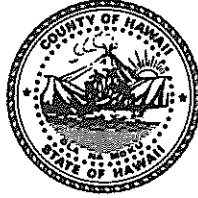


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 095 323 297

March 8, 1996

Troy Rimel, President
Hawaii Christian Camping Association, Inc.
P.O. Box 1444
Keaau, HI 96749

Dear Mr. Rimel:

Special Permit Application No. 95-17
Applicant: Hawaii Christian Camping Association, Inc.
Request: Establish a Private School, Church and Summer Camp Facility
Tax Map Key: 1-6-3:17

The Planning Commission at its duly held public hearing on February 23, 1996, voted to approve the above-referenced application. Special Permit No. 925 is hereby issued to allow the establishment of a private school, church, and summer camp facility on approximately 5.53 acres of land situated within the State Land Use Agricultural District. The property is located approximately one mile east of the Keaau Town Center at the end of Milo Street in the vicinity of the former Puna Sugar Company Mill site at 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 for those uses to which they are best suited in the interest of the public 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 subject property, although classified as Agricultural by the State Land Use Commission, has a soil rating of "C" or "Poor." It is also located in an area with soils classified as the Ohia series, which are soils that are generally used for sugarcane, woodland and pasture. The subject property was previously used by the Puna Sugar Company as part of their mill operation. The Mill ceased operations in 1984, and since then, the property has been vacant and not actively used for agricultural purposes. Therefore, the proposed development would not remove significant lands from agricultural use and would not be contrary to the objectives of the State Land Use Law for the Agricultural District.

The desired use will not adversely affect the surrounding properties. Surrounding uses mainly include industrial/agricultural activities and single family residential uses. HELCO was granted Special Permit No. 686 for industrial use on TMK: 1-6-03:93 (northwest of subject) in

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Troy Rimel, President
Hawaii Christian Camping Association, Inc.
Page 2
March 8, 1996

November 1988, to continue operation of an electric power plant that was previously operated by Puna Sugar Company. In August 1988, a Special Permit was granted to the Hawaii Anthurium Growers Cooperative to establish a processing and a packing facility for anthuriums and other flowers on TMK: 1-6-03:21 (adjacent to the west). In June 1989, a Special Permit was granted to Amfac Tropical Products to establish a fruit packing and processing plant on TMK: 1-6-03:18 & 23 (adjacent to the east). These two uses, which at the time were not permitted uses, involve the processing of agricultural products grown off site (which are now permitted by the zoning code). The subject parcel is approximately 5.530 acres in size and is separated from these special permits by private roads on three sides. There were no objections from surrounding property owners in the area. As immediate surrounding properties are in agricultural/industrial use, to alleviate any adverse impacts to and from surrounding properties, additional setbacks from the standard requirements and additional landscaping may be required along property borders where structures are proposed. This requirement will be reviewed during Final Plan Approval. A condition of approval is also being included to require that further expansion of the proposed development, which would increase the enrollment capacity of the school and seating capacity of the church, shall be submitted to the Planning Commission as an amendment to this Special Permit. Overall, it is not anticipated that the immediate surrounding parcels would be impacted by the development of the school.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection. Access to the subject property is from the Old Volcano Road onto Milo Street, a County roadway for approximately 1,800 feet. The County-owned section of Milo Street has a pavement width of 18 feet with 4-foot wide rolled A/C curb sidewalks along the southern side (Volcano). The private section of Milo Street is partially improved with asphalt to a width of approximately 28 feet for a short distance up to the western corner of the subject. The remaining existing private roadways that border the subject property are gravel and approximately 19-22 feet wide. The private section of Milo Street and the roads bordering the subject property are owned by W.H. Shipman, Ltd. The applicant has received permission to use these roads for access as easement rights. Access to the subject property and the increase in traffic to be generated from the development is also a concern. A traffic impact study was requested by both the Department of Transportation - Highways Division and the Department of Public Works. According to the Traffic Impact Assessment Report prepared by Parsons Brinckerhoff Quade & Douglas, Inc. dated December 1995, it was recommended that for Increment I, the applicant pave the portion of Milo Street from where the County road ends to the project site. As the Keaau By-Pass Road is also proposed to align within close proximity (to the west) of the subject property, the report also recommended roadway improvements for Increment II. However, by letter dated January 8, 1996, the State Department of Transportation stated that they will provide for a channelized intersection and street light improvement at the Milo Street/Keaau By-Pass Road intersection. They also stated that the school 1) shall abide by restrictive movements or closure of the roadway and 2) shall conduct traffic signal studies and pay for their fair share of traffic signal improvements as warranted by the Department of Transportation. To minimize adverse impacts from the increase in traffic and to ensure public safety and safety of the children, a condition is included to require that all roads providing a driveway access to the subject parcel be paved to a width of 20 feet with a 5-foot wide walkway with an asphalt-concrete rolled berm fronting the subject property and graveled shoulders on the opposite side. In addition to the above, to ensure the safety of the school children, a condition is being included to require the applicant to construct a chain link fence surrounding

the perimeter of the property. Other agencies reviewing the request had no objections to the proposed development.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The Puna District has been one of the largest growth areas on the island. The County of Hawaii Data Book 1994, shows a population of 11,751 in 1980 and a population of 20,781 in 1990. This is an approximate 76 percent increase in 10 years. Allowing for the development of private schools, churches and youth facilities in this district would help meet the educational, spiritual and social needs of the expanding population in this area. The Special Permit in the Agricultural districts and Use Permit in the Urban Districts would be the appropriate vehicle for establishing these uses in needed areas.

The use will not substantially alter or change the essential character of the land and the present use. The subject property is vacant; thus, the character of the land would be changed and developed. According to the site plan, the school, church and related improvements are proposed to be built approximately in the western half of the parcel. A ballfield is proposed for the eastern portion of the property with parking areas established around proposed structures and along property borders. The applicant proposes to construct single-story structures that are simple in design and that would conform to the surrounding area.

The lands upon which the proposed use is sought is not unsuitable for the uses permitted in the district; however, the proposed uses will not interfere with permitted uses. The property was previously used for sugar cane cultivation and is presently vacant. Therefore, no agricultural activity will be diminished. Although the zoning for the property is Agricultural-20 acres (A-20a), the General Plan designation for the area is Industrial, which would allow for industrial-type and other uses to be established through the Special Permit process. The Planning Director expressed concerns on the location of a school within close proximity of the existing HELCO power plant and the possible future expansion of industrial uses. However, the applicant has stated that they have no objections to being in the vicinity of the agricultural processing facilities and the HELCO power plant, as existing regulations would address safety and health concerns. As such, a condition of approval is being included in which the applicant would relocate the school, in a time frame agreed upon with the Planning Director, should the health and safety of the students become a concern. Other parcels in the area are zoned RS-10 with single-family residential uses. These parcels are located along the beginning portion of Milo Street and to the south of the subject property where 8-1/2 mile camp is located.

The proposed use is consistent with the following goals, policies and standards of the General Plan. The subject parcel falls within an area designated as Industrial on the General Plan LUPAG Map. However, the zoning for the property is Agricultural-20 acres (A-20a), which would allow for agricultural uses and other uses through the Special Permit process. The proposed request would complement and be consistent with the following goals, policies and standards of the General Plan:

Land Use Element

- * Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural and physical environments of the County.

- * The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Economic Element

- * The County shall support all levels of educational opportunities and institutions for its residents.

Electricity, water, wastewater disposal facilities and other essential services are or will be made available for the church and related improvements.

Based on the above considerations, the request to establish a private Christian school, church and summer youth camp facility and related improvements would be an unusual and reasonable use of land within the State Land Use District, which would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. Construction of the proposed school, church, youth facilities and related improvements shall be completed within eight (8) years from the effective date of the permit. Prior to the start of construction, Final Plan Approval for each increment and its related improvements shall be secured from the Planning Department. Plans shall identify existing and proposed structures, fire protection measures, paved driveway and paved parking stalls (chipseal, asphalt or asphalt-concrete), fencing and landscaping associated with the proposed uses. Detailed landscaping plans shall include landscaping buffers along property boundaries of the project.
4. Prior to the opening of Increment I, the applicant shall install a 6-foot high chain link fence surrounding the entire perimeter of the subject property.
5. All driveway accesses shall meet with the approval of the Department of Public Works. A second access shall be constructed prior to the opening of Increment II of the proposed development.
6. The applicant shall grade the entire right-of way from the beginning of the private section of Milo Street to and along the entire frontage of the subject property. Prior to grading, the applicant shall conduct a centerline survey to determine the exact location of the roadway. The roadway shall be paved to a width of 20 feet with a 5-foot wide walkway with rolled asphalt-concrete berms along the entire frontage of the subject

