

Planning Commission

Bernard K. Akana
Mayor

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

CERTIFIED MAIL

February 20, 1990

Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Special Permit Application (89-31)
State of Hawaii
Department of Accounting and General Services
TMK: 1-5-09:Portion of 9

The Planning Commission at its duly held public hearing on February 9, 1990, voted to approve the above application, Special Permit No. 728, to allow the establishment of a new elementary school and related improvements on 10.3 acres of land situated within the State Land Use Agricultural District along the northeast side of Kahakai Boulevard and immediately adjacent to the Hawaiian Beaches Subdivision in the vicinity of the Hawaiian Shores Equestrian Center facility, Keonepoko Iki, 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. The project site is rated E or Very Poor by the Land Study Bureau's Overall Productivity system and is not classified on the ALISH map. The nearest major agricultural activity is located within the State's Pahoia Agricultural Park approximately 1.5 miles away. The 809-acre parcel owned by the state is currently vacant of any activities. Thus, it can be concluded that the establishment of an elementary school in this particular location will not diminish agricultural resources of the county nor should it place pressures on existing agricultural activities.

FEB 21 1990

Mr. Sidney Fuke
February 20, 1990
Page 2

The desired use is not expected to adversely affect the surrounding properties to an extent that cannot be mitigated through conditions of approval. The project will be sited in such a manner as to provide a buffer of state land between the properties to the east, which contain residences and an electrical substation. Vacant state land surrounds the project site on the remaining sides.

The granting of this request should not unreasonably burden public agencies, provided on- and off-site infrastructural improvements are constructed to mitigate vehicular and pedestrian traffic concerns. Present and anticipated congestion at the current Keaau-Pahoa Road and Kahakai Boulevard intersection should be alleviated by the completion of the Pahoa By-Pass Road in July 1990. The By-Pass Road will be constructed with a 450-foot left-turn storage lane on Keaau-Pahoa Road; a medial storage island; and a full deceleration lane at Kahakai Boulevard traveling in the Hilo direction. According to conversations with the Department of Transportation-Highways Division, Kahakai Boulevard will be improved with a two-lane approach, which would provide a left-turn pocket and a right-turn lane onto Keaau-Pahoa Road. While improvements at this location will be up-graded, there are site specific concerns on Kahakai Boulevard that will be addressed through conditions of this approval. The applicant has selected a site for the proposed elementary school that would significantly impact county roads. The proposed use is one that generates both vehicular and pedestrian traffic by its very nature. It is then in the welfare of the public that appropriate mitigation measures be in place prior to opening the school. From a county perspective, the siting of a school without regard to off-site infrastructure has historically placed undue strain and demand on the county to provide improvements which should have otherwise been accomplished by or in cooperation with the state. Kahakai Boulevard has 50-60 foot wide rights-of-way with 20-foot wide pavement and grassed shoulders. The school is proposed to be situated on the makai side of a 1,650-foot stretch of road between two right-angle turns. The applicant has demonstrated that the location of the driveways can meet or exceed the requirements of the Statewide Design Manual. The Planning Department concurs with the comments of the Departments of Public Works and Police indicating that a left-turn channelization at the entrance to the school on Kahakai Boulevard be installed. Another concern is the lack of pedestrian walkways leading to the school, especially from the

Mr. Sidney Fuke
February 20, 1990
Page 3

Hawaiian Beaches, Parks and Shores Subdivisions. The County is not in a financial position to install sidewalks within the approximate one-mile radius in which there will be no bus service. As with other requests that generate substantial impacts, these pedestrian improvements must be constructed by the applicant in the interest of public safety. A condition of this permit requires improvements to Kahakai Boulevard prior to occupancy of any building in Increment I. It is recognized that legislative funding is not available at this time. However, the serious need for these improvements must be emphasized in the upcoming legislative session(s) prior to September 1991 when the school is scheduled to open. Water will be available from the Pahoa Water System and the design of off-site improvements is being coordinated with the Department of Water Supply. Pursuant to the regulations of the Department of Health, a sewage treatment plant and leaching field will be constructed on-site to accommodate incremental development of the school. All other essential utilities are available to the project site.

The proposed use will alter the character of the area and the present vacant use. However, through the design and siting of the elementary facility coupled with landscaping requirements, it is felt that the character of the area can be in consonance with the residential-agricultural character of the area.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The present Pahoa Elementary school designed for 500 students is overcrowded with an enrollment of 985 students. The Puna District has experienced rapid growth in the large non-conforming subdivisions resulting in a need by the Department of Education to construct additional facilities.

The proposed project would support a General Plan Course of Action for Educational Facilities in the Puna District which states "Encourage the implementation for relocation and development of a new elementary complex in Pahoa."

