

**COUNTY OF HAWAI'I PLANNING COMMISSION**  
**RECOMMENDATION**

**HAWAI'I VOLCANO CIRCUS**  
**AMEND SPECIAL PERMIT NO. 1122 (PL-SPP-2024-000079)**

Upon review of the request against the guidelines for granting a Special Permit, **the Planning Director recommends approval of the applicant's request to increase the Special Permit area from 2.5 to 3.13 acres, expand the scope of permitted educational and community uses, and to amend Conditions 3 (Time to Complete Construction), 4 (Time to Secure Building Permits), and 5 (Public Performance Restrictions) of Special Permit No. 1122.** These amendments reflect the updated boundaries of the parcel and the evolving mission of the Seaview Performing Arts Center for Education (SPACE), which is located within the State Land Use Agricultural District. The proposed changes also expand the scope of permitted educational and community uses to support long-term campus operations, including the establishment of a K–6 public charter school, agricultural education, disaster resilience training, circus arts-based youth development, and quarterly community events. Since this recommendation is made without the benefit of public testimony, the Director reserves the right to revise or supplement this position based on information presented at the public hearing.

The applicant is requesting an amendment to Condition 3 (Time to Complete Construction), Condition 4 (Time to Secure Building Permits), and Condition 5 (Public Performance Restrictions) of Special Permit No. 2001-000013 (Special Permit No. 1122) to read as follows:

- Condition 3: [~~The performing arts educational center shall be established within five (5) years from the effective date of this permit.~~] Prior to establishing [~~this~~] any new use and/or structure allowed by this permit, the applicant shall secure Final Plan Approval from the Planning Director in accordance with the Zoning Code, Sections 25-2-71(f), 25-2-72, 25-2-76 and 25-2-77. Plans shall identify all existing and proposed structures, fire protection measures, parking areas, access roadways and landscaping (along the proposed development area and access driveway) associated with the proposed use. The applicant shall notify the Planning Department, in writing, of the completion of required improvements prior to commencing operation of the proposed [~~center~~] uses or structures.

- Condition 4: [~~4. The applicant shall secure building permits, for all existing farm dwellings/buildings, on the remainder of the property within one (1) year from the effective date of this permit.~~]
- Condition 5: [~~5. No public performances shall be allowed on the subject property.~~]

In addition to these amendments, Hawai‘i Volcano Circus (HVC) requests to amend Special Permit No. 1122 to reflect the evolution of the Seaview Performing Arts Center for Education (SPACE) and its expanded mission. The proposed amendment includes updating the Special Permit area and broadening the scope of permitted uses to support ongoing community programming. Key components of the amendment include:

- Update the Special Permit area to reflect the subdivision of the original 10-acre parcel (Parcel 50) into the 3.13-acre parcel which fully contains the SPACE campus; and
- Expand permitted uses to include the following:
  - *Out On A Limb*: Community agriculture education through micro-farm tours, fruit gleanings, and garden-based workshops;
  - *Seaview Community School*: A K–6 public charter school operated under the Hawai‘i Academy of Arts and Science (HAAS), blending distance learning and in-person enrichment for approximately 55 students;
  - *SPACE Resilience Hub*: Disaster preparedness and resilience programming in partnership with Vibrant Hawai‘i and Urban Sustainability Directors Network (USDN);
  - *HICCUP (Hawai‘i Island Community Circus Unity Program)*: Ongoing circus arts instruction supporting youth development and community engagement.

The purpose of the proposed amendment is to align the existing Special Permit with SPACE’s expanded educational and community-based mission. Originally permitted as a performing arts educational center, the facility now supports a broader range of uses, including charter school programming, agricultural education, disaster preparedness

training, and youth development activities. The amendment will formalize these uses, ensure regulatory compliance, and support continued operations into the future.

SPACE currently employs approximately 30 individuals. During school hours, there are typically 10 to 15 support staff members on site, with 2 to 3 support staff present during after-school programs.

SPACE operates seven days a week from 8:00 a.m. to 9:00 p.m. All classes conclude by 8:00 p.m., allowing for site cleanup and closure by 9:00 p.m.