subject property prior to the opening of Increment I. The private side road to be used when the proposed second access is established shall also be graded and paved to a width of 20 feet with a 5-foot wide walkway with rolled asphalt-concrete berms, accordingly, prior to the opening of Increment II. All improvements shall be to non-dedicable standards meeting with the approval of the Department of Public Works.

7. The applicant shall comply with all requirements of the Department of Transportation, including the following:
 - A. The school shall abide by future restriction of movements or complete closure of the roadway, if deemed warranted by the State Highways Division. Future development in the area may require a major intersection and connecting roadway systems.
 - B. The school shall fund and conduct traffic signal studies for the Milo Street/Keaau Bypass Road intersection, upon request by the State Highways Division. The study shall assess traffic signal warrants, according to the Federal Highways Administration's Manual on Uniform Traffic Control Devices. If the traffic signals are deemed warranted by the State Highways Division, the school shall pay for its fair share of traffic signal system improvements.
8. The applicant shall also contribute to the maintenance of the private roads leading to the subject parcel, and the walkway fronting the subject property, as agreed upon with W.H. Shipman. Such agreement, in the form of restrictive covenants in the deed, shall be submitted for review and approval by the Planning Director during Final Plan Approval. A copy, likewise, as executed and recorded at the Bureau of Conveyances, shall be submitted to the Planning Director prior to the opening of Increment I.
9. Restrictive covenants in the deed shall also state that the applicant agrees to relocate their operations, within a reasonable time frame, should the health and safety of the school and church be of concern. A copy of the proposed covenants shall be submitted for review and approval by the Planning Director during Final Plan Approval. A copy, likewise, as executed and recorded with the Bureau of Conveyances, shall be submitted prior to the opening of Increment I.
10. Further expansion of the proposed development, which would increase the enrollment capacity of the school and seating capacity of the church, shall be submitted to the Planning Commission as an amendment to this Special Permit.
11. 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 Department of Land and Natural Resources-Historic Preservation Division (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.

Troy Rimel, President
Hawaii Christian Camping Association, Inc.
Page 6
March 8, 1996

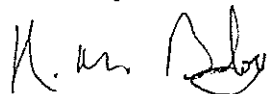
12. Upon compliance with applicable conditions of approval, in conjunction with the application for a certificate of occupancy and prior to the opening of each increment, the applicant shall submit a status report, in writing, to the Planning Director.
13. An extension of time for the performance of conditions of the permit may be granted by the Planning Director upon the following circumstances:
 - A) 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 the Zoning Code.
 - C) Granting of the extension would not be contrary to the original reasons for the granting of the permit.
 - 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).

Should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke this 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.

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

Sincerely,

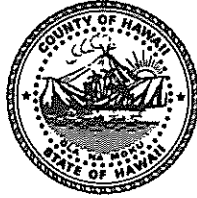


Kevin M. Balog, Chairman
Planning Commission

AK:syw
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cc: Honorable Stephen K. Yamashiro, Mayor
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources
Ms. Alicia Yogi

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 095 324 476

JAN 29 1999

Mr. Troy Rimel, Principal
Hawaii Christian Liberty School
c/o Hawaii Christian Camping Association, Inc.
P.O. Box 1444
Keaau, HI 96749

Dear Mr. Rimel:

Special Permit (SPP 925)
Applicant: Hawaii Christian Camping Association, Inc.
Request: Amendment to Condition No. 6 (Roadway Improvements)
Tax Map Key: 1-6-3:17

The Planning Commission at its duly held public hearing on January 22, 1999, voted to approve the above-referenced request to amend Condition No. 6 (roadway improvements requirement) of Special Permit No. 925, which allowed the establishment of a private school, church and summer camp facility on approximately 5.53 acres of land within the State Land Use Agricultural District. The property is located approximately one mile east of the Keaau Town Center at the end of Milo Street, in the vicinity of the former Puna Sugar Company Mill site at 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 Rules and Regulations are intended to preserve, protect and encourage the development of lands for those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawaii. The subject request to amend Condition No. 6 to allow additional time in which to complete roadway improvements would not be contrary to Chapter 205, Hawaii Revised Statutes.