Based on the foregoing, it has been determined that the construction of an elementary school and related improvements is an unusual and reasonable use of land situated within the State Land Use Agricultural District, which would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

Mr. Sidney Fuke
February 20, 1990
Page 4

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. Final Plan Approval for Increment I and related improvements shall be secured from the Planning Department within one year from the effective date of the 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. Detailed landscaping, parking, and interior traffic circulation patterns for buses and cars for loading/unloading of children shall be provided meeting with the approval of the Planning Department.
3. Construction of Increment I shall commence (building permit) within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter (certificate of occupancy).
4. Final Plan Approval for Increment II shall be secured within one year from the date of completion of Increment I.
5. Construction of Increment II shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
6. Ingress and egress improvements to Kahakai Boulevard, including a left-turn storage lane and a right-turn deceleration lane into the project site, shall be constructed meeting with the approval of the Department of Public Works prior to the issuance of a certificate of occupancy for any building in Increment I. Should future roadway improvements be warranted based on an assessment of traffic impacts conducted by the applicant and approved by the Department of Public Works, additional improvements shall be constructed meeting with the approval of the Department of Public Works prior to issuance of a certificate of occupancy for any building in Increment II.
7. Pedestrian improvements along Kahakai Boulevard and Aama Street within the Hawaiian Beaches, Parks, and Shores Subdivisions leading to the project site shall be

Mr. Sidney Fuke
February 20, 1990
Page 5

constructed in a manner meeting with the approval of the Department of Public Works. These improvements shall be installed prior to the issuance of a certificate of occupancy for any building in Increment I.

8. A map and metes and bounds description of the entire project site shall be filed with the Planning Department in conjunction with plan approval review for Increment I.
9. Access location and improvements shall meet with the approval of the Departments of Public Works and Planning. Further, driveways shall have sight distances that meet or exceed the requirements of the Statewide Design Manual.
10. A drainage system meeting with the approval of the Department of Public Works shall be provided.
11. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
12. Comply with all applicable laws, requirements, rules, and regulations, including those of the Department of Health.
13. 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 with and the Planning Director acknowledges that further reports are not required.
14. 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,

Mr. Sidney Fuke
February 20, 1990
Page 6

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 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.

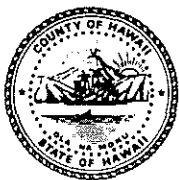
Sincerely,



Fred Y. Fujimoto
Chairman, Planning Commission

xc: Mr. Harry Lee/DAGS
The Honorable Andrew Levin, The State Senate
The Honorable Russell Kokubun, County Council
The Honorable Jerry Chang, House of Representatives
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
DLNR

bcc: Plan Approval Section



Planning Commission

Lorraine R. Inouye
Mayor

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

CERTIFIED MAIL

January 23, 1991

Mr. Teuane Tominaga
State of Hawaii
Department of Accounting and
General Services
P. O. Box 119
Honolulu, HI 96810

Dear Mr. Tominaga:

Amendment to Condition 7 of Special Permit No. 728 (89-31)
State Dept. of Accounting & General Services
Tax Map Key: 1-5-09:Portion of 9

The Planning Commission at its duly held public hearing on January 10, 1991, voted to approve the above application for an amendment to Condition No. 7 (requiring pedestrian improvements along Kahakai Boulevard and Aama Street) of Special Permit No. 728 which allowed the establishment of a new elementary school and related improvements on 10.3 acres of land situated within the State Land Use Agricultural District at Keonepoko Iki, Puna, Hawaii. Specifically, the request is to delete the requirement of providing pedestrian improvements to Aama Street.

Approval of this request is based on the following:

The reason for requiring pedestrian improvements to Aama Street was because DOE had plans to allow children to enter/exit through a fenced area off of Aama Street. The specific requirement was imposed to assure that appropriate improvements would be installed for public safety reasons where pedestrian access was anticipated and encouraged.

JAN 23 1991

Mr. Teuane Tominaga
January 23, 1991
Page 2

In working with adjacent landowners and residents, it was decided by the applicant that the idea of providing pedestrian access only from Aama Street may encourage parents to drop-off their children on Aama Street, which is a stubout with no turn around. Kahakai Boulevard would still be improved with pedestrian walkways which meet with the approval of the Department of Public Works.

Therefore, approval of this request would not be contrary to the original intent of the granting of the permit; nor would it be inconsistent with the General Plan, Zoning Code, Chapter 205, HRS or Rule 6 of the Planning Commission.

Based on the above Condition No. 7 is amended to read as follows (bracketed material to be deleted):

- "7. Pedestrian improvements along Kahakai Boulevard [and Aama Street] within the Hawaiian Beaches, Parks, and Shores Subdivisions leading to the project site shall be constructed in a manner meeting with the approval of the Department of Public Works. These improvements shall be installed prior to the issuance of a certificate of occupancy for any building in Increment I."

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,

Mike Luce

Mike Luce, Chairman Pro Tem
Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission