County of Hawai'i

LEEWARD PLANNING COMMISSION

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MAR 16 2010

Mr. Carl Sturges
Parker School
65-1224 Lindsey Road
Kamuela, HI 96743

Dear Mr. Sturges:

Use Permit (USE 05-001)
Applicant: Parker School
Request: Amendment to USE 05-001 to Expand the Area Permitted for School Use to Adjoining Property
Tax Map Key: 6-5-004:025, 026, 028, and 063

The Leeward Planning Commission at its duly held public hearing on February 26, 2010, voted to approve the above-referenced request for an amendment to Use Permit No. 05-001 to allow the expansion of the Parker School complex to 14.32 acres situated within the Agricultural 1-acre (A-1a) and Single-Family Residential 7,500 square feet (RS-7.5) zoned district. The amendment is to allow the expansion of the school facilities which would include the construction of a new gymnasium, athletic fields, a new middle school complex, and educational use of an existing warehouse structure. The property is located between Kapiolani Road and Waikoloa Stream, Waimea, South Kohala, Hawai'i.

Approval of this request is based on the following:

Use Permit No. 05-001 was issued on December 7, 2005, to allow the establishment of an elementary school (grades K-5) on a 2.635-acre portion of TMK 6-5-4:25. Construction of the elementary school was completed in 2007. The applicant is requesting to expand the Parker School complex to include the remainder of TMK 6-5-4:25 and TMK's 6-5-4:26, 28 and 63. The amendment is being sought in order to implement the Parker School Master Plan, and specifically proposes the following:

- A middle school (relocated from the original Kahilu campus),
- Athletic fields (including, but not limited to, soccer and baseball),
- A 400-seat gymnasium to be used for school-related programs and athletic events during and after school hours, and community and athletic club use on a schedule to be determined,
- Renovate the existing warehouse along Kapi'olani Road for use as a classroom and school storage/maintenance area,
- Establish educational uses in the existing residences on parcels 26 and 28,
- Allow Waimea Community Education (WCE), a non-profit organization operated by the Parker School Trust which provides community education programs for all ages, to use school facilities, and
- Parking and landscaping improvements.

Parker School currently enrolls a maximum of 325 students in grades K-12 and employs up to 50 full and part-time teachers and support staff. Over the next 20+ years, Parker School envisions that it will continue to grow to accommodate educational demand in the North Hawai'i area by adding an additional class in each grade level with a maximum target enrollment of 550 students and 80 teachers and staff by 2030.

Planning Commission Rule 7, relating to Use Permits, states that a Use Permit may be granted by the Planning Commission upon finding that the request meets the following criteria shown in bold type:

The granting of the request 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 intent and purpose of the Zoning Code is to promote health, safety, morals, or the general welfare of the community through regulations and restrictions relative to the location and use of buildings, off-street parking, the percentage of lots that may be occupied, the density of population and land for trade, industry, residence or other purposes. The purpose of the Use Permit, as defined in the Zoning Code, is to allow certain permitted uses in zoning districts which require special attention to insure that the uses will neither unduly burden public agencies to provide public services or cause substantial adverse impacts upon the surrounding community. A Use Permit is required to establish school uses on the subject properties in the Agricultural (A-1a) and Single-Family Residential (RS-7.5) zoning districts. Soils on the properties zoned A-1a are unclassified by the Land Study Bureau's Detailed Land Classification System and are considered Existing Urban Development by the Department of Agriculture's ALISH Map; therefore, no prime agricultural lands will be adversely affected by the proposed request.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Medium Density Urban, which includes village and neighborhood commercial, single-family and multiple-family residential (up to 35 units per acre) and

related functions. The island's urban centers provide physical, social, governmental and economic concentrations so that the total activities of the community can be more readily and easily conducted. The subject properties are located just north of the Waimea town center within walking distance of nearby residential and commercial uses. Expansion of the school complex for use by Parker School and Waimea Community Education would directly support the educational needs of Waimea and nearby communities.