The desired use will also not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. The applicant received an approval by the Planning Commission to establish a private school, church and summer camp facility on the subject property in 1996. As of date, the applicant has secured Final Plan Approval and obtained a building permit to

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JAN 29 1999

construct a classroom/office building and electrical building. Work is almost complete on the classroom building and fencing and parking lot construction has begun. The goal is to secure final building inspection by the end of January 1999.

In accordance with Condition No. 6 of Special Permit No. 925, the applicant would be required to complete roadway improvements from the beginning of the private portion of Milo Street up to and along the entire frontage of the subject property on Milo Street prior to opening of Increment I. The Keaau By-Pass Road, which is proposed to cross over a section of Milo Street, is not completed. As the school would like to open their facilities at the end of January 1999, before the Keaau By-Pass Road is completed, any roadway improvements that are constructed by the applicant may be removed or modified by the State Department of Transportation when the Keaau By-Pass Road is completed. As such, the applicant requests that the required roadway improvements be deferred and that roadway improvements to Milo Street be installed within six (6) months of completion of the Keaau By-Pass Road. This is a reasonable request.

The portion of Milo Street leading to the subject property (owned by W.H. Shipman, Ltd.) is presently paved, in poor condition, to a width of 28 feet up until one parcel before the subject property. Beyond that, the road is graveled to a width of approximately 19 feet up to and along the frontage of the subject property. Although, the Department of Public Works expressed some concern on the condition of the private roadways, various owners in the immediate vicinity are also required to coordinate roadway improvements with the applicant. This includes James McCully, TMK: 1-6-03:Portion of 5, located west of the subject property, who secured a change of zone from A-20a to ML-20 and A-3a, and subsequently rezoned the ML-20 portion of the property to MCX-20. Likewise, Greenhouse Specialist, Inc. who secured a special permit for (1-6-03:17) two lots west of the subject property is also required to contribute to roadway improvements. Both these property owners have frontages on the private section of Milo Street and are required to complete similar roadway improvements as Hawaii Christian Camping Association, Inc. Finally, the State Department of Transportation-Highways Division and the other agencies reviewing the request had no objections to the delay in completing improvements. Therefore, completion of the Milo Street roadway improvements within six months of completion of the Keaau By-Pass Road is a reasonable extension. All roadway work shall also be coordinated with the State Department of Transportation-Highways Division and Department of Public Works.

Based, on the above, the request to amend Condition No. 6 of Special Permit No. 925 would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations.

Condition No. 6 is amended as follows (added material is underlined and deleted material is bracketed):

- "6. The applicant shall grade the entire right-of way fronting the subject property. Prior to grading, the applicant shall conduct a centerline survey to determine the exact location of the roadway. The roadway shall be paved to a width of 20 feet with a 5-foot wide walkway with rolled asphalt-concrete berms fronting the subject property [prior to the opening of Increment I] within six (6) months of completion of the Keaau By-Pass Road in coordination with the State

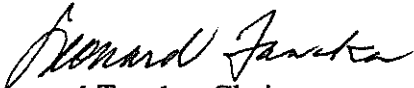
Mr. Troy Rimel, Principal
Hawaii Christian Liberty School
Page 3

Department of Transportation. The applicant shall also contribute their fair share for road improvements with Greenhouse Specialist, Inc. (TMK: 1-6-03:20) and James McCully (1-6-03: Portion of 5). The private side road to be used when the proposed second access is established shall also be graded and paved to a width of 20 feet with a 5-foot wide walkway with rolled asphalt-concrete berms, accordingly, prior to the opening of Increment II. All improvements shall be to non-dedicable standards meeting with the approval of the Department of Public Works and State Department of Transportation."

