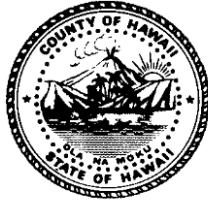


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## County of Hawai'i

### LEEWARD PLANNING COMMISSION

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

August 30, 2023

Matthew Kodama  
Bowers + Kubota Consulting  
2153 N. King Street, Suite 200  
Honolulu, HI 96819  
VIA EMAIL

Dear Mr. Kodama:

**SUBJECT: Special Permit (PL-SPP-2023-000037)**  
**Applicant: Kamehameha Schools**  
**Permitted Use: Allows the Development and Operation of the**  
**"Hi'ialo/Captain Cook Learning Center" Including a**  
**Preschool, Community Education Programs and Related**  
**Improvements**  
**Tax Map Keys: (3) 8-4-004:014, 038 and 040 (por.); South Kona, Hawai'i**

The Leeward Planning Commission, at its duly held public hearing on August 17, 2023, voted to approve the above-referenced request to allow the development and operation of the "Hi'ialo/Captain Cook Learning Center" including a preschool, community education programs and related improvements. The project site is located at 84-5230, 84-5234, and 84-5326 Hawai'i Belt Road, portion of Hōnaunau, South Kona, Hawai'i.

Approval of this permit is subject to the following conditions:

1. The applicant, their successor(s), or assign(s) ("Applicant") shall be responsible for complying with all stated conditions of approval.
2. The development and operation of the proposed use shall be conducted in a manner that is substantially representative of plans and details contained within the Special Permit Application, any subsequent material received by the Planning

Department, and any representations made to the Leeward Planning Commission. Any substantial expansion or uses beyond what is represented shall require an amendment to this permit.

3. As represented by the Applicant, pre-school enrollment shall be limited to 100 students, the alternative education program shall be limited to 43 participants at any one time.
4. Prior to submitting plans for a building permit, the Applicant shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structure(s), fire protection measures, paved driveway access and parking stalls, outdoor lighting (if any), and other improvements associated with the proposed development.
5. The Applicant shall limit water usage to Department of Water Supply allocations and shall present a water conservation plan within 90 days of the granting of the Special Permit to the Planning Director. Prior to issuance of a Certificate of Occupancy, the Applicant shall construct necessary water system improvements as may be required by the Department of Water Supply.
6. Prior to issuance of a Certificate of Occupancy, the Applicant shall implement any improvements required by the Fire Department and/or Department of Water Supply to ensure that fire protection requirements can be met for the proposed use.
7. Prior to issuance of a Certificate of Occupancy, an individual wastewater system(s) shall be installed, and permitted for the proposed use, meeting with the standards and requirements of the State Department of Health.
8. Access to the project site from Māmalahoa Highway, including proposed access modifications and mitigation measures described in the Special Permit Application, shall meet with the approval of the State Department of Transportation.
9. The Applicant shall explore with the State Department of Transportation additional remedial measures given the likelihood of increased traffic and multi-modal means of transportation at school drop-off.

10. The Applicant shall secure and finalize all required building permits from the Department of Public Works Building Division, including a demolition permit and change of use building permit.
11. All development-generated runoff shall be disposed of onsite and shall not be directed toward any adjacent properties.
12. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.
13. Prior to the issuance of Final Plan Approval, the Applicant shall secure final approval under HRS Chapter 6E-42 from the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD).
14. In the 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, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the DLNR-SHPD 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.
15. Comply with all applicable County, State and Federal laws, rules and regulations and requirements.
16. Should any of these conditions not be met or substantially complied with in a timely manner, the Director may initiate procedures to revoke this Special 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.

Approval of this request is based on the reasons given in the enclosed Findings Report.

