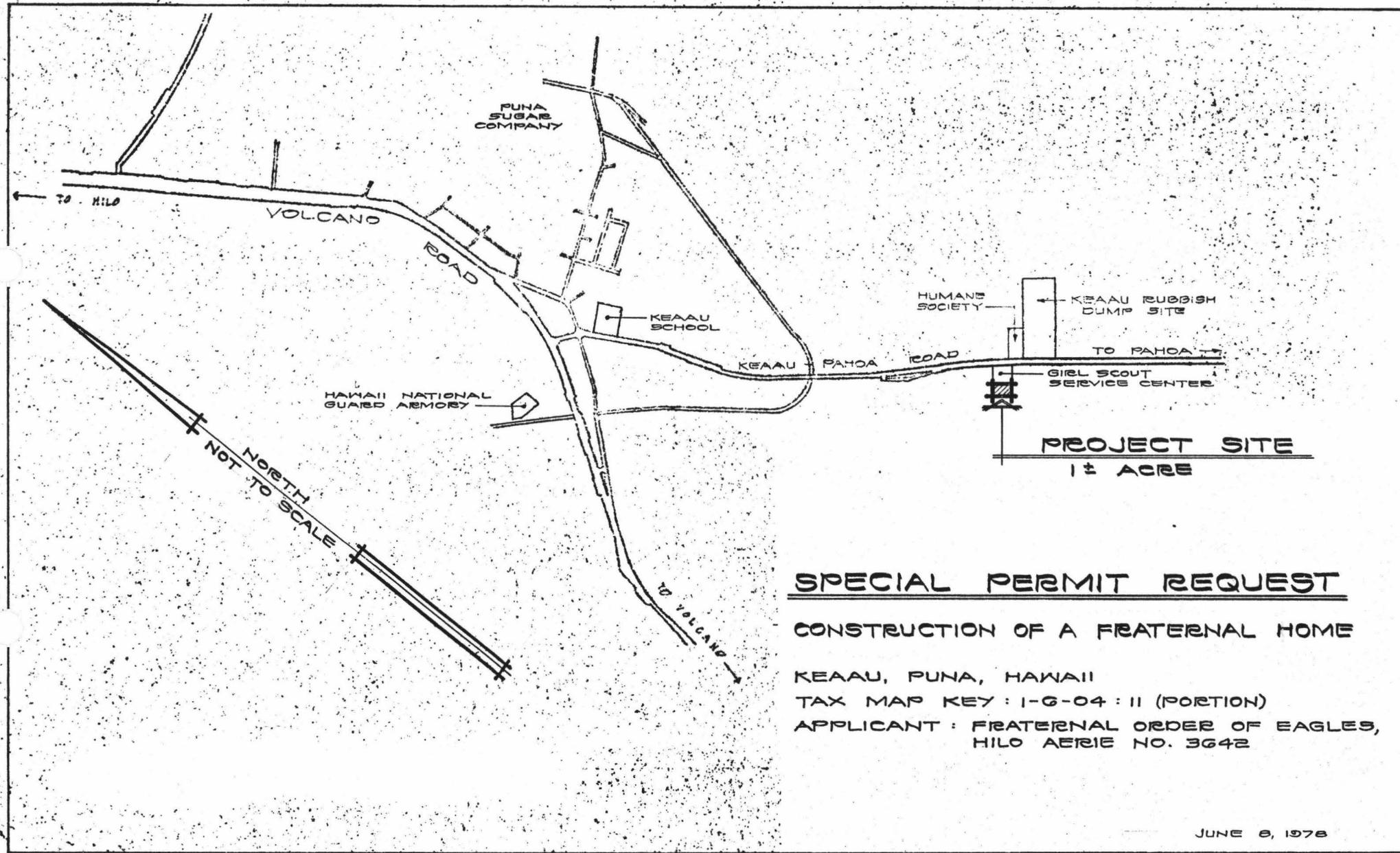
smn

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT M

JUN 16 1978



SPECIAL PERMIT REQUEST

CONSTRUCTION OF A FRATERNAL HOME

KEAAU, PUNA, HAWAII

TAX MAP KEY : I-G-04 : 11 (PORTION)

APPLICANT : FRATERNAL ORDER OF EAGLES,
HILO AERIE NO. 3642

JUNE 6, 1978

EXHIBIT M-1

Good sent
mp

T.O.
6/14

S. 33186 PERMIT

FRATERNAL ORDER OF EAGLES
HLO AERIE NO. 3642

FRATERNAL HOME
1-6-04 - PUR "1"

(4)

1-6-04: 45

Masaru Yamashita
Box 702
Keaau HI 96749

47

Hideo Muranaka
Box 703
Keaau HI 96749

1-6-03: 9

Bishop Trust Co Ltd
PO Box 2390
HON HI 96804

74

Hawaii ESL Humane Soc.
SR 16 870
Keaau HI 96749

EXHIBIT M-2

June 16, 1978

Mr. Alfred Michal, President
Fraternal Order of Eagles
Hilo Aerie No. 3642
P. O. Box 1189
Hilo, HI 96720

Dear Mr. Michal:

Notice of a Public Hearing
Special Permit Application
Tax Map Key 1-6-04:portion of 11

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 3:30 p.m. on Thursday, June 29, 1978, in the Council-room, County Building, South Hilo, 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 and agenda is enclosed for your information.

Sincerely,

Shane V. O. I.

for Sidney M. Fuke
Director

smn

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT N

JUN 6 1978

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: Councilroom, County Building, South Hilo, Hawaii

DATE: Thursday, June 29, 1978

TIME: Items 1 to 3: 3:30 p.m.
Items 4 and 5: 7:00 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: FRATERNAL ORDER OF EAGLES, HILO AERIE
NO. 3642

LOCATION: Adjacent to the Girl Scout Service Center
on the south side and just off of the Kea'au-
Pahoa Road, Kea'au, Puna.

TMK: 1-6-04:portion of 11

PURPOSE: Special Permit application to allow the
establishment of a fraternal home on one (1)
acre of land situated within the State
Land Use Agricultural District.

2. PETITIONER: THE NATURE CONSERVANCY

LOCATION: Land division of Maulua Nui, North Hilo

TMK: 3-4-02:4

PURPOSE: Variance application from roadway improvement requirements for a proposed 3-lot subdivision.

EXHIBIT N-1

3. PETITIONER: DR. JOHN LEONARD

LOCATION: Immediately north of Sako Store on the east side of the Volcano Highway, Ol'aa Reservation Lots, Ola'a, Puna.

TMK: 1-7-19:portion of 25

PURPOSE: Change of zone application for 24,056 square feet of land from a Single Family Residential - 20,000 square foot (RS-20) to a Neighborhood Commercial - 10,000 square foot (CN-10) zoned district.

4. PETITIONER: COUNTY OF HAWAII FIRE DEPARTMENT

LOCATION: Northeastern corner of the intersection of Ocean View Parkway and Orchid Circle Mauka, Hawaiian Ocean View Estates subdivision, Kahuku, Ka'u.

TMK: 9-2-31:19

PURPOSE: Special Permit application to allow the construction of water storage tanks for volunteer fire fighting purposes on 43,567 square feet of land situated within the State Land Use Agricultural District.

5. PETITIONER: COUNTY OF HAWAII DEPARTMENT OF PUBLIC WORKS

LOCATION: Kamehameha Avenue between Mamo Street and Waianuenue Avenue, city of Hilo, Ponahawai and Punahoa 1st, South Hilo.

TMK: 2-3-01, 02, and 07

PURPOSE: Continuation of a public hearing on the Special Management Area (SMA) Use Permit application to allow the realignment of Kamehameha Avenue between Mamo Street and Waianuenue Avenue.

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,
WILLIAM F. MIELCKE, Chairman
By SIDNEY M. FUKE
Planning Director

(Hawaii Tribune-Herald: June 19 and 27, 1978)

PLANNING COMMISSION

Planning Department
County of HawaiiMINUTES
June 29, 1978

The Planning Commission met in regular session at 1:30 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Lorraine R. Jitchaku
Haruo Murakami
Bert H. Nakano
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: Shigeru Fujimoto
Ex-officio Member
Akira Fujimoto

Sidney M. Fuke, Director
Ilima Piianaia, Planner
Keith Kato, Planner (Left at 4:56 p.m.)
William Moore, Planner (Left at 4:46 p.m.)

Edmund Morimoto, representing Ex-officio Member Edward Harada (Left at 3:30 p.m.)
David Murakami, representing Ex-officio Member Edward Harada (From 3:30 p.m.)
Lionel Meyer, Deputy Corporation Counsel

and about 8 people in attendance at 1:30 p.m., 16 people at 3:49 p.m. and 21 people at 7:00 p.m.

EXHIBIT
0

OLAA, PUNA

yard setback of 1.44 feet in lieu of the minimum requirement of 8 feet and a roof overhang into an adjacent parcel. The area involved is located at the northerly end of Kalanihonua Loop, Kalanihonua Tract, Olaa, Puna, TMK: 1-9-9: 163 and 164.

Staff presented background and recommendation to set the application up for a public hearing. It was moved by Commissioner Hanley and seconded by Commissioner Jitchaku to set the application up for a public hearing; motion was carried.