- **Charter School:** Operates Monday–Friday, 8:00 a.m.–3:00 p.m. under a distance-learning model with limited on-campus attendance (approximately 15 students at a time).
- **After-School Programs:** Monday–Friday, 3:00 p.m.–9:00 p.m., and weekends, 8:00 a.m.–9:00 p.m., serving up to 50 students and approximate 2 or 3 support staff.
- **School Holidays:** Camps operate daily, 8:00 a.m. to 9:00 p.m., serving up to 40 students and 10 support staff.
- **Community Events:** Quarterly events (recitals, fairs, fundraisers) serve an estimated 50-75 attendees per event, with a total annual attendance of approximately 200 to 300 participants.

Upon approval of the Special Permit amendment, the applicant will seek Final Plan Approval and begin implementation of permitted uses within one (1) year, subject to any conditions imposed by the Windward Planning Commission. The applicant requests a commencement window of up to five (5) years from the date of permit approval to accommodate potential agency requirements.

The grounds for approving a Special Permit and amendments are based on Rule 6-7 in the Planning Commission Rules. It states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural or Rural district, whichever the case may be; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai‘i Revised Statutes, as amended.

**The proposed use is an unusual and reasonable use of land situated within the Agricultural District that would not be contrary to the effectiveness and objectives of Chapter 205, Hawai‘i Revised Statutes, as amended.** In recognizing that lands within Agricultural Districts might not always be well-suited for intensive agricultural production but are nevertheless designated as such, the legislature established the Special Permit process to accommodate certain unusual and reasonable uses. This allows flexibility for community benefiting uses that are compatible with, but not strictly limited to, agricultural activities.

The subject property consists of approximately 3.13 acres, most of which is already developed as the Seaview Performing Arts Center for Education (SPACE). Agricultural activities continue on the property in the form of gardening, greenhouses, and community agriculture programs, and no actively farmed lands will be removed from production for the proposed use.

Over the past 16 years, SPACE has become a significant community asset, offering a range of educational, cultural, and resilience-focused programming, particularly for the rural population it serves. The proposed expansion builds upon this legacy without compromising the agricultural character of the site. Instead, the project enhances agricultural integration by incorporating agricultural education and community farming into its curriculum and outreach efforts.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5)(A) through (G). In considering the criteria, the Planning Director recommends the following:

**(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.** As mentioned previously, the subject property has already been cleared and developed as the Seaview Performing Arts Center for Education (SPACE), with existing uses that include educational, cultural, and agricultural programs. Agricultural activities—such as gardening, greenhouse operations, and community farming—remain ongoing. No actively farmed lands will be taken out of production.

The subject property is located on a 1955 lava flow and is characterized by very

poor soils, rated “E” by the Land Study Bureau (LSB), and is unclassified under the Agricultural Lands of Importance to the State of Hawai‘i (ALISH), indicating limited agricultural potential.

The proposed amendment seeks to formalize existing community-based programs and allow for construction of new 1,500-square-foot teacher resource rooms adjacent to the existing 3,200-square-foot pavilion (BP No. 2007-1279H), which serves educational and administrative purposes. An additional 3,200-square-foot greenhouse (BP No. 2007-0649H) remains in use for agriculture and equipment storage.

There is also an existing agricultural shed located in the northwestern corner of the property. However, the shed is not associated with the school’s operations. It remained on the property following the subdivision of the land, as the subject parcel was required to meet the minimum lot area of three acres. The Applicant has indicated that the shed actually belongs to the adjoining parcel, and that there is an agreement allowing it to remain on the subject parcel. However, the shed may be removed at any time.

Given the site’s limitations for productive farming and its current use pattern, the proposed amendment represents an unusual and reasonable use that does not conflict with Chapter 205’s objectives. It supports the intent of the Land Use Law by facilitating rural education and community services without displacing viable agricultural resources or impairing lands with high agricultural value.

