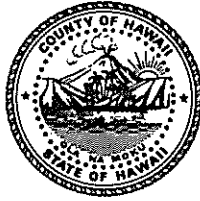


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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CERTIFIED MAIL

Z 095 323 857

JUN 03 1997

Mr. Brian Isa
State of Hawaii
Department of Accounting and General Services
1151 Punchbowl Street, Suite 430
Honolulu, HI 96813

Dear Mr. Isa:

Special Permit Application (SPP 97-5)

Use Permit Application (USE 97-3) ✓

Applicant: State of Hawaii - Department of Accounting and General Services

Request: Construct the New Keaau High School

Tax Map Key: 1-6-3:Portion of 3, 15 and 68

The Planning Commission at its duly held public hearing on May 22, 1997, reviewed and acted on the above applications for a Special Permit and Use Permit to allow the construction of a new Keaau High School and related improvements within the State Land Use Agricultural and Urban Districts. The project area is located approximately one mile from Keaau Village on the east side of the Keaau-Pahoa Highway at Keaau, Puna, Hawaii.

The Planning Commission voted to recommend the approval of the Special Permit application to the Land Use Commission subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. The applicant, successors or assigns shall comply with all applicable conditions of approval of the Use Permit.
3. Final Consolidation/Subdivision Approval of the high school site shall be secured prior to the completion of Increment I.

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4. Prior to the start of any land alterations on the subject property, all outstanding issues regarding mitigation measures for the old railroad berm shall be resolved with written clearance to proceed from the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) with a copy of this clearance submitted to the Planning Director.
5. Prior to commencing construction or land alterations, the applicant shall install construction screen barriers to mitigate any noise and dust generated from the project and submit a traffic mitigation plan to address possible traffic congestion during construction.
6. Construction of the high school and related improvements shall be completed within 15 years from the effective date of the permit. Prior to the start of construction for each increment, Final Plan Approval 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 increment or development.
7. A Flood Study 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.
8. A Solid Waste Management Plan shall be submitted for review and approval to the Department of Public Works in conjunction with the submittal of plans for Plan Approval.
9. The applicant shall install a chain link fence surrounding the entire perimeter of the main campus, prior to the opening of Increment I. The height of the fence shall be determined during Final Plan Approval.
10. Concrete curb, gutter and sidewalk improvements shall be constructed along the entire school frontage along the Keaau-Pahoa Road from the proposed connector road to the Keaau By Pass intersection meeting with the requirements of the Department of Public Works and State Department of Transportation - Highways Division prior to Increment III, or upon dedication to the County, whichever comes first.
11. The proposed connector road, including concrete curb, gutter and sidewalk improvements, shall be constructed meeting with the approval of the

Department of Public Works and dedicated to the County of Hawaii prior to opening of Increment I.

12. Street lights, signs and markings, if required, shall be installed meeting with the approval of the Department of Public Works or the State Department of Transportation - Highways Division, whichever is applicable.
13. All applicable roadway improvements and driveway accesses shall meet with the approval of the Department of Public Works or the State Department of Transportation - Highways Division, whichever is applicable.
14. Pedestrian and bicycle facilities, if required, shall be provided meeting with the approval of the Department of Transportation - Highways Division or the Department of Public Works, whichever is applicable, prior to the completion of Increment I.
15. The applicant shall consult with the Office of Civil Defense regarding use of school buildings as emergency shelters.
16. Construction barriers shall be installed between existing development and increments under construction, prior to the opening of Increment I.
17. 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.
18. Comply with all applicable laws, rules and regulations of the affected agencies for this project prior to opening.
19. 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, Planning Commission and State Land Use Commission.
20. An initial extension of time for the performance of conditions of the permit may be granted by the Planning Director upon the following circumstances:

- A) Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
 - B) Granting of the time extension would not be contrary to the General Plan or the Zoning Code.
 - C) Granting of the extension would not be contrary to the original reasons for the granting of the permit.
 - D) The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).
21. Should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this permit.

The Planning Commission also voted to approve Use Permit No. 156 for the above-referenced application.