Upon Commissioner Jitchaku's suggestion, the Commission took up the following approval of street names:

STREET NAMES

PANAEWA

RESIDENCE LOTS

WAIAKEA, SOUTH

HILO

Approval of street names for roadways within the Panaewa Residence Lots, Unit II, Waiakea, South Hilo, Hawaii, as follows:

"Paipai Street"	- Extension of existing street
"Pohai Street"	- Extension of existing street
"Ho'ohua Street"	- Fruitful
"Ka'ie'ie Place"	- The 'ie'ie plant. An aeroid known to grow in the Panaewa forest

STREET NAMES

KILOHANA

SUBDIVISION

NORTH KONA

Approval of street names for roadways within the Kilohana Subdivision, Holualoa 1st and 2nd, North Kona, Hawaii, as follows:

"Kupuna Street"	- Ancestor
"Lako Street"	- Well-provided; wealth
"Haku Place"	- Overseer, supervisor
"Māhuahua Place"	- To grow strong, as a ruler
"U'uku Place"	- Little, short, tiny, small
"Kōko'olua Place"	- Companion, partner
"Kōko'olua Way"	- Companion, partner

STREET NAMES

KOMOHANA

SUBDIVISION

WAIAKEA,

SOUTH HILO

Approval of street names for roadways within the Komohana Subdivision, Phase III, Waiakea, South Hilo, Hawaii, as follows:

"Ala Kula Street"	- Roadway to open field
"Ala Kula Place"	- Roadway to open field
"Ho'ōla Place"	- To save, heal, cure, or spare
"Keha Place"	- Pride, dignity, lofty
"Kilaha Street"	- Broad, wide, or ample
"Kilaha Place"	- Broad, wide, or ample

It was moved by Commissioner Jitchaku and seconded by Commissioner Paris to send a favorable recommendation to the County Council for the foregoing street names with a typographical correction on Exhibit A of the Panaewa Residence Lots Exhibit A; motion was carried.

RECESS:

A recess was called at 3:33 p.m.

RECONVENED:

The meeting reconvened at 3:39 p.m. for the public hearings scheduled to begin at 3:30 p.m.

SPECIAL PERMIT

FRATERNAL

ORDER OF EAGLES,

HILO AERIE

Public hearing on the application of the Fraternal Order of Eagles, Hilo Aerie No. 3642 for a Special Permit to allow the establishment of a fraternal home on one (1) acre

NO. 3642
KEA'AU, PUNA

of land situated within the State Land Use Agricultural District. The area involved is adjacent to the Girl Scout Service Center on the south side and just off the Kea'au-Pahoa Road, Kea'au, Puna, TMK: 1-6-04:portion of 11.

Staff presented background on file.

Staff clarified that the property is located directly behind the existing Girl Scout Service Center, and that the Special Permit on the Henry Opukahaia School has expired.

The petitioner's representative, Bob Williamson, gave some background on the Fraternal Order of Eagles. He pointed out that they are a community service organization whose goals are basically to help in a charitable manner locally as well as nationally and that it is also a social organization to bring people together.

Staff clarified that if this one-acre portion were to be approved, they would have to subdivide it for a valid lease. The Chair requested a copy of their constitution and bylaws prior to the next meeting. Mr. Williamson clarified that the home is strictly for their meetings and organization and that the charitable end or benevolent part will be through donations. He added that they are willing to comply with the Department of Health's concerns.

For the staff's information, Mr. Williamson clarified that the proposed bar and eating facility is not intended to be open to the public, but basically for members and their guests only; that it would not be limited to their bi-monthly meetings as they would probably have some social events there every weekend; and it would not be open seven days a week. Mr. Williamson said that their intention is to obtain a club license; and as they have already talked with the Liquor Commission in Hilo, they are acquainted with the requirements of a club license.

There was no one from the public testifying on the application.

At this time, the Planning Director clarified some of the questions and concerns raised by Commissioner Jitchaku regarding the whole area. He pointed out that the Department is concerned with coordinated development. He said that he has a copy of the master plan prepared for W. H. Shipman, Ltd., dated June 30, 1975, from Belt, Collins and Associates. In their regional land use plan, not necessarily approved by the County, it did reflect the Henry Opukahaia School site, which the Planning Commission would soon consider as far as nullification of the Special Permit. He pointed out that the area is being considered as an industrial park. As there are still many unanswered questions, Mr. Fuke said he hoped that from his scheduled meeting with a representative from W. H. Shipman, Ltd. he would be able to provide the Commission with an update of their development plans.

It was moved by Commissioner Paris and seconded by Commissioner Jitchaku that the public hearing be closed; motion was carried.

VARIANCE
THE NATURE
CONSERVANCY

Public hearing on the application of The Nature Conservancy for a variance from roadway improvement requirements for a proposed 3-lot

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
June 29, 1978

A regularly advertised public hearing, on the application of the Fraternal Order of Eagles, Hilo Aerie No. 3642, was called to order at 3:39 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Lorraine R. Jitchaku
Haruo Murakami
Bert H. Nakano
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: Shigeru Fujimoto
Ex-officio Member
Akira Fujimoto

Sidney M. Fuke, Director
Ilima Piianaia, Planner
Keith Kato, Planner
William Moore, Planner

David Murakami, representing Ex-officio Member Edward Harada
Lionel Meyer, Deputy Corporation Counsel

and about 16 people in attendance

CHAIRMAN: We will now proceed with public hearings advertised for 3:30 p.m. Public hearing number one, public hearing on the application of the Fraternal Order of Eagles, Hilo Aerie No. 3642 for a Special Permit to allow the establishment of a fraternal home on one (1) acre of land situated within the State Land Use Agricultural District. The area involved is adjacent to the Girl Scout Service Center on the south side and just off of the Kea'au-Pahoa Road, Kea'au, Puna, TMK: 1-6-04:portion of 11. Staff?

