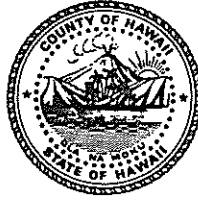


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 095 323 796

JAN 30 1997

Andrea Thomas, Project Coordinator
Pacific Architects, Inc.
2020 South King Street
Honolulu, HI 96826

Dear Ms. Thomas:

Special Permit Application (SPP 96-20) ✓
Use Permit Application (USE 96-10) ✓
Applicant: State of Hawaii, Dept. of Accounting and General Services
Request: Construct the New Keaau II Elementary School
Tax Map Key: 1-6-3:Portion of 8, 11, 14

The Planning Commission at its duly held public hearing on January 16, 1997, voted to approve the above-referenced applications. Special Permit No. 954 and Use Permit No. 151 are hereby issued to allow the construction of an elementary school and related improvements within the State Land Use Agricultural and Urban Districts. The property is located approximately one mile from Keaau Village on the west side of the Keaau-Pahoia Road at Keaau, Puna, Hawaii.

Approval of the **Special Permit** is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands for those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The properties are located in an area with soils classified as the Ohia series, which are soils that are generally used for sugarcane, woodland and pasture. The subject property was previously used by the Puna Sugar Company for sugar cane production. The Mill ceased operations in 1984; and since then, the properties have not been actively used for agricultural purposes. Although, the ALISH maps identify the subject properties as Prime Agricultural Lands, the subject properties have a soil rating of "D" or "Poor." These lands, noted as prime, were probably identified as such, when sugar cane production was at its peak. The State proposes to build a new elementary school to accommodate approximately 1,260 students at total capacity. Approximately 15.403 acres will be fully developed; approximately

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1.63 acres lie within the State Land Use Agricultural district and will consist mainly of parking, driveways, drainage improvements and fencing. The subject parcels are owned by W.H. Shipman, Limited, who is donating the land to the State. The subject site presently consists of fallow cane and are not in use. Therefore, the proposed development would not remove significant lands from agricultural use and would not be contrary to the objectives of the State Land Use Law for the Agricultural District.

The desired use will not adversely affect the surrounding properties. Surrounding uses include vacant cane land, agricultural activities and single family residences. The subject site is also located approximately one mile from the Keaau Town commercial core and, therefore, is within close proximity of urban activity. Development within the State Land Use Agricultural portion will mainly consist of parking, driveways, drainage improvements and fencing. The remainder and a majority of the development will occur within the State Land Use Urban District. As the existing Keaau Elementary School facilities are inadequate, the new elementary school would accommodate approximately 945 students with the ability to increase to 1,260 students on a multi-track program. The school site will eventually be subdivided out from the larger portions of the subject lands. As immediate surrounding properties are vacant, in agricultural or residential use, it is not expected that the school would cause significant adverse impacts to surrounding properties. Any detailed landscaping or safety buffers can be reviewed during Final Plan Approval. Overall, it is not anticipated that the immediate surrounding parcels would be impacted by the development of the school.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection. The project site is located within an area adequately served with essential services and facilities such as water, transportation systems and other utilities. Access to the subject property is from the Keaau-Pahoa Road, a State highway. Sewage is proposed to be handled by three septic systems. New drainage culverts are proposed to be installed to handle any runoff on site. Access to the subject property will be from the Keaau-Pahoa Road from a new T-intersection. An increase in traffic can be expected from the elementary school development. A Traffic Study was prepared by Julian Ng dated November 1996, to address traffic concerns from both the proposed elementary and high school. The State of Hawaii is also proposing to develop a new high school to accommodate student growth in the Puna district. Plans are for the high school to open in 1999. As the Keaau By-Pass Road is also proposed to align within close proximity (southwest) of the subject properties, some traffic that would otherwise travel in the Hilo or Pahoa-bound direction would be diverted from the Keaau-Pahoa Road. However, as there will be local school traffic and traffic bound for Keaau, to minimize any adverse impacts from the increase in traffic and to ensure public safety and safety of the children and pedestrian traffic, it is recommended that curb, gutter and sidewalk improvements be installed along the subject property frontage. In addition, all roadway and driveway improvements shall conform to the Department of Transportation - Highways Division. Also, as requested by the Department of Transportation, a Pedestrian and Bicyclist Traffic Report shall be submitted for their review and approval. In addition to the above, to ensure the safety of the school children, a condition is being included to require the applicant to construct a chain link fence surrounding the entire perimeter of the property prior to the opening of Increment II. In concurrence with the Office of Civil Defense, a condition is also included for the applicant to confer with that agency regarding use of the

school as emergency shelters. Other agencies reviewing the request had no objections to the proposed development.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The Puna District has been one of the largest growth areas on the island. The County of Hawaii Data Book 1994, shows a population of 11,751 in 1980 and a population of 20,781 in 1990. This is an approximate 76 percent increase in 10 years. The existing Keaau Elementary School facilities are inadequate and unable to accommodate the growing population. Allowing for the development of a new public elementary school in this district would help meet the educational needs of the expanding population in this area. A majority of the school development will occur on lands designated as State Land Use Urban with approximately 1.63 acres on State Land Use Agricultural lands. The subject site is located approximately one mile from the Keaau Town Center where there is ongoing urban activity. The Special Permit in the Agricultural District and the Use Permit in the Urban Districts are the appropriate vehicles for establishing schools in needed areas.