The South Kohala Community Development Plan (SKCDP), adopted by Ordinance No. 08 159 on December 1, 2008, is intended to be the forum for translating South Kohala's community input into policies and action plans that shape the future land use of the district and translate broad general plan statements into specific actions. Policies, strategies, and actions of the SKCDP that are relevant to the applicant's request include: a) protection of important cultural and historic sites, structures and landscapes; b) implementation of the Waimea Trails and Greenways project; c) implementation of short-term traffic mitigation improvements in and around Waimea Town Center; and d) plan, design and construct walkways and bikeways along Waimea's main roads.

Parcel 25 contains a World War II-era building associated with Camp Tarawa. The applicant will complete an architectural inventory survey and mitigation consultation with the DLNR-SHPD prior to alteration of this structure.

A condition of approval requiring the applicant provide an easement along Waikoloa Stream for the Waimea Trails and Greenways project was included in the original permit. The applicant supports the Waimea Trails system and will continue to work with the Department of Parks and Recreation (DPR) to provide an easement for this trail over its properties. DPR recommends the trail be located on the north side (school side) of the stream so that students can use the trail to directly access the school. To prevent the general public from accessing the school during school hours, DPR suggests installation of fencing with a locked gate entry between the trail and school. The original condition of approval has been revised to include the recommendations of DPR.

To mitigate traffic impacts in and around Waimea's town center the applicant currently promotes carpooling and staggers school starting times by 15 minutes between the elementary, middle and high school. The SKCDP recommends a "safe routes to school program" by providing bikeways, walkways, and crosswalk improvements. The applicant is amenable to working with Peoples Advocacy for Trails Hawai'i (PATH) to create a Safe Routes to School Program study to assess the feasibility of increasing walking, bicycling, and public transportation use among students. Additionally, the applicant will provide a sidewalk or pedestrian walkway on the south side of Kapi'olani Road to provide a safe route from Waimea Park to the proposed middle school and existing elementary school. It is anticipated that use of the Hele-On bus system will increase as student enrollment at Parker School increases. Currently the Hele-On bus

stops at Waimea Park on the north side of Kawaihae Road and students walk from the park to Parker School over a crosswalk on Lindsey Road. However, there is no bus shelter or signage designating this area as a bus stop although the County Mass Transit Agency has determined that a bus shelter is needed at this location. The applicant has agreed to provide a bus shelter at this location to serve Parker School students, staff and the general public. Based upon the reasons stated above, the proposed school expansion is consistent with the intent of the Zoning Code for these districts, is consistent with the General Plan designation and is in keeping with the goals and policies of the General Plan and South Kohala CDP.

The proposed use shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties.

The subject properties are located near the town center of Waimea, east of the existing Parker School Kahilu campus which has been operating since 1975. Waikoloa Stream borders the properties to the south. Surrounding properties are zoned Agricultural (A-1a) to the north, Single-Family Residential (RS-7.5) to the west towards Lindsey Road, and Village Commercial (CV-7.5) to the south and east. Waimea Town Center, the Kamuela Lodge and the Paniolo Country Inn are located south of the site. The Keck Telescope base facility is located to the southeast. Between the campus and Kapi'olani Road are four small-lot residential properties. To the north, across Kapi'olani Road are larger properties in agricultural and residential use as well as a church. The Waimea Parkside subdivision is located to the northwest of the campus, northeast of the Kapi'olani Road/Lindsey Road intersection. Several small residential lots are located along Pu'ukī Road, north and west of the campus.

The existing elementary school, which has been operating since 2007, generates some noise and traffic at the site. Potential adverse impacts to the community's character due to the proposed school expansion include an increase in noise, dust, and traffic. According to the applicant, the athletic fields will not be used for nighttime activities, thus, there will be no adverse impacts from outdoor lighting. To minimize nuisances on surrounding properties associated with noise and dust the Planning Director recommends that the applicant provide a landscape buffer to shield the adjoining residential and agricultural lots from any adverse external effects of the proposed use, as required under the Planning Department's Rule No. 17, Landscaping Requirements. The Planning Director recommends that Rule No. 17-6(b)(2)(B) which generally applies to developments in the commercial districts, be considered in this situation to partially exclude visual contact between the proposed use and to create a strong spatial separation, with lessening of noise and dust intrusion. Under this section of Rule No. 17, the landscaped buffer shall be opaque from the ground to a height of at least three feet, with intermittent visual screening from the opaque portion to a height of at least 20 feet.

Short-term noise and dust impacts will occur during construction activities but will be reduced through adherence with State laws and regulation related to noise control and fugitive dust control.

The Police Department has raised safety concerns regarding the existing parking lot driveway intersection at Lindsey Road. Expansion of this parking lot is proposed in the school's master plan. Currently, there is a double white line on Kawaihae Road which prohibits vehicles traveling eastbound from changing lanes to turn left into the parking lot driveway. There is also a double yellow line on Lindsey Road which prohibits vehicles from turning left out of the driveway onto southbound Lindsey Road. To reduce the potential for vehicle conflicts in this area, the Police Department recommends placing "no left-turn" signage as an additional reminder to motorists that left-turns are prohibited at this intersection. The Police Department also recommends an internal driveway connecting the Lindsey Road parking lot with Pu'ukī Road to allow for one-way traffic flow in and out of the Lindsey Road parking lot. The DPW concurs with the concept of an internal driveway because it would reduce the potential for vehicle conflicts at the Lindsey Road parking lot driveway due to illegal left-turns and provide a more efficient flow of traffic through the campus. These recommendations will be included as conditions of approval as well as a requirement that traffic management measures be implemented during special events to reduce the affect of special event traffic on surrounding properties. Additionally, a limitation on the student population within the permit area will also be included as a condition so that any expansion beyond the student enrollment envisioned in the master plan will require an amendment to the use permit. The proposed use will not detract from the present character of the area, as a number of urban uses characterize the area. With implementation of measures to reduce noise, dust, and traffic impacts, the proposed use will not be materially detrimental to the public welfare or cause substantial adverse impact on surrounding properties.

The proposed use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure. County water is available from an existing 6-inch waterline along Kapi'olani Road fronting parcel 25 and from an existing 6-inch waterline within Pu'ukī Road fronting parcels 26 and 28. Conditions of approval will require that the applicant meet the Department of Water Supply's requirements for providing water to the proposed school expansion area.

Access to the site is from Kapi'olani Road and Pu'ukī Road, which are County-owned and maintained roadways. Kapi'olani Road has approximately 18 to 20 feet of pavement in good condition and 2 to 4-foot wide grass shoulders within a 40-foot wide right-of-way. According to the Department of Public Works (DPW), Kapi'olani Road is substandard based on width and has no sidewalks or streetlights to provide for safe pedestrian use. Kapi'olani Road is part of a "loop route" that includes Spencer Road,

Hōkū'ula Road and Lindsey Road, which is heavily used by the community for walking and bicycling. To provide safe pedestrian access for students and the general public, a condition of approval will require the applicant install streetlights and construct either a sidewalk or pedestrian walkway/shoulder along the south side of Kapi'olani Road between the proposed middle school and Lindsey Road. According to the traffic impact analysis report (TIAR) submitted by the applicant, several intersections in Waimea town center are currently congested during peak hours. There are regional improvements such as the Kawaihae Bypass, Māmalahoa Hwy.-Kawaihae Rd. Connector Road, and Parker Ranch Connector Road which are planned to reduce this congestion, but construction of these improvements are not anticipated in the short-term. The TIAR recommended four traffic mitigation measures that would be required to mitigate traffic impacts in the Year 2030 (master plan build-out) with or without the school expansion. The DPW reviewed and concurred with the conclusions in the TIAR but recommended different mitigation measures which the applicant has the ability to implement on their properties. Currently students are dropped-off and picked-up at an area along Lindsey Road in front of the existing high school. During peak hours this causes significant back-up of traffic on northbound Lindsey Road to the Māmalahoa Highway intersection. The DPW recommends that the school that this pick-up/drop-off area be eliminated and instead the applicant create pick-up/drop-off areas on school property within the expanded Lindsey Road parking lot and Kapi'olani Road parking lot. Ample on-site parking is also recommended to accommodate school and special event traffic so that vehicles do not park on the shoulders of County roads.