KATO: (Presented background on file.)

CHAIRMAN: Thank you, Keith. Commissioners, do you have any questions of the staff on the background report for this application for a Special Permit?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Commissioner Murakami.

MURAKAMI: Keith, can you tell me, is this property located right next to the Girl Scout and Humane Society? It's in between or how far away?

EXHIBIT P

KATO: The Humane Society is located across the street, across the Kea'au-Pahoa Road. It is directly behind the Girl Scout Center.

MURAKAMI: Behind.

CHAIRMAN: Commissioners, any further questions of the staff? If there are no further questions of the staff, the Chair would like to ask the applicant or a representative of the applicant to come forward.

PIIANAIA: May I just clarify one thing on the staff's background on the Henry Opukahaia School's Special Permit, that has expired.

CHAIRMAN: Thank you, staff. Yes, we'll have to swear you in. Would you please raise your right hand. Do you swear to tell the truth and nothing but the truth on this application now before the Hawaii County Planning Commission?

WILLIAMSON: I do.

CHAIRMAN: Please be seated and state your name into the microphone.

WILLIAMSON: My name is Bob Williamson. I'm the past president of the Fraternal Order of Eagles, Hilo Aerie 3642.

CHAIRMAN: Thank you. Mr. Williamson, before I ask the Commission if they have any questions, the Chair would like to ask you just a couple of questions. First of all, could you tell us a little about the Fraternal Order of Eagles, how it got started, what your goals, objectives are.

WILLIAMSON: Yes, the Fraternal Order of Eagles is many, many years old. They were first started back in, I believe, 1882 as a national organization. Our aerie here in Hilo, Number 3642, is now three years old. We have been renting space, first in Hilo to hold our meetings and our social events; we found that to be quite impractical, so now for about the past year and a half, we've been using the community center at Pahoa for our meetings and social events. We are very anxious, though, to obtain the land and to build our own home so that we could use that for the meetings and social events, that's the background on it.

CHAIRMAN: Yes, now tell me some background on the organization, what are the goals of the organization, and what are the purposes, is it a community service organization or what?

WILLIAMSON: Yes.

CHAIRMAN: I don't think we understand the organization and what it does.

WILLIAMSON: You're right. It is a community service organization. It is a fraternal organization. Its goals are basically those to help in a charitable manner locally as well as to the national organization. It is also a social organization to bring

people together and to have them mix and get to know each other better. It also is very strong as far as the family is concerned. Our activities usually involve the families. We're a benevolent organization and although we haven't been very charitable or benevolent here in the Hilo area in the past three years, we're still growing, and we expect to become more so as we are older and especially after getting our own home.

CHAIRMAN: Are you incorporated?

WILLIAMSON: Yes, yes, we are.

CHAIRMAN: Okay, how many members do you have Mr. Williamson?

WILLIAMSON: The men's organization is the aerie and we have about 70 members right now. The auxiliary has about 50 members now, that would be the ladies counterpart to the men's organization. So totally, about 120 members.

CHAIRMAN: Thank you. Commissioners, do you have any questions of Mr. Williamson?

JITCHAKU: Mr. Chairman?

CHAIRMAN: Commissioner Jitchaku.

JITCHAKU: Several questions, and Mr. Williamson, I hope you didn't mind when we went along and the staff read the background of bars. Today was our bar. We get very educated on this Commission. Sometimes it's graveyards, churches, so today was bar day.

CHAIRMAN: We are the Planning Commission, not the Liquor Commission.

JITCHAKU: Is your special permit, is this permit contingent upon the lease of your property to Shipman?

WILLIAMSON: Yes. Yes, it is. Our agreement with Shipman is that we will lease the property, providing we get the special permit for use.

JITCHAKU: Okay, question for the staff. Since several of the applications that have come before the Commission within the last couple of years has been in the Shipman area not included in his master plan, namely the Girl Scout, Henry Opukahaia School, were the Henry Opukahaia and the Girl Scout on lease land or was that a donated land?

PIIANAIA: Henry Opukahaia School was donated by W. H. Shipman, Limited and the Girl Scouts, I believe, was also donated.

JITCHAKU: Okay, another question for staff. Then the one acre we're talking about it says that the portion of a 22.4-acre parcel owned by Shipman, so in essence to that, is the 22 including the Girl Scout and Henry Opukahaia or there's 22 acres more in the area owned by Shipman?

PIIANAIA: Twenty-two acres more; and for your information, this one-acre portion if this were to be approved, would have to be subdivided for a valid lease.

JITCHAKU: Okay, have you, staff again, have you received the, there were several master plans, maybe one, however, there was one that had to do with Shipman in regards to the industrial, was the master plan everything in the Keau district?

PIIANAIA: The master plan encompasses all of Shipman's lands.

JITCHAKU: Oh, okay, okay. And nothing that, we're not expecting anything, to bring those lands, the development current, not to your knowledge?

PIIANAIA: I'd like to defer to the Planning Director.