The use will not substantially alter or change the essential character of the land and the present use. The subject properties are fallow sugar cane, thus, the character of the land would be changed and developed. According to the application, the school would be built on approximately 15.403 acres of land and provide for classroom facilities, a cafetorium, covered and outdoor play areas, parking and drop-off areas and other related improvements. The portion of land within the State Land Use Agricultural district is approximately 1.63 acres and will consist mainly of parking, driveways, drainage improvements and fencing. The landowner, W.H. Shipman, Limited, proposes to donate the land to the State.

The lands upon which the proposed use is sought is not unsuitable for the uses permitted in the district; however, the proposed uses will not interfere with permitted uses. The property was previously used for sugar cane cultivation and the area for the proposed school is not in use. Therefore, no agricultural activity will be diminished. Although the zoning for the property is Agricultural-20 acres (A-20a), a majority of the subject area is within the State Land Use Urban District with approximately 1.63 acres within the State Land Use Agricultural district.

The proposed use is consistent with the following goals, policies and standards of the General Plan. The subject parcel falls within an area designated as Low Density Urban and Orchards on the General Plan LUPAG Map. The zoning for the property is Agricultural-20 acres (A-20a) with a State Land Use designation of Agricultural. This would allow a Special Permit to be applied for to allow for other than agricultural uses 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.

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

Based on the above considerations, the request to establish the Keaau Elementary School II and related improvements would be an unusual and reasonable use of land within the State Land Use District, which would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations.

Approval of the **Special Permit** request is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. Final Consolidation/Subdivision Approval of the elementary school site shall be secured prior to the completion of Increment I.

4. A Pedestrian and Bicycle Traffic Report, to include mitigative measures, shall be submitted for review and approval by the Department of Transportation - Highways Division, prior to the completion of Increment I.
5. Construction of the proposed elementary school and related improvements shall be completed within five (5) years from the effective date of the permit. Prior to the start of construction, Final Plan Approval for each increment and its related improvements shall be secured from the Planning Department. Plans shall identify existing and proposed structures, fire protection measures, paved driveway and paved parking stalls (asphalt or asphalt-concrete), fencing and detailed landscaping associated with the proposed uses.
6. The applicant shall consult with the Office of Civil Defense regarding use of school buildings as emergency shelters.
7. Prior to the completion of Increment I, the applicant shall install a chain link fence surrounding Increment I, with construction barriers around the balance of the subject property and between Increments I and II. The balance of the chain link fence shall be constructed prior to the completion of Increment II. The height of the fence shall be determined during Final Plan Approval.
8. Curb, gutter and sidewalk improvements shall be installed along the entire frontage of the school site, in accordance with Department of Transportation - Highways Division requirements, prior to the completion of Increment I.
9. All roadway improvements and driveway accesses shall meet with the approval of the State Department of Transportation - Highways Division.
10. A Drainage Report and all recommended improvements shall be submitted to the Department of Public Works and Department of Transportation for review and approval in conjunction with Final Plan Approval or earlier.
11. A Solid Waste Management Plan shall be submitted for review and approval by the Department of Public Works prior to occupancy.
12. 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.
13. Upon compliance with applicable conditions of approval, and prior to the opening of each increment, the applicant shall submit a status report, in writing, to the Planning Director.
14. An extension of time for the performance of conditions of the permit may be granted by the Planning Director upon the following circumstances:

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- A) Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
- B) Granting of the time extension would not be contrary to the General Plan or the Zoning Code.
- C) Granting of the extension would not be contrary to the original reasons for the granting of the permit.
- D) The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

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

Approval of the Use Permit request is based on the following:

In considering a Use Permit for any proposed use, Rule 7, of the Planning Commission relating to Use Permits, requires that such action conform to the following guidelines:

- (A) The granting of the proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan.
- (B) 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 surrounding properties.
- (C) The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region.
- (D) The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection and other related infrastructure.

The proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan. The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses as well as the General Plan goals and policies. The intent and purpose of the Zoning Code is to promote health, safety, morals or the general welfare of the community. Therefore, the request is reviewed in relationship to existing regulations and restrictions relative to the location and use of buildings, off-street parking and the density of population and land for trade, industry, residence or other purposes. The establishment of a school on a

parcel located within the State Land Use Urban District and the County's Agricultural (A-20a) zoned district may be permitted through the Use Permit process. The proposed school will be built on approximately 15.403 acres of land which consists of fallow cane land. The property is located along the Keaau-Pahoa Road within a mile from the Keaau Town commercial core. A majority of the subject site is located within the State Land Use Urban District with approximately 1.63 acres located within the State Land Use Agricultural District.