There is no municipal sewer system in Waimea; therefore, the applicant will provide wastewater system(s) constructed in accordance with the requirements of the State Department of Health. All development generated storm water run-off will be disposed of on-site and not allowed onto adjacent properties. Additionally, the applicant will prepare a drainage study and construct any improvements required by the DPW. Police and fire stations are located within one mile of the site. Therefore, the proposed use will not unreasonably burden public agencies to provide additional infrastructure.

In addition to the criteria for granting a Use Permit, the request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area. The subject properties are located over 8 miles to the nearest shoreline and are not located in the Special Management Area. There are no identified coastal recreational resources, coastal scenic and open space resources, coastal ecosystems, and beach or marine resources in the area. Thus, the proposed request and use of the property will not adversely impact those resources.

The property has been graded and previously used for pasturage over much of the last century. By letters dated January 15, 2009 and September 10, 2009, the DLNR-SHPD determined that the proposed school expansion will have an "effect, with agreed-

upon mitigation commitments" because demolition of the historic walls will affect the look and feel of the historic landscape and adaptive reuse of the other historic buildings, including the warehouse, may potentially affect their historic character. To maintain the historic character of the buildings and walls, a condition of approval will require the applicant submit an architectural inventory survey and mitigation plan to the DLNR-SHPD prior to demolition of the walls or alteration/reuse of the historic buildings.

As the project area is in an urban setting, there were no professional surveys conducted of floral or faunal resources, and the applicant believes that there are no rare or endangered floral or faunal resources on the site. There is no record of a designated public access to the shoreline or mountain areas that traverses the property. However, the applicant will provide a trail easement on the subject properties along Waikoloa Stream as part of the Waimea Trails and Greenways project.

Portions of parcels 25 and 63 along Waikoloa Stream are located in Zone "AE", which is defined by FEMA as the special flood hazard area that corresponds to the 100-year floodplain. Conditions of approval will require that all development-generated runoff be disposed of on-site and not directed towards adjacent properties and that the applicant adhere to the requirements of Chapter 27, Floodplain Management, of the Hawai'i County Code for construction within the "AE" flood zone which specifies, among other things, minimum building elevation requirements. Additionally, the applicant will comply with State and County regulations to ensure that erosion and runoff sedimentation does not adversely affect Waikoloa Stream.

On November 20, 2009, the Leeward Planning Commission (Commission) voted to continue the hearing for the subject application to the Commission hearing in February 2010 in order to provide time for the applicant to gain greater consensus with the Waimea community regarding concerns related to increased traffic, pedestrian and auto safety, and use of the proposed gymnasium.

According to the applicant, they have been working with the Waimea Community Association and South Kohala Traffic Safety Committee to identify solutions for reducing traffic congestion in the area and minimizing impacts of the school expansion on the surrounding properties. The applicant has submitted a letter dated February 8, 2010 (Exhibit 1A) which describes changes in their amendment request and their efforts of achieving agreement with the community. In their letter dated February 10, 2010 (Exhibit 2A), the Waimea Community Association offers support for the use permit amendment based upon a mitigation agreement negotiated with the applicant. The Planning Department is recommending changes to the conditions of approval which were made in consultation with the Department of Public Works (DPW), Police Department, and Department of Parks and Recreation (P&R). The following is a brief explanation of these changes:

To limit adverse traffic impacts of the school expansion on the surrounding community the applicant proposes to reduce the overall enrollment to 450 students (300 students within the use permit area) and reduce the gymnasium capacity from 400 seats to a 250 seating capacity. These changes are reflected in Conditions 8 and 9.