FUKE: Commissioner Jitchaku, the questions that you are raising right now are questions that we on the staff level have also discussed. There is a master plan prepared by Belt, Collins and Associates for the Shipman property. I'll be meeting with Mr. Blackshear the week after next to just go over much more specifically about their overall development plans. Part of the concern that the staff initially had was not to have the landowners put the Commission as well as the staff in a position of saying there is a need right over here so let's give the one acre, and later on having a need being satisfied five miles away. But we wanted to see a coordinated development.

JITCHAKU: That was basically my concern. . And another thing, especially in the area of good planning, you know, I was concerned about here we have these services, which is good, they all need the area, but then I was kind of worried about all the other types of, you know.

FUKE: We share the same concern.

JITCHAKU: Thank you. Thank you, Mr. Williamson.

CHAIRMAN: Commissioners, further questions of the applicant? Commissioner Murakami.

MURAKAMI: You mentioned about community service, I notice in this statement where the Department of Public Works stated that "provisions for the handicapped", do you folks take care handicapped, or what is your folks' position as far as the handicapped? Is this building to try and help the handicapped people or what is it?

WILLIAMSON: The purpose of the home would not be to invite the handicapped into the home to try to give them any benefit or help in that regard, no. Our benefits or our help to the handicapped are more through donations to those facilities which are intended to help them; but no, we would not be having the handicapped visit our home as such.

MURAKAMI: In other words, the home is strictly for your meetings and all that, actually your organization only? As far

as help is concerned, you folks go out and help, this is what you're trying to say?

WILLIAMSON: Yes, sir. That is correct; and we'll do it more through donations when it comes to the charitable end and the benevolent part of it, yes, sir.

MURAKAMI: Mr. Chairman, now continuing, I notice in the statement, "The environmental health concerns are three-fold", what is your folks' feeling on these three proposals?

WILLIAMSON: I'm sorry, Commissioner, I didn't understand the question.

MURAKAMI: The question is the Department of Health, you know, stated that "The environmental health concerns are three-fold: (1) Food service establishment permit for the proposed kitchen and bar complex, (2) Number of sanitary facilities for the projected maximum populations utilizing the Fraternal Home at a time, and (3) Sewage disposal system to be approved by the Area Registered Sanitarian", what is your opinion on these three proposals?

WILLIAMSON: I understand your question. Thank you, Commissioner. We're aware that the Department of Health has their requirements with regard to sanitary facilities and so forth, and we are willing to comply with them. Just as an example, the bar would have to have a three basin station for the washing of glasses. This is a requirement of theirs; and we certainly would live up to that. Also, the number of bathrooms or toilet facilities to accommodate the maximum crowds anticipated would be provided too. We're not at the point where we can yet tell exactly how many toilets would be installed, but we would definitely plan to follow their requirements. Same with the cesspools for sewage disposal, we would provide adequate facilities for that.

MURAKAMI: Thank you.

CHAIRMAN: These conditions would be at the time of plan approval.

MURAKAMI: Yes.

CHAIRMAN: Thank you. Commissioners, any further questions?

PIIANAIA: Mr. Chairman, may staff ask a couple of questions?

CHAIRMAN: Yes.

PIIANAIA: It's just for clarification.

CHAIRMAN: Surely.

PIIANAIA: You propose a bar and eating facility basically, would these be private, would they be, what, especially with the eating facility, would it consist of? Just the dining room or, specifically, we'd like to clarify your proposed use, these areas.

WILLIAMSON: Our plan would be to have the facilities used for our members and guests. As I told you we now have approximately 120 members between the aerie and the auxiliary. We do intend to increase that; but our plan would not be to open the kitchen, open the home as a restaurant inviting the public. It would be basically for members and their guests only.

PIIANAIA: Would this be limited to your bi-monthly meetings, the use of these facilities? Or would you expect, for instance, say the aerie grows, for it to be used on a daily basis?

WILLIAMSON: No, we would expect to use it for our bi-monthly meetings, yes; but we probably would have some social events there every weekend, perhaps Friday or Saturday or Sunday evenings. But not seven days each week, no.

PIIANAIA: Thank you.

CHAIRMAN: Okay, Mr. Williamson, you make reference to a club license. Is it your understanding a club license shall be general only but excluding alcohol and shall authorize the licensee to sell liquors to members of the club and to guests thereof enjoying the privileges of membership for consumption only on the premises kept and operated by the club, and shall authorize any bonafide club member to keep a private locker on the premises a reasonable quantity of liquor if owned by himself for his own personal use and not be to be sold and which may be consummed only on the premises, is this generally what you're referring to as a club license? That's right out of the statutes, by the way.

WILLIAMSON: Yes, sir. We have read that. We have talked to the liquor commissioner here in Hilo and are acquainted with the requirements for a club license.

CHAIRMAN: And that would be solely what you would be interested in terms of liquor use?

WILLIAMSON: Yes.

