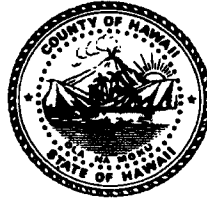


William P. Kenoi  
Mayor



Keith F. Unger, Chair  
Collin Kaholo, Vice Chair  
Nancy Carr Smith  
Scott Church  
Barbara Nobriga  
Oliver "Sonny" Shimaoka

## 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

OCT - 4 2016

Mr. Fritz Harris-Glade, AIA  
FHG Architects AIA  
P.O. Box 4476  
Kailua-Kona, HI 96745

Dear Mr. Harris-Glade:

**SUBJECT: Use Permit No. 99 (Docket No. USE 92-000001)**  
**Applicant: Waikoloa Baptist Church**  
**Request: Amendment to Condition Nos. 4 (Secure Final Plan Approval),**  
**5 (Complete Construction), and 7 (Road Improvements)**  
**Tax Map Key: 6-8-002:031 & 056**

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The Leeward Planning Commission, at its duly held public hearing on September 15, 2016, voted to approve the above-referenced request for an amendment to Condition No. 4 (secure Final Plan Approval), Condition No. 5 (complete construction), and Condition No. 7 (road improvements) of Use Permit No. 99, which allowed the establishment of a church, day care facilities, mission residences, recreational area and related improvements of 12.381 acres of land situated within the Single-Family Residential-10,000 square foot (RS-10) zoning district. The project site is situated within Waikoloa Village at the northwest corner of the Paniolo Drive and Pu'u-Nui Street intersection, Waikoloa, South Kohala, Hawai'i.

Approval of these amendments is subject to the following conditions:

1. The petitioner, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Final Plan Approval for Phase I and related improvements shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review in accordance with Chapter 25-2-72 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Detailed landscaping, parking, and interior traffic circulation patterns shall be included on plans submitted.

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

OCT 04 2016

3. Construction of Phase I shall commence (building permit) within one year from the date of receipt for Final Plan Approval and shall be completed within two years thereafter (certificate of occupancy).
4. Final Plan Approval for the remainder of the development and related improvements shall be secured from the Planning Department within two (2) years from the effective date of this amendment. To assure adequate time for plan approval review and in accordance with Chapter 25-2-72 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Detailed landscaping, parking, and interior traffic circulation patterns shall be included on plans submitted.
5. Construction of the remainder of the development shall be completed (certificate of occupancy) within five years from the effective date of this amendment.
6. The applicant shall prepare and submit a drainage study of the subject property for the review and approval by the Department of Public Works. The applicant shall provide all drainage improvements as may be required by the Department of Public Works prior to the issuance of a certificate of occupancy of the proposed development.
7. Access to the project site, including adequate sight distance, shall meet with the approval of the Department of Public Works prior to the issuance of a certificate of occupancy for any structure in Phase I. The applicant shall also restripe that portion of Paniolo Drive in the vicinity of the subject property to include a left turn lane at a time to be determined by and in the manner meeting with the approval of the Department of Public Works.
8. Curb, gutter and sidewalk improvements shall be installed in two phases. The first phase of curb, gutter and sidewalk installation shall include the property frontage beginning at the northern boundary of the property to and including any access points and be completed prior to the issuance of a certificate of occupancy for Phase I of the development. The second phase of curb, gutter and sidewalk installation shall include the remainder of the property frontage and be completed prior to December 31, 1999.

9. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
10. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
11. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
12. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
  - a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
  - b) Granting of the time extension would not be contrary to the General Plan or Zoning Code.
  - c) Granting of the time extension would not be contrary to the original reasons for 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).
  - e) If the applicant should require an additional extension of time, the applicant shall submit its request to the Planning Commission for appropriate action.

Mr. Fritz Harris-Glade, AIA  
FHG Architects AIA  
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Further, 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.

*[Note: Ramseyer version available upon request.]*

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 Jeff Darrow of the Planning Department at (808) 961-8158.