In its memo (Exhibit 5) dated September 10, 2009, the Police Department recommended an internal connection from Pu'ukī Road to the existing or expanded parking lot on Lindsey Road and signage prohibiting left turns from Kawaihae Road into the parking lot. At the 11/20/09 hearing, testimony was provided that an internal driveway connection may increase pedestrian/vehicle conflicts within the parking lot, create an adverse increase in traffic and noise on Pu'uki Road and be infeasible due to building site constraints. In a meeting held with the DPW, Police and Planning Department's, the applicant had no objections to prohibiting expansion of the Lindsey Road parking lot. Thus, Condition 10 was added and Conditions 14 and 16 in the Department's recommendation report were removed. Additionally, DPW believes that with implementation of the roadway striping changes shown in Exhibit 3A – Signs and Striping Layout, Lindsey Road at Kawaihae Road, the installation of "No Left-Turn" signage at the Lindsey Road parking lot driveway is not needed. The DPW also recommends that the Lindsey Road parking lot driveway be widened on school property. This driveway is currently too narrow for vehicles to efficiently move in and out of the driveway. Condition 16 was added to include this recommendation.

To improve student and public pedestrian safety between Waimea Park, the Lindsey Road drop-off/pick-up area and the proposed middle school and gymnasium, the Department is recommending the applicant provide concrete sidewalks along the east side of Lindsey Road and south side of Kapi'olani Road when the middle school or gymnasium is built. This recommendation is included in Condition 11.

The DPW originally recommended eliminating the Lindsey Road drop-off/pick-up area fronting the existing high school/middle school campus because during peak hours traffic backs up on northbound Lindsey Road to the Māmalahoa Highway intersection. Traffic backs up because the pick-up/ drop-off area is located too close to the Lindsey Road/Kawaihae Road intersection and parents stop at the opening in the fence fronting the school to drop-off/pick-up their children rather than stopping at the front of the pick-up/drop-off area so that vehicles queuing behind can move forward. To remedy this situation, the DPW will be implementing the roadway striping changes shown in Exhibit 3A, which will shift the drop-off/pick-up area about 20 feet further away from the Lindsey Road/Kawaihae Road intersection and provide storage for about three additional

vehicles. The applicant will also actively manage traffic on Lindsey Road during drop-off/pick-up times so that vehicles do not back up into the intersection. With implementation of Condition 13, the DPW believes Condition 11 in the Department's recommendation report is not required.

The DPW previously recommended that the applicant implement traffic management measures such as hiring special duty officers or parking attendants to direct traffic and facilitate parking during special events. This recommendation is included in Condition 17, which requires the applicant provide a comprehensive traffic management plan that addresses special event traffic and student drop-off/pick-up areas for the entire school campus. With implementation of the plan, traffic congestion on Kapi'olani, Pu'ukī, and Lindsey Roads will be reduced.

Condition 27 was changed to indicate the timing for granting the trail easement to the County. The segment of the trail easement on the applicant's property is proposed to be developed in Phase 4 of the County's Waimea Trails and Greenways project. Currently the Department of Parks and Recreation (P&R) is in the process of completing the environmental document and design stage for Phase 1 of the Waimea Trails and Greenways project, but has no schedule for completing Phase 4. The County does not want to accept the grant of easement for this trail segment until P&R begins Phase 4 of the project, during which time a specific trail alignment will be identified. In a letter dated January 21, 2010 (Exhibit 4A), the applicant reaffirmed their commitment to provide the trail easement to the County upon request by P&R.

The applicant is proposing to expand the campus in phases over a period of time; therefore some of the conditions of approval will be triggered at the various phases of development. Condition 31 was added to provide the Planning Department and public a means of tracking the progress of development and condition performance.

The Commission also requested that the Planning Department provide information about plans being developed by the State or County for regional recreational facilities to serve Waimea. The County Department of Parks and Recreation proposes to develop a new district/regional park to serve the Waimea community. The site encompasses approximately 45 acres of land located east of Māmalahoa Highway and the Parker Ranch headquarters between the Waimea Airport and Parker Ranch Connector Road which is under construction. The park will include a center for community and recreational programs, a gymnasium, a swimming pool, a playground, fields for soccer, softball, baseball and football, associated parking, spectator facilities and restrooms (see Waimea District/Regional Park-Park Master Plan- P.D. Exhibit 5A). The gymnasium is proposed to be developed in Phase I of the project; however, the size has not yet been

determined. An Environmental Assessment is currently being prepared for the park but funding for design and construction has not been identified at this time.

