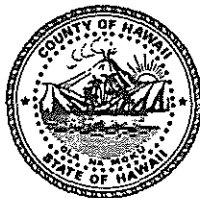


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

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

October 22, 1996

Mr. Jeffrey Melrose
Senior Planner
Hawaii Island Region
Kamehameha Schools Bernice Pauahi Bishop Estate
101 Aupuni Street, Suite 227
Hilo, Hawaii 96720

Dear Mr. Melrose:

Special Permit No. 750
Applicant: Melody Lynn & Verne A Wood (Mango Grove Preschool)
Subject: Transfer Special Permit to Bishop Estate
Tax Map Key: 1-5-23:245

This is in response to your letter dated October 1, 1996, regarding the transfer of the above-referenced Special Permit from Melody Lynn and Verne A. Wood to Kamehameha School Bishop Estate to open a new preschool classroom.

In review of the Special Permit and the conditions of approval, we find that Bishop Estate can assume the permit as long as you continue to operate the group child care center as approved by the Planning Commission. The stated conditions of approval shall continue to be enforced. We have enclosed a copy of Special Permit No. 750 for your review.

Should the purchase be consummated, we request that you inform us in writing of the transfer in order for us to update our records. Please provide in writing the name of the new successor, address, phone number and contact person.

OCT 28 1996

Resp to 10062

Mr. Jeffrey Melrose
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October 22, 1996

Should you have any questions regarding this matter, please contact Susan Gagorik or Alice Kawaha at 961-8288.

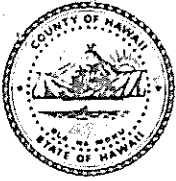
Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

SG:pak

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Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Larry S. Tanimoto
Mayor

CERTIFIED MAIL

September 24, 1990

Mr. and Mrs. Verne A. Wood
P.O. Box 1217
Keaau, HI 96749

Dear Mr. and Mrs. Wood:

Special Permit Application
TMK: 1-5-23:245

The Planning Commission at its duly held public hearing on September 6, 1990, voted to approve your application, Special Permit No. 750, to allow the establishment of a group child care center on 0.77 acre of land situated within the State Land Use Agricultural District between Railroad Avenue and 20th (Melia) Street, Hawaiian Paradise Park Subdivision, Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agriculture use. The Agricultural District includes areas which are not used for, or which are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics. The land is identified by the Soil Conservation Service as pahoehoe lava flow. The soil is classified as Very Poor by the Land Study Bureau's Overall Master Productivity Rating. Furthermore, the land is classified as Existing Urban Development by the

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Mr. and Mrs. Verne A. Wood
September 24, 1990
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Department of Agriculture's ALISH Map. It can be determined that the proposed use will not affect important agricultural lands of the district or region.

The Department of Agriculture has expressed concern for potential incompatibility of the child care center with poultry farming across the road from the property. The Hawaii Right-to-Farm Act protects the farming activity by limiting the circumstances under which farming operations may be deemed to be a nuisance. Since the farming operation was established prior to the child care center, it is not subject to nuisance complaints because of noise, odor, or other impacts unless they affect public health and safety. It is, therefore, determined that the proposed use will not affect existing or potential agricultural activity on surrounding lands.

The purpose of the child care center is to serve residents of the large surrounding agricultural subdivision. It is determined that the nature and scale of the development would not be incompatible with the permitted uses in the Agricultural District.

The desired use will not adversely affect the surrounding properties. The proposed child care center would be centrally located on a heavily landscaped lot and is further buffered on two sides by roadway rights of way. It would accommodate a maximum of 24 children between the hours of 7:00 a.m. and 5:00 p.m. on weekdays. The use is expected to result in an increase in traffic and noise over residential levels. However, the size of the property is adequate to allow for buffers to mitigate potential noise, dust, and visual impacts. It is recommended that enrollment be limited to 24 children in order to mitigate traffic and noise impacts. It is further recommended that the drop-off and parking area be paved in order to minimize dust and noise and to facilitate safe access to the facility from the roadway.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Consulted agencies had no objection to this request. Access to water for fire fighting capability has been provided by the applicants. Although the private road leading to the property is substandard, access to the property is deemed to be adequate to accommodate traffic generated by the project. The Paradise Hui

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Hanalike, who maintains the private road system, had no objection to the proposed use of the unimproved road. All other necessary services will be provided by the applicant.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The Puna district has experienced tremendous growth in population in recent years. The Paradise Park Subdivision consists of over 8,800 lots. Its proximity to the Hilo urban and employment center has contributed to this growth. The Department of Human Services has stated that there is a need for more child care facilities in the Puna area. Because of the number of households with working parents in the subdivision, there is a need for local child care services. The proposed center will help to fill this need.

The use will not substantially alter or change the essential character of the land and the present use. The proposed use will be conducted within an existing structure. Because of the small scale of the project, the rural atmosphere will be maintained, and there will be no significant change in the character of the land.

The proposed use is consistent with the General Plan goals of the Land Use Element to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." A policy of the Economic Element of the General Plan is that "The County shall support all levels of educational opportunities and institutions for its residents."

Based on the above considerations, it is determined that a group child care center is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.

Mr. and Mrs. Verne A. Wood
September 24, 1990
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2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, landscaping, paved parking stalls, and paved pick-up and drop-off area associated with the child care center. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Parking for all functions shall be maintained on the subject property.
3. Construction of improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
4. Hours of operation shall be limited to Monday through Friday, 7:00 a.m. to 5:00 p.m.
5. Enrollment of the child care center shall be limited to 24 children.
6. Comply with all other laws, rules, regulations, and requirements of State and County agencies.
7. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
8. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be

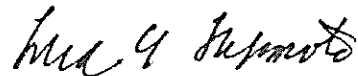
Mr. and Mrs. Verne A. Wood
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contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Fred Y. Fujimoto
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Mr. Clyde Nekoba/Department of Human Services

bcc: Plan Approval Section