

COUNTY OF HAWAI'I PLANNING DEPARTMENT
BACKGROUND REPORT

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

HAWAI'I VOLCANO CIRCUS has submitted an application to increase the Special Permit area from 2.5 to 3.1 acres, and to amend Condition 3 (Time to Complete Construction), Condition 4 (Time to Secure Building Permits), and Condition 5 (Public Performance Restrictions) of Special Permit No. 1122, which allowed the establishment of the Seaview Performing Arts Center for Education (SPACE) on approximately 2.5 acres of land situated in the State Land Use Agricultural District. The proposed amendments reflect the Special Permit Area increase and expands 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 and workshops, resilience training, circus arts-based youth development, and quarterly community events. The subject property is located at 12-253 West Pohakupele Loop, directly southwest of its intersection with Kehauopuna Street, Por. Keauohana-Kehena-Keekee Homestead, Puna, Hawai'i, TMK: (3) 1-2-009:034 (formerly part of TMK: (3) 1-2-038:050).

PROPOSED ACTION

1. **Applicant's Request:** The applicant is requesting an amendment to Condition 3 (Time to Complete Construction), and to delete 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.

2. **Representation of the Original Proposed Request:** The original Special Permit No. 1122 supported HVC's request to establish a performing arts educational center on 2.5

acres of a 10-acre lot. The mission of HVC was described as promoting the healthy development of children and the broader community through circus arts. At that time, HVC had operated for over 15 years, providing enrichment programs such as “Juggling for Success” in public schools and producing community-based performances through the HICCUP Children’s Circus. Programs emphasized youth development, self-esteem and coordination, and were conducted in schools, libraries, churches, festivals, and fairs throughout Hawai‘i Island and Kaua‘i. The Special Permit application cited the need for a dedicated, on-site training center to support these performing arts educational programs, particularly to serve the underserved Puna District. The proposed facility included a rehearsal pavilion, administrative offices, and supporting infrastructure, while maintaining ongoing agricultural activity on the remaining acreage. At the time, the applicant stated that they would not be presenting public performances on the subject parcel and that any educational uses proposed would need to be associated with performing arts in some manner.

3. **Purpose for the Request:** 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.
4. **Staffing/Employees:** 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.
5. **Hours of Operation:** 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.
6. **Project Timetable and Cost:** 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.
 7. **Landowners:** The property is owned by the Village Green Society Ltd., a Hawai‘i-based nonprofit landholding entity affiliated with the applicant.
 8. **Supportive Information:** The applicants have submitted the attached in support of the request (**Planning Department Exhibit 1 – Special Permit Amendment Request dated April 2, 2025.**)

BACKGROUND INFORMATION

8. **September 21, 2001:** The Planning Commission voted to approved SPP 1122 to allow the establishment of a performing arts educational center on 2.5 acres in the State Land Use Agricultural District.
9. **November 4, 2010:** The Planning Department responded to a request from SPACE. to allow six public performances through April 2011. The Department denied the request, citing non-compliance with SPP 1122, which explicitly prohibited public performances on the property. The Planning Director determined that an amendment to the permit would be required before any performances could be allowed.
10. **August 9, 2011:** The Planning Department addressed two complaints regarding SPACE: (1) a June 3, 2011 public ceremony, which was determined not to violate Condition No. 5

of SPP 1122 (No Public Performances); and (2) unpermitted structures blocking the fire lane and a potentially unpermitted sign. Permit amendment efforts were underway to address these compliance issues.

11. **April 5, 2012:** The Planning Department issued a formal Notice of Non-Compliance and initiated revocation proceedings for SPP 1122 due to continued unauthorized activities (including the farmers' market and various events) on the property. SPACE was ordered to appear before the Windward Planning Commission.
12. **May 11, 2012:** The Windward Planning Commission considered the Planning Director's request to revoke SPP 1122. The Commission voted to defer the revocation proceedings until its December 6, 2012 meeting to give the applicant an opportunity to submit an application to amend the special permit. During this time, the applicant was required to comply with all existing conditions of SPP 1122.
13. **December 6, 2012:** The continued hearing regarding non-compliance with conditions of approval of SPP 1122 and revocation proceedings was held before the Windward Planning Commission. A motion to continue the hearing did not pass (3 ayes, 1 no). The Planning Director determined that the hearing would be further continued to coincide with a future hearing regarding the applicant's proposed amendment to SPP 1122.
14. **February 6, 2013:** The Planning Department issued a warning to SPACE regarding repeated complaints of off-site parking along subdivision roads by patrons of the farmers' market. While temporary operation of the market was allowed pending the Special Permit amendment, this allowance required all market parking to be on-site. Continued off-site parking violations could lead to a notice of non-compliance and potential action on SPP 1122.
15. **October 27, 2014:** The Planning Department advised SPACE that the revocation of SPP 1122 remained pending due to unresolved unpermitted structures and a deficient Traffic Impact Analysis Report (TIAR). Three options were offered: voluntary permit revocation, continuation under the original permit with a time extension and compliance, or resubmittal of an acceptable TIAR and Traffic Management Plan to proceed with the

amendment. The Department stated it would move forward with the revocation if no response was received within two weeks.

16. **December 30, 2014:** In response to a December 7, 2014 request, the Planning Department granted a six-month extension (until June 7, 2015) to allow SPACE to withdraw the pending amendment and submit a revised one. The Department reiterated that the revised amendment must include a time extension for Condition No. 4, a \$250 filing fee, and updated compliance information, including the status of unpermitted structures. Because the property had not been subdivided or converted to CPR, the permit would continue to apply to the entire parcel. A site inspection would be required, and failure to comply could result in the return of revocation proceedings to the Commission.
17. **September 9, 2023:** The Planning Director approved Subdivision PL-SUB-2023-000170 which subdivided the original 10-acre parcel into two properties, including the subject 3.13-acre parcel now solely containing the SPACE campus.
18. **2024:** Under new leadership, Hawai'i Volcano Circus submitted the current application to amend SPP 1122, requesting to expand permitted uses, update the affected permit area to reflect the subdivision, and resolve prior compliance issues.

STATE, COUNTY & COMMUNITY PLANS

19. **State Land Use District:** Agricultural.
20. **General Plan LUPAG Map Designation:** Most of the property is designated Extensive Agriculture (ea). A small portion at the northwest corner is designated as Important Agricultural Lands (ial), while a portion to the northeast is designated as Rural (rur).
21. **County Zoning:** Agricultural-3 acres (A-3a).
22. **Puna Community Development Plan (HCDP):** The subject parcel is within the Puna Community Development Plan which was adopted by the Hawai'i County Council by Ordinance No. 08-116 on September 10, 2008, and amended on November 4, 2010, by Ordinance No. 10-104; on June 8, 2011, by Ordinance Nos. 11-51, 11-52, & 11-53; and on December 6, 2011, by Ordinance Nos. 11-117 & 11-118.
23. **Special Management Area (SMA):** The subject property is not situated within the SMA and is located approximately 0.85 miles away from the nearest shoreline.

DESCRIPTION OF PROPERTY AND SURROUNDING AREA

24. **Subject Property:** The subject property has an irregular, flag-shaped configuration, consisting of a narrow access corridor or “flagpole” extending from the main body of the parcel. The main portion of the lot is situated behind and to the west of the adjacent subdivision area along West Pohakupele Loop, and has a blocky, L-shaped form with angular extensions along its boundaries. This configuration is typical of flag lots, where access to a landlocked interior parcel is provided via a narrow strip of land connecting it to a public roadway. The subject parcel is currently improved with the following:
- **BP# B2007-1279H:** Construction of a new performance art training pavilion, including office space, storage, restrooms, and a janitor’s closet. Completed on April 23, 2008.
 - **BP# B2007-0649H:** Construction of a 35' x 72' greenhouse. Completed on May 31, 2007.

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 is not a permitted structure on the subject parcel and may be removed at any time.

25. **Surrounding Land Uses/Zoning:** The subject property and surrounding lands are all zoned Agricultural-3 acres (A-3a) by the County and designated Agricultural by the State Land Use Commission. The area is characterized by scattered farm dwellings, agricultural uses, and vacant lands on similarly zoned A-3a parcels. To the northwest, the remainder of the original 10-acre parent parcel, also owned by the Village Green Society, is occupied by agricultural farm dwellings. Single-family dwellings are scattered across parcels to the north, west, and south of the subject property. To the east and northeast lies the Kalapana Seaview Estates Subdivision, which contains over 900 residential lots ranging in size from approximately 7,500 to over 10,000 square feet. Immediately to the

south and southwest of the property is a large, vacant 60-acre parcel owned by the State of Hawai‘i.

26. **ALISH:** Unclassified.
27. **Land Study Bureau’s Detailed Land Classification System:** The land Study Bureau overall Master Productivity Rating classifies the soils within the area as “E” or “Very Poor” for agricultural productivity.
28. **US Soil Survey:** The site consists primarily of ‘A‘ā lava flows (rLv), which have minimal soil cover and are largely barren of vegetation. Portions of the site also contain Malama extremely cobbly, highly decomposed plant material on dry slopes ranging from 2 to 40 percent.
29. **Flood Zone:** Flood Zone X, which is the area determined to be outside the 500-year flood zone.
30. **Flora/Fauna Resources:** No professional surveys were conducted of the flora/fauna resources on the subject property due to its extensively improved condition as an educational facility with extensive support facilities, landscaping, and agricultural activities. Given the property’s long-standing campus development and proximity to residential areas, it is unlikely to impact any sensitive plant or animal life.
31. **Archaeological/Cultural/Historical Resources:** No formal archaeological studies have been conducted upon the Project Site due to its extensively altered and improved nature. A letter from the State Historic Preservation Division (SHPD) dated June 12, 2025, determined that no historic properties would likely be affected by the existing or proposed uses of the site. However, as a precaution, the applicant has committed to ceasing work and notifying the SHPD and County authorities if any inadvertent discoveries of archaeological or cultural significance are made during future land disturbance activities.
32. **Valued Cultural Resources:** There have been no identified traditional or customary Native Hawaiian rights exercised on the subject property, nor are there any known valued cultural or native resources in the area. The applicant states that no customary or Native Hawaiian cultural practices are occurring on the property or adjoining lands. The site is

highly disturbed and cultivated, lacking archaeological features or natural resources important for gathering. The property is not near the shoreline, so marine gathering is not an issue. The applicant is committed to respecting any gathering claims that may arise.

33. **Public Access:** There is no known public access to the mountains or the shoreline that traverses the property.

UTILITIES AND SERVICES

34. **Access:** Access to the subject property is from Kapoho-Kalapana Road (State Highway 137), via Mapuana Street, the primary entry road into Kalapana Seaview Estates. From Mapuana Street, access continues left onto Kehauopuna Street, and then to West Pohakupele Loop, where the subject property is located. The total travel distance from Highway 137 to the subject property is approximately one (1) mile. Roads within Kalapana Seaview Estates are owned and maintained by the County, with a pavement width of approximately 20 feet and grassed shoulders.
35. **Water:** The subject property, like others in the area, is not served by the County Department of Water Supply. Potable water is hauled to the site and stored in a 4,000-gallon tank for drinking and domestic use. Non-potable needs, such as restrooms, landscaping, cleaning, and fire suppression are met by two on-site storage tanks with 10,000- and 15,000-gallon capacities. This self-sufficient water system has reliably supported campus operations for over 16 years.
36. **Traffic:** A Traffic Impact Analysis Report (TIAR) was not required, as anticipated traffic remains below the 50 peak-hour trip threshold. Daily traffic is minimal, with an estimated 15 peak-hour trips during public charter school hours (Monday–Friday, 8:00 a.m.–3:00 p.m.) and 12 peak-hour trips during after-school programs and weekend workshops. Winter and summer camps generate up to 18 peak-hour trips, while quarterly events such as recitals and resource fairs are projected to generate 43–48 peak-hour trips. Most students are local and either walk, bike, or unicycle to campus, and in-person attendance is staggered due to the distance-learning model. For quarterly events, the applicant has submitted a Traffic Management Plan (**Planning Department Exhibit 2**), including on-

site parking for up to 118 vehicles, traffic control by trained personnel, a prohibition on on-street parking, and neighbor coordination.

37. **Wastewater:** Wastewater is treated by an on-site individual wastewater treatment system (IWTS), which has adequately served the facility and is expected to meet future needs. No modifications are proposed at this time. The applicant will continue to comply with State Department of Health regulations and coordinate with agencies if upgrades become necessary.
38. **Solid Waste:** Solid waste from existing and proposed operations will be handled by commercial disposal services, as nonprofit use of County transfer stations is not permitted. Green waste will continue to be composted on-site. Any construction debris will be taken to the Hilo Sanitary Landfill, with reuse of materials encouraged where feasible.
39. **Utilities and Services:** All electrical services will be provided by solar energy. Telephone and other services are available to the project site. Police, medical and fire services are located 15 miles away and staff are trained in adult and pediatric first aid.

AGENCY COMMENTS

40. Department of Public Works – Engineering Division (**Planning Department Exhibit 3 – July 3, 2025 Email**)
41. Department of Public Works – Building Division (**Planning Department Exhibit 4 – June 17, 2025 Memo**)
42. Department of Environmental Management (**Planning Department Exhibit 5 - May 27, 2025 Memo**)
43. Police Department (**Planning Department Exhibit 6 – May 30, 2025**)
44. Department of Water Supply (**Planning Department Exhibit 7 – June 17, 2025 Memo**)
45. State Department of Health (**Planning Department Exhibit 8 - May 27, 2025 Memo**)
46. State Department of Health – Wastewater Branch (**Planning Department Exhibit 9 - June 6, 2025 Email**)
47. State Department of Land and Natural Resources – Historic Preservation Division (**Planning Department Exhibit 10 – June 12, 2025 Memo**)

48. State Department of Land and Natural Resources – Division of Forestry and Wildlife
(Planning Department Exhibit 11 – July 9, 2025 Memo)

49. State Department of Land and Natural Resources – Engineering Division **(Planning
Department Exhibit 12 – May 23, 2025 Memo)**

AGENCIES - NO COMMENT OR OBJECTIONS

50. State Office of Planning and Sustainable Development; State Department of Land and
Natural Resources – Land Division.

AGENCIES – NO RESPONSE

51. Department of Public Works – Engineering Division; Department of Public Works –
Traffic Division; Fire; Land Use Commission; Department of Agriculture; Kalapana
Seaview Community Association.

APPLICANTS RESPONSE

52. Letter from Daryn Arai dated June 18, 2025 **(Planning Department Exhibit 13 – June
18, 2025 Letter)**

53. Letter from Daryn Arai dated June 30, 2025 **(Planning Department Exhibit 14 – June
30, 2025 Letter)**

PUBLIC COMMENTS

54. Testimony from Lorn Douglas dated March 7, 2025 **(Planning Department Exhibit 15
– March 7, 2025 Email)**

55. Testimony from Graham Ellis dated August 3, 2025 **(Planning Department Exhibit 16
– August 3, 2025 Email)**

April 2, 2025

Mr. Jeffrey Darrow, Planning Director
County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720

Dear Director Darrow:

Subject: Amendment to Special Permit No. 1122
Applicant: Hawai'i's Volcano Circus
Request: To allow educational and outreach programs and services at existing
Seaview Performing Arts Center for Education (SPACE)
TMK: 1-2-009: 034; Keekee-Kehena, Puna

Accompanying this letter, we present for your consideration and processing before the Windward Planning Commission a request by Hawai'i's Volcano Circus to amend Special Permit No. 1122 to allow for educational and outreach programs at the existing Seaview Performing Arts Center for Education (SPACE) located on 3.13-acres of land adjacent to the southwest of the Kalapana Seaview Estates in the Puna District.

Pursuant to your application requirements to be filed via the EPIC system, please find accompanying this letter the following:

- a. Letter of Authorization
- b. Supporting Information report regarding amendment request; and
- c. List of the surrounding property owners within 500 feet of the subject property.

Should you have questions on this matter, please feel free to contact me. Thank you very much.

Sincerely,



Daryn Arai

Enclosures
copy w/enclosures via email: Hawai'i's Volcano Circus

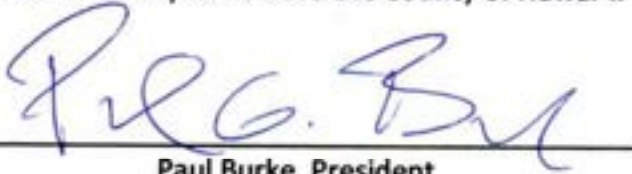
**Amendment to Special Permit No. 1122
(SPP 01-000013)
Applicant: Hawai‘i’s Volcano Circus**

Tax Map Key (3) 1-2-009:034
(formerly part of TMK: 1-2-038:050)
Keekee Homestead, Puna District
Hawai‘i Island

Prepared by: Daryn Arai, Planning Consultant
April 2025

TO WHOM IT MAY CONCERN:

The undersigned below is an officer of The Village Green Society, Ltd., owner of that 3.13-acre property identified as TMK: 1-2-009:034 (Lot 6-A) located in Keekee and Kehena, District of Puna. As owner of the subject property, I hereby authorize the filing of an amendment to Special Permit No. 1122 to allow for additional educational and outreach services at the existing Seaview Performing Arts Center for Education (SPACE). By this letter, I also authorize Daryn Arai, Land Use Planning Consultant, to assist us with the filing and processing of this amendment request before the County of Hawai'i.



Paul Burke, President
The Village Green Society, LTD

October 28, 2024

Date

SURROUNDING PROPERTY OWNER LISTING			
TAX MAP KEY	LANDOWNER(S)	MAILING ADDRESS	
120090150000	STATE OF HAWAII	24 AUPUNI STREET, STE 204	HILO HI 96720
120090340000	VILLAGE GREEN SOCIETY LTD	RR 2 BOX 4523	PAHOA HI 96778 9756
120090450000	VILLAGE GREEN SOCIETY LTD	RR 2 BOX 4523	PAHOA HI 96778 9756
120380210000	ALEMANIA,CECELIA L	2524 BALINTORE CT	HENDERSON NV 89014 2213
120380220000	MEDINA,VANCE C	PO BOX 3251	FERNDAL WA 98248 3220
120380230000	NELSON,SHYANNE J & ,ANNABELLE L	RR 2 BOX 4590	PAHOA HI 96778 7712
120380240000	NELSON,SHYANNE J & ,ANNABELLE L	RR 2 BOX 4590	PAHOA HI 96778 7712
120380250000	SILVERS,STEVEN MICHAEL / WALKER-WELCH,NANETTE	9-6995 NORDIN RD	SOOKE BC V9Z 1L4 CANADA
120380270000	NORMAN,BRIAN A & JULIE ANN	342 VALLEY CIR	MONROVIA CA 91016 5086
120380280000	CORPUZ,AVELINA D & ASBURY,JOANN C	45-265 WILLIAM HENRY RD APT G2	KANEOHE HI 96744 3147
120380290000	CUNNINGHAM,CATHERINE	12-7058 NAHOKULELE ST	PAHOA HI 96778 8064
120380300000	PARCO,MARCY LYNN	12-7056 NAHOKULELE ST #47	PAHOA HI 96778 0000
120380310000	MARTIN,REBECCA CHRISTINE & ,JOSEPH GABRIEL	15-2660 PAHOA VILLAGE RD STE 105-223	PAHOA HI 96778 6720
120380320000	WRIGHTINGTON,TERESA MARIE OSTHOFF	91-1102 PAEHEULU ST	EWA BEACH HI 96706 2089
120380330000	KANOTZ,WILLIAM P	450 ESTHER ST	COSTA MESA CA 92627 2323
120380340000	HANNULA,JOHN S	15-2660 PAHOA VILLAGE RD STE 203	PAHOA HI 96778 6722
120380350000	CHABOT,ANDRE ROBIN & PIERRE ANTHONY/SUSAN S R TRST	12-7133 KALAUNU ST	PAHOA HI 96778 8034
120380360000	KINLEY,GARY MICHAEL DECEASED IN C/O KINLEY,VICKY	2317 MULBERRY CT	MATTHEWS NC 28104 3397
120380370000	HEUER,SEQUOIA	PO BOX 6293	HILO HI 96720 8925
120380380000	HANSAMUT,SRINUAN E	12-7065 PUULENA ST # 46	PAHOA HI 96778 8512
120380390000	BARTOLETTI,LISA & HEUER,SEQUOIA	PO BOX 6293	HILO HI 96720 8925
120380400000	BARTOLETTI,LISA & HEUER,SEQUOIA	PO BOX 6293	HILO HI 96720 8925
120380410000	POPE,JEFFREY HOWARD	12-7072 PUULENA ST # 66	PAHOA HI 96778 6827
120380420000	HASHIMOTO-MARTIN,BRADLEY HOWARD B	2036 NEVADA CITY HWY	GRASS VALLEY CA 95945 7700
120380420000	HASHIMOTO-MARTIN,YOKO	13539 BORRELLI RD	NEVADA CITY CA 95959 9786
120380430000	FURUHASHI,TEIJIRO & KAZUKO	498-1563 TEGANO	NAKATSUGAWA-SHI GIFU 508-0015, JAPAN
120380440000	SAKAI,ANTHONY G TRST	865 WANA AO RD	KAILUA HI 96734 3564
120380450000	KERN,JESSE DAVID	3881 E BLUE SAPPHIRE CT	WASILLA AK 99654 4556
120380460000	SMART,JASON CHARLES	12-243 W POHAKUPELE LOOP	PAHOA HI 96778 7863
120380470000	OSHIMA,JERRY T & LINDA	3227 PALAI ST	LIHUE HI 96766 1227
120380480000	EMOTO,RICHARD N TRST	2032 ULEI PL # B	WAILUKU HI 96793 1127
120380490000	LOWE,GARETH DAVID LINDSEY	48 CAITHNESS RD	MITCHAM SURREY CR4 2EU, UNITED KINGDOM
120380510000	THOMPSON,ROBERT R - DEC'D	9655 BURNET AVE	NORTH HILLS CA 91343 2310
120380510000	THOMSON,TRAVIS	PO BOX 159	SWISSHOME OR 97480 0159
120380520000	JAVIER,ANNA CAROLINA	PO BOX 178	PAHOA HI 96778 0178
120380530000	ROPER,KATHRYN LOUISE	12-261 W POHAKUPELE LOOP # 97	PAHOA HI 96778 7863
120380540000	MACK,ARTHUR WILLIAM & SUZANNA MARIE	12-265 W POHAKUPELE LOOP	PAHOA HI 96778 7863
120380550000	MACK,ARTHUR WILLIAM & SUZANNA MARIE	12-265 W POHAKUPELE LOOP	PAHOA HI 96778 7863
120380560000	OVERLEY,SUSAN E / OVERLEY-WILLIAMS,MEZZIAH N	RR 2 BOX 4583	PAHOA HI 96778 7712
120380570000	RASMUSSEN,GARNER L	PO BOX 4072	HILO HI 96720 0072
120380570000	RASMUSSEN,GARNER L	12-7070 EELEKOA ST # 62	PAHOA HI 96778 7830
120380580000	MENARD,ROBERT JOSEPH	12-7066 EELEKOA ST	PAHOA HI 96778 7830
120380590000	EDWARDS,JOHN JULIEN ST CLAIR	12-7064 EELEKOA ST	PAHOA HI 96778 7830
120380600000	FRANCIOSA,TRST	12-147 OLIANA DR	PAHOA HI 96778 8038
120380610000	FELT,BARBARA A	12-7060 EELEKOA ST	PAHOA HI 96778 7830