Based on the above, the Department's recommendation report, and written and oral testimony provided at the previous Leeward Planning Commission hearings, the expansion of Parker School to adjacent properties would be compatible with the existing land uses and the physical and social environment of the area and would promote the effectiveness and objectives of the Zoning Code and General Plan. Approval of the request is subject to the following conditions. Material to be added is underscored; material to be deleted is bracketed and struck through.

[~~1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.~~

~~2. Construction of the proposed improvements shall be completed within five (5) years from the effective date of this permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all existing and/or proposed structures, paved driveway accesses and parking stalls associated with the proposed development. Landscaping shall be included on the plans to mitigate any potential adverse noise or visual impacts to adjacent properties on Puuki Street, specifically in accordance with the Planning Department's Rule No. 17-6(b)(2)(B), Landscaping Requirements for CV zones adjoining a RS zone.~~

~~3. Enrollment shall be limited to 90 students.~~

~~4. A Carpooling Policy and Plan, to include a method for determining the number of families that have carpooled in a given year, shall be submitted to the Planning Director and implemented prior to the opening of the new school facilities proposed under this Use Permit.~~

~~5. All driveway connections to Kapiolani Road shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code.~~

~~6. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of a construction permit. Drainage improvements, if required, shall be constructed, meeting with the approval of the Department of Public Works prior to receipt of a Certificate of Occupancy.~~

~~7. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.~~

~~8. Septic tank(s) shall be installed, meeting with the standards and requirements of the State Department of Health, prior to the issuance of a Certificate of Occupancy.~~

~~9. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.~~

~~10. The applicant shall provide an easement on the subject property for the Waimea Trail.~~

~~11. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls 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.~~

~~12. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.~~

~~13. An initial 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 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 the revocation of the Use Permit.~~]

1. The applicant, its successor or assigns shall be responsible for complying with all conditions of approval.

2. Prior to the issuance of a water commitment by the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within one hundred and eighty (180) days from the effective date of the amended permit.

3. The applicant shall install a reduced pressure type backflow prevention assembly within five (5) feet of each existing and new water meter on private property, which must be inspected and approved by the Department of Water Supply prior to the issuance of a Certificate of Occupancy.

4. Prior to the issuance of a Certificate of Occupancy for any existing or new building on the subject properties, the applicant shall upgrade the existing County water system as required by the Department of Water Supply in order to provide a minimum theoretical fire flow of 2,000 gallons per minute to the site for fire protection.

5. The applicant shall relocate and adjust the Department of Water Supply's water system facilities that are affected by the construction of improvements within the road right-of-ways fronting the subject properties required by this permit.

6. Construction of the athletic fields, gymnasium, and related improvements and renovation of the two existing residences and warehouse for school use shall be completed within five (5) years from the effective date of the amended permit. Construction of the middle school, elementary school addition, and related improvements shall be completed within ten (10) years from the effective date of the amended permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structures, paved driveway accesses and parking stalls associated with the proposed development. Landscaping shall be included on the plans to mitigate any potential adverse noise or visual impacts to adjacent properties on Pu'ukī Road and the four A-1a-zoned properties on the south side of Kapi'olani Road, specifically in accordance with the Planning Department's Rule No. 17-6(b)(2)(B), Landscaping Requirements for CV zones adjoining an RS zone.

7. Nighttime lighting of the athletic fields is prohibited.

8. Overall enrollment of grades K-12 shall be limited to four hundred fifty (450) students, which includes limiting the elementary school (grades K-5) and relocated middle school (grades 6-8) to three hundred (300) students combined.

9. The gymnasium shall be limited in size to a 250 seating capacity and limited in hours to up to 10:00 p.m. Use of the gymnasium for after-school activities involving persons other than Parker School students shall be limited to 14 vehicle arrivals prior to 6:00 p.m. on weekdays.