Matthew Kodama  
Bowers + Kubota Consulting  
August 30, 2023  
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Should you have any questions regarding the above, please contact Chrisitan Kay of the Planning Department at (808) 961-8136 or by email at [christian.kay@hawaiicounty.gov](mailto:christian.kay@hawaiicounty.gov)

Sincerely,

*Barbara DeFranco*  
Barbara DeFranco (Aug 30, 2023 13:56 HST)

Barbara DeFranco, Chairperson  
Leeward Planning Commission

\\P\wp60\ PC\PCC2023-3\LKamehamehaSchoolsPL-SPP-2023-0371pc

Enclosure: Planning Commission Findings Report

cc w/enclosure via email: Laura Takahashi, Kamehameha Schools  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Land Use Commission  
State Department of Health  
State Department of Transportation  
GIS Section

**COUNTY OF HAWAI‘I**  
**PLANNING COMMISSION FINDINGS**

**KAMEHAMEHA SCHOOLS**  
**SPECIAL PERMIT APPLICATION NO. PL-SPP-2023-000037**

At their August 17, 2023 hearing, the Leeward Planning Commission voted to approve the subject Special Permit with the following changes: 1) An amendment to Condition No. 5 requiring the applicant to submit a water conservation plan to the Planning Director within 90 days of the approval of the permit; and 2) A new condition requiring the applicant to consult with the State Department of Transportation on additional traffic safety measures that may be required to mitigate the impacts of increased traffic from the new use. Please note, this new condition was added as Condition No. 9 and the remaining conditions were re-numbered.

Based on the preceding and the following findings, a Special Permit to allow the development and operation of the “Hi‘ialo/Captain Cook Learning Center” including a preschool, community education programs, and related improvements on a 1.25-acre portion of a larger 5.98-acre area of land across 3 parcels situated in the State Land Use Agricultural District is hereby **approved by the Leeward Planning Commission**. The subject properties are located at 84-5230, 84-5234, and 84-5236 Hawai‘i Belt Road, portion of Hōnaunau, South Kona, Hawai‘i, TMKs: (3) 8-4-004:014, :038, and portion of :040.

The applicant is requesting a Special Permit to allow the development and operation of the “Hi‘ialo/Captain Cook Learning Center” including a preschool, community education programs, and related improvements. The proposed project will permit area will be renovated into a learning center for preschool students and the community. The Hi‘ialo/Captain Cook Learning Center will provide two Kamehameha Schools (KS), Na Kula Kamali‘i (NKK) preschool classrooms and two community preschool classrooms for up to 100 students. The applicant also proposes administration offices, a community program space classroom (for up to 43 participants), and storage spaces. The proposed project will provide a new parking lot on parcel 14 and an exterior playground.

Additionally, the applicant proposes to demolish existing dwellings on parcel 038 and 014 and repurpose two (2) church buildings on parcel 038 for preschool and community educational classrooms, administrative office space, and storage. Additional improvements will include internal access, circulation, and safety controls, the re-design and relocation of parking lot facilities, and water, wastewater, and drainage improvements.

The proposed hours of operation for the preschool will be approximately between 8:30am to 2:30pm Monday through Friday with the possibility of an afterschool flexible program.

The alternate education programs will be available between 9:30am to 2:30pm and from 3:00pm to 8:00pm, Monday through Friday. Each program event is anticipated to have durations of up to three (3) hours. The estimated frequency of the alternate education programs is four (4) to six (6) times per week, however, these programs will not run concurrently at any time. Program events will not conflict with the preschool traffic during drop-off and pick-up times.

According to the application, there are currently only three locations with a total of 80 seats available for preschool and early learning opportunities for the keiki in the Hōnaunau community. This leaves 68 percent of the children in the area without the chance

of having an early learning opportunity before kindergarten. Data collected by the applicant between 2019 and 2022 indicates that less than one-half of all early learning applicants were able to be accepted. The shortage of available seats for early learning applicants creates an area of opportunity for keiki who would have otherwise been excluded.

The grounds for approving a Special Permit are based on Rule 6-7 in the Planning Commission Rules. It states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

**The proposed use is an unusual and reasonable use of land situated within the State Land Use Agricultural District and would promote the effectiveness and objectives of the State Land Use Law and Regulations and Chapter 205, HRS, 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 Hawai'i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use.

The proposed placement of an elementary school campus on an approximately 2.331-acre parcel is unusual in that it is not an agricultural use of that property. The use is reasonable in the Agricultural District because, having been previously cleared and developed for church and residential uses, the permit area does not have a high potential for agriculture and could better serve the community through its use as an educational center. It is therefore determined that the proposed use is an unusual and reasonable use within the Agricultural District and will not be contrary to the objectives of 205A, HRS, as amended.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

**(A) Such use would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.** 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 and the State of Hawai'i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural uses.

Lands within the permit area has been previously cleared and used for church and residential purposes for several decades. Except for a small strip of vacant land on parcel 040, the proposed uses will take place within existing buildings or within the footprint of buildings to be demolished.

Furthermore, lands within the permit area are not considered to have high agricultural potential from a resource perspective due to the soil type and its low productivity rating, which is typically used for grazing pasture lands and not intensive agriculture. The property is not considered important agricultural land as the property's soils are designated "E" or "Very Poor" for agricultural productivity by the Land Study

Bureau Soil Classification System and are considered “other important agricultural land” by the Department of Agriculture’s ALISH Map.

As evaluated above, the applicants’ request is considered an unusual and reasonable use of agricultural land that will not adversely affect the preservation of lands with high agricultural potential in the County of Hawai‘i. Thus, the establishment of the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

Regarding comments from the State Land Use Commission, in a letter dated April 28, 2023, the Planning Department supports a Special Permit in this case because it is limited to the education center use, which has been identified as a significant need in this area. Additionally, due to inconsistencies with the General Plan LUPAG map and the fact that the area is not situated within a Rural Town TOD area as designated by the Kona CDP, it is unlikely that the Planning Director would offer a favorable recommendation for a State Land Use Boundary Amendment and subsequent rezoning to an urban type zoning, which would allow the applicant to use the property for any use permitted in those districts. For this reason, the Planning Department supports a Special Permit rather than a State Land Use Boundary Amendment and rezoning to support the proposed use.

**(B) The desired use would not adversely affect surrounding properties.** The applicant owns all the adjacent properties and most of the surrounding lands. Adjacent properties to the north and south of the permit area are similarly zoned A-5a and consist of residential dwellings. A portion of Parcel 040, mauka of the project area, contains some agricultural crops and a residence. Across Māmalahoa Highway there are three buildings with retail and restaurant establishments (approved under Special Permit) and residential homes.

As discussed below, the proposed use will not have a negative impact on traffic in the area and except for some evening time community education uses (which will largely occur indoors), most of the activities at the site will occur during the daytime hours and will be managed by KS.

Based on the preceding, the proposed use will not have a negative impact on the surrounding community.

**(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection.** Access to the permit area is from Māmalahoa Highway, a two-lane arterial State roadway with approximately 30-foot-wide pavement within a 70-foot-wide right-of-way. There are two driveways that connect the permit area to the highway, with the southernmost driveway solely dedicated to inbound traffic. Middle Ke‘ei Road, a private two-lane road, is the nearest road that intersects the Highway, approximately 0.1 miles north of the permit area.

A traffic analysis (mobility analysis report) was performed and found that the additional traffic generated by the project will not create an unacceptable level of service at the intersection of Māmalahoa Highway and Middle Ke‘ei Road during morning and afternoon peak hours.

The applicant also proposed the following traffic modifications to be made on-site outside of the highway right-of-way to improve circulation and safety:

- Widen current driveway to a minimum of 20 feet to accommodate two-way traffic;

- Install two stop signs, one at a location near the Highway and one between the two-lane driveway and the parking in front of the existing building;
- Remove parking stalls along the parcel 038 highway frontage and add 12 overflow parking stalls along the south side of the permit area (on parcel 014);
- Stagger drop-off and pick-up times to keep traffic circulating; and
- Allow for the future planned widening of Māmalahoa Highway to accommodate bicycle paths and improved pedestrian facilities.

The State Department of Transportation (DOT) found the traffic analysis and proposed traffic/circulation modifications acceptable and directed the applicant implement them as part of the project. A condition of approval will require the applicant to implement the access improvements/strategies meeting with the requirements of DOT.

County water is available to the permit area via an existing, 8-inch water main within Māmalahoa Highway with each of the subject properties serviced by an existing, 5/8" water meter, each of which allows an average daily usage of 400 gallons of water per day (gpd) and a maximum of 600 gpd. According to DWS, no additional water is available for the project beyond the existing allotment.

The applicant's engineers provided the Department of Water Supply (DWS) with estimated maximum daily water use calculations for the proposed uses which estimated the proposed educational uses to require an average of 590 gpd and a maximum of 885 gpd. The preceding estimates will fall within the 800 gpd average and 1,200 gpd maximum water allotment available to the parcels. Additionally, to accommodate the project, the applicant proposes to replace two existing 5/8-inch water meters with a 1½-inch domestic water meter, install a 2-inch diameter water lateral, and a 2-inch reduced pressure backflow preventer meeting with the requirements of DWS. A condition of approval will limit the applicant to its existing water allotment and require installation of water system improvements meeting with the requirements of DWS.

The applicant's engineers proposed fire protection improvements for the project including the installation of two (2) fire hydrants fronting the permit area approximately 90 feet apart to meet the fire flow requirements and the installation of an adequate Fire Department Access Road (FDAR) on site. According to the Fire Department, these improvements meet Fire Code requirements and a condition of approval will require their installation prior to receipt of a certificate of occupancy.

There is no county sewer system in the area. Parcel 038 is currently improved with a permitted Individual Wastewater System (IWS) consisting of a 1,200-gallon precast concrete septic tank and 7-foot diameter seepage pit. The applicant proposes to construct an additional IWS including a 2,000 to 2,500-gallon septic tank to accommodate increased wastewater demand. Parcel 014 is improved with an existing cesspool that will be closed and backfilled in conjunction with the removal of the existing residence. A condition of approval will require any additional wastewater disposal to meet the standards of the State Department of Health.

With regards to drainage, conditions of approval will require the applicant to submit a drainage study as part of the Plan Approval requirement for Department of Public Works (DPW) review and approval. Additionally, conditions have been included requiring that all development generated runoff be disposed of on-site and not be directed towards any adjacent properties and that the applicant comply with Erosion and Sedimentation Control



Code.

Finally, as the applicant is proposing to demolish two existing dwellings and re-purpose a former church structure to an education center facility, a condition requiring the applicant to secure all necessary building permits has been included in this approval recommendation.

**(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established.** In the 1960's and 1970's, the State's agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in August of 1964. The property and surrounding areas are designated for agricultural uses by both State and County land use laws. Through the issuance of a Special Permit, a community may establish various non-agricultural services that may not be available or allowed by zoning. Since district boundaries were established in the 1960's, the population of the South Kona District has grown and the establishment of community services, such as preschools and community education services, has not been able to keep pace with this growth. The State Land Use Commission has not designated new urban lands where these community services can be established, therefore, a Special Permit is the only way to provide these much-needed services to the South Kona community.

**(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.** The proposed use is situated on lands whose soils are classified as "E" or "Very Poor" for agricultural productivity by the Land Study Bureau's Overall Master Productivity Rating. The Department of Agriculture's ALISH map classifies the permit area as "other important agricultural lands." While there is some small-scale agriculture occurring in the immediate vicinity, the continued non-agricultural use of 1.25 acres of land will not remove lands of high agricultural potential from agricultural uses.

**(F) The use will not substantially alter or change the essential character of the land and the present use.** The surrounding area is characterized by a mix of farms, single-family residences, and commercial uses across the highway consistent with a rural community. The adaptive re-use of the former church facility for a preschool/community learning center use will not substantially alter or change the essential, rural community character of the area.

**(G) The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans.** The County of Hawai'i's General Plan is the policy document for the long-range, comprehensive development of the island of Hawai'i. One of the purposes of the General Plan is to guide the pattern of future development in this County based on long-term goals. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property and proposed Special Permit area as Important Agricultural Lands, which are designated as lands with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors.

Despite this designation, as discussed above, the previously developed nature of the permit area and less than optimal soil characteristics make the use of the 1.25-acre permit area acceptable for consideration in this case.

Additionally, the approval of the subject request would support the goals and policies of the Public Facilities, Land Use and Economic elements of General Plan.

Public Facilities

- *Improve basic school facilities to meet current standards.*
- *Encourage the provision of public facilities that effectively service community and visitor needs and seek ways of improving public services through better and more functional facilities in keeping with the environmental and aesthetic concerns of the community.*

Economic

- *Support all levels of educational, employment and training opportunities and institutions.*
- *Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural, and social environment.*

Land Use

- *Designate and allocate land areas 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.*

While the Kona Community Development Plan (KCDP) is generally silent on the use of Special Permits, the proposed use is also consistent with KCDP goals and policies related to public facilities and services. Specifically, the proposed use complies with Policy PUB-6.6 Important Role of Schools in Creating a Sense of Community, which states, in part that, *“The quality of its schools defines the quality of the Kona community. Quality schools show the caring of the community for its children. Quality schools are an investment in the quality of the future, which create outstanding citizens who acquire market-competitive survival skills.”* Furthermore, this policy directs the following actions related to schools in the KCDP area:

- *Encourage schools to be utilized as community hubs for family-centered recreation and learning.*
- *Where DOE plans do not provide for development of planned school sites, charter or private school alternatives should be sought.*
- *To provide life- long learning opportunities and to draw the community into the schools, the schools and the community are encouraged to develop community-based, after-school programs open to all ages.*

Based on the preceding, the proposed use will not be contrary to the General Plan nor the Kona CDP.

**The proposed use is not contrary to the objectives sought to be accomplished by Chapter 205A, Hawai'i Revised Statutes, relating to coastal zone management program.** The Special Management Area (SMA) is part of the Coastal Zone Management Program regulated by the County. The subject property is not proximate to the shoreline and will not be impacted by coastal hazards or affect beach erosion, coastal ecosystems, and marine resources. Additionally, the project site is not located in the SMA, and there is no record of a designated public access to the shoreline or mountain areas that traverses the property.

**The request will not have a significant adverse impact to traditional and customary Hawaiian Rights.** In view of the Hawai'i State Supreme Court's "*PASH*" and "*Ka Pa'akai O Ka'Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site.

Investigation of valued resources: The applicant submitted an Archaeological Field Inspection (AFI) from ASM Affiliates, which covered the entirety of the permit area. Additionally, the applicant submitted a Botanical Survey and Vertebrate Fauna Assessment from Geometrician Associates, LLC, which also covered the entire permit area.

The valued cultural, historical, and natural resources found in the special permit area: According to the AFI, the permit area is located at the southern end of the of a vast cultural landscape that has been termed archaeologically as "the Kona Field System", a 140- square mile landscape of dry-land agricultural fields developed by native Hawaiians who lived in the Kona district. The permit area is within the 'āpa'a zone, approximately 1,099 feet to 1,131 feet above sea level, conducive for growing taro, sweet potato, sugar cane, and ti. However, previous ground disturbance and development in the permit area has removed any trace of this agricultural system.

The AFI found one (1) potential historic artifact on-site consisting of a 50-meter portion of a rock wall that was constructed in the early to mid-20th century. According to the applicant, the rock wall remnant will remain intact within the permit area and will not be affected by the proposed project. Consequently, the AFI found that since most of the Area has been previously disturbed and developed, there are "no historic properties affected."

The Flora/Fauna survey determined that while there were some native species of flora found within the permit area, none were considered threatened or endangered. Furthermore, no threatened or endangered faunal species were observed on-site. Thus, the survey concluded that due to the developed nature of the site and its proximity to Māmalahoa Highway, the presence of threatened or endangered species is unlikely.

Possible adverse effect or impairment of valued resources: Based on the preceding studies, it is unlikely that the proposed project will have an adverse effect on valued resources. However, SHPD has requested that the applicant submit an Archaeological Inventory Survey (AIS) in support of the project.

Furthermore, there were no threatened or endangered species found within the permit area, so there will be no adverse effect on those resources.

Finally, given the developed nature of the permit area, it is unlikely that traditional and customary native Hawaiian rights are exercised thereon.

Feasible actions to protect native Hawaiian rights: A condition of approval will require the applicant to secure SHPD approval prior to issuance of Final Plan Approval for the proposed project.

Because there is no evidence that traditional and customary native Hawaiian rights are occurring within the permit area, the proposed action will not affect traditional Hawaiian rights; therefore, no action is necessary to protect these rights.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or affected agencies.