Approval of Use Permit No. 156 is based on the following findings:

In considering a Use Permit for any proposed use, Rule 7, of the Planning Commission relating to Use Permits, and Section 25-2-65, relating to the Criteria for granting a Use Permit, of Chapter 25 (Zoning Code), require that such action conform to the following guidelines:

- (A) The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and the County General Plan;
- (B) The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties; and
- (C) The granting of the proposed use shall 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 shall 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 State of Hawaii proposes to build the new high school on approximately 50 acres of land which were previously in sugar cane production and are owned by W.H. Shipman, Limited. The new high school will have a design capacity to accommodate approximately 1,400 students with an overall enrollment of 2,100 students in a year round multi-track schedule. Based on existing and projected enrollments, the current Waiakea High School facilities are inadequate to serve the growing student population for that region. The new school would serve grades 9 through 12 and accommodate the present and projected enrollment increases. The site selected allows for the high school to be built closer to the resident population it serves. The projected opening date for the Keaau High School is 1999. This is about one year after the opening of the new Keaau II Elementary School, which is to be located immediately west of the high school across the Keaau-Pahoa Road. Plans are for the proposed high school to be constructed in four increments and completed in the year 2002. Full buildout of all facilities are expected in 15 years. The subject properties are 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 Agricultural district with approximately 14 acres located within the State Land Use Urban district. In 1994, the Office of State Planning petitioned the State Land Use Commission to redesignate 660 acres of land from the State Land Use Urban district to the Agricultural district. This reclassification was intended to accommodate the rapidly growing population and expand the urban core in the Keaau area. Although it was originally represented by W.H. Shipman, Limited; that it would reserve school sites within the reclassified State Land Use Urban district, the site least affected by the drainage channels lies within the State Land Use Agricultural district. As drainage channels affect school design, safety and cost implications as well as wastewater designs and siting, the subject location was selected as least impacted. The largest contiguous area was identified as the 42 acres east of the drainage way where the main campus is to be located. This portion of the land lies on high ground and minimizes excavation, grading and drainage expenses. In addition, selection was also based on the alignment of the Keaau Bypass Road, and a favorable site was finally selected with the Keaau-Pahoa Road and the Keaau Bypass Road serving as boundaries.

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 high 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.
- * Economic development and improvement shall be in balance with the physical and social environments of the island of Hawaii

- * The County of Hawaii shall strive for diversity and stability in its economic system.
- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.

The desired use shall 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. Approximately 14 acres of the school site is located within the State Land Use Urban district and within a mile of the Keaau Town commercial core, where commercial development and other urban uses exist. It is expected that this area will continue to grow and be developed, as such, the proposed facility will not detract from the present character of the area. As the existing Waiakea High School facilities are inadequate, the new high school will accommodate approximately 1,400 students with an overall enrollment of 2,100 students in a year round multi-track schedule. The school site will eventually be subdivided out into two buildable lots from the larger portions of the subject lands. As immediate surrounding properties are vacant, in agricultural or residential use and urban uses, it is not expected that the school would cause significant adverse impacts to surrounding properties. In this case, the new high school is proposed to be developed on lands that are within the vicinity of growing communities, thereby, establishing the need for a new high school. In addition, there is no other high school within the immediate vicinity that can accommodate the needs of the surrounding community. 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 property was previously used for sugar cane cultivation and portions are still in active agricultural use as a macadamia nut orchard and fields of ornamental plants. However, the applicant is working on an agreement for compensating and relocating these farmers. Therefore, although agricultural activity will be diminished at this specific location, it may be relocated to another area.