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,

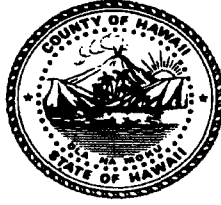


Leonard Tanaka, Chairman
Planning Commission

LHIChr01.PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Kazu Hayashida, Director/DOT-Highways, Honolulu

Harry Kim
Mayor



Joseph Clarkson, Chair
Thomas Raffipiy, Vice Chair
Gilbert Aguinaldo
Donn Dela Cruz
Donald Ikeda
John Replogle

County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

FEB 13 2019

Mr. Zendo Kern
Planning Consultant
194 Wiwoole Street
Hilo, HI 96720

Dear Mr. Kern:

SUBJECT: Special Permit No. 925 (Docket No. SPP 95-000017)
Applicant: Christian Liberty Ministries of Hawai'i, Inc.
Request: Time Extension to Condition No. 3 (Complete Construction) and
Amendment to Condition No. 6 (Roadway Improvements) and to Allow
the Construction of a Structure with Additional Classrooms, Restrooms,
and Associated Improvements
Tax Map Key: 1-6-152:021

The Windward Planning Commission, at its duly held public hearing on February 7, 2019, voted to approve the above-referenced request to amend Special Permit No. 925 to allow a time extension to comply with Condition No. 3 (Complete Construction), amendment of Condition No. 6 (Roadway Improvements) and allow the construction of a structure with additional classrooms, restrooms, and associated improvements. The property is at 16-675 Milo Street, approximately one mile east of the Kea'au Town Center at the end of Milo Street in the vicinity of the former Puna Sugar Company Mill site, Kea'au, Hawai'i.

Approval of this amendment is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawai'i harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. Construction of the proposed school, church, youth facilities and related improvements shall be completed within fifteen (15) years from the effective date of this amended permit. Prior to the start of construction of any additional improvements, Final Plan Approval for Increment

Hawai'i County is an Equal Opportunity Provider and Employer.

FEB 14 2019

II, including the construction of four (4) additional classrooms, bathrooms, parking and its related improvements shall be secured from the Planning Department. Plans shall identify existing and proposed structures, fire protection measures, paved driveway and paved parking stalls (chipseal, asphalt or asphalt-concrete), fencing and landscaping associated with the proposed uses. Detailed landscaping plans shall include landscaping buffers along property boundaries of the project.

4. Prior to the opening of Increment I, the applicant shall install a 6-foot high chain link fence surrounding the entire perimeter of the subject property.
5. All driveway accesses shall meet with the approval of the Department of Public Works. A second access shall be constructed prior to the opening of Increment II of the proposed development.
6. The applicant shall grade the entire right-of-way fronting the subject property. Prior to grading, the applicant shall conduct a centerline survey to determine the exact location of the roadway. The roadway shall be paved to a width of 20 feet with a 5-foot wide walkway within six (6) months of completion of the Kea'au By-Pass Road in coordination with the State Department of Transportation. The applicant shall also contribute their fair share for road improvements with Greenhouse Specialist, Inc. (TMK: 1-6-03:20) and James McCully (1-6-03: Portion of 5). The private side road to be used when the proposed second access is established shall also be graded and paved to a width of 20 feet with a 5-foot wide walkway prior to the opening of Increment II. All improvements shall be to non-dedicable standards meeting with the approval of the Department of Public Works and State Department of Transportation.
7. The applicant shall comply with all requirements of the Department of Transportation, including the following:
 - A) The school shall abide by future restriction of movements or complete closure of the roadway, if deemed warranted by the State Highways Division. Future development in the area may require a major intersection and connecting roadway systems.
 - B) The school shall fund and conduct traffic signal studies for the Milo Street/Kea'au Bypass Road intersection, upon request by the State Highways Division. The study shall assess traffic signal warrants, according to the Federal Highways Administration's Manual on Uniform Traffic Control Devices. If the traffic signals are deemed warranted by the State Highways Division, the school shall pay for its fair share of traffic signal system improvements.
8. The applicant shall also contribute to the maintenance of the private roads leading to the subject parcel, and the walkway fronting the subject property, as agreed upon with W.H. Shipman. Such agreement, in the form of restrictive covenants in the deed, shall be submitted for review

and approval by the Planning Director during Final Plan Approval. A copy, likewise, as executed and recorded at the Bureau of Conveyances, shall be submitted to the Planning Director prior to the opening of Increment 1.

