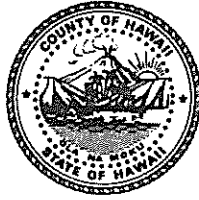


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 179 517 426

MAR 04 1998

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

Dear Mr. Fuke:

Special Permit Application (SPP 92-3)
Applicant: State of Hawaii, DAGS
Request: Construction of a New Konawaena Elementary School
and Related Improvements
Tax Map Key: 8-1-4:Portion of 45

The Planning Commission at its duly held public hearing on February 20, 1998, voted to approve the above-referenced application. The Commission also voted to accept the requests by the Greenwell Trustee, the Melrose/Mitchell Trustee and Maude and Eugene Clapp to withdraw their petitions for a contested case hearing.

Special Permit No. 993 is hereby issued to allow the construction of a new Konawaena Elementary School and related improvements on approximately 9.9 acres of land within the State Land Use Agricultural District. The project site is located on the makai side and approximately 360 feet from Mamalahoa Highway at Onouli 1st, South Kona, 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 agricultural use. The proposed project will be located within an area whose soils are identified as Kainaliu (KDD), Honaulu (HVD) and Punaluu (rPYD) Series which range from very stony silty clay loam to extremely rocky peat. The soil is classified as "B" or Good by the Land Study Bureau's Overall Master Productivity Rating and "Unique" by the Department of Agriculture's ALISH Map. This classification suggests that the site has a good productivity potential for most agricultural uses. However, the property has been in pasture for many years. The proposed use would not displace any agricultural activity nor diminish the agricultural potential of the area, which has seen very little in the way of intensive agricultural activities in many areas. Therefore, the

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proposed use would not be contrary to the objectives of the State Land Use Law for Agricultural district.

In recognizing that lands within Agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

The desired use will not adversely affect the surrounding properties. Surrounding uses are single family dwellings and vacant land. The proposed Konawaena Elementary School will be located within 9.9 acres of a larger 51.87-acre parcel. The applicant will apply to subdivide the parcel. As such, the impact to immediately adjoining property owners should not be adversely significant. The subject property is currently vacant. Lands to the south and west of the subject area are primarily vacant and overgrown. The property is of sufficient size to allow for adequate setbacks and buffers in minimizing any physical, social or other impacts that this school use may have on the neighborhood.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and police and fire protection. Access to the project site is off Mamalahoa Highway which has a right-of-way width of 60 feet with 20 feet of pavement. It has a posted speed limit of 25 miles per hour. All essential utilities such as electricity, water and telephone are available to the subject property. All requirements of the Department of Health, Department of Public Works and Fire Department shall be complied with prior to establishment of the proposed use, including that of the State of Hawaii Department of Transportation, Highways Division. Consulted agencies had no objection to the request.

The use will not substantially alter or change the essential character of the land and the present use. The proposed Konawaena Elementary School would not be inconsistent with the character of the area. The existing Konawaena Elementary School is located across the street, in conjunction with Konawaena High School. The construction of the new elementary school would allow for the expansion of the high school and intermediate school population. In this regard, the new school would provide a greater and more convenient access to the students in the area, thereby, providing the needed area to continue and expand educational programs and facilities which in turn enhance the State's public education objectives.

The land upon which the proposed use is sought is not unsuitable for the uses permitted within the district. The Land Study Bureau's overall master productivity rating for agricultural use is Class "B" or Good. The land is classified as Unique soil by the ALISH Map. However, the limited nature of the request and the land area it will occupy will not adversely affect permitted uses located within adjoining areas. The 9.9 acres of land is not significant in the overall context of agricultural resources. The General Plan encourages the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community. The public use of this parcel is not strictly agricultural in nature, yet is a reasonable use within the Agricultural district.

The request is not contrary to the General Plan. The County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates this area for Extensive Agriculture. The property is situated within the County's Agriculture (A-1a) zoned district. The request is consistent with the Land Use element of the General Plan which is to "Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to "...encourage the development and maintenance of the communities meeting the needs of its residents in balance with the physical and social environment." It is also consistent with the following goals, policies and standards of the Public Facilities Element of the General Plan.

GOALS

- o Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community.

POLICIES

- o The County shall continue to seek ways of improving public service through the coordination of service and by maximizing the use of personnel and facilities.
- o The County shall coordinate with appropriate State agencies for the provision of public facilities to serve the needs of the community.
- o The County of Hawaii shall take positive action to further maintain the quality of the environment for residents both in the present and in the future.
- o Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community.