120380620000	MCCARTY FAMILY,TR	1747 GALVESTON ST	SAN DIEGO CA 92110 3516
120380630000	MCCARTY FAMILY,TR	1747 GALVESTON ST	SAN DIEGO CA 92110 3516
120380730000	SILVER,DALE E & GEORGIANNE C	7008 JUDI ST	DALLAS TX 75252 6120
120380740000	SILVER,DALE E & GEORGIANNE C	7008 JUDI ST	DALLAS TX 75252 6120
120380750000	MORIN-DAYANI,REZA MICHAEL	12-7047 KAI AU ST	PAHOA HI 96778 7785
120380760000	KORFMACHER,SILKE UTE	12-7059 EEELEKOA ST # 81	PAHOA HI 96778 8515
120380770000	HAKAM,DEBORAH P	PO BOX 455	TAHOE VISTA CA 96148 0455
120380770000	SHIDLER,JILL L	PO BOX 1363	CAVE JUNCTION OR 97523 1363
120380780000	HAKAM,DEBORAH P	PO BOX 455	TAHOE VISTA CA 96148 0455
120380780000	SHIDLER,JILL L	PO BOX 1363	CAVE JUNCTION OR 97523 1363
120380790000	AMY 108,TRST	PO BOX 1539	KEAAU HI 96749 1539
120380800000	FINN,F KELLY	12-262 W POHAKUPELE LOOP	PAHOA HI 96778 7856
120380810000	BERKOWITZ TRUST C/O BERKOWITZ,STEPHEN/SHARON CO-TRS	12-7057 KEHAUOPUNA ST	PAHOA HI 96778 8591
120380820000	BERKOWITZ,STEPHEN & SHARON D	12-7057 KEHAUOPUNA ST	PAHOA HI 96778 8591
120380830000	FINNEY,DOUGLAS S & SANDRA JANE	PO BOX 492868	KEAAU HI 96749 2868
120380840000	PABLO-WEATHERS,SHARON / HORN,DEBORAH PABLO	2446 SW SISKIN CIR	PORT ORCHARD WA 98367 6210
120380850000	CZERNICKI,KAZIMER & MARGARET R	1109 MCDONALD AVE	FERNIE BC V0B 1M1, CANADA
120380860000	BARTUNEK,STEVE DOUGLAS & TERRI LYNN	1114 IRVINE RD	DOUGLAS WY 82633 8938
120380870000	BARTUNEK,STEVE DOUGLAS & TERRI LYNN	1114 IRVINE RD	DOUGLAS WY 82633 8938
120380880000	BARTUNEK,STEVE DOUGLAS & TERRI LYNN	1114 IRVINE RD	DOUGLAS WY 82633 8938
120380970000	SEBAY,MATTHEW KAIPO KAPONO	47-649 LAMAULA RD APT L	KANEOHE HI 96744 5011
120380980000	HOWELL,REBECCA LYNN	12-7045 KEHAUOPUNA ST	PAHOA HI 96778 8591
120380990000	GRANDE,DAVID E & OLSON,SAHNDRA J	W11322 SCHULTZ DR	BEAVER DAM WI 53916 9521
120381010000	GRANDE,DAVID E & OLSON,SAHNDRA J	W11322 SCHULTZ DR	BEAVER DAM WI 53916 9521
120381020000	BAPTIST,FLOYD A & PATRICIA A TRST	605 ULULANI ST	KAILUA HI 96734 3368
120381030000	BERKOWITZ,TRUST C/O STEPHEN JAY & SHARON DEBRA BERKOWITZ CO-TRS	12-7057 KEHAUOPUNA ST	PAHOA HI 96778 8591
120381040000	MERCIER,RHIANNA L	12-7057 KEHAUOPUNA ST	PAHOA HI 96778 8591
120381050000	PENCAK,NATALIE KRISTINE	12/7050 PUULENA ST # 4562	PAHOA HI 96778 7831
120381060000	THE FIRM2 LLC ATTN: HORTON,KEVIN PRESIDENT	RR 2 BOX 4615	PAHOA HI 96778 7718
120381070000	CARTA,JAKZEN KAIMALU JADE & JASPER PUEO KYAZ	43 E LANIKAULA ST	HILO HI 96720 4301
120381080000	MCCOY,LAUREEN DONNA	1617 KEEAUMOKU ST APT 1007	HONOLULU HI 96822 4320
120381090000	LOVE,MARY ROSE	12-7038 PUULENA ST	PAHOA HI 96778 7831
120381190000	OSBORNE,REBECCA Y	270 CLAREMONT AVE	LOUISVILLE KY 40206 2731
120381200000	CHOY,LINDA Y	1631 KAPIOLANI BLVD APT 4002	HONOLULU HI 96814 4781
120381210000	COMBIS,MACARIO C & ,CARIDAD S	384 LIKEKE PL	KAPAA HI 96746 1361
120381220000	ZAGNOLI,KATHERINE MARIE	5125 S CLARKSON ST	GREENWOOD VILLAGE CO 80121 1206
120381230000	HUNG,DAVID LY & CECILIA LY W FLAT A, 7/F, DARTON TOWER	142 WAI YIP STREET	KWUN TONG, KOWLOON, HONG KONG
120381240000	HORTON,KEVIN & MISTI	RR 2 BOX 4615	PAHOA HI 96778 7718
120381250000	AKAMAI SEAS INVESTMENTS INC C/O SERRANO,EDDIE R,DIRECTOR	1020 BROADWAY AVE	PASADENA TX 77506 2541
120381250000	ORDONEZ,AMBER	3009 FLORIDA ST	DICKINSON TX 77539 7584
120400540000	MC GLASSON,ANDREW A	214 S LA ESPERANZA	SAN CLEMENTE CA 92672 3115
120400550000	FOLEY,JOHN A C/O FOLEY,JOHN M	PO BOX 444	ABERDEEN NC 28315 0444
120400560000	FLYNN,MICHAEL DAVID/KATHY JEAN TR	RR 2 BOX 4571	PAHOA HI 96778 9710
120400570000	FLYNN,MICHAEL DAVID/KATHY JEAN TR	RR 2 BOX 4571	PAHOA HI 96778 9710
120400580000	HALES,RICHARD A JR	12-271 W POHAKUPELE LOOP # 4631	PAHOA HI 96778 7863
120400590000	HALES,RICHARD A JR	12-271 W POHAKUPELE LOOP BOX#4631	PAHOA HI 96778
120400600000	HALEMANAGO LLC ATTN: TEARE,JANET B	12-271 W POHAKUPELE LOOP	PAHOA HI 96778

120400610000	LASCH,GEORGE	12-270 W POHAKUPELE LOOP # 76	PAHOA HI 96778 0000
120400620000	PLACE,ERIN H	521 NE 6TH AVE UNIT 106	PORTLAND OR 97232 0000
120400620000	JONES,DINA SARA	2519 LAI RD # C-3	HONOLULU HI 96816 3546
120400630000	PLACE,ERIN H	521 NE 6TH AVE UNIT 106	PORTLAND OR 97232 0000
120400630000	JONES,DINA SARA	2519 LAI RD # C-3	HONOLULU HI 96816 3546
120400640000	LOMBARDI,PATRICK A TR	84 RIDGE RD	WEST BARNSTABLE MA 02668 1531
120400640000	MOSEMAN,RYAN POLANI	PO BOX 61729	HONOLULU HI 96839 1729
120400650000	YAGHSIZIAN,MARIEL GRACE	15-2660 PAHOA VILLAGE RD STE 105-141	PAHOA HI 96778 6720
120400660000	ARBANAS,GEORGE & PATRICIA K	5877 TEBO AVE	PORT ALBERNI BC V9Y 8S3, CANADA
120400670000	MILOJKOVICH,STANISLAV & OLGA	20001 LEMARSH ST	CHATSWORTH CA 91311 3422
120400680000	FOWLER,DANIELLE	12-7055 MOANIALA ST # 93	PAHOA HI 96778 7858
120400880000	FYFFE,DOUGLAS S & SUSAN P	1125 BOND CT	MARCO ISLAND FL 34145 4511
120400890000	FOX,NAI'A RAE & MARJORIE A	12-7070 MOANIALA ST	PAHOA HI 96778 7858
120400900000	MCCAULEY,KLAUS CHRISTIAN AMRITH	PO BOX 1267	CAPTAIN COOK HI 96704 1267
120400910000	MCCAULEY,KLAUS AMRITH	PO BOX 1267	CAPTAIN COOK HI 96704 1267
120400920000	BRANKS LLC	12-284 W POHAKUPELE LOOP # 52	PAHOA HI 96778 6829



SUPPORTING INFORMATION

Amendment to Special Permit No. 1122 (SPP 01-000013) Applicant: Hawai‘i’s Volcano Circus

Tax Map Key (3) 1-2-009:034
(formerly part of TMK: 1-2-038:050)
Keekee Homestead, Puna District
Hawai‘i Island

Prepared by: Daryn Arai, Planning Consultant
April 2025

SUPPORTING INFORMATION
REGARDING AMENDMENT TO SPECIAL PERMIT NO. 1122 (SPP 01-000013)

HAWAI‘I’S VOLCANO CIRCUS

Affecting Tax Map Keys (3) 1-2-009: 034 (also formerly a part of TMK: 1-2-038:050)
Keekee Homestead, Puna

A. LOCATION OF PROJECT SITE AND LANDOWNERSHIP

1. Applicant’s Request

The Applicant, Hawai‘i’s Volcano Circus (HVC), is requesting an amendment to Special Permit No. 1122 to allow for educational and outreach programs that extend beyond the performing arts curriculum offered by the Seaview Performing Arts Center for Education (SPACE) as approved by Special Permit No. 1122 issued on September 21, 2001. Such proposed programs primarily include a public charter school, as well as outreach programs and services that help to improve conditions in the broader community by engaging and connecting youth and adults in cultural, artistic and agricultural activities that foster social cohesion.

2. Location of Project Site

The subject property, consisting of 3.13-acres, is located within and adjacent (west) to the Kalapana Seaview Estates Subdivision, near the intersection of West Pohakupele Loop and Kehauopuna Street in the District of Puna as shown below on Figure 1-Regional Location Map and Figure 2-Vicinity Map below.

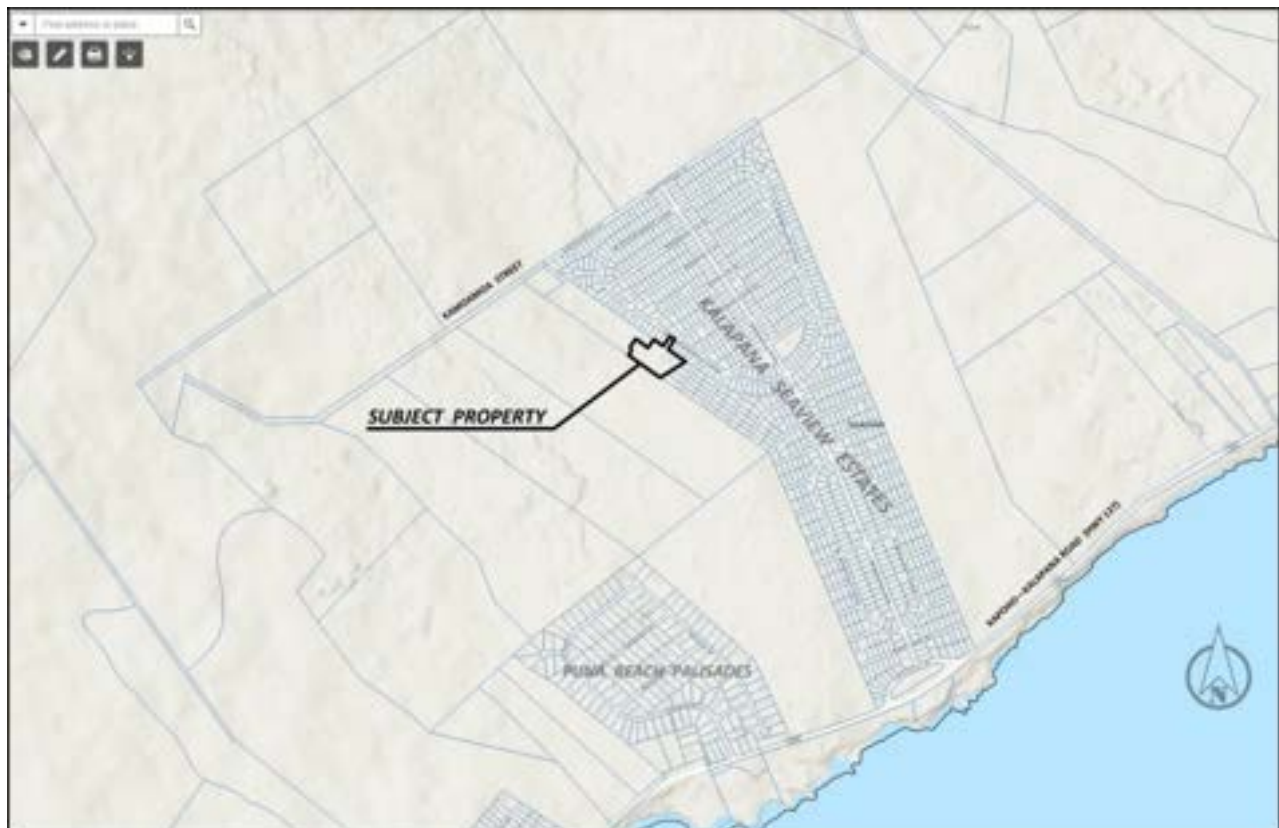


Figure 1 – Regional Location Map

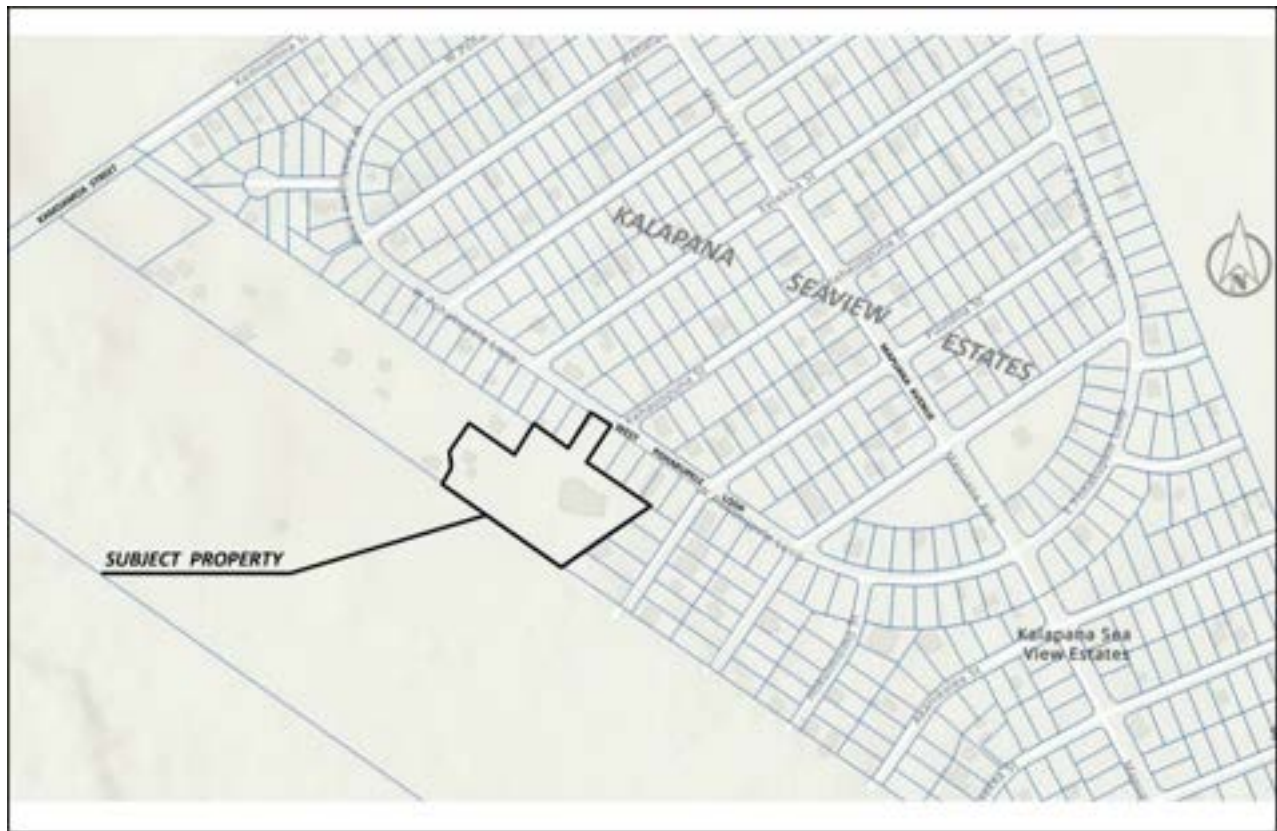


Figure 2 - Vicinity Map

3. Landownership

The subject property is owned by The Village Green Society Ltd., a Hawai‘i-registered 501(c)(2) domestic non-profit organization, which holds title to the subject property, collects income therefrom, and turn over proceeds thereof, less expenses, to Hawai‘i’s Volcano Circus Ltd. Hawai‘i’s Volcano Circus (HVC), a 501(c)(3) non-profit organization, was founded in 1984 to provide quality educational, culture and arts enrichment programs in Puna Makai.

B. STATEMENT OF OBJECTIVES AND PROJECT OPERATIONAL DETAILS

1. Statement of Objectives and reasons for the request

The Applicant is requesting an amendment to Special Permit No. 1122, to:

- a) allow for the amendment of the affected area to reflect the recent subdivision of the parent property. Special Permit No. 1122 (see attached **Exhibit A**) allowed for SPACE to utilize 2.5-acres of land within a larger approximately 10-acre project site consisting of two (2) separate properties. This 2.5-acre project site was incorporated into a 3.13-acre property (Parcel 34) from a recent subdivision of the 10-acre parent property identified as Parcel 50 (see **Exhibit B – PL-SUB-2023-000170**).

- b) allow for educational uses and outreach services and facilities beyond the original scope that centered around a performing arts educational center that offered afterschool and summer programs training children in fun circus skills such as juggling, unicycling, stilt-walking, acrobatics and music. Through this amendment request, SPACE wishes to offer a full range of educational programs and services centered around arts, culture, performance, agriculture and business incubation. Some of these expanded programs will include:
- Out On A Limb: a multi-pronged community agriculture program that offers workshops on food cultivation and fruit tree care, such as organizing and conducting Micro Farm tours in the neighborhood so novices can learn from local experts. Another is a gleaning program, where homeowners can donate tree crops, and volunteers pick the fruit and distribute it in the community where 25% of families live below the poverty line. With the help of volunteers and other organizations, community gardens have also been established at SPACE, with monthly work parties and harvests with families in the community.
 - Seaview Community School: Establish a K-6 public charter school program on the SPACE campus from Monday through Friday, and administered under the umbrella of HAAS (Hawai'i Academy of Arts and Science). This school will be the only educational facility below the volcanic rift zone, and without this opportunity many kids would be homeschooled or unschooled. There are no public buses that take kids to the main HAAS campus and without this school on the SPACE campus, parents would spend approximately 2 hours a day driving their kids back and forth to other area schools. This public charter school will offer core curriculum as well as elective classes in STEAM, music, gardening, art, Hawaiian studies, hula, photography, film, science and circus arts as well as providing a place of employment for over 15 individuals.
 - SPACE Resilience Hub and Red Road Resilience Working Group: A group of community members that educate and train for disaster preparedness and is a part of Vibrant Hawai'i and the USDN Resilience Hub Network. They meet throughout the year with island-wide organizations to build a stronger island network and host Resilience Fairs feeding hundreds of people and sharing resource opportunities.
 - Hawaii Island Community Circus Unity Program (HICCUP): This program promotes the healthy development of children and the community through the time-honored skills of circus arts. Participants learn self-discipline, gain self-confidence, and build resilience as a team. They perform for community events and bring workshops locally to the greater Puna area as well as on several neighbor islands. They have taught workshops in most of the public schools on the island of Hawai'i since 1984.
- c) Amend conditions of approval of Special Permit No. 1122 to accommodate the expanded curriculum proposed by SPACE, as reflected below with associated reasonings for the requested amendments (material to be deleted is bracketed and struck-out, added material is underscored-Applicant's commentary noted in **RED**):
1. The applicant, successor or assigns shall be responsible for complying with all stated conditions of approval.

2. The project shall be developed in substantial compliance with representations made by the applicant.
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.

The performing arts educational center has been long established on the subject property. The requested amendments will focus on new uses and/or structures necessary to accommodate the expanded programs and services to be offered by the Applicant.

- ~~[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.]~~

All existing buildings within the subject property have been properly permitted and approved by the County.

- ~~[5. No public performances shall be allowed on the subject property.]~~

Applicant is concerned that Condition 5, as written, is overly restrictive and will create confusion for typical activities associated with any educational facility, such as school recitals, resource fairs and fundraisers. The Applicant requests relief from this condition so as to allow for these quarterly events that benefit the students, their parents and the surrounding community.

- ~~[6]~~4. 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 an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.
- ~~[7]~~5. Comply with all other applicable laws, rules, regulations and requirements of the affected government agencies for the proposed use, including the Department of Health requirements.
- ~~[8]~~6. If the 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).]~~

As all performance deadlines have been previously satisfied by the Applicant, and the Center operational, there is no need for any time extension opportunities.

2. History of the Seaview Performing Arts Center for Education (SPACE)

For over 16 years, Hawai‘i’s Volcano Circus (HVC) via its 3-acre educational campus, the Seaview Performing Arts Center for Education (SPACE) has provided enriching education, arts, cultural, performance, agriculture, and business incubation programming and services to the greater Lower Puna community and beyond.

Located at the heart of the Lower East Rift Zone – and despite significant damages to its facilities and infrastructure – SPACE expanded its services and community engagement to serve as an anchor to the individuals, families, and organizations who were directly affected by the 2018 Kīlauea Eruption. Impacts to the community included: loss of homes, businesses, and jobs in education, hospitality, and local agriculture operations.

Nestled within the close-knit neighborhood of Kalapana Seaview Estates, SPACE’s inspiring and creative offerings have resulted in an expansive reach; serving the communities from Pohoiki to Pāhoa, along Highways 130 and 137—locally known as the Red Road.

These major communities served by SPACE include but are not limited to: Kalapana, Pohoiki, Black Sands, Opihikao, Seaview Estates, Puna Palisades, Kehena, Kikala Keokea (Hawaiian Homelands), Leilani Estates, and Kaimu. In addition, SPACE serves smaller subdivisions and some remote, independent homes that are not part of a formal community – and therefore, represent a greater need for connectivity and resource sharing and distribution.

3. Applicant’s Mission Statement

Founded in 1984, and continuing to build a legacy nearly 40 years in the making, Hawai‘i’s Volcano Circus (HVC), provides quality educational, culture and arts enrichment programs in Puna Makai.

HVC's non-profit mission is to engage creativity and natural and cultural resources to promote sustainable community development on their 3-acre campus, the Seaview Performing Arts Center for Education (SPACE). Through outreach programs and services, SPACE helps to improve conditions in the broader Lower Puna community by engaging and connecting people of all ages and at all stages of life, from keiki (children) to Kūpuna (elderly) in cultural, artistic, and agricultural activities that foster social cohesion and resilience. The participation statistics include:

- 55 students attend our Public Charter school 5 days a week.
- 70+ adults use SPACE for classes 7 days a week.
- 50+ children use SPACE after school programs and on weekends.
- Quarterly events, such as fairs and recitals, will be hosted in SPACE's outdoor gardens and in the pavilion. Pop up tents may be erected in the gardens during inclement weather or for sun protection. These quarterly events are attended by approximately 200 to 300 people over the course of an entire year.
- 2000+ people are reached through the center's outreach events.

HVC services a remote, rural community with the lowest income bracket in the state, with the annual average income in Seaview being \$18,611 (US Census). Many kids are home-schooled and underserved in opportunities for physical and extracurricular activities. Hawai'i Island residents experience the lowest rate of access to exercise for kids and teens in the entire state.

SPACE serves many families in the ALICE category, senior residents living alone, veterans, Hawaiian homeland recipients, people living on disability as well as many relying on low-and/or fixed-incomes. All area residents must travel 25-45 minutes to Pāhoa or 45 minutes to 1.5 hours to Hilo for both basic and essential services.

While the organization was originally founded to support performing arts education and physical and mental health, the increasing demand for programming has resulted in expansion to include workshops and resource fairs in Disaster Preparedness, Agriculture, Visual and Performing Arts, and Education – both in a “classroom” setting and utilizing the Greenhouse, Playground, and outdoor gardens for hands-on experiences and practicum. Additionally, the SPACE campus hosts a Public Charter School with 55 students from kindergarten to 6th grade.

The Applicant believes that their engagement of community through arts and education is a tool for resilience in the face of isolation and disaster. Research on resilience and survival after natural disasters increasingly validates the importance of social cohesion—the sense of belonging and voluntary social participation of the members of society, and the bonds and trust between individuals, communities, and institutions—in a community's response and recovery process.

Furthermore, the existence of SPACE and its programming creates economic opportunity in an underserved community by providing access to these programs as well as to a Community Resilience Hub in which to learn and grow. Additionally, SPACE serves as a place of employment for over 30 individuals.

SPACE hosted a farmer's market for many years that paved the way for EBT to be used at farmer's markets. Lastly, SPACE gave startup opportunities that began at our farmers market and developed into a number of successful and locally-renowned businesses such as: Tin Shack Bakery, Nicoco, The Locavore Store, Bananarama Bakery, Big Island Booch, and Aerial Arts Hawai'i. SPACE is dedicated to creating economic opportunity in a rural area without many local jobs.

4. Proposed Project Operational Details (refer to Figure 3 – Site Plan and Figure 4 – Aerial Plan)

a. Existing facilities

1. Final Plan Approval for the center was issued on May 11, 2006.
2. Multi-purpose training and educational center (also referred to as "SPACE" on the site plan and also as the "pavilion"), 3,200 square feet in gross floor area issued final inspection on April 22, 2008 via BP-2007-1279H. Accommodates a teacher resource room, administrative offices, storage and two bathroom facilities. Classes, community meetings, cultural demonstrations, training sessions, workshops and program-related events are held in this facility, with an occupancy limit of 50 people.
3. Greenhouse, approximately 3,200 square feet in size, used for agricultural activities and equipment storage (BP No. 2007-0649H) with final inspection on May 31, 2007.
4. Potable water is transported to the subject property and stored on-site within a 4,000-gallon plastic water tank. Two metal water storage tanks, capable of holding 10,000 and 15,000 gallons respectively, support the non-potable water needs for the center.

b. Proposed facilities

1. New teachers' resource rooms, approximately 1,500 square feet in size, to be located near multi-purpose training and education center, labeled as "PROPOSED IMPROVEMENTS" on the site plan. The one-story resource rooms, totaling about 1,500 square feet, are used for storage, curriculum preparation and counseling by teachers.
2. Note that an "AG SHED" situated within the northwestern corner of the subject property as shown on Figure 4-Aerial Plan was removed in late 2024.

c. Days and hours of operation

1. SPACE is open 7 days a week from 8am to 9pm. Classes and activities are required to end by 8pm, allowing for an hour for clean up before the facility close at 9pm.
2. Specific activities, class schedules and times of classes will vary according to workshop series, teachers, and whether or not the classes take place during the school semester or school holidays. The below gives general idea of days and hours of operation.
3. During the school semester, public charter school will run on Mondays through Fridays, from 8:00am to 3:00pm. School will serve up to 55 students. The school is a distance learning program. Therefore, all of the children are never on campus at the same time. The school provides the core curriculum that the parents do at home and throughout the week they offer one on one teacher/parent/student meetings and elective classes.
4. During the school semester, after-school programs will run 7 days a week: from 3:00pm to 9:00pm, Monday through Friday, and 8:00am to 9:00pm on Saturdays and

- Sundays. These after-school programs serve 50 students (most class sizes are between 6 to 16 students). SPACE also conducts community events like Student Recitals and Resource Fairs (these could be called recitals/events/fundraisers/shows/etc.).
5. During the school holidays, after-school programs will run 7 days a week, between 8:00am to 9:00pm, Monday through Sunday. These after-school programs serve 50 students (most class sizes are between 6-16). For annual winter and summer camps, the maximum number of people is 40 student participants and 10 support staff. SPACE also conducts quarterly community events like Student Recitals and Resource Fairs (these could be called recitals/events/fundraisers/shows/etc.).
 6. After-school classes at SPACE include performance arts, visual arts, CPR training, yoga, dance, disaster preparedness training, food cultivation and digital skills training.
 7. After-school programs are open to both adults and/or keiki, with some classes designed to include inter-generational community building, and others designed to focus on specific age groups. Adults only ever partake in after-school classes at SPACE
 8. Classes at SPACE take place in the pavilion. The SPACE gardens and greenhouse are used by students to cultivate plants using skills learned in the classroom.
- d. Support staff: about 10 support staff on-site during school hours, and 2 or 3 support staff during the after-school programs.