CHAIRMAN: Okay, thank you. Commissioners, any further questions? Mr. Williamson, this is a public hearing, the Chair at this time will be inviting members of the audience to speak either for or against your application. However, prior to inviting the audience to participate, the Chair would like to ask that you submit to the Department a copy of your charter of incorporation, your constitution and by-laws to afford the Commission a better understanding of your organization.

At this time, the Chair would like to invite anyone who wishes to testify either for or against the application before the Commission.

If there's no public testimony to come before the Commission, before we close the public hearing, I would like to ask the Director to comment on questions raised concerning the Shipman properties and master plan thereof.

FUKE: Thank you, Mr. Chairman. I'd like to just clarify some of the questions and concerns which were raised by Commissioner

Jitchaku. I do have in my hand right now a copy of the plan prepared and sent to Mr. Shipman dated June 30, 1975, from Belt, Collins and Associates. In their regional land use plan, which is not necessarily which has been approved by the County for the proposed area, they did reflect the Henry Opukahaia School site; and as Ilima had mentioned earlier that the Commission would soon consider as far as nullification of the permit. Surrounding that area and also which would encompass this particular area, they're entertaining a possibility of a potential industrial park.

So as you can see, there are still many unanswered questions, and I would hope that in my meeting with Mr. Blackshear or Mr. Devine, that I will be able to provide the Commission with an update as the development of Puna progresses.

JITCHAKU: Thank you.

CHAIRMAN: Thank you, Mr. Director. If there's no further testimony to come before the Commission, the Chair will entertain a motion to close the public hearing.

PARIS: Mr. Chairman, I so move.

CHAIRMAN: Is there a second to the motion?

JITCHAKU: Second the motion.

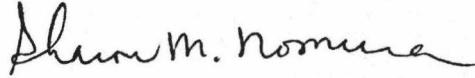
CHAIRMAN: It has been moved by Commissioner Paris and seconded by Commissioner Jitchaku that the application of the Fraternal Order of Eagles for a Special Permit be closed. All those in favor so signify by saying aye?

COMMISSIONERS: Aye.

CHAIRMAN: Oppose, same sign? The public hearing is closed.

Public hearing adjourned at 4:05 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S. T:



William F. Mielcke
Chairman, Planning Commission

June 30, 1978

Mr. Alfred Michal, President
Fraternal Order of Eagles, Hilo Aerie No. 3642
P. O. Box 1189
Hilo, HI 96720

Dear Mr. Michal:

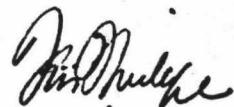
Special Permit Application
Tax Map Key 1-6-04:portion of 11

The Planning Commission at its meeting of June 29, 1978, held a duly advertised public hearing on your application for a special permit to allow the establishment of a fraternal home on one (1) acre of land situated within the State Land Use Agricultural District at Kea'au, Puna, 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.

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

lgv

cc State Land Use Commission
Land Use Division, DPED

JUN 30 1978
EXHIBIT Q

July 10, 1978

Mr. Alfred Michal, President
Fraternal Order of Eagles
Hilo Aerie No. 3642
P. O. Box 1189
Hilo, HI 96720

Dear Mr. Michal:

Special Permit Application
Tax Map Key 1-6-94:portion of 11

Your application will again be discussed on Thursday, July 20, 1978, by the Planning Commission. The meeting will be held in the Councilroom, County Building, South Hilo, Hawaii, and is scheduled to begin at 1:30 p.m.

You will be notified of the Commission's decision.

A copy of the agenda is enclosed for your information.

Sincerely,

Sidney M. Fuke

Sidney M. Fuke
Planning Director

mn

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT R

JUL 10 1978

SPECIAL PERMIT: FRATERNAL ORDER OF EAGLES, HILO AERIES NO. 3642

The petitioner, the Fraternal Order of Eagles, Hilo Aeries No. 3642 has submitted a Special Permit request to allow the establishment of a fraternal home on one (1) acre of land situated within the State Land Use Agricultural District. The area under consideration is a one (1) acre portion of a 22.4-acre parcel presently owned by W. H. Shipman, Ltd., who intends to lease the land to the petitioner. The property is adjacent to the Girl Scout Service Center on the south side and just off the Kea'au-Pahoa Road, Kea'au, Puna (TMK: 1-6-04:portion of 11).

More specifically, the petitioner intends to construct a 2,800-square foot fraternal home which will contain a meeting/recreation room, bar, kitchen, office, restrooms and storage.

The General Plan Land Use Pattern Allocation Guide Map designates the area under consideration as Orchards. The County zoning designation is Agricultural 20-acre (A-20). The proposed fraternal home use of the subject property is a conditionally permitted use within the County's Agricultural zoned district provided that structures are located at least 30 feet from any property line.

Surrounding land uses include the Kea'au Solid Waste Transfer Station, the Hawaii Island Humane Society kennel, the Girl Scout Service Center, and vacant lands. Henry Opukahia School has been granted a Special Permit in this area but has not yet established the use there.

For the Commissioner's information, a master plan for the lands of W. H. Shipman Ltd. was submitted to the Planning Department in 1975. The Girl Scout Service Center and the subject request are not specified in this master plan.