**(B) The desired use would not adversely affect surrounding properties.**

The subject property and surrounding lands are zoned Agricultural-3 acres (A-3a), with nearby uses including farm dwellings, scattered residences, and vacant parcels. The proposed amendment formalizes the site's evolution into a broader educational and community center while maintaining limited occupancy and agricultural integration. Activities include distance-learning, after-school programs, and quarterly events, all of which are scaled for the rural setting.

A Traffic Management Plan addresses circulation and parking, with 118 on-site stalls and trip generation below County thresholds. Operational limits, including class curfews, restricted event frequency, and ongoing traffic controls, further minimize impacts. Additionally, a condition of approval has been added to ensure that all events are

conducted as presented in the application and conclude by 9:00 p.m., in accordance with the Applicant's proposal. No objections have been received from adjacent property owners or the surrounding community. Based on the preceding, it is not anticipated that the proposed use will adversely affect surrounding properties.

The applicant has requested deletion of existing Condition No. 5, which currently prohibits public performances on the property. This condition was originally intended to minimize impacts on surrounding properties. However, the applicant has clarified that SPACE has been hosting quarterly public events—such as student recitals, community fundraisers, and seasonal fairs—and seeks formal recognition of this ongoing practice.

In response, the Planning Department recommends revising, rather than removing, Condition No. 5 to reflect the facility's current operations while providing clear safeguards. The revised condition allows no more than four (4) public performances, community events and special events per calendar year, requires that events conclude by 9:00 p.m., and limits the number of on-site vehicles to 50 at any time. These measures are intended to support community participation while maintaining compatibility with the surrounding rural neighborhood and controlling traffic-related impacts.

**(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection.** Access to the subject property is from Kapoho-Kalapana Road (State Highway 137) via Mapuana Street, the primary entry road into the Kalapana Seaview Estates subdivision. From Mapuana Street, access continues onto Kehauopuna Street and West Pohakupele Loop, where the subject property is located, approximately one (1) mile from Highway 137. All roads within the subdivision are County-owned and maintained, with a pavement width of approximately 20 feet and grassed shoulders. All parking for the facility is accommodated on-site, and peak-hour traffic volumes are anticipated to remain below the County's concurrency threshold of 50 vehicle trips, as outlined in the Traffic Management Plan.

The subject property, like others in the area, is not served by the County Department of Water Supply. Potable water is delivered to the site and stored in a 4,000-

gallon tank for domestic use. Non-potable water needs, such as restrooms, landscaping, cleaning, and fire suppression are met through two additional tanks with storage capacities of 10,000 and 15,000 gallons. This self-contained water system has reliably supported facility operations for over 16 years, with no reported issues. The applicant will coordinate with applicable agencies should water system upgrades become necessary.

There is no County sewer system in the area; therefore, the property is serviced by an individual wastewater system (IWS) approved by the State Department of Health (DOH) on September 12, 2006. The DOH Wastewater Branch has requested updated wastewater calculations to demonstrate that the existing IWS can accommodate flows generated by patrons and staff associated with the proposed Educational and Outreach Programs. Until all buildings generating wastewater are connected to an approved system, the DOH Wastewater Branch cannot support approval of the subject Special Permit Amendment (SPA).

Accordingly, a condition of approval will require that all existing and future wastewater systems comply with DOH requirements. Additionally, the applicant has stated that should plumbing be installed in the proposed teacher resource rooms, and if deemed necessary by the DOH, they will provide design plan calculations and comply with all applicable State Department of Health requirements.

Solid waste will be handled through commercial haulers, and green waste will continue to be composted on-site. A condition of approval will require that the applicant submit and secure approval of a Solid Waste Management Plan from the Department of Environmental Management for review and approval prior to obtaining final plan approval for any proposed new uses and/or structures. Electrical service is provided through an on-site solar energy system. Internet and telephone services are also available.