10. Expansion of the existing Lindsey Road parking lot is prohibited.

11. Prior to issuance of a Certificate of Occupancy for the middle school or gymnasium the applicant shall provide the following improvements meeting with the approval of the Department of Public Works, at no cost to the County:

a. Provide pavement widening, concrete curb, gutter and sidewalk, and incidental drainage improvements along the south side of Kapi'olani Road from Lindsey Road to the middle school entrance and along the east side of Lindsey Road from Kapi'olani Street to the existing sidewalk at the edge of the school's property.

b. Install streetlights along the south side of Kapi'olani Road from Lindsey Road to the middle school and any necessary signs and markings.

12. Any vehicular security gate(s) at the County road approaches shall be recessed a minimum of 20 feet (exclusive of gate swing) from the County right-of-way, meeting the approval of the Department of Public Works.

13. Upon approval of the amended permit, the applicant shall provide active traffic management of all student pick-up/drop-off areas so that drop-off and pick-up activity does not result in queuing of vehicles on any County road. Additional off-street parking, above the minimum required in the Zoning Code, may be required by the Planning Director to achieve this result.

14. As agreed to by the applicant, a Hele-On bus stop shelter and/or related improvements shall be provided by the applicant on the north side of Kawaihae Road near Waimea Park, at a location meeting with the approval of the County Mass Transit Agency and Department of Public Works.

15. The applicant shall continue to implement staggered school start times and a carpooling program.

16. When required by the Department of Public Works, the applicant shall widen the Lindsey Road parking lot driveway on school property.

17. Prior to issuance of Final Plan Approval for construction of the middle school or gymnasium, the applicant shall submit to the Planning Department a Traffic Management Plan that has been reviewed and approved by the Department of Public Works-Traffic Division in consultation with the Police Department. The comprehensive plan shall be implemented upon approval and shall provide traffic management strategies that reduce traffic congestion on surrounding County roads during special events and student pick-up/drop-off activities for the entire school campus.

18. All driveway connections to Pu'ukī Road and Kapi'olani Road shall conform to Chapter 22, Streets and Sidewalks, of the Hawai'i County Code.

19. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of Final Plan Approval. Drainage improvements, if required, shall be constructed, meeting with the approval of the Department of Public Works prior to the issuance of a Certificate of Occupancy.

20. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawai'i.

21. Construction activities must comply with the provisions of Hawai'i Administrative Rules, Chapter 11-46, "Community Noise Control."

22. Earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.

23. Comply with Chapter 11-55, Water Pollution Control, Hawai'i Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity.

24. Any new construction, improvements to repetitive loss structures or substantial improvements of structures within 50 feet of Zone "AE" shall be completed in conformance with the requirements of Chapter 27- Flood Plain Management, of the Hawai'i County Code.

25. The applicant shall install wastewater system(s) meeting with the requirements of the State Department of Health prior to the issuance of a Certificate of Occupancy.

26. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of Final Plan Approval.

27. The applicant shall provide an easement on parcels 25 and 63, on the north side (school side) of Waikoloa Stream at a location approved by the Department of Parks and Recreation. The easement shall be granted at no cost to the County when required by the Department of Parks and Recreation for the Waimea Trails and Greenways project.

28. Prior to removal of the historic rock walls and adaptive reuse, alteration or demolition of the historic warehouse building the applicant shall submit an

architectural inventory survey and mitigation plan to the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) for approval. The applicant shall implement any mitigation required by the DLNR-SHPD related to these historic resources.

29. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the DLNR-SHPD shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.

30. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

31. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of this amended permit. The report shall include, but not be limited to, the status of the development and compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been satisfied and the Planning Director acknowledges that further reports are not required.

32. An initial extension of time for the performance of conditions within the amended 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 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).

33. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate the revocation of the Use 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.

Should you have any questions, please contact the Planning Department at 961-8288.

Sincerely,

Frederic Housel, Chairman
Leeward Planning Commission

Lparkerschooluse05-001LWPC

cc: Mr. Jeffrey Melrose/Island Planning
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Department - Kona
DOT-Highways, Honolulu
Mr. Gilbert Bailado