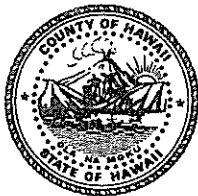


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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FEB 04 2000

Mr. James Leonard
PBR Hawaii - Hilo Office
101 Aupuni Street, Suite 310
Hilo, HI 96720

Dear Mr. Leonard:

Use Permit Application (USE 99-005)

Applicant: Kamehameha Schools Bernice Pauahi Bishop Estate (KSBE)

Request: Development of a Permanent East Hawaii Campus

Tax Map Key: 1-6-3:Portion of 12

The Planning Commission at its duly held public hearing on January 21, 2000, voted to approve the above-referenced application. Use Permit No. 181 is hereby issued to allow the development of a permanent East Hawaii Campus and related uses on approximately 300 acres of land. The project area is bordered on the east side by the Volcano Highway and on the south side by North Road, approximately 1.5 miles southwest of Keaau Town, Keaau, Puna, Hawaii.

Approval of this 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.

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- (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 64 acres of vacant land in the Urban District. The property is located along the Volcano Highway approximately 1.5 miles southwest of Keaau Town and 8.5 miles south of downtown Hilo. The majority of the subject site, or 236 acres, is located within the State Land Use Agricultural District with approximately 64 acres located within the State Land Use Urban District.

The subject site is situated within an area designated as Urban Expansion 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 pasture. As the Keaau Town urban core is located about 1.5 miles 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. A temporary campus, with an enrollment of 153 students, is located on Department of Hawaiian Home Lands in Keaukaha, approximately 9.5 miles from the project site. However, due to terms of the lease agreement and size of the campus, KSBE's options for the continued use of the Keaukaha site are severely limited. KSBE has added additional classrooms to the elementary school campus, but the temporary campus is nearly completely built out. The Campus Master Plan has a potential for a future K to 12 Campus for approximately 2,300 students, however, the project has been planned to initially accommodate an elementary, middle, and high school, with approximately 1,120 students and 110 faculty and staff members. 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 applicant envisions that certain structures within the campus will exceed 45 feet in height; therefore, exceptions from the height limit of 45 feet will be necessary. Therefore, the applicant will be required to secure Final Plan Approval for each phase of the planned campus development.

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 school facilities in Keaukaha are inadequate and not able to accommodate the growing number of students. In this case, the new school is proposed to be developed on lands that are vacant and within the vicinity of growing communities. The proposed school will be located in 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 Volcano Highway, a State highway. Sewage is proposed to be handled by a septic tank and disposed of by a leach field. An increase in traffic can be expected from the school development. According to an October 29, 1999 Traffic Impact Analysis Report (TIAR) conducted by Randall S. Okaneku of The Traffic Management Consultant, the proposed project is not expected to have a significant impact on traffic operations in the area, if traffic improvements are implemented as recommended in the study. Proposed traffic improvements include (1) signaling the intersection of the Volcano Highway and Pa'ahana Street, (2) providing an exclusive right turn lane on Volcano-bound Volcano Highway to Pa'ahana Street, (3) providing an exclusive left turn lane on Hilo-bound Volcano Highway to Pa'ahana Street, (4) reconfiguring the existing right turn lane on Hilo-bound Volcano Highway at Pa'ahana Street, and (5) improving Pa'ahana Street to a shared left turn/through lane and an exclusive right turn lane at Volcano Highway. The State Department of Transportation recommends that the improvements be constructed at the applicants' expense. In their comments, the Department of Transportation had reservations about the capacity of the highway facilities to handle this development. The Department of Public Works advises that the applicant signalize the intersection of the Volcano Highway and Pa'ahana Street, and provide the recommended improvements. As the Volcano Highway is a State highway, all roadway and driveway improvements shall conform to the Department of Transportation - Highways Division. Also, as requested by the Department of Transportation, a Traffic Signal Warrant Study shall be submitted for their review and approval. The applicant will be required to submit an additional Traffic Impact Analysis Report prior to any development of classroom facilities beyond the

initial student population of 1,120 students. 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 initial campus development prior to the opening of the school. In addition, construction barriers shall be built between the existing school and any ongoing construction on the property. Other agencies reviewing the request had no objections to the proposed development.

Finally, 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.

Based on the above findings, it is recommended that this request be 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 procedure to revoke the permit.

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 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. The effective date of the Use Permit shall be the effective date of the Special Permit.
4. Prior to the start of construction, Final Plan Approval for the initial campus development and subsequent campus expansion shall be secured from the Planning Director in accordance with the Zoning Code Section 25-2-72. Plans shall identify existing and proposed structures, fire protection measures, paved driveways and paved parking stalls (asphalt or asphalt-concrete), fencing, construction fencing and detailed landscaping associated with the proposed uses.
5. Final Subdivision Approval shall be secured from the Planning Director within five (5) years from the effective date of the Special Permit.
6. A Traffic Signal Warrant Study shall be submitted for review and approval by the Department of Transportation with a copy to the Planning Director prior to the submittal of plans for Final Plan Approval.

7. A Traffic Impact Analysis Report (TIAR) shall be prepared for review and approval by the Department of Transportation, Department of Public Works and the Planning Director prior to the submittal of plans for Final Plan Approval for any development of classroom facilities beyond the initial student population of 1,120 students.
8. The applicant shall provide the following roadway improvements at the intersection of Volcano Highway and Project Access Road/Pa'ahana Street, meeting with the approval of the State Department of Transportation:
 - a. Construction of a signalized intersection.
 - b. Construction of an exclusive right turn lane on Volcano-bound Volcano Highway to the Project Access Road/Pa'ahana Street.
 - c. Construction of an exclusive left turn lane on Hilo-bound Volcano Highway to the proposed Project Access Road/Pa'ahana Street.
 - d. Reconfigure the existing right turn lane on Hilo-bound Volcano Highway at Pa'ahana Street to provide a shared through/right turn lane. The shared through/right turn lane on the Hilo side of the intersection should merge into the existing Hilo-bound traffic lane.
 - e. Construct a shared left turn/through lane and an exclusive right turn lane at the Project Access Road and Volcano Highway.
 - f. Construction of a striped six-foot wide median strip on Volcano Highway on both sides of the intersection.
 - g. Other roadway improvements to Volcano Highway as required by the State Department of Transportation.
9. Prior to the issuance of a certificate of occupancy for any portion of the initial campus development, the applicant shall install a chain link fence surrounding the proposed development area, with construction barriers between the operating areas and the remaining areas to be developed. The height of the fence shall be determined during Final Plan Approval.
10. A Drainage Report and all recommended improvements shall be submitted to the Department of Public Works in conjunction with Final Plan Approval.

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 mitigation measures have been taken.
13. Comply with all applicable rules, regulations and requirements of the affected agencies for the development of the subject property, including the State Department of Transportation.
14. Upon compliance with applicable conditions of approval, and prior to the issuance of a certificate of occupancy for any portion of the development, the applicant shall submit a status report, in writing, to the Planning Director.
15. 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).

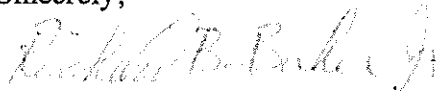
This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Mr. James Leonard

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Should you have any questions, please contact Phyllis Fujimoto or Alice Kawaha of the Planning Department at 961-8288.

Sincerely,



Richard B. Baker, Jr., Chairman
Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. Yukio Takemoto
William Yuen, Esq.