Building permits have been finalized for key structures on the site, including a performing arts training pavilion with office space, storage, restrooms, and a janitor's closet, which was completed on April 23, 2008. A 35' x 72' greenhouse, used for agricultural activities and equipment storage, was completed on May 31, 2007. The Department of Public Works, Building Division, has noted that change-of-use permits

may be required if any existing buildings are repurposed for uses beyond those originally approved. Accordingly, a condition of approval will be included to ensure that the applicant secures necessary building permits in compliance with the Department of Public Works' requirements.

The applicant has requested that Condition No. 4 from SPP No. 1122 be removed, noting that it was originally tied to the agricultural dwellings located on the upper parcel, which was subdivided from the subject parcel. However, the Planning Department recommends retaining a revised version of this condition. While there are no longer agricultural dwellings on the subject parcel, the applicant has indicated that new teacher workrooms will be developed, which constitute new structures. Therefore, a condition of approval will require that all new buildings must obtain building permits. This ensures that future improvements are reviewed for compliance with applicable building and health codes. The parcel located adjacent to the northwest of the subject property, formerly part of the original lot, continues to host the agricultural dwellings associated with the earlier permit.

The subject property is located in Flood Zone X, as designated by FEMA, indicating minimal flood hazard outside of the 500-year floodplain. Emergency response services (police, fire, and medical) are located approximately 15 miles away in Pāhoa. The facility maintains an Automated External Defibrillator (AED) and staff are trained in both adult and pediatric first aid.

An additional condition will require compliance with all applicable County, State, and Federal laws, rules, and regulations. Based on the above, the proposed amendment is not expected to place any unreasonable demands on public infrastructure or services.

**(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established.** The Agricultural District boundaries established in 1964 were intended to guide long-term rural land use but did not anticipate the scale of residential development or the lack of public services in areas like Lower Puna. The creation of Kalapana Seaview Estates in the 1970s introduced over 900 residential lots into this remote region without accompanying Urban District designations or community infrastructure.

Since its founding over 25 years ago, HVC has adapted to these conditions by providing educational, cultural, and recreational programming in Lower Puna. SPACE has evolved from a performing arts facility into a rural anchor institution—now hosting a public charter school, agricultural programs, disaster preparedness training, and youth development services. These uses address service gaps in a region where many families are low-income or live on fixed incomes and must travel long distances for basic needs. Therefore, a Special Permit is the only way to provide these much-needed amenities to the lower Puna community.

**(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.** The subject property is unsuited for productive agricultural use due to its physical characteristics. The site lies atop a 1955 lava flow and is primarily covered by ‘a‘ā lava with shallow, poorly developed soils. According to the Land Study Bureau’s Overall Productivity Rating, the soils are classified as “E” (Very Poor), and the site is not designated as Important Agricultural Land under the Agricultural Lands of Importance to the State of Hawai‘i (ALISH) classification. These conditions render the land impractical for economically viable farming.

In contrast, the site has supported educational and community-serving uses since 2001, with existing infrastructure and cleared areas already in place. The proposed amendment would optimize the use of this marginal agricultural land for continued public benefit while preserving agricultural potential on the remainder of the original 10-acre parent parcel. All SPACE activities remain confined to the previously cleared and developed portion of the property and do not displace any ongoing agricultural operations.

**(F) The proposed use will not substantially alter or change the essential character of the land and the present use.** The proposed use will not substantially alter the essential character of the land or its current use. The subject property has already been cleared and developed with educational facilities and supporting infrastructure in accordance with Special Permit No. 1122, originally approved in 2001. Since the educational and community uses have been in place for over two decades, and the proposed amendment occurs within the existing development footprint, the project will

not significantly change the character of the property or surrounding area.

**(G) The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans.** The County of Hawai'i's General Plan The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County.

The LUPAG map designates most of the property as Extensive Agriculture (ea). A small portion at the northwest corner that is not used is designated as Important Agricultural Lands (ial), while a portion to the northeast is designated as Rural (rur). The ea designation allows for less intensive agricultural activities such as grazing, which reflects the County's recognition of varied land capacity.

The approval of the subject request would support the following goals and policies of the Public Facilities, Land Use and Economic elements of General Plan:

Land Use Element

- Provide for the orderly development of public services and facilities to serve rural areas.
- Encourage the development of rural centers to serve as community focal points.
- Designate and allocate land in keeping with the social, cultural, and physical environments of the County.