The subject site is situated within an area designated as Low Density Urban and Orchards on the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. Mindful of the type of public service the new elementary school will provide to the residents of Puna, the proposed use will complement the following goals, policies and standards of the General Plan:

Land Use Element

- * Designate and allocate land uses in appropriate proportions and mix 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 Element

- * 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.

The desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties. The proposed school will be located within an area that was previously used for growing

sugar cane. A majority of the subject lands are now designated as State Land Use Urban. As the Keaau Town urban core is located about a mile from the site, the proposed facility will not detract from the present character of the area. It can be expected that this area will continue to grow and be developed. As the existing Keaau Elementary School facilities are inadequate, the new elementary school will accommodate approximately 945 students with the ability to increase to 1,260 students on a multi-track program. The school site will eventually be subdivided out from the larger portions of the subject lands. As immediate surrounding properties are vacant, in agricultural or residential use, it is not expected that the school would cause significant adverse impacts to surrounding properties. Any detailed landscaping or safety buffers can be reviewed during Final Plan Approval. Overall, it is not anticipated that the immediate surrounding parcels would be impacted by the development of the school.

The proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. Through the use permit process, potential impacts to the existing environment and its infrastructure can be evaluated on a case-by-case basis. The existing elementary school facilities are inadequate and not able to accommodate the growing population in lower Puna. In this case, the new elementary school is proposed to be developed on lands that are vacant and within the vicinity of growing communities, thereby, establishing the need for a new elementary school. The proposed school will be located within an established Urban district and within close proximity to the Keaau Town commercial core, where commercial development and other urban uses exist.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection and other related infrastructure. The project site is located within an area adequately served with essential services and facilities such as water, transportation systems and other utilities. Access to the subject property is from the Keaau-Pahoa Road, a State highway. Sewage is proposed to be handled by three septic systems. New drainage culverts are proposed to be installed to handle any runoff on site. Access to the subject property will be from the Keaau-Pahoa Road from a new T-intersection. An increase in traffic can be expected from the elementary school development. A Traffic Study was prepared by Julian Ng dated November 1996, to address traffic concerns from both the proposed elementary and high school. The State of Hawaii is also proposing to develop a new high school to accommodate student growth in the Puna district. Plans are for the high school to open in 1999. As the Keaau By-Pass Road is also proposed to align within close proximity (southwest) of the subject properties, some traffic that would otherwise travel in the Hilo or Pahoa-bound direction would be diverted from the Keaau-Pahoa Road. However, as there will be local school traffic and traffic bound for Keaau, to minimize any adverse impacts from the increase in traffic and to ensure public safety and safety of children and pedestrian traffic, it is recommended that curb, gutter and sidewalk improvements be installed along the entire subject property frontage. In addition, all roadway and driveway improvements shall conform to the Department of Transportation - Highways Division. Also, as requested by the Department of Transportation, a Pedestrian and Bicyclist Traffic Report shall be submitted for their review and approval. In addition to the above, to ensure the safety of the school children, a condition is being included to require the applicant to construct a chain link fence surrounding the entire perimeter of the property prior to the opening of Increment II. In

concurrence with the Office of Civil Defense, a condition is also included for the applicant to confer with that agency regarding use of the school as emergency shelters. Other agencies reviewing the request had no objections to the proposed development.

Finally, due to the developed nature of the subject property and the immediate surrounding areas, there are no endangered or threatened candidate species of flora or fauna located within the project site, nor has the area been identified as a significant botanical or biological habitat.

Approval of the Use Permit is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. Final Consolidation/Subdivision Approval of the elementary school site shall be secured prior to the completion of Increment I.
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8. Curb, gutter and sidewalk improvements shall be installed along the entire frontage of the school site, in accordance with Department of Transportation - Highways Division requirements, prior to the completion of Increment I.

9. All roadway improvements and driveway accesses shall meet with the approval of the State Department of Transportation - Highways Division.
10. A Drainage Report and all recommended improvements shall be submitted to the Department of Public Works and Department of Transportation for review and approval in conjunction with Final Plan Approval or earlier.
11. A Solid Waste Management Plan shall be submitted for review and approval by the Department of Public Works prior to occupancy.
12. 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.
13. Upon compliance with applicable conditions of approval, and prior to the opening of each increment, the applicant shall submit a status report, in writing, to the Planning Director.
14. An extension of time for the performance of conditions of the permit may be granted by the Planning Director upon the following circumstances:
 - A) Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
 - B) Granting of the time extension would not be contrary to the General Plan or the Zoning Code.
 - C) Granting of the extension would not be contrary to the original reasons for the granting of the permit.
 - D) The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

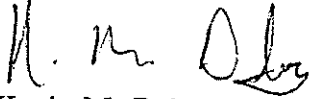
Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

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.

Andrea Thomas, Project Coordinator
Pacific Architects, Inc.
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Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

AK:syw

LDAGS01.PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources
Civil Defense
DOT - Highways Division
W. H. Shipman, Ltd.