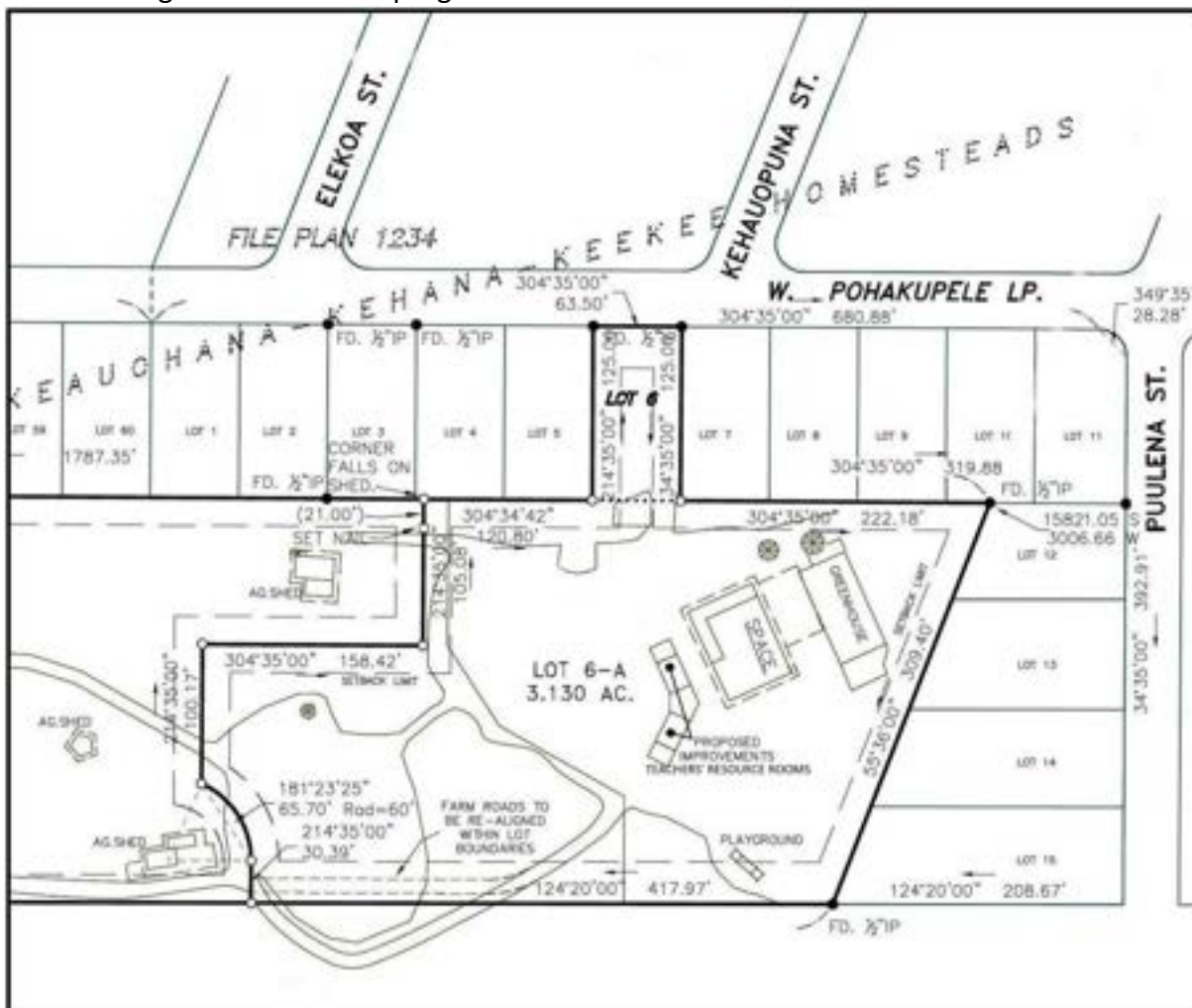


Figure 3 – Site Plan



Figure 4 – Aerial Plan

5. Project Timeframe

Upon approval of the amendment to the Special Permit, the Applicant will promptly apply for Plan Approval, if deemed necessary, and commence proposed activities and associated operations within one (1) year, depending on the scope of requirements the Applicant is expected to satisfy as part of the Special Permit amendment, should it be granted. However, the Applicant requests that any deadline to commence operations be at least five (5) years to accommodate any requirements of the Windward Planning Commission.

D. LAND USE AND OTHER REGULATORY CONSIDERATIONS

1. General Plan Designation: Important Agricultural Lands

The County of Hawai'i General Plan is the policy document for the long-range comprehensive development of the island of Hawai'i. The General Plan Land Use Pattern Allocation Guide (LUPAG) map, as shown on [Figure 5 – General Plan LUPAG Map](#), classifies the Subject Property as Extensive Agricultural Lands, which are lands not classified as Important Agricultural Land. These includes lands that are not capable of producing sustained, high agricultural yields without the intensive application of modern farming methods and technologies due to certain physical constraints such as soil composition, slope, machine tillability and climate. Other less intensive agricultural uses such as grazing and pasture may be included in the Extensive Agriculture category.

However, the General Plan also notes that, *“Because of the scale of the Land use Pattern Allocation Guide maps used to designate Important Agricultural Land, the location of these lands should be verified by more detailed mapping when considering specific land use decisions.”*

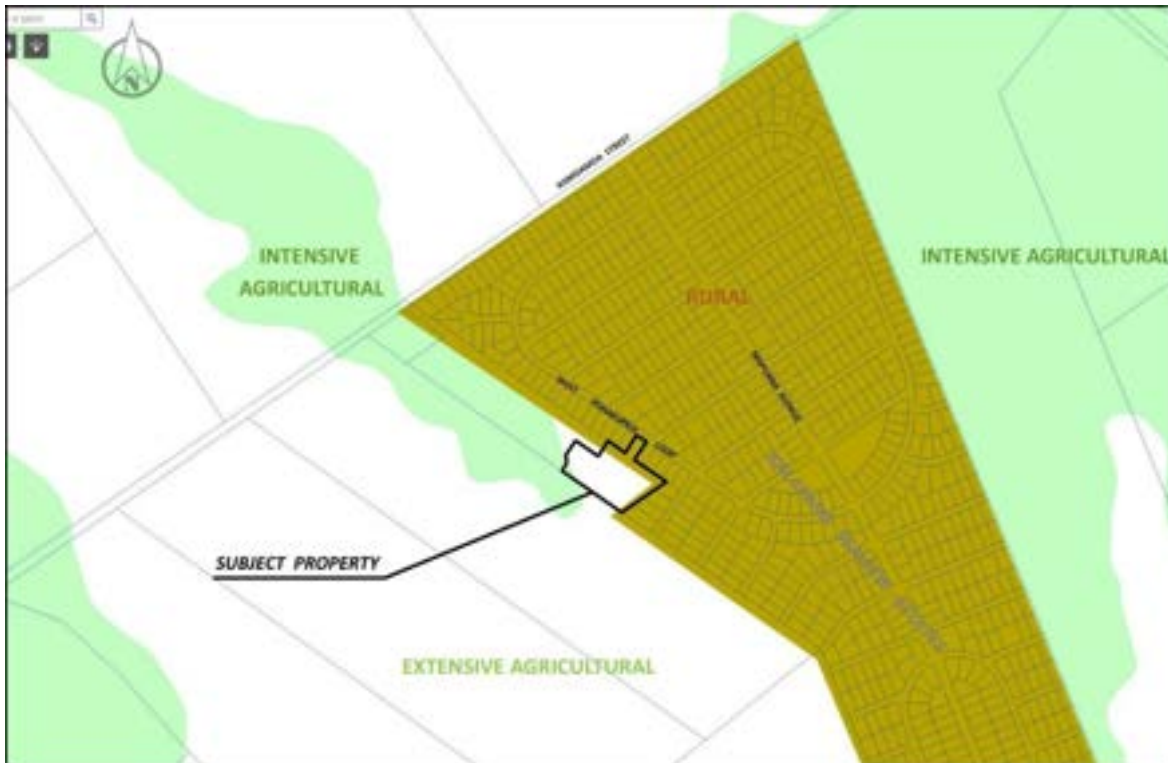


Figure 5 – General Plan LUPAG Map

2. Puna Community Development Plan

The Puna Community Development Plan (Puna CDP), adopted by the Hawaii County Council by Ordinance No. 08- 116 on September 10, 2008 and further amended in 2011, identifies the preferred land use patterns for the Puna district. The Subject Property is not identified as being situated within any village center nor an area recommended for protection due to the absence of any historic, cultural or scenic resources.

The Puna CDP seeks to manage growth by: encouraging a more efficient, environmentally sustainable land use pattern; reducing the number of and rearranging previously-approved subdivision lots; requesting the County to change the zoning of lots now inappropriately zoned for present and future use and growth; promoting agricultural use and other “green” employment in the district; promoting the use of renewable energy; improving the delivery of social services and housing assistance; and providing the necessary public services, parks and recreation opportunities in a manner that supports community-building and an improved quality of life.

The Puna CDP does recommend a Neighborhood Village Center within proximity to the Kalapana Seaview Estates to provide a limited range of services and amenities to this rural and isolated community. It also notes that schools are an important social resource, serving not only as educational institutions, but as de facto community centers and recreation areas in rural areas where few other venues are available for meetings, events and organized or informal sports. SPACE is currently recognized by the State of Hawai‘i Department of Business, Economic Development and Tourism (DBEDT) – Hawai‘i Broadband and Digital Equity as a “community anchor institute”, or “CAI”, that is described as a public school, a public or multi-family housing authority, a library, a medical or healthcare provider, a community college or other institution of higher education, a State library agency, and any other nonprofit or governmental community support organization that serves as an important alternative to having a broadband connection at home. The term “community anchor institution” means an entity that facilitates greater use of broadband service.

3. State Land Use Designation: Agricultural

The Subject Property, as well as the broader area surrounding it, is situated within the State Land Use Agricultural District (see [Figure 6 – State Land Use](#)), which includes lands for the cultivation of crops, aquaculture, raising livestock, wind energy facility, timber cultivation, agriculture-support activities and land with significant potential for agriculture uses. Uses permitted in the highest productivity agricultural categories are governed by statute. Uses in the lower-productivity categories – C, D, E or U – were established by the Land Use Commission to include those uses allowed on A or B lands as well as those stated under Section 205-4.5, Hawai‘i Revised Statutes. Note that agricultural suitability of soils within the Subject Property are considered as Class D or E, or Poor and Very Poor, respectively.