Sincerely,



Keith F. Unger, Chairman  
Leeward Planning Commission

LWaikoloabaptistchurchamendUSE99lpc  
Enclosure: PC Findings Report

cc: Waikoloa Baptist Church  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division - Hilo  
Planning Department - Kona  
GIS Section

**COUNTY OF HAWAII**  
**PLANNING COMMISSION FINDINGS**

Based on the below considerations, approval of the amendment requests to Use Permit No. 99 are approved.

**WAIKOLOA BAPTIST CHURCH** has submitted an application to amend Condition No. 4 (secure Final Plan Approval), Condition No. 5 (time to construct remainder of development) and Condition No. 7 (road improvements) of Use Permit No. 99, which originally allowed the establishment of a church, day care facilities, mission residences, recreational area and related improvements on 12.381 acres of land situated within the County's Single Family Residential-10,000 square foot (RS-10) zoned district. The property is located within Waikoloa Village, at the northwest (makai) corner of Paniolo Drive and Pu'u-Nui Street intersection at Waikoloa, South Kohala, Hawaii'i, TMK: 6-8-002:031 & 056.

Use Permit No. 99 was originally approved by the Planning Commission on March 24, 1992, which allowed the establishment of a church, day care facilities, mission residences, recreational area and related improvements on 12.381 acres of land situated within the County's Single Family Residential-10,000 square foot (RS-10) zoned district. On July 21, 2006, the Planning Commission approved amendment requests for Condition No. 4 (time to secure Final Plan Approval) and Condition No. 5 (time to complete construction) of Use Permit No. 99, which allowed changes to the site plan, dropped the phasing of the project and allowed ten years to complete construction of the facility. The permit was subject in part to Condition No. 4, Condition No. 5 and Condition No. 7, which states:

4. Final Plan Approval for the remainder of the development and related improvements shall be secured from the Planning Department within two years from the effective date of this amendment. To assure adequate time for plan approval review and in accordance with Chapter 25-2-72 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Detailed landscaping, parking, and interior traffic circulation patterns shall be included on plans submitted.
5. Construction of the remainder of the development shall commence (building permit) within one year from the date of receipt of Final Plan Approval for the remainder of the development and shall be completed within ten years thereafter (certificate of occupancy).
7. Access to the project site, including adequate sight distance, shall meet with the approval of the Department of Public Works prior to the issuance of a certificate of occupancy for any structure in Phase I. The applicant shall also restripe that portion of Paniolo Drive in the vicinity of the subject property to include a left turn lane at a time to be determined by and in the manner meeting with the approval of the Department of Public Works.

In reviewing the requested amendments by the applicant, the Planning Director is recommending that Condition No. 4 and Condition No. 7 remain the same as the wording will apply even in this amendment request without any changes to the wording of the conditions. Condition No. 4 will allow the applicant two years from the "effective date of this amendment" to secure Final Plan Approval. Condition No. 7 does not have a time trigger but the condition remains in effect if the Department of Public Works asks the

applicant to restripe the portion of Paniolo Drive in the vicinity of the subject property to include a left turn lane at a time to be determined by and in the manner meeting with the approval of the Department of Public Works.

The Planning Director is recommending approval of the request for a 5-year time extension to complete construction as required by Condition No. 5 with a change to the wording to be more consistent with the language used in current approvals of similar requests. Additionally, the Planning Director is recommending that the option for the applicant to request an additional administrative time extension be allowed under Condition No. 12. This will allow additional time to complete construction without having to come back before the Planning Commission for approval if there are additional unforeseen pressures. This will give the applicant a total of ten (10) to complete the project.

The following brief chronology of the project demonstrates the continuing and diligent efforts of the applicant to complete the project.