The desired use shall 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. Sewage is proposed to be handled by six 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-Paho Road and from a new two-lane connector road, to be built and dedicated to the county, along the northern boundary of the subject site. The State Department of Transportation is also

constructing a new Keaau Bypass Road which will run along the eastern property boundary and divert traffic between the lower Puna and Hilo area to travel around the village of Keaau. The bypass road is anticipated to be completed prior to the opening of the elementary school in 1998. As a result, the existing Keaau-Pahoa Road would be used for local traffic. An increase in traffic can be expected from the high 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. As the Keaau By-Pass Road is also proposed to align along the northern boundary of the high school, 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 students and pedestrian traffic, a condition is included to require curb, gutter and sidewalk improvements be installed along the subject property frontage from the Keaau-Pahoa Road and proposed connector road frontages. The proposed connector road will also be constructed meeting with approval of the Department of Public Works and dedicated to the County of Hawaii. Also, if required, bicyclist and pedestrian facilities shall be provided along the Keaau-Pahoa Road and the proposed connector road frontages. In addition, all roadway and driveway improvements shall conform to the Department of Transportation - Highways Division and Department of Public Works, whichever is applicable. In addition to the above, to further ensure the safety of students, a condition is being included to require the applicant to construct a chain link fence surrounding the perimeter of the property prior to the opening of the first increment. For safety and of benefit to the community, a condition is also included for the applicant to confer with the Office of Civil Defense, regarding use of the school as emergency shelters. Electricity, water, wastewater disposal facilities and other essential services are or will be made available for the high school and related improvements. Furthermore, agencies reviewing the request had no objections to the proposed development.

Finally, due to the fact that the lands have been cultivated in sugar cane, **it is not anticipated that there are any endangered or threatened candidate species of flora or fauna are located within the project site, nor has the area been identified as a significant botanical or biological habitat.** An old railroad berm has been identified on the subject property, and a condition is being included to require the applicant to resolve all outstanding issues with the Department of Land and Natural Resources prior to any land alterations on the subject properties.

Based on the above findings, this request is approved subject to the following conditions. 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.

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. The applicant, successors or assigns shall comply with all applicable conditions of approval of the Special Permit.
3. The effective date of this Use Permit shall be the effective date of the Special Permit.
4. Final Consolidation/Subdivision Approval of the high school site shall be secured prior to the completion of Increment I.
5. Prior to the start of any land alterations on the subject property, all outstanding issues regarding mitigation measures for the old railroad berm shall be resolved with written clearance to proceed from the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) with copy of this clearance submitted to the Planning Director.
6. Prior to commencing construction or land alterations, the applicant shall install construction screen barriers to mitigate any noise and dust generated from the project and submit a traffic mitigation plan to address possible traffic congestion during construction.
7. Construction of the high school and related improvements shall be completed within 15 years from the effective date of the permit. Prior to the start of construction for each increment, Final Plan Approval 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 increment or development.
8. A Flood Study 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.
9. A Solid Waste Management Plan shall be submitted for review and approval to the Department of Public Works in conjunction with the submittal of plans for Plan Approval.
10. The applicant shall install a chain link fence surrounding the entire perimeter of the main campus, prior to the opening of Increment I. The height of the fence shall be determined during Final Plan Approval.

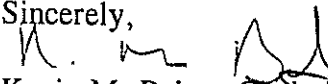
11. Concrete curb, gutter and sidewalk improvements shall be constructed along the entire school frontage along the Keaau-Pahoa Road from the proposed connector road to the Keaau By Pass intersection meeting with the requirements of the Department of Public Works and State Department of Transportation - Highways Division upon completion of Increment III, or upon dedication to the County of Hawaii, whichever comes first.
12. The proposed connector road, including concrete curb, gutter and sidewalk improvements, shall be constructed meeting with the approval of the Department of Public Works and dedicated to the County of Hawaii prior to opening of Increment I.
13. Street lights, signs and markings, if required, shall be installed meeting with the approval of the Department of Public Works or the State Department of Transportation - Highways Division, whichever is applicable.
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15. Pedestrian and bicycle facilities, if required, shall be provided meeting with the approval of the Department of Transportation - Highways Division or the Department of Public Works, whichever is applicable, prior to the completion of Increment I.
16. The applicant shall consult with the Office of Civil Defense regarding use of school buildings as emergency shelters.
17. Construction barriers shall be installed between existing development and increments under construction, prior to the opening of Increment I.
18. 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.
19. Comply with all applicable laws, rules and regulations of the affected agencies for this project prior to opening.

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

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

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

xc: Mr. Daniel K. Ide
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Civil Defense
State Land Use Commission
Department of Land & Natural Resources
State Department of Transportation, Highways Division