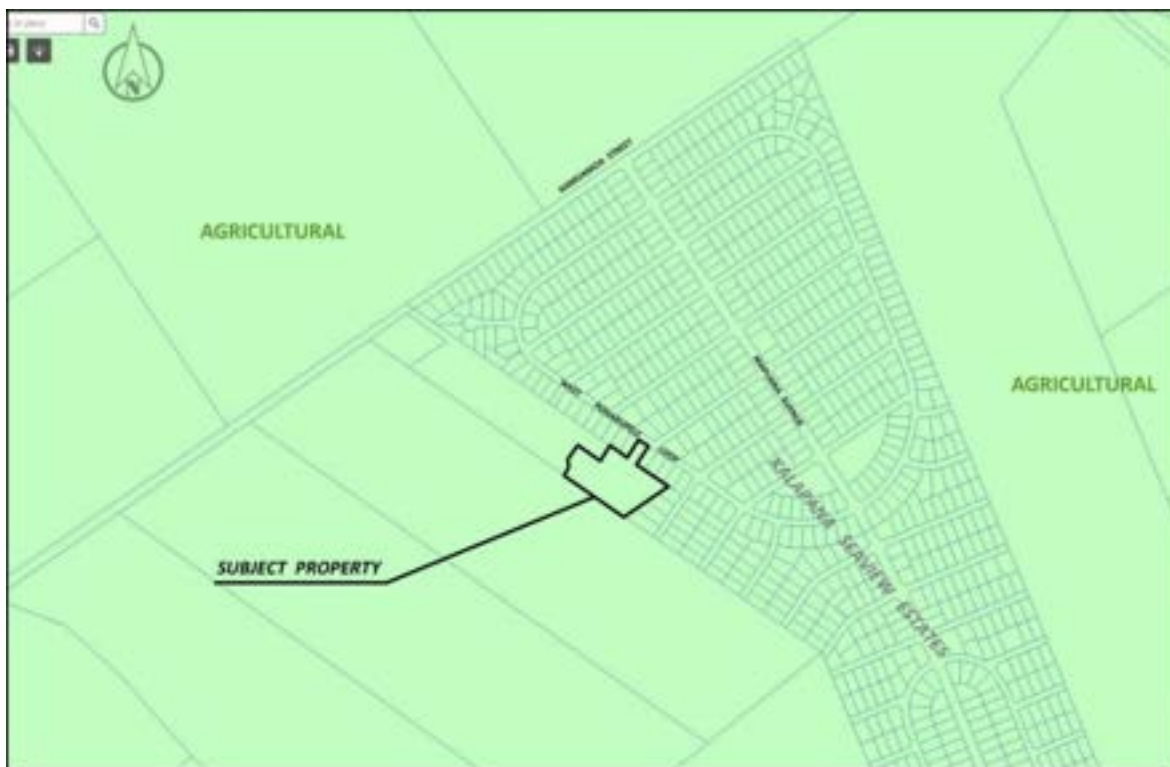


Figure 6 – State Land Use

4. County Zoning: Agricultural-3 acres minimum lot size (A-3a)

The Agricultural (A) zoning district provides for agricultural and very low density agriculturally-based residential use, encompassing rural areas of good to marginal agricultural and grazing land, forest land, game habitats, and areas where urbanization is not found to be appropriate. (See [Figure 7 – Zoning](#))



Figure 7 – Zoning

5. Coastal Zone Management, HRS, Chapter 205A

The entire State of Hawai‘i lies within the Coastal Zone Management area. The intent of the Coastal Zone Management Program is to guide and regulate public and private uses in the coastal zone management area with respect to recreational resources, historic resources, public access to the shoreline, scenic and open space resources, coastal ecosystems, marine resources, economic uses, coastal hazards, managing development, public participation, and beach protection.

6. Special Management Area (SMA)

The Special Management Area is a part of the Coastal Zone Management Program that is regulated by the County, established to promote the State’s policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawai‘i. Therefore, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options, and to ensure that adequate public access is provided to public-owned or used beaches, recreation areas, and natural reserves, by dedication or other means. The Subject Property is located approximately 0.85 mile, or about 4,480 feet, from the nearest coastline and at least 0.75 mile (3,900 feet) from the nearest SMA boundary.

D. DESCRIPTION OF PROJECT SITE AND SURROUNDING AREA

1. Subject Property

The Subject Property (see [Figure 4 – Aerial Plan](#)) has been extensively improved as the SPACE campus, consisting of the educational center, greenhouse, gardens and extensive landscaping, as well as support facilities like water catchment system, wastewater system and on-site parking and driveways.

2. Surrounding Zoning/Land Uses

As reflected on [Figure 7 – Zoning](#), the entire area that surrounds this particular section of Keekee and Kehena is situated within an area zoned Agricultural-3 acres (A-3a) by the County and designated Agricultural by the State Land Use Commission.

Adjacent to the northwest of the Subject Property is the remainder of the original parent 10-acre property that once hosted the SPACE campus. This property remains under ownership of the Village Green Society, Ltd., which also owns the Subject Property, and is currently occupied by a number of agricultural farm dwellings.

Kalapana Seaview Estates lies adjacent to the east and northeast of the Subject Property, consisting of over 900 single-family residential lots ranging in size between 7,500 and 10,000+ square feet.

Immediately adjacent to the south and southwest is a large, 60-acre parcel owned by the State of Hawai‘i that remains vacant of any known uses.

3. ALISH: Not classified

Soils within the Project Site are not classified by the Agricultural Lands of Importance to the State of Hawai‘i as shown on [Figure 8 – ALISH](#) below.

4. Land Study Bureau's Detailed Land Classification System: "D" (Poor) and "E" (Very Poor).

The soils within the Subject Property are classified as Class "D" or (Poor) and "E" (Very Poor) for agricultural productivity as shown on [Figure 9 – Land Study Bureau](#). All of the SPACE facilities are situated on a 1955 lava flow represented by the Very Poor soil quality.

5. US Soil Survey: A‘a Lava and Malama extremely cobbly highly decomposed plant material

Most of the soils within the Subject Property are as A‘a lava flow, associated with the 1955 lava flow event. Within the northwest portion of the Subject Property are soils described as Malama extremely cobbly highly decomposed plant material that consists of deep and very deep, well drained soils consisting of organic material over fragmental A‘a lava substrata at a shallow depth. Malama soils are on low elevation, windward mountain slopes of Kilauea and Haleakala volcanoes.

6. FIRM: Zone X

The Subject Property is designated within Zone "X" - determined to be outside the 500-year flood plain. There are no known drainageways traversing through the subject property.

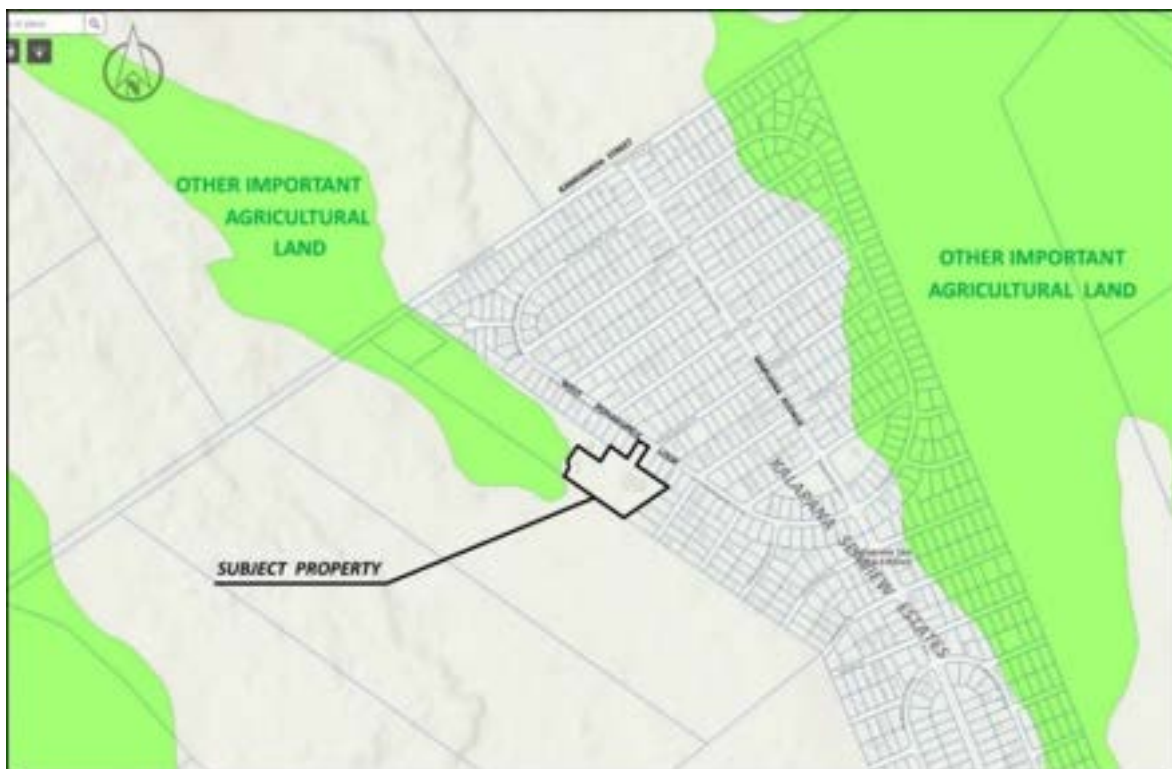


Figure 8 – ALISH

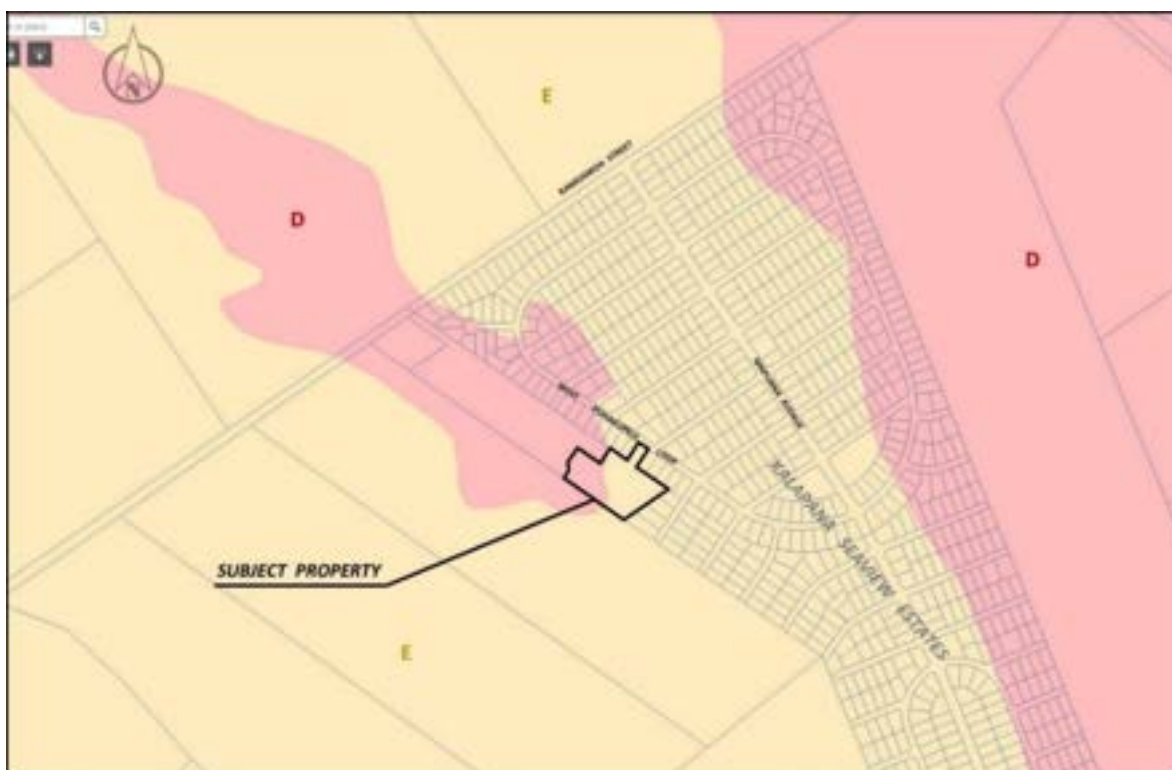


Figure 9 – Land Study Bureau

7. Flora/Fauna Resources

No professional surveys were conducted of the flora/fauna resources on the subject property due to its extensively improved condition as an educational facility with extensive support facilities and landscaping and agricultural activities. Therefore, the likelihood of any rare or endangered species, habitat or flora within the Subject Property is highly unlikely.