STANDARDS

(1) EDUCATION

POLICIES

Educational policies here relate to the provision of facilities rather than programs, which are the province of the State. It is nevertheless recognized that the facilities and programs are the tools necessary to improve total educational service.

STANDARDS

- o In proposed communities, sufficient acreage shall be reserved for school facilities. Sites shall be free from flooding and drainage problems, excessive slope and shall incorporate appropriate street and driveway

design and location to minimize traffic interference, pedestrian hazard, and to enable safe and easy access for vehicles, bicycles and pedestrians.

Portions of the parcel are located within the Flood Zone "A." The remainder of the property is designated Zone X, an area determined to be outside of the 500-year flood plain. On site drainage improvements will be designed and implemented to County Department of Public Works design and requirement standards. These lands are gently sloping to moderately steep soils on uplands at an elevation ranging from 3,000 to 5,000 feet. Existing peak traffic times would be improved by the applicant with the signalization of the intersections. A new County standard access road from Mamalahoa Highway to the site will be constructed. This roadway will have a right-of-way of 50 feet with curbs, gutters and sidewalk. Channelization and signalization improvements, complete left turn storage lanes, will also be constructed at the intersection of Mamalahoa Highway and the new access road. The underground improvements for traffic signal lights will be made. A water reservoir will also be constructed and dedicated to the County. Therefore, the proposed elementary school is consistent with this policy and standards set forth in the General Plan.

Based on the above considerations, the proposed Konawaena Elementary School is considered an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

1. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Final Subdivision Approval of the subject property shall be secured from the Planning Director within five (5) years from the effective date of this Special Permit.
3. Construction of the Elementary School facility shall be completed within five (5) years from the effective date of the Special Permit. Prior to the start of construction, the applicant shall secure Final Plan Approval, in accordance with Chapter 25-2-70 (Zoning Code), from the Planning Department. Plans shall identify structures, landscaping around the perimeter of the parking area, fire protection measures and parking stalls in accordance with Chapter 25 (Zoning Code).
4. Roadway access(es) and improvements, including curb, gutter and sidewalks, to address pedestrian safety, shall be constructed in a manner meeting with the requirements and approval of the Department of Public Works.
5. Any improvements within the Mamalahoa Highway at the proposed access road shall be constructed in a manner meeting with the requirements and approval of the Department of Public Works, Engineering Division, including channelization, signalization and synchronization, curb, gutters and sidewalks, prior to the issuance of the Certificate of Occupancy Permit for the proposed

school. This should be designed in accordance with the Statewide Uniform Design Manual and Standard Detail R-32.

6. A Solid Waste Management Plan for the development shall be prepared meeting with the approval of the Department of Public Works prior to issuance of a certificate of occupancy for any portion of the project. The Plan shall include, but not be limited to, the management of solid waste generated from the construction and operating phase(s) of the proposed development. Approved recommendations and mitigation measures shall be implemented at a time and in a manner meeting with the approval of the Department of Public Works. A copy of the approved Plan shall be submitted to the Planning Department for its files.
7. The applicant shall comply with Department of Water Supply requirements.
8. The applicant shall comply with Department of Health requirements, which shall include applicable air quality, noise level and health standards.
9. A data recovery and mitigation plan of the subject property shall be submitted for review and approval by the Planning Department, in consultation with the State Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD), prior to the submittal of plans for subdivision review or any land alteration activity, whichever occurs first. Should significant historical sites be found within the subject property which merit preservation or the implementation of mitigative measures, the applicant shall prepare and submit an archaeological preservation/mitigation plan for review and approval by the Planning Director in consultation with the DLNR-HPD prior to the issuance of Final Subdivision Approval or any land alteration activity of the subject property, whichever occurs first.
10. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease and the DLNR-HPD shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
11. An initial 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 applicants, 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.

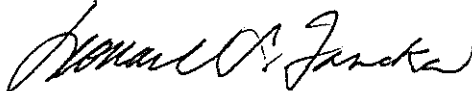
Mr. Sidney Fuke
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- d. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

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.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



for
Kevin M. Balog, Chairman
Planning Commission

Ldags04.PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
Department of Land & Natural Resources
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. Ralph Morita
Roy A. Vitousek, III, Esq.