- On March 24, 1992, the Planning Commission approved Use Permit No. 99 to allow the establishment of a church, day care facilities, mission residences, recreational area and related improvements on 12.381 acres of land.
- On March 1, 1993, Hawaii Baptist Convention requested a 12-month extension of time to comply with Condition No. 2, wherein to secure Final Plan Approval for Phase I.
- On April 8, 1993 the Planning Director granted an administrative approval for an extension of time to comply with Condition No. 2 until March 24, 1994.
- On January 28, 1994, Hawaii Baptist Convention requested a second 12-month extension of time to secure Final Plan Approval for Phase I. The reason for the request was due to the death of the pastor. The Planning Director granted a second administrative approval for an extension of time to comply with Condition No. 2 until March 24, 1995.
- On July 7, 1994, Final Plan Approval for the new church and day care center building was issued by the Planning Director.
- Building Permit No. 945735 was issued for a day care, church, office, kitchen, hall, covered center lanai, 4 bedrooms, 1 and 1/2 bath and chapel on September 15, 1994 and was completed on August 22, 1996.
- On August 1, 1996, the Planning Commission approved an amendment to Condition No. 8 (Curb, Gutter and Sidewalk Improvements) to allow the improvements to be completed in two phases prior to December 31, 1999. The entire length of the property fronting Paniolo Avenue was completed with curb, gutter and sidewalk as of 1998.
- On July 21, 2006, the Planning Commission approved amendment requests for Condition No. 4 (time to secure Final Plan Approval) and Condition No. 5 (time to complete construction) of Use Permit No. 99, which allowed changes to the site plan, dropped the phasing of the project and allowed ten years to complete construction of the facility.

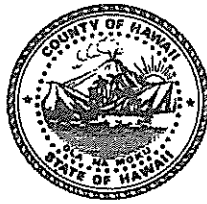
**Approval of this amendment request would not be contrary to the General Plan or the Zoning Code.** The amendment to Condition Nos. 4, 5 & 7 would not be contrary to the original reasons for granting the Use Permit. The request would be consistent with the Land Use Element of the General Plan which states "Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to "Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." The granting of this request at this particular location will provide a convenient service to the growing residential community while maintaining the residential community and the residential character of the area.

The property is zoned Urban and Single-Family Residential (RS-10), which allows a church as a permitted use if approval is received by the Planning Commission. Approval of Use Permit No. 99 was originally granted by the Planning Commission on March 24, 1992.

Lastly, since the original approval and the amendment approval, the South Kohala Community Development Plan was adopted by Ordinance No. 08 159 on December 1, 2008. The church and requested amendment is consistent and not contrary with the policies and objectives of the plan.

**The inability of the applicant to comply with the requirements of Condition No. 4, 5 and 7 of Use Permit No. 99 is the result of conditions which could not have been foreseen or are beyond the control of the applicant.** Delays in constructing the project were due to the severe economic conditions that could not have been foreseen and was beyond the control of the applicant. The Waikoloa Baptist Church Association has received a substantial donation from one of its members that will allow them to proceed with the remainder of the development.

The applicant is requesting time extensions for Condition Nos. 4, 5 & 7 to complete construction of the remainder of the development. The approval of the amendment requests will allow the applicant to complete the remainder of the development as originally envisioned by the applicant and approved by the Planning Commission.



## County of Hawai'i

### PLANNING COMMISSION

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

August 1, 2006

Mr. Paul Bleck  
P.O. Box 4771  
Kailua-Kona, HI 96745

Dear Mr. Bleck:

Use Permit No. 99

Applicant: Waikoloa Baptist Church

Request: Time Extension to Condition No. 4 (Final Plan Approval)  
and No. 5 (Construction)

Tax Map Key: 6-8-2:portions 26 and 31

The Planning Commission at its duly held public hearing on July 21, 2006, voted to approve the above-referenced request for an amendment to Condition No. 4 (time to secure Final Plan Approval) and Condition No. 5 (time to complete construction) of Use Permit No. 99, which allowed the establishment of a church, day care facilities, mission residences, recreational area and related improvements on 12.381 acres of land situated within the County's Single Family Residential - 10,000 square foot (RS-10) zoned district. The property is located within Waikoloa Village at the northwest corner of the Paniolo Drive and Puu-Nui Street intersection, Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

Use Permit No. 99 was approved by the Planning Commission on March 24, 1992, which allowed the establishment of a church, day care facilities, mission residences, recreational area and related improvements on 12.381 acres of land situated within the County's Single Family Residential-10,000 square foot (RS-10) zoned district. The permit was subject in part, to the following Condition No. 4 and Condition No. 5:

- "4. Final Plan Approval for Phase II and related improvements shall be secured from the Planning Department within two years from the date of completion of Phase I. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days

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prior to the date by which plan approval must be secured. Detailed landscaping, parking, and interior traffic circulation patterns shall be included on plans submitted."

