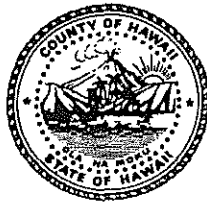


Harry Kim
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
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CERTIFIED MAIL

7000 0600 0024 2903 8438

AUG 14 2001

Ms. Gretchen Kelly
Kona Pacific Institute
P.O.Box 1401
Kealahou, HI 96750

Dear Ms. Kelly:

Special Permit Application (SPP 01-010)

Applicant: Kona Pacific Institute

Request: Establishment of a Waldorf School, Biodynamic Farm
and Related Improvements

Tax Map Key: 7-9-010:Portion of 1

The Planning Commission at its duly held public hearing on August 3, 2001, voted to approve the above-referenced application. Special Permit No. 1112 is hereby issued to allow the development of a Waldorf School, Biodynamic Farm and related facilities and improvements, with the proposed school facilities on approximately 10.7 acres of land situated in the State Land Use Agricultural District. The property is located adjacent to and east (mauka) of the Kona Community Hospital, approximately 0.2 miles east of Mamalahoa Highway and along the boundary of the North and South Kona Districts, Kanauēue 2nd, North Kona, Hawaii.

Approval of this request is based on the following:

Kona Pacific Institute is a nonprofit organization that was established in Hawaii in 1996. It acts as an umbrella organization for the various groups that comprise an educational community based on the ideals of Austrian philosopher-scientist Rudolf Steiner, the founder of biodynamic farming and Waldorf education. Kona Pacific Institute is modeled after other Waldorf education around the world that provides a framework of intensive farming and gardening integrated with the academic curriculum. The groups that presently operate under Kona Pacific Institute are Kona Pacific Waldorf School (elementary school), and Kona Pacific Farm.

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The applicant, Kona Pacific Institute, proposes to develop a Waldorf School, Biodynamic Farm and related facilities and improvements on approximately 38.86 acres of land. At present, Kona Pacific Farm, the biodynamic farm, is already in operation on the subject property. The initial plantings are in ground and preparations for farm expansion are being made. It should be pointed out that all agricultural uses and activities are permissible uses within the State Land Use Agricultural District. The Kona Pacific School was founded in 1997, and is currently located in leased facilities in Kealakekua along Mamalahoa Highway, less than 500 yards north of Mamalahoa Highway and Haukapila Street intersection. It serves children of seventy (70) families of the Kona community. The enrollment is currently 65 students. The proposed school and related facilities are proposed on approximately 10.7 acres of land near the western boundary of the property. The applicant projects a total enrollment of 125 students, from Preschool to 8th grades. Although a future high school is included in the subject request, at this time there are no enrollment projections for the high school and its construction will be in the future when warranted. The school and related facilities are not permitted uses under Chapter 205-4.5, Hawaii Revised Statutes (HRS). Therefore, the development of the school facilities necessitates a Special Permit.

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The granting of this request is also an unusual and reasonable use of the land. 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 Land Study Bureau's overall master productivity rating for agricultural use on the subject property is Class "B" or Good. The Agricultural Land of Importance to the State of Hawaii maps identify a major portion of the property as Unique Agricultural Land, and a sliver of land along the southern boundary of the property is classified as Other Important Agricultural Land. The property consists of Honuauulu and Honaunau soils, however; the proposed school facilities project site would be located near the west portion of the property in an area primarily Honuauulu soils.

According to the archaeological reconnaissance report (March 1981), by Lloyd J. Soehren, the early Hawaiian subsistence farmers previously cultivated sweet potatoes and taro on the property up until the nineteenth century. Later, a portion of the land was used for coffee farms for some 75 years or more. However, the coffee farming was subsequently discontinued and the land became overgrown with vegetation. The proposed Waldorf school and related facilities use would be a compatible land use within the Agricultural District due to the integration of the school's curriculum and planned agricultural activities. As previously mentioned, the biodynamic farm is already in operation on the property. The initial plantings are in ground and preparations for farm expansion are being made. According to the applicant, the existing agricultural activities

within the 22.85-acre agriculture portion of the property are cattle grazing and one-half acre in food and vegetable garden, which includes onions, sweet potato, tomato, carrots, lettuce, etc. Another one-half acre of land has been cleared for future farm expansion. There are four existing residences on the property that are currently occupied by the farm manager, farm interns, a school faculty member and his family, and employees involved with farm orchard development and Waldorf adult education. In addition, the adult educational activities will provide vocational training for area residents and the community as a whole that will serve to enhance the agricultural practices in the Kona region.