9. Restrictive covenants in the deed shall also state that the applicant agrees to relocate their operations, within a reasonable time frame, should the health and safety of the school and church be of concern. A copy of the proposed covenants shall be submitted for review and approval by the Planning Director during Final Plan Approval. A copy, likewise, as executed and recorded with the Bureau of Conveyances, shall be submitted prior to the opening of Increment I.
10. Further expansion of the proposed development, which would increase the enrollment capacity of the school and seating capacity of the church, shall be submitted to the Planning Commission as an amendment to this Special Permit.
11. In the unlikely event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g. rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
12. Upon compliance with applicable conditions of approval, in conjunction with the application for a certificate of occupancy and prior to the opening of each increment, the applicant shall submit a status report, in writing, to the Planning Director.
13. If the applicant should require an additional extension of time for any condition of this permit, the applicant shall submit their request to the Planning Director for appropriate action by the Planning Commission.

Should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this 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.

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

[Note: Ramseyer version available upon request.]

Mr. Zendo Kern
Planning Consultant
Page 4

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

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Christian Kay of the Planning Department at 961-8136..

Sincerely,

Joseph B.
Clarkson

Digitally signed by Joseph
B. Clarkson
Date: 2019.02.13 21:18:41
-10'00'

Joseph Clarkson, Chairman
Windward Planning Commission

LChrisitanlibertyministriesAmendSPP925wpc
Enclosure: PC Findings Report

cc w/enclosures: Christian Liberty Ministries of Hawai'i, Inc.
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Department of Land & Natural; Resources-HPD
State Land Use Commission
State Department of Transportation
GIS Section

COUNTY OF HAWAI‘I
PLANNING COMMISSION FINDINGS

CHRISTIAN LIBERTY MINISTRIES OF HAWAII, INC.
AMENDMENT TO SPECIAL PERMIT NO. 925 (SPP 925)

Based on the following considerations, the request to amend Special Permit No. 925 to allow a 15-year time extension to Condition No. 3 (Complete Construction), amend Condition No. 6 (Roadway Improvements) to remove the requirement to install rolled asphalt-concrete berms along the subject property's Milo Street and 18 ½ Mile Camp Road frontage and amend the permit to allow the construction of four (4) additional classrooms, bathrooms, parking and other related improvements on the subject property is approved.

CHRISTIAN LIBERTY MINISTRIES OF HAWAII, INC. has submitted an application for amendments to Special Permit No. 925, which allowed the establishment of a private school, church, and summer camp facility on approximately 5.53 acres of land within the State Land Use Agricultural District. The applicant is requesting: 1) a 15-year time extension to Condition No. 3 (Complete Construction); 2) to amend Condition No. 6 (Roadway Improvements); and 3) to add the construction of four (4) additional classrooms, bathrooms, parking and related improvements. The property is located at 16-675 Milo Street, approximately one mile east of the Kea‘au Town Center, at the end of Milo Street in the vicinity of the former Puna Sugar Company Mill site, Kea‘au, Puna, Hawai‘i, TMK: (3) 1-6-152:021.

The criteria for granting the requested time extension and amendments are as follows:

- 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.
- Granting of the amendment requests would not be contrary to the General Plan, Puna Community Development Plan or Zoning Code.
- Granting of the time extension would not be contrary to the original reasons for the granting of the permit.

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. The applicant has been diligently working toward the development of the subject property in accordance with the Special Permit since 1996. To date, the applicant has completed Increment I of the development, including:

- A 5,000-square foot Classroom/Administration Building;
- A 2,400-square foot chapel/pavilion facility;
- A 28,800-square foot ball field; and
- Related parking and improvements.

In addition, the applicant has completed the following components of Increment II of the development:

- A 12,000-square foot Multi-Purpose building; and

- An adjacent pre-school room.