Economic Element

- Support diversified economic development, including educational and cultural opportunities in rural areas.
- Encourage programs that support self-sufficiency and community-based development.

Public Facilities Element

- Provide public facilities and services that support and strengthen communities, particularly in underserved areas.

### Natural Systems and Conservation

- Encourage compatible land uses in areas with low agricultural productivity to support rural character and open space.

The request is consistent with the Puna Community Development Plan (PCDP), adopted in 2008 and amended in 2011. Although the subject property is not within a designated village center or protected cultural or scenic area, the PCDP identifies the need for a Neighborhood Village Center near Kalapana Seaview Estates to provide limited services and amenities to this rural, isolated community. The plan also recognizes that schools often function as critical community hubs in rural areas, offering space for education, recreation, meetings, and public services. In this context, SPACE effectively serves as a de facto village center in an area where none currently exists. Additionally, SPACE is designated as a Community Anchor Institution (CAI) by the Hawai'i Department of Business, Economic Development and Tourism (DBEDT), a designation given to nonprofit or government-supported entities that help bridge infrastructure gaps in education, health, and broadband access for underserved communities.

The proposed request would expand community-serving functions within the existing parcel without altering its rural-agricultural character and could continue to offer needed resources to the surrounding community. Accordingly, the request is consistent with the goals, objectives, and policies of the General Plan and the PCDP.

**The proposed amendment is not contrary to the objectives sought to be accomplished by Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management program.** The subject property is not located within the Special Management Area (SMA) and is situated approximately 0.85 miles from the nearest shoreline. The proposed use will not impact coastal ecosystems, public shoreline access, recreational resources, or scenic and open space resources, and is not susceptible to coastal hazards such as erosion, inundation, or sea level rise. Therefore, the proposed action is not expected to have any adverse effect on coastal resources protected under Chapter 205A, HRS.

**The request will not have a significant adverse impact to traditional and customary Hawaiian rights.** The request will not have a significant adverse impact on

traditional and customary Native Hawaiian rights. In accordance with Article XII, Section 7 of the Hawai‘i State Constitution, and the Hawai‘i State Supreme Court decisions in *Public Access Shoreline Hawai‘i (PASH) v. Hawai‘i County Planning Commission* and *Ka Pa‘akai o Ka ‘Āina v. Land Use Commission*, the following determinations are made regarding cultural and natural resources:

- Investigation of Valued Resources: No formal archaeological reconnaissance survey, oral history of kama‘āina accounts of the area, historical survey of documentary records, or botanical study was included in the application. The applicant reviewed historical land use, cultural records, and site conditions and found no evidence of traditional cultural practices or features on the project site. The subject parcel has been extensively developed with structures and landscaping since the early 2000s and is not known to contain native flora, fauna, or access routes commonly associated with cultural gathering or practice.
- Valued Cultural, Historical, and Natural Resources in the Permit Area: According to the applicant, no archeological or historical features are known to exist on the subject property. The subject property has been impacted by ground-disturbing activities associated with previous residential and commercial development. No professional surveys were conducted of the flora/fauna resources on the property and there are no known endangered or listed plant species on the property.

According to a June 12, 2025 letter from the State Historic Preservation Division (SHPD), the 3.13-acre parcel lies entirely within the 1955 lava flow. SHPD has no record of any archaeological inventory surveys or historic properties on the site, and previous reviews found no evidence of burials, habitation sites, or ceremonial features. However, adjacent parcels have documented historic sites, and SHPD has requested review of any future ground-disturbing work.

- Possible Adverse Effect or Impairment of Valued Resources: No adverse effects are expected. The site is already disturbed, and proposed uses involve

continuation and formalization of existing educational and community programming. There are no known valued resources or customary practices being exercised on or adjacent to the subject property.