According to the U. S. Department of Agriculture Soil Conservation Service Soil Survey dated December 1973, the land involved consists of pahoehoe lava with no soil covering. The area receives 150 inches of rainfall annually. The Land Study Bureau Master Productivity Rating of the soil on the subject property is "E" or very poor. The property in question is not designated as Unique, Important, or Other Important Agricultural Land by the State Department of Agriculture.

Access to the subject property is proposed to be off the Kea'au-Pahoa Road via the Girl Scout Service Center access road, which have 80-foot right-of-ways. The Girl Scout Service Center access road has a 20-foot wide asphalt concrete pavement up to their rear property line.

Upon review of the subject request, the Department of Public Works stated:

- "1. Construction, exits and provisions for the handicapped shall be according to building regulation requirements.
- "2. Right-of-way shall be provided, creating an extension of the existing 80 feet right-of-way.
- "3. Pavement shall be provided to the southerly boundary of the lot. The road section shall be a continuation of the existing road.

"4. On site drainage should be provided for parking areas."

The Department of Water Supply had no objections to the subject request and stated that there is an eight (8) inch waterline along the Kea'au-Pahoa Road.

The Department of Health has stated the following:

"The environmental health concerns are three-fold:

"1. Food service establishment permit for the proposed kitchen and bar complex.

"2. Number of sanitary facilities for the projected maximum populations utilizing the Fraternal Home at a time.

"3. Sewage disposal system to be approved by the Area Registered Sanitarian."

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

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

(READ PETITIONER'S SUBMITTAL)

Recommendation: FATERNAL ORDER OF EAGLES, HILO AERIE NO. 3642

Upon careful review of the subject request staff recommends that it be given favorable consideration based on the following considerations:

That the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Land Use Regulations state that lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics may be included ^{under} in the Agricultural District. The area consideration consists primarily of pahoehoe lava. The Land Study Bureau has classified this land as "E" or very poor. Further, the property in question is not designated as Unique, Important or other Important Land under the Lands of Agricultural Importance to the State of Hawaii classification system. Although there may be certain agricultural activities which could be undertaken on the subject property, it is determined

EXHIBIT T

that the requested use will not be detrimental to the island's agricultural resource base nor will it have an adverse impact on the overall agricultural activity of the region and the island. Further, the proposed use is consistent with the County General Plan and the Zoning Code. Fraternal homes are a permitted use within the County's Agricultural zoned district. Based on these considerations, it is determined that the granting of the subject request will not be contrary to, but rather promote, the intent of the Land Use Law and Regulations.

That the proposed use will not unreasonably burden public facilities and services. The subject area is approximately one mile from the village of Keaau where police and fire protection services are available. The Keaau-Pahoa Road serving the proposed site is adequate for the expected traffic increase and all essential utilities are available to the subject site off the main highway.

That the proposed use will not adversely affect surrounding properties. Surrounding land uses include the Keaau Solid Waste Transfer Station, the Hawaii Island Humane Society, the Girl Scout Service Center, and vacant lands. The proposed fraternal home is not anticipated to adversely affect these uses as the anticipated impacts are limited to increased number of vehicles on the roads, increased water consumption, and sewage. These impacts, however, do not affect the surrounding properties since the existing facilities and utilities are adequate or will be made adequate by the petitioner.

Staff would like to note that the pattern of Special Permits in this area, if continued, could have the effect of creating an urban district. - 2 - The landowner should be advised that future requests in this area will be reviewed accordingly.

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

1. That the requirements of the Departments of Water Supply, Public Works, and Health shall be complied with.
2. That the development shall occur as represented by the petitioner.
3. That tentative subdivision approval for the one (1) acre lot shall be obtained within one (1) year from the effective date of the Special Permit. The petitioner, as authorized by the landowner, shall be responsible for obtaining final subdivision approval.
4. That construction on the fraternal house commence within one (1) year from the date of final subdivision approval and be completed within two (2) years thereafter.
5. That all other applicable rules, regulations, and requirements, including the plan approval process, shall be complied with.

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

RECORD OF VOTING
 PLANNING COMMISSION
 County of Hawaii

Date July 20, 1978

Petitioner Fraternal Order of Eagles, Hilo Aerie No. 3642 -
Special Permit.

Preliminary hearing Public hearing Request Action
ACTION: Approve
 Deny
 Defer
 Continue
 Schedule for public hearing

Other: _____

Commissioners	Aye	No	Excused	Abstain
FUJIMOTO, Shigeru			✓	
HANLEY, J. Walsh			✓	
JITCHAKU, Lorraine R.			✓	
MURAKAMI, Haruo	✓			
NAKANO, Bert H.	✓			
ORITA, Alfredo	✓			
PARIS, William Jr.	✓			
SAKAMOTO, Charles	✓			
MIELCKE, William F.	✓			

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
July 20, 1978

The Planning Commission met in regular session at 1:08 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke ABSENT: Shigeru Fujimoto
J. Walsh Hanley (From 2:05 p.m.) Haruo Murakami
Lorraine R. Jitchaku (From 3:30 p.m.)
Bert H. Nakano Ex-officio Member
Alfredo Orita Akira Fujimoto
William J. Paris, Jr.
Charles H. Sakamoto

Sidney M. Fuke, Director (From 1:40 p.m.)
Duane Kanuha, Deputy Director (Left at 1:40 p.m.)
Ilima Piianaia, Planner
Keith Kato, Planner (Left at 5:08 p.m.)
William Moore, Planner (Left at 5:08 p.m.)
Janie Patch, Student Intern

David Murakami, representing Ex-officio Member Edward
Harada
Lionel Meyer, Deputy Corporation Counsel (From 1:40 p.m.)

and about 4 people in attendance at 1:08 p.m., 12 people
at 1:30 p.m., 5 people at 4:08 p.m. and 15 people at
7:00 p.m.

MINUTES:

It was moved by Commissioner Sakamoto and
seconded by Commissioner Orita that the

EXHIBIT X

The petitioner's representative, Ted Matsuo, said that they would be able to comply with the conditions outlined by the staff. Mr. Matsuo clarified that the building floor elevation is 21 feet above sea level and 4 feet elevation relative to the ground. He pointed out that the existing foam building will be relocated close by and that the new building will be of metal construction.

There was no one from the public testifying on the application.

It was moved by Commissioner Nakano and seconded by Commissioner Sakamoto that the public hearing be closed; motion was carried.

It was moved by Commissioner Nakano and seconded by Commissioner Murakami that the application be approved with the conditions outlined by the staff. A roll call vote was taken and motion carried with six ayes.

RECESS: The Chair called a recess at 1:24 p.m. until the next scheduled item at 1:30 p.m.

RECONVENED: The meeting reconvened at 1:30 p.m.

**SPECIAL PERMIT
FRATERNAL ORDER
OF EAGLES,
HILO AERIE
NO. 3642
KEA'AU, PUNA** Application of the Fraternal Order of Eagles, Hilo Aerie No. 3642 for a Special Permit to allow the establishment of a fraternal home on one (1) acre of land situated within the State Land Use Agricultural District. The area involved is adjacent to the Girl Scout Service Center, on the south side and just off of the Kea'au-Pahoa Road, Kea'au, Puna, TMK: 1-6-04:portion of 11.

Staff pointed out that the Fraternal Order of Eagles has submitted a copy of their bylaws which have been transmitted to the Commissioners.

Staff presented recommendation for approval with conditions on file.

The petitioner's representative, Bob Williamson, clarified for the Commission that the Fraternal Home would generally receive most of its use during evening hours, and that they do not feel that it would be in any conflict or disturbance to the Girl Scout Center nearby.

It was moved by Commissioner Paris and seconded by Commissioner Orita to send a favorable recommendation to the State Land Use Commission with the conditions outlined by the staff. A roll call vote was taken and motion carried with six ayes.

**VARIANCE
BEN H. GADDIS
WAIAKEA, SOUTH
HILO** Preliminary hearing on the application of Ben H. Gaddis for a variance to allow the construction of a lanai addition to an existing single family dwelling with a front yard setback of 26⁺ feet in lieu of the minimum requirement of 40 feet. The area involved is located along the west side of Mala'ai Street, approximately 460 feet south of the intersection of Mala'ai Street and Hoaka Road, Waiakea-Lani subdivision, Waiakea Homesteads, 2nd Series, Waiakea, South Hilo, TMK: 2-4-54:18.



County Exhibits
MFU

August 21, 1978

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on August 15, 1978, the Land Use Commission voted to approve a Special Permit request by the Fraternal Order of Eagles (SP78-311) to allow the establishment of a fraternal home on one acre of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii, Tax Map Key 1-6-4: portion of 11.

Approval of this Special Permit is subject to the conditions imposed by the Hawaii County planning Commission. Please be advised that the petitioner's failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit. The Land Use Commission will not consider any request for time extension which is filed after the stipulated commencement or expiration dates.

A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP78-311 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: Fraternal Order of Eagles

August 21, 1978

Mr. Alfred Michal, President
Fraternal Order of Eagles
Hilo Aerie No. 3642
P. O. Box 1189
Hilo, Hawaii 96720

Dear Mr. Michal:

The original of the attached letter is on file in the office of the Hawaii County Planning Department, 25 Aupuni Street, Hilo, Hawaii.

Please be advised that failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit. The Land Use Commission will not consider any request for time extension which is filed after the stipulated commencement or expiration dates.

A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP78-311 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encls.

August 21, 1978

Department of Planning and
Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

Attention: Mr. Hideto Kono, Director

Gentlemen:

At its meeting on August 15, 1978, the Land Use Commission voted to approve a Special Permit request by the Fraternal Order of Eagles (SP78-311) to allow the establishment of a fraternal home on one acre of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii, Tax Map Key 1-6-4: portion of 11. Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission.

Please note that a copy of the Land Use Commission's Decision and Order on this matter is on file at the Commission's office.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: Dept. of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Office of Environmental Quality Control
Division of Land Management, DLNR