8. Archaeological Resources

No formal archaeological studies have been conducted upon the Project Site due to its extensively altered and improved nature. There are no known historic sites as listed on the State or National Register of Historic Places. During any land disturbance activity, should inadvertent discoveries be made, the Applicant will cease work and notify the Planning Department and the Department of Land and Natural Resources-State Historic Preservation Division (SHPD).

9. Cultural Practices or Native Gathering Rights

According to the Applicant, there are no known customary or Native Hawaiian cultural rights exercised within the Subject Property. The Hawai'i State Supreme Court's "PASH" and "Ka Pa'akai O Ka 'Aina" decisions require decision-makers to consider a project's impact to native Hawaiian gathering and fishing rights. Specifically, there must be a discussion of the cultural, historical, and natural resources and associated traditional and customary practices of this area and the impact of this project to these resources and practices.

Given the that the Subject Property is absent of any archaeological features due to its extensively disturbed and cultivated condition, it can also be reasonably concluded that native Hawaiian cultural practices are not being exercised anywhere within the subject property. There are no caves, springs, pu'u, native forest groves or other natural features. Therefore, the Subject Property does not contain the quality of resources that would be important for native gathering. The Subject Property is not adjacent and/or proximate to the shoreline, therefore gathering of marine life and coastal access for Native Hawaiian gathering and fishing rights is not an issue. The Applicant has never observed the Subject Property or adjoining properties as being used by Native Hawaiians for the gathering of plants, nor have they been informed of such activity. However, if a legitimate gathering claim is made by a Native Hawaiian, the Applicant will work with the claimant to respect and honor such claims and provide the needed access within the site.

10. Public Access

There is no record of a designated public access to the shoreline or mountain areas that traverses through the Project Site.

E. PUBLIC UTILITIES AND SERVICES

1. Access

Primary access to the Subject Property is from the Kapoho- Kalapana Road (State Highway 137), then onto Mapuana Street, which is the primary entry road into the Kalapana Seaview Estates. From Mapuana Street, turn left and travel on Kehauopuna Street until you arrive at

West Pohakupele Loop, where you will be facing the Subject Property, for an overall travel distance of approximately one (1) mile from Highway 137. The roads within the Kalapana Seaview Estates are owned and maintained by the County, with a pavement width of approximate 20 feet with grassed shoulders.

2. Traffic

A traffic impact analysis report (TIAR) was not prepared as a part of this amendment request. The Applicant feels that the number of vehicle trips at peak traffic hours will be less than the 50 vehicle trips that would normally trigger such a report under the County's concurrency requirements for zoning actions. SPACE provides education opportunities and community support to residents primarily within Kalapana Seaview Estates and other smaller communities along the Kapoho-Kalapana Beach Road (Hwy 137) and the Pahoa-Kalapana Road (Hwy 130). With a student enrollment of 55 students and 10 support staff, many of the students simply walk or bike to school. Because of the distance learning nature of the school, all students are not at the school concurrently. Likewise for community-based events. The Applicant has sufficient land area for on-site parking. Activities that have created traffic concerns in the past, like a farmers' market, have ceased since the change of management.

The Applicant has prepared a Large Event Traffic Management Plan, attached to this report as **Exhibit C**, that attempts to manage traffic flow, parking and parking strategies, traffic communication and coordination, and contingency plans for the quarterly events that are projected to have peak hour traffic around 30 but not exceeding 50 vehicle trips. During these quarterly events, the existing campus can accommodate up to 76 vehicles on-site, with traffic flow and parking managed by traffic control personnel.

The following table estimates the number of peak hour trips for the different event types. Please note that the actual peak hour for each event type differs and rarely coincides with national peak hours times of 7:00am to 9:30am and 3:30pm to 6:00pm as defined by the National Highway Traffic Safety Administration (NHSTA). Because Seaview is an isolated small rural community, peak hour traffic is nominal.

Event	Peak Hour Trips Estimate	Event Notes
Public Charter School	15	Event times: 8am to 3pm, Mon - Fri
After School Classes, workshops, meetings	12	Event times: 3pm to 9pm Mon - Fri 8am to 9pm Sat - Sun
Winter/Summer Camps	18	Event times: 9am to 4:30 pm Mon - Fri
Recitals	48	Event times will vary - See Traffic Management Plan
Resource Fairs	43	Event times will vary - See Traffic Management Plan
Outreach events	NA	These events do not take place at SPACE

3. Water

The Subject Property, as with all other lots within this section of Puna, are not serviced by the County's water system. Potable water is transported to the subject property and stored on-site within a 4,000-gallon plastic water tank. Two metal water storage tanks, capable of holding 10,000 and 15,000 gallons respectively, support the non-potable water needs for the center. This system has proved sufficient and reliable for the Applicant's current and proposed program operations.

4. Wastewater

An individual wastewater treatment system is currently installed and servicing the current SPACE operations, and should be sufficient to support the expanded programs presented under this amendment request. The Applicant will comply with all applicable State Department of Health standards regarding wastewater disposal.

5. Solid Waste

Any solid waste generated by existing and proposed operations will be disposed of via the use of commercial solid waste disposal companies. Green waste is diverted from the waste stream into an on-site composting operation. Any construction activity contemplated to support the requested use will be disposed of at the Hilo landfill and prohibited from disposal at any transfer station.

6. Essential Utilities and Services

The existing SPACE complex is largely off-grid, providing on its own for its electrical power and potable water needs for the past 16 years. These existing facilities should be adequate to support the requested program expansion at this campus.

7. Public Safety

As the Subject Property is located within a remote part of Puna, it is not situated in close proximity to police, medical and fire services located in Pahoia town, about 15 miles away via State Highways 137 (Kapoho-Kalapana) and 130 (Pahoia-Kalapana). The existing campus has an Automated External Defibrillator (AED) and staff are trained in adult and pediatric first aid.

F. STATEMENT OF REASONS IN SUPPORT OF GRANTING SPECIAL PERMIT

1. Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations

The request is considered an unusual and reasonable use of agricultural lands. The requested use will not adversely affect the preservation and agricultural use of the County's prime agricultural land and therefore, is not contrary to the objectives sought to be accomplished by the State Land Use Law and regulations. The General Plan identifies the Subject Property for extensive agricultural uses, such as pasture, while soils in the property remain unclassified lands by ALISH and its soils described as Poor and Very Poor according to the Land Study Bureau. The majority of the Subject Property occupied by the SPACE campus is situated on a 1955 A'a lava flow.

The proposed amendment to Special Permit No. 1122 seeks to enhance educational opportunities and community benefit by utilizing existing structures within the current SPACE campus, with only limited new facilities such as a teacher resource building.

For the reasons stated above, the Applicant finds that the proposed activities are an unusual and reasonable use of marginal agricultural lands that will not compromise the island's inventory of valuable agricultural lands. To the contrary, approval of the requested activities will further enhance what has already been crafted over the past 16 years as a vital community resource.

2. The desired use shall not adversely affect surrounding properties

The Applicant is acutely aware of the potential impacts that the requested operations could impose upon surrounding neighbors, especially those neighbors within the adjoining Kalapana Seaview Estates. What started out as a performing arts school has evolved into a public charter school that serves the needs of children who live within Kalapana Seaview Estates or within the general area while the nearest public school is located 15 miles away in Pahoa. The SPACE campus has matured into an educational and community center, where children and adults come to prosper through the various outreach programs and services they hope to provide. It has also been a place of safety in times of need, such as during the Kilauea eruption in 2018 and during storm events. The educational programs that SPACE provides and outreach services they offer have benefited residents in Kalapana, Pohoiki, Black Sands, Opihikao, Seaview Estates, Puna Palisades, Kehena, Kikala Keokea (Hawaiian Homelands), Leilani Estates, Kaimu and beyond.

During quarterly large events, the Applicant will provide traffic management controls as outlined in its SPACE Large Event Traffic Management Plan to ensure that all parking associated with these events are accommodated entirely within the subject property with traffic control personnel deployed to ensure effective traffic flow and parking to minimize queuing and congestion at the subject property's entrance and along West Pohakupele Loop.

3. Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection

The SPACE campus and the requested use will not place a burden upon public agencies. Access to the Subject Property is provided by County-owned and maintained roadways. Potable water is stored on-site in a dedicated water tank. Non-potable water is collected by a catchment system for use in the restrooms and showers. Electricity is provided by an on-site solar system that is tied into HELCO's electrical grid. An existing wastewater disposal system is available, and the Applicant will ensure that it complies with Department of Health standards to support all requested activities.

Due to its remote location, ready access to police, fire and medical services are limited. Pahoa town, 15 miles away, offers the closest services to the Subject Property. The Applicant has created a self-reliant campus, and while these services are not readily available, it should not deter from the educational and outreach opportunities that the Applicant is proposing. As previously mention, the campus does have an AED and staff are trained as adult and pediatric first aid responders. The remote location of the Subject Property from an urban center is exactly why this request is desperately needed.

4. Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established

Kalapana Seaview Estates was created in the early 1970's, about the same time as land use district boundaries were being established, and created a community of over 900 single-family residential lots in a very remote part of Puna. As a community, there is a need for convenient services that is typical of any residential community in an urban setting. What started out over 16 years ago as a performing arts education center has evolved into a broad educational complex that wishes to host a public charter school as well as offer outreach programs and services to the broader Puna makai community. They also wish to be a safe haven to their community, when needed, during times of disaster, as demonstrated by having an on-site AED and staff that are trained as adult and pediatric first aid responders, as well as a center that helps the community recover from these disasters.

The Puna CDP recognizes this need by identifying a neighborhood center somewhere in proximity to Kalapana Seaview Estates. The Applicant wishes to promote the SPACE campus as partially filling this need.

5. The land upon which the proposed use is sought is unsuited for the uses permitted within the district

Soils with the subject property are classified as "Poor" or "Very Poor" for agricultural productivity. That portion of the Subject Property where all of the SPACE campus improvements are situated lies on a former 1955 lava flow. The remainder of the Subject Property is landscaped and accommodates various agricultural-related structures. The past 16 years has seen the evolution of the Subject Property into the SPACE campus. The

requested use will simply optimize the use of the existing campus, and not take away prime agricultural opportunities.

6. The proposed use will not substantially alter or change the essential character of the land and the present use

The Subject Property has been the SPACE campus for the past 16 years. The requested use is an evolutionary step that still aligns with the educational mission promoted by the original performing art center. The Applicant now seeks to broaden its mission by becoming an educational resource for various communities within Puna makai.

7. The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans

In considering the issuance of a Special Permit to allow a particular use, it must be assessed against the applicable goals, policies and standards of the General Plan. It is only through a comprehensive policy analysis approach that evaluations and decisions can be made to better time or stage developments to achieve quality growth. The implications of these evