

CERTIFIED MAIL

September 6, 1988

Mr. James Bell, President
Belt Collins and Associates
680 Ala Moana Boulevard, Suite 200
Honolulu, HI 96813

Dear Mr. Bell:

Special Permit Application (88-18)
Applicant: Hawaii Preparatory Academy
Tax Map Key: 6-5-01:Portion of 33 (formerly portion of 8

The Planning Commission at its duly held public hearing on August 30, 1988, voted to approve your application, Special Permit No. 678 to allow the expansion of its school by constructing a new auditorium arts building and related improvements on approximately 8 acres of land at Waimea, Waiaka 2nd, South Kohala, Hawaii.

Approval of this request is based on the following:

1. The proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for the public health and welfare of the people of the State of Hawaii. The area under consideration involves approximately eight acres of land situated within the County's Agricultural-1 acre zoned district and the State Land Use Agricultural District. The project site lies immediately adjacent to the existing Hawaii Preparatory Academy campus, which is within the State Land Use Urban District. The soils of the area have been rated "C" or fair by the Land Study Bureau Overall Productivity Rating system and "Other Important" by the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) system. Given the close proximity of the project to existing urban areas and the present HPA campus, it is felt that approval of the subject request will not have any adverse impact on the

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future agricultural potential of the subject property or the surrounding areas. While soils of the area are suitable for pasture and irrigated truck crops, the land is presently vacant and not being utilized for such purposes. The Department of Agriculture also had no objections to the application although it suggested the appropriate vehicle would be a boundary amendment request from Agricultural to Urban. HPA anticipates to begin construction this year and, as a matter of timing, requested a special permit instead of applying for the lengthier Urban Boundary amendment.

2. The proposed expansion to allow a multi-purpose arts facility will not adversely affect the surrounding properties and their improvements. The eight acres is adequate land area to accommodate the arts building allowing for setback and buffers between surrounding properties and uses. The planting of Norfolk pines around the facility would serve to define the campus boundaries as well as to provide a natural landscape buffer between adjacent lands. The building will be designed to complement the HPA facilities; thus, the architectural design will be harmonious with the character of the area. Since access will be taken from the existing HPA campus entrance, no additional traffic impacts should be generated or created.
3. The proposed use will not unreasonably burden public agencies to provide roads, water, and other similar infrastructure or services. According to the Department of Water Supply, water is available from an 8-inch waterline along the Kawaihae Road. The proposed expansion will not increase traffic along the Kohala Mountain Road except for special activities and performances at the facility. The main purpose of the facility is to augment the creative and performing arts component of the curriculum.
4. The project would complement the overall Land Use goal in the General Plan which reads "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." HPA has been recognized as an important educational resource in the region and the county. The construction of an auditorium arts building, therefore, would be an asset to the community as well. The proposal is consistent with the Waimea Design Plan, which recommends the area be planned for future urban expansion.

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5. The proposed use will not substantially alter or change the essential character of the land and the present use. The rural character of this area should not be affected by the proposed arts building. The project is an extension of the existing HPA campus and will be surrounded by Norfolk pines to define the new campus boundaries.
6. Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The 1987 General Plan Update already provides for the complex stating, "HPA is also building a performing arts center." The General Plan further discusses "The diversity of climate, the quality of the ocean water and the natural beauty of the hills which create a back-drop for Waimea town are natural resources that have attracted scientific and educational activities and that may attract research industries to the district. These resources should be recognized as vital economic and social assets of the region and should be protected through appropriate regulations."

Based on the foregoing, it has been determined that the proposed expansion of the HPA campus by construction of an arts building is an unusual and reasonable use of land situated within the State Land Use Agricultural District and would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

Approval of this request is subject to the following conditions:

1. The petitioner, its successors, or assigns shall be responsible for complying with all conditions of approval.
2. The petitioner shall submit the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Policy" within ninety days from the date of approval of the Special Permit. The permit shall become effective after the water commitment payment has been accepted by the Department of Water Supply.
3. Plans for Phase I and related improvements, including a detailed landscaping and parking plan, shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of approval of this permit and Final Plan Approval shall be secured within two years thereafter. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted.

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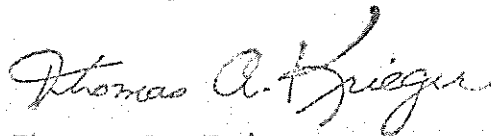
4. Phase I construction shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
5. Plans for Phase II shall be submitted to the Planning Department for Plan Approval review within one year from the date of completion of Phase I (occupancy permit) and Final Plan Approval shall be secured within two years thereafter.
6. Phase II construction shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
7. A drainage system meeting with the approval of the Department of Public Works shall be provided.
8. Comply with all other applicable laws, rules, regulations and requirements, including those of the Department of Water Supply and the Department of Health.
9. Prior to any site work, an archaeological reconnaissance survey shall be submitted to and approved by the Planning Department in consultation with the Department of Land and Natural Resources-Historic Sites Section and any mitigative measures shall be reviewed and approved by the Planning Department.
10. 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.
11. 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 contrary to the original reasons for the granting of the permit; and d) the time

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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 may initiate procedures to nullify the permit.

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

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

xc: State Land Use Commission
Mr. Will Hancock
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission
DLNR

bcc: Plan Approval Section