- Feasible Actions to Protect Native Hawaiian Rights: The applicant has committed to halting any land disturbance if subsurface cultural materials are discovered and to notifying SHPD and appropriate authorities immediately in accordance with HRS Chapter 6E. This commitment is reflected in recommended conditions of approval and is consistent with the County's responsibilities to uphold Native Hawaiian rights.

Lastly, this recommendation is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved water systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the preceding findings, the **Planning Director recommends approval of the applicant's request to expand the Special Permit area from 2.5 to 3.13 acres, expand the scope of permitted educational and community uses, and to amend Conditions 3 (Time to Complete Construction), 4 (Time to Secure Building Permits), and 5 (Public Performance Restrictions) of Special Permit No. 1122.** Approval of this request is subject to the following conditions, which have been updated to address new requirements and match current standard conditions of approval (material to be added is underscored; material to be deleted is bracketed and lined out):

1. The applicants, its successors, or assigns ("Applicant") shall be responsible for complying with all of the stated conditions of approval.

2. ~~[The project shall be developed in substantial compliance with representations made by the applicant.]~~ The operation of the proposed uses shall be conducted in a manner that is substantially representative of plans and details contained within the Special Permit Application, any subsequent material received by the Planning Department, and any representations made to the Windward Planning Commission. Any expansion or uses beyond what is represented shall require an amendment to this permit.
3. ~~[The performing arts educational center shall be established within five (5) years from the effective date of this permit.]~~ Prior to establishing ~~[this]~~ any new use and/or structure allowed by this permit, the applicant shall secure Final Plan Approval from the Planning Director in accordance with the Zoning Code, Sections 25-2-71(f), 25-2-72, 25-2-76 and 25-2-77. Plans shall identify all existing and proposed structures, fire protection measures, parking areas, access roadways and landscaping (along the proposed development area and access driveway) associated with the proposed use. The applicant shall notify the Planning Department, in writing, of the completion of required improvements prior to commencing operation of the proposed ~~[center]~~ uses or structures.
- ~~4. The applicant shall secure building permits, for all existing farm dwellings/buildings, on the remainder of the property within one (1) year from the effective date of this permit.]~~
4. The Applicant shall secure building permits, for all new and proposed buildings.
5. Any construction within the road right-of-way shall comply with the requirements of Hawai'i County Code, Chapter 22, County Streets.
6. The campus shall be limited to an enrollment of 55 students.
- ~~[(5)](7) [No public performances shall be allowed on the subject property.]~~ Public performances, shall only be conducted by and for the benefit of the students and staff of SPACE and shall be limited to no more than four (4) events per calendar year. Community and special events held on the subject property shall be limited to functions that directly benefit the lower Puna community and limited to no more than ten (10) events annually. All public performance and events shall conclude no later than 9:00 p.m. The total number of vehicles on-site for both public performances and events shall not exceed 50 at any time and shall be conducted in accordance with the approved Traffic Management

Plan and any other applicable conditions established by the Planning Commission or other regulatory agencies.

8. The Applicant shall continue to implement the approved traffic management plan by staggering school pick-up and drop-off times, encouraging carpooling, bus, and van services.
9. The Applicant shall ensure that all existing and future wastewater systems on the property comply with the requirements of the State Department of Health (DOH).
10. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to Final Plan Approval for the proposed new use and/or structures.

~~[(6)](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-State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.]~~ In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

~~[(7)](12) [Comply]~~ The Applicant shall be responsible for compliance with all other applicable laws, rules, regulations and requirements to the affected government agencies for the proposed use, including the, Department of Public Works and State Department of Health requirements.

~~[(8)]~~(13) If the ~~[applicant]~~ Applicant fails to comply with the conditions of approval or causes complaint(s) relating to any interference or nuisance and is unable to resolve them with the surrounding community, the Planning Director shall investigate and if necessary, suspend the permit. The Planning Director shall then refer the matter to the Planning Commission to revoke the permit. Upon appropriate findings by the Planning Commission, if the applicant fails to comply with the conditions of approval or has caused any unreasonable interference or nuisance on the surrounding community, the permit may be revoked.

~~[(9) 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) — 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).]~~