As the private project is self-funded, the applicant has attempted to balance the construction of the campus with the funding for school, church and summer camp operations. In order for the applicant to be “sustainable,” the current request for a 15-year time extension will allow additional time to complete the build out of the project, which includes:

- A dining area with certified kitchen;
- A computer classroom;
- A science lab;
- A shop area for industrial classes;
- An additional 5,000-square foot classroom building; and
- A 3,200-square foot teachers’ apartment facility.

Furthermore, the applicant is requesting to expand the project by constructing four (4) additional classrooms, bathrooms, parking and related improvements, which will accommodate expanded preschool and kindergarten classes.

Finally, the applicant is requesting the deletion of the requirement to install rolled concrete-asphalt berms along the property’s Milo Street and 8 ½ Mile Camp Road Frontages. According to the applicant, the intent of the asphalt -concrete berms was to add a level of safety for students walking along Milo Street and 8 ½ Mile Camp Road, however for student safety the school does not allow students to walk on the side of these roads due to industrial vehicle traffic. Students and faculty use the crosswalk to cross the street to the athletic field and upper campus offices. Students and faculty remain on school and church property the entire time unless using the crosswalk.

Granting of the time extension would not be contrary to the General Plan, Puna Community Development Plan or Zoning Code. The proposed request is not contrary to the General Plan. The County General Plan Land Use Pattern Allocation Guide Map (LUPAG) designates this property as Medium Density Urban, which allows for village and neighborhood commercial and single family and multiple family residential and related uses and Industrial, which include uses such as manufacturing and processing, wholesaling, large storage and transportation facilities, light industrial and industrial-commercial uses. Zoning districts consistent with these LUPAG designations, including Neighborhood Commercial (CN), Village Commercial (CV) and Industrial zoning districts list churches and schools as permitted uses. Additionally, the proposed amendments are in support of continued operation of the school, church, and summer camp use, and therefore remain consistent with the following goals, policies and actions found in the Land Use and Economic elements of the General Plan:

Land Use

- *Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.*
- *Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.*

Economic

- *Support all levels of educational, employment and training opportunities and institutions.*

The Puna Community Development Plan (PCDP) was adopted in 2008, approximately 12 years after Special Permit No. 925 was granted. The PCDP does not explicitly address the provisions of educational and church facilities, however, the subject Special Permit and amendments seem to be aligned with the broader CDP goals, policies and strategies focused on retaining rural character, and accessibility of social services and community facilities.

Lastly, the proposed amendments are consistent with the Zoning Code, which allows for the approval of schools and churches within the State Land Use Agricultural District with the approval of a Special Permit by the Planning Commission. Furthermore, Condition No. 3 of the Special Permit requires the applicant to obtain Final Plan Approval prior to the construction of each development Increment. The applicant has satisfied this requirement for Increment I. The Director recommends amending Condition No. 3 to require the applicant to secure Final Plan Approval for Increment II prior to any subsequent construction on the property. Finally, the project has and will continue to comply with access, on-site parking and landscaping requirements of the Zoning Code.

Granting of the amendment request would not be contrary to the original reasons for granting the permit. Special Permit No. 925 was approved in 1996 to allow the establishment of a private school, church, and summer camp facility on approximately 5.53 acres of land within the State Land Use Agricultural District. The Planning Commission determined that these uses met the criteria for granting the Special Permit under State Law and the Planning Commission Rules. The requested 15-year time extension amendment to Condition No. 3 (Complete Construction) and request to allow the construction of four (4) additional classrooms, bathrooms, parking and other related improvements would serve to further the development of these uses, and therefore are also consistent with the original reasons for granting the Special Permit.

The applicant is requesting the deletion of the requirement to install rolled concrete-asphalt berms along the property's Milo Street and 8 ½ Mile Camp Road Frontages. This requirement was added as part of Condition No. 6 (Roadway Improvements) by the Planning Commission and intended as a safety measure for people traversing the walkway along the frontage of the subject property. This requirement is consistent with at least one other property in the area (TMK 1-6-152:023) situated across Milo Street to the west of the subject property. This requirement and was part of the condition of Rezone Ordinance No. 04 022. However, as part of their student safety procedures, the school does not allow students to walk on the side of these roads due to industrial vehicle traffic that frequents the area. Students and faculty only access Milo Street to use the crosswalk to cross the street to the upper campus offices to the north of the subject property. Otherwise, students and faculty remain on school and church property the entire time. Therefore, it would appear the asphalt-concrete berms are not necessary and do not serve the purpose they were originally intended for. Planning Department staff consulted with the Department of Public Works (DPW) to determine if rolled concrete-asphalt berms were still recommended as traffic safety devices on County roads. DPW indicated that they no longer use them on County roadway facilities as they are considered outdated and unsafe. Based on the

preceding, the Director recommends approval of the request to delete this requirement from Condition No. 6.

The proposed amendments will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties. Properties in the area have a mix of zoning and uses; parcels to the north are zoned ML-20 and A-5a and are the location of the applicant's offices located in the old Puna Sugar Mill offices. The parcel to the east is zoned ML-1a and is used for warehousing. Parcels to the south are similarly zoned A-20a and consist of farms and the 8 ½-mile Camp. Parcels to the west and southwest are zoned ML-20, which is the location of the Pacific Floral Exchange, and A-20a, which are primarily used for agriculture. As the surrounding properties are a mix of commercial, industrial, and agricultural uses, the current use of the property is consistent with the character of the area and has not had a negative impact on surrounding properties over the last two decades. As stated, the applicant will be required to obtain Final Plan Approval for Increment II and the newly proposed classroom, bathroom and parking facility, which will require appropriate landscaping to mitigate visual and noise impacts.

The granting of the proposed amendment will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, school improvements, police and fire protection and other related infrastructure.

Access to the subject property is via Milo Street and 18 ½ Mile Camp Road, which are both private roads that are improved with 20-foot wide pavement and a five-foot wide walkway along the property's frontages within a 40-foot right-of-way. As part of the original permit, the applicant conducted a Traffic Impact Analysis Report (TIAR) for full buildout of the project for up to 400 students and related faculty. The TIAR found that the project would not have significant impacts on peak hour traffic in the surrounding area. Based on the proposed amendment requests, the applicant is not proposing an increase to students or faculty, and therefore it is not anticipated that traffic impacts to Milo Street will change from its existing condition. Additionally, the applicant has developed and implemented a traffic management plan, which allows for good traffic circulation and preventing queuing of vehicles onto Milo Street during student pick-up and drop-off periods.

The applicant has complied with conditions of the original permit requiring private roadway improvements, including driveway accesses, conducting a centerline survey, grading and paving the roadway to specific standards along the frontage of the subject property, and has contributed a to a fair share fund and maintenance fund for the upkeep of the private road. County water is available to support all exiting and proposed uses on the subject property. Wastewater for the existing development on the property is disposed of via approved septic systems. Wastewater for any additional development will be required to meet the requirements of DOH for individual wastewater systems . All other utilities and services are available to the site.

The request is not contrary to Chapter 205A, Hawai'i Revised Statues, relating to Coastal Zone Management. The property is not located in the Special Management Area and is not proximate to the shoreline; therefore, it will not be impacted by coastal

hazards and beach erosion. There is no record of a designated public access to the shoreline or mountain areas that traverses the properties and there is no evidence of any traditional and customary Native Hawaiian rights being practiced thereon. No formal archaeological survey was conducted on the subject property due to its extensive agricultural history and development as a school and church for the last 20 years. In response to the request for comments during the original Special Permit application process, the Department of Land and Natural Resources - State Historic Preservation Division found no record of any significant historic sites in the area due to its past agricultural land use, therefore the proposed development would have "no effect" on significant historic sites. The Planning Department has not received any comments from SHPD as of the date of this writing. Thus, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

Lastly, this recommendation is made with the understanding that the applicant remains responsible for complying with all other applicable County, State and Federal governmental requirements in connection with the approved use, prior to its commencement and during its operation upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), compliance with State Health Department environmental/sanitation/health related regulations, drainage plan, among many others. Compliance with all applicable governmental requirements is a condition of this approval, and failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department, Planning Commission and/or the affected agencies.