The applicant also proposes to set aside a 5.7-acre preservation site. The applicant has indicated that it will work together with Protect Keopuka 'Ohana, a native Hawaiian group, to create a stewardship program. Through this program, the school children and faculty, adult students, farmers and the Hawaiian community will work together on an interactive project to restore the lo'i and kuaiwi and bring them back into use growing traditional Hawaiian crops. The proposed school and related facilities development would be located on 10.7 acres of land along the western portion of the property adjacent to the Kona Community Hospital site and as such, would not displace any existing and/or planned intensive agricultural activities nor diminish the agricultural potential of the area. As previously stated, the Waldorf education provides a framework of intensive farming and gardening integrated with the academic curriculum. Therefore, the proposed school use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations for Agricultural district, and is considered to be an unusual and reasonable use of the land.

The desired use shall not adversely affect the surrounding properties. The surrounding area is characterized by rural-residential uses, and agricultural uses – coffee and cattle grazing. Lands adjacent and to the west of the property are zoned Single Family Residential (RS-15) and includes the Kona Community Hospital, Mental Health and Kidney Dialysis auxiliary services center, Keakealani State Courthouse, and residential dwellings. Lands to the northwest of the property are zoned Multiple Family Residential (RM-4) and contain a number of residences; lands to the southwest are zoned Single Family Residential (RS-15) and include residential uses within the Keala Plantation Estates; lands directly to the south are zoned Agricultural (A-5a) and in cattle grazing; land to the east (mauka) is the Hokukano Ranch zoned Agricultural (A-5a) and also in cattle grazing; and directly to the north lands are zoned Agricultural (A-1a and A-5a) and contain a large macadamia nut farm and processing facility. The property is of sufficient size to allow for adequate setbacks and landscape buffers in minimizing any physical, social or other impacts that this proposed school use may have on the neighborhood. Any detailed landscaping or safety buffers can be reviewed during Final Plan Approval.

The applicant has consulted with the Kona Community Hospital administration regarding possible impact on emergency vehicle and other hospital traffic. The hospital administration has written in support of the proposed project and has also indicated that the proposed school is not anticipated to interfere with the provision of health care by the hospital to the community.

It is anticipated that there will be temporary disruption to the area due to traffic, noise and dust. However, the applicant would be required to comply with applicable county, state and federal requirements to ensure a safe environment for workers and the general public. Overall, the construction related activities would be short-term in nature and as such, it is not anticipated that the immediate surrounding parcels would be significantly impacted by the development of the school.

Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection. The project site is located within an area adequately served with essential services and facilities such as road, water, police, fire and medical services. It should be pointed out that in 1939, the subject property originally encompassed 54.62 acres. The property was later subdivided, and the access to the remaining portion of the property was the creation of the 30-foot road (presently Haukapila Street) and 30-foot easement over and across the old hospital site. In March 1972, a 7-acre portion of the property was subdivided for the additional new hospital site, with a 60 foot wide easement delineated traversing the 7-acre portion to provide road and utility purposes for the remaining portion of the property. Access for the proposed school as well as the agricultural development will be via Haukapila Street from the Mamalahoa Highway, a secondary arterial with a 60-foot right-of-way with 20-foot wide pavement. Haukapila Street begins from Mamalahoa Highway as a private paved 30-foot wide road right-of-way, which continues into a paved 30-foot wide, then a 60-foot wide paved easement over and across the hospital site and ends at the west boundary of the subject property. The applicant proposes to widen and improve the subject property's driveway access road that connects and runs parallel with the entrance-road/parking area for the Kona Community Hospital. The Kona Community Hospital parcel, which also includes the auxiliary Health Services Center and Keakealani State Courthouse, has perpetual non-exclusive easement rights over Haukapila Street for road and utility purposes.

The Department of Public Works and Police Department have expressed concerns on potential traffic generated by the proposed school at the intersection of Mamalahoa Highway and Haukapila Street. According to the applicant, vehicular traffic on Haukapila Street is generally light outside of peak hours for Kona Community Hospital and Keakealani State Courthouse staff shifts. Peak traffic flow for the hospital is around the shift changes at 6:45 a.m. and 2:45 p.m. Peak traffic flow at the courthouse is around 7:30 a.m. and 4:30 p.m. In the evening and weekend hours, traffic on Haukapila Street could be characterized as very light, and consists of a small amount of hospital visitor

traffic. With the school project, there would be an increase in the numbers of vehicles entering and exiting Haukapila Street from Mamalahoa Highway. During the morning peak hour, traffic entering Haukapila Street would be associated with faculty and parents arriving at the school campus. Afternoon peak hour would be associated with the end of the school day. The school operates from 8:15 a.m. until 2:15 p.m. Thus, the projected traffic flow from the project should not affect the existing peak traffic hours of the hospital and courthouse. A limited afterschool program that ends at 5:00 p.m. would also not impact the existing peak traffic flow hours. According to the applicant, the existing Kona Pacific School located on Mamalahoa Highway is less than 500 yards north from the Mamalahoa Highway and Haukapila Street intersection. The present traffic generated by the existing facilities would, in a sense, shift to the Mamalahoa Highway intersection. However, the Kona Pacific School currently has a very comprehensive carpooling program in place; and the applicant proposes to continue this carpooling program for the proposed school site in order to reduce vehicular impact. The long-range plan for the school includes the addition of a small school bus, which will minimize future impacts due to gradually increasing enrollment. It should be pointed out that there were no improvements required or made to the Mamalahoa Highway intersection at the time that the new Kona Community Hospital was constructed in 1997 nor when the old hospital was converted to the Keakealani State Courthouse. Also, as previously mentioned, the hospital administration has expressed support of the proposed development and has also indicated that the proposed development would not interfere with hospital services to the community. Based on the above considerations, it appears that the proposed school facilities will have minimal impact to the Mamalahoa Highway intersection and therefore, improvements to said intersection would not be warranted at this time. Nevertheless, a condition of approval will be included to require the applicant to submit a carpooling policy and plan to address traffic concerns of the proposed school use.

The applicant plans to implement a treatment works system made up of septic tanks and leaching fields. Approximately four septic tanks would be installed at various locations within the project site, over the 10-year building construction schedule, to serve the proposed buildings and facilities. This proposed wastewater treatment system would be constructed to meet the requirements and approval of the State Department of Health.

Water supply for the subject property is provided by the County's South Kona water system. The County has an 8-inch waterline along Mamalahoa Highway that changes to a 6-inch line within Haukapila Street. The subject property is served by three 1-inch laterals with meters. According to the applicant, the proposed project is estimated to generate a maximum daily demand of about 1,325 gallons for Phase I, with a maximum enrollment of 125 students. The estimated water use for Phase II, with a maximum enrollment of 200 students, is 2,300 gallons per day (gpd). To service the proposed project, the applicant proposes to create a private on-site fire flow and potable water system consisting of a small private tank and submersible pump which would pump into two much larger tanks, one for potable water and the other for fire protection.

The applicant also represents that the farm agricultural activities will be concentrated during the rainy season, and low-flush toilets will be used throughout the project in order to conserve water resources. The project site is designated Zone X, an area 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. The Police Substation and Fire Station are located in Captain Cook, about two miles south of the project site.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The purpose of the special permit request is to allow the development of a Waldorf school and related facilities on 10.7 acres of land. The State Land Use Commission was created in 1961; the interim regulations and temporary district boundaries became effective in 1962; and subsequently the Regulations and Land Use District Boundaries became effective in August 1964. Kona Pacific Institute was established in Hawaii in 1996. It acts as an umbrella organization for the various groups that comprise an educational community based on the ideals of Austrian philosopher-scientist Rudolf Steiner, the founder of biodynamic farming and Waldorf education. Kona Pacific Institute is modeled after other Waldorf education around the world that provides a framework of intensive farming and gardening integrated with the academic curriculum. Such use is consistent with the social and physical character of the residential-agricultural area and contributes to the economic structure of the County. It should be pointed out that the development of the proposed school project would create short-term construction related jobs and new full-time and part-time employment opportunities for school faculty and administration, maintenance and repair personnel, community center administration, and farm personnel.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The proposed school site was formerly in residence and coffee farm uses. There are no significant archaeological features in the southwest region of the property where the clustering of the school buildings and related facilities is proposed to be constructed, other than some remains of kuaiwi that have been extensively remodeled over the years. The proposed Waldorf School and related facilities use would be a compatible land use within the Agricultural District due to the proposed integration of the school's curriculum and planned agricultural activities. As previously noted, the biodynamic farm is already in operation within the 22.85-acre portion of the property, with initial plantings in ground and preparations for farm expansion are being made. The basic structure of the Kona Field System has survived almost intact on the southeast portion of the property, but no construction work of any kind will take place in this area. The applicant has indicated that it will work together with Protect Keopuka 'Ohana to create a stewardship program. Through this program, the school children and faculty, adult students, farmers and the Hawaiian community will work together on an interactive project to restore the lo'i and kuaiwi and bring them back into use growing traditional Hawaiian crops. All agricultural uses and activities are permissible uses within the State

Land Use Agricultural District. It should be pointed out that the Department of Agriculture has submitted its written support of the intent of the proposal to integrate the proposed school's curriculum and the agricultural activities.

The proposed use will not substantially alter or change the essential character of the land and the present use. The property was previously used for sweet potatoes, taro, and coffee cultivation, but has been overgrown with vegetation until recently. With the development of the school, the character of a portion of the land would be changed and developed. However, the proposed use would not be inconsistent with the character of the area as lands immediately to the west, northwest and southwest are also in urban use. The limited nature of the request and the land area it will occupy will not adversely affect permitted uses located within adjoining agricultural areas. Further, the 10.7 acres of land is not significant in the overall context of agricultural resources. The development of a Waldorf school with its integration with agricultural activities in this area would meet an immediate need and have wide community benefits. The construction of the proposed school would allow for additional educational opportunities for the West Hawaii district. In this regard, the proposed school would provide a greater and more convenient access to the students in the area and district, thereby providing the needed area to continue and expand educational programs and facilities that in turn enhance the State's education objectives.

The request will not be contrary to the General Plan. The subject parcel falls within an area designated as Orchards on the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The zoning for the property is Agricultural-5 acres (A-5a) with a State Land Use designation of Agricultural. Special Permits may be applied for to allow uses other than agricultural on the subject property. 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.

Public Facilities

- 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.

- * The county shall coordinate with appropriate State agencies for the provision of public facilities to serve the needs of the community.

Public Facilities (Education)

- * 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.

Economic Element

- * The County shall support all levels of educational opportunities and institutions for its residents.
- * Economic development and improvement shall be in balance with the physical and social environments of the island of Hawaii.
- * The County of Hawaii shall strive for diversity and stability in its economic system.
- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.

The General Plan encourages the provision of public educational 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. Therefore, the proposed school is consistent with this policy and standards set forth in the General Plan. The public use of this parcel is not strictly agricultural in nature, yet is a reasonable use within the Agricultural district.

The proposed school use is not contrary to the objectives sought to be accomplished by Chapter 205A, Hawaii Revised Statutes, relating to coastal zone management program. There is no known designated public access to the mountain or shoreline areas over the property. The property is located more than 4 miles east from the nearest coastline. It is adjacent to existing residences, and agricultural lands. Therefore, the proposed school use has not and will not adversely impact any recreational resources, including access to and along the shoreline, scenic and open space nor visual

resources, coastal ecosystems, and marine and coastal resources. Further, the property is not affected by any coastal hazards nor beach erosion.

Based on the above considerations, the proposed school and related facilities 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, successors or assigns shall comply with all of the stated conditions of approval.
2. A written metes and bounds description and map of the 10.7 acres shall be submitted to the Planning Department prior to the issuance of Final Plan Approval for Phase I or any land alterations within the project site, whichever occurs first.
3. Construction of the proposed school and related improvements for Phases I and II shall be completed within 10 years from the effective date of the Special Permit. Prior to the start of construction for each phase, Final Plan Approval, in accordance with Chapter 25-2-70 (Zoning Code), shall be secured from the Planning Department. Plans shall identify existing and proposed structures, fire protection measures, detailed landscaping, paved driveway and paved parking stalls (asphalt or asphalt-concrete).
4. A Carpooling Policy and Plan, to include a method for determining the number of families that have carpooled in a given year, shall be submitted to the Planning Director for review and approval prior to the issuance of Final Plan Approval for Phase I.
5. A drainage study shall be prepared and a drainage system installed meeting with the approval of the Department of Public Works, prior to the issuance of a Certificate of Occupancy.
6. A Solid Waste Management Plan for the proposed school and related facilities development shall be submitted to the Department of Public Works for approval prior to the issuance of a Certificate of Occupancy. A copy of the approved Plan shall be submitted to the Planning Department for its files.
7. All applicable roadway improvements and driveway accesses shall meet with the

approval of the Department of Public Works and Fire Department.


8. Comply with Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code.
9. Comply with the requirements of the Department of Health, which shall include applicable air quality, noise level and health standards.
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 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.
11. Comply with all applicable laws, rules and regulations of the affected agencies for the proposed school and related facilities, including the Department of Water Supply.
12. Upon compliance with applicable conditions of approval, and prior to the opening of each phase, the applicant shall submit a written status report to the Planning Director.
13. An initial 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).

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.

Ms. Gretchen Kelly
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Should you have any questions, please contact Alice Kawaha or Susan Gagorik of the Planning Department Hilo Office at 961-8288.

Sincerely,

A handwritten signature in cursive script that reads "Geraldine M. Giffin".

Geraldine M. Giffin, Chairman
Planning Commission

KonaPacific

cc: Department of Public Works
Department of Water Supply
Department of Health
Fire Department
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
Department of Land & Natural Resources
Brian Minaai, Director/DOT-Highways, Honolulu
Mr. Jeffrey Darrow, Zoning Inspector