- "5. Construction of Phase II shall commence (building permit) within one year from the date of receipt of Final Plan Approval for Phase II and shall be completed within one year thereafter (certificate of occupancy)."

On March 1, 1993, Hawaii Baptist Convention requested a 12-month extension of time to comply with Condition No. 2, wherein to secure Final Plan Approval for Phase I. On April 8, 1993 the Planning Director granted an administrative approval for an extension of time to comply with Condition No. 2 until March 24, 1994.

On January 28, 1994, Hawaii Baptist Convention requested a second 12-month extension of time to secure Final Plan Approval for Phase I. The reason for the request was due to the death of the pastor. The Planning Director granted a second administrative approval for an extension of time to comply with Condition No. 2 until March 24, 1995.

On July 7, 1994, Final Plan Approval for the new church and day care center building was issued by the Planning Director.

Building Permit No. 945735 was issued for a day care, church, office, kitchen, hall, covered center lanai, 4 bedrooms, 1 and 1/2 bath and chapel on September 15, 1994 and was completed on August 22, 1996.

On August 1, 1996, the Planning Commission approved an amendment to Condition No. 8 (Curb, Gutter and Sidewalk Improvements) to allow the improvements to be completed in two phases prior to December 31, 1999. According to the applicant, the entire length of the property fronting Paniolo Avenue was completed with curb, gutter and sidewalk as of 1998.

Approval of this request would not be contrary to the General Plan or the Zoning Code. The amendment to Condition No. 4 and Condition No. 5 would not be contrary to the original reasons for granting the Use Permit. The request would be consistent with the Land Use Element of the General Plan which states "Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to "Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." It is felt that the granting of this request at this particular location will provide a convenient service to the growing residential community while maintaining the residential community and the residential character of the area.

The inability of the applicant to comply with the requirements of Condition No. 4 and Condition No. 5 of Use Permit No. 99 is the result of conditions which could not have been foreseen or are beyond the control of the applicant. Delays in constructing the project were due to a change in staff at the Waikoloa Baptist Church, which has caused delays in organizing the project and with the follow-up. Additionally, funding has not been available to build all the components in the time frame originally set. To date the applicant has spent over \$260,000 on the construction of the project, all of which has been donated. These events could not have been foreseen and are not the result of their fault or negligence.

The applicant is requesting time extensions for Condition No. 4 and Condition No. 5 to obtain Final Plan Approval and to commence and complete construction of the remainder of the development. The approval of the amendment requests will allow the applicant to complete the remainder of the development in a timely manner.

Based on the above, it is recommended that the request for amendment to Condition No. 4 and Condition No. 5 be approved.

Approval of this amendment is subject to the following conditions (new material is underscored and deleted material is bracketed):

1. The petitioner, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Final Plan Approval for Phase I and related improvements shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review in accordance with Chapter ~~[25-244]~~25-2-72 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Detailed landscaping, parking, and interior traffic circulation patterns shall be included on plans submitted.
3. Construction of Phase I shall commence (building permit) within one year from the date of receipt for Final Plan Approval and shall be completed within two years thereafter (certificate of occupancy).
4. Final Plan Approval for ~~[Phase II]~~the remainder of the development and related improvements shall be secured from the Planning Department within two (2) years from the ~~[date of completion of Phase I]~~effective date of this amendment. To assure adequate time for plan approval review and in accordance with Chapter ~~[25-244]~~25-2-72 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Detailed

landscaping, parking, and interior traffic circulation patterns shall be included on plans submitted.

5. Construction of ~~[Phase II]~~the remainder of the development shall commence (building permit) within one year from the date of receipt of Final Plan Approval for ~~[Phase II]~~the remainder of the development and shall be completed within ~~[one]~~ten years thereafter (certificate of occupancy).
6. The applicant shall prepare and submit a drainage study of the subject property for the review and approval by the Department of Public Works. The applicant shall provide all drainage improvements as may be required by the Department of Public Works prior to the issuance of a certificate of occupancy of the proposed development.
7. Access to the project site, including adequate sight distance, shall meet with the approval of the Department of Public Works prior to the issuance of a certificate of occupancy for any structure in Phase I. The applicant shall also restripe that portion of Paniolo Drive in the vicinity of the subject property to include a left turn lane at a time to be determined by and in the manner meeting with the approval of the Department of Public Works.
8. Curb, gutter and sidewalk improvements shall be installed in two phases. The first phase of curb, gutter and sidewalk installation shall include the property frontage beginning at the northern boundary of the property to and including any access points and be completed prior to the issuance of a certificate of occupancy for Phase I of the development. The second phase of curb, gutter and sidewalk installation shall include the remainder of the property frontage and be completed prior to December 31, 1999.
9. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
10. ~~[Comply with all other applicable laws, rules, regulations and requirements.]~~The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
11. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of ~~[the permit]~~this amendment. The report shall

include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.

12. ~~[An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:~~
- a) ~~the non performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.~~
  - b) ~~granting of the time extension would not be contrary to the General Plan or Zoning Code.~~
  - c) ~~granting of the time extension would not be contrary to the original reasons for 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).~~ If the applicant should require an additional extension of time, the applicant shall submit its request to the Planning Commission for appropriate action.

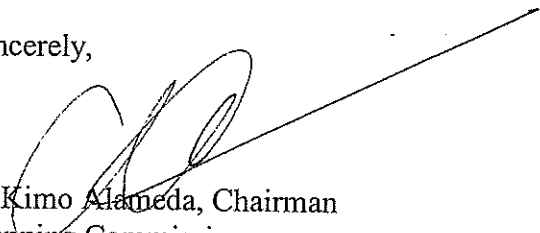
Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director ~~[shall]~~ may initiate procedures.

This approval does not, however, sanction the specific plans submitted with the request as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Mr. Paul Bleck  
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Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

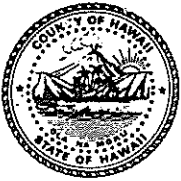
Sincerely,



C. Kimo Alameda, Chairman  
Planning Commission

Lwaikoloabaptistuse99pc

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Department - Kona  
Waikoloa Baptist Church



## Planning Commission

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

Lorraine R. Inouye  
Mayor

### CERTIFIED MAIL

April 2, 1992

The Reverend O. W. Efurd  
Hawaii Baptist Convention  
2042 Vancouver Drive  
Honolulu, HI 96822-2491

Dear Reverend Efurd:

Use Permit Application (UP92-1)  
Applicant: Hawaii Baptist Convention  
Request: Church, Day Care, and Related Uses  
Tax Map Key: 6-8-02:Portions of 26 and 31

The Planning Commission at its duly held public hearing on March 24, 1992, voted to approve your application, Use Permit No. 99, to allow the establishment of a church, day care facilities, mission residences, recreational area and related improvements on 12.381 acres of land situated within the County's Single Family Residential-10,000 square foot (RS-10) zoned district. The property is located within Waikoloa Village, adjacent and to the northwest (makai) of the Paniolo Drive - Puu-Nui Street intersection, Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

The establishment of a church and day care facility within an area zoned Single-Family Residential-10,000 square foot (RS-10) will not be inconsistent with the general purpose of that zoned district, the intent and purpose of the Zoning Code, and the General Plan. The granting of such a facility would complement a goal of the General Plan's Land Use Element which states to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.". It is felt that the granting of this request at this particular location will provide a convenient service to the growing residential community while maintaining the residential character of the area. Therefore, the granting of this request would also be in the direction of fulfilling a policy of the General Plan in

The Reverend O. W. Efurd  
April 2, 1992  
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which "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment".

The granting of the proposed use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties. The project site is located adjacent to a growing residential community. The church and day care facility will be located in close proximity to the new and existing residential developments such as the County's affordable housing project, the Schuler housing project, Sunset Ridge, Waikoloa Heights and Waikoloa Village Estates.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. Within the Waikoloa Village proper, there are no similar uses.

The proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The area is not a habitat for any endangered plant or animal species.

The granting of the permit to allow the establishment of a church and day care facility will not unreasonably burden public agencies to provide the necessary utilities and services. All essential utilities and services are, or will be provided. Access to the project site, as well as driveway improvements, will be subject to the approval of the Department of Public Works. In addition, the applicant will be required to restripe Paniolo Drive to include a left turn lane as directed by the Department of Public Works. A drainage study, meeting with the approval of the Department of Public Works, will also be required for the gulch located along the northern boundary of the subject property. The applicant shall implement the recommendations of the drainage study, if any, in a manner meeting with the approval of the Department of Public Works. The proposed church will accommodate, upon completion of Phases I and II, approximately 750 members. The proposed educational buildings will accommodate 470± people with the day care facility another 80. Given the scope of the proposed activities, the programs offered by the applicant and the proximity of the proposed Waikoloa Elementary School facility; it is recommended that appropriate pedestrian measures be implemented. As required for the proposed elementary school

located approximately 320 feet to the north of the project site, the applicant shall provide curb, gutter and sidewalk improvements along the frontage of Paniolo Drive prior to the issuance of a certificate of occupancy for the proposed uses.

Approval of this request is subject to the following conditions:

1. The petitioner, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Final Plan Approval for Phase I and related improvements shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Detailed landscaping, parking, and interior traffic circulation patterns shall be included on plans submitted.
3. Construction of Phase I shall commence (building permit) within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter (certificate of occupancy). *Phase I complete*
4. Final Plan Approval for Phase II and related improvements shall be secured from the Planning Department within two (2) years from the date of completion of Phase I. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Detailed landscaping, parking, and interior traffic circulation patterns shall be included on plans submitted.
5. Construction of Phase II shall commence (building permit) within one year from the date of receipt of Final Plan Approval for Phase II and shall be completed within one year thereafter (certificate of occupancy).
6. The applicant shall prepare and submit a drainage study of the subject property for the review and approval by the Department of Public Works. The applicant shall provide all drainage improvements as may be required by the Department of Public Works prior to the issuance of a certificate of occupancy of the proposed development.



7. Access to the project site, including adequate sight distance, shall meet with the approval of the Department of Public Works prior to issuance of a certificate of occupancy for any structure in Phase I. The applicant shall also restripe that portion of Paniolo Drive in the vicinity of the subject property to include a left turn lane at a time to be determined by and in a manner meeting with the approval of the Department of Public Works.
8. Curb, gutter and sidewalk improvements shall be installed along the entire length of the property's Paniolo Drive frontage prior to the issuance of a certificate of occupancy for any portion of the proposed development.
9. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
10. Comply with all other applicable laws, rules, regulations and requirements.
11. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
12. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time extension would not be contrary to

The Reverend O. W. Efurd  
April 2, 1992  
Page 5

the original reasons for the granting of the permit; and  
d) the time extension granted shall be for a period not to  
exceed the period originally granted for performance (i.e.,  
a condition to be performed within one year may be extended  
for up to one additional year). Further, should any of the  
conditions not be met or substantially complied with in a  
timely fashion, the Director shall initiate procedures to  
revoke the permit.

This approval does not, however, sanction the specific plans  
submitted with the application as they may be subject to change  
given specific code and regulatory requirements of the affected  
agencies.

Please feel free to contact the Planning Department if there are  
any questions on this matter.

Sincerely,



Mike Luce, Chairman  
Planning Commission

7229d  
jdk

xc: Mayor  
Planning Director  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
DLNR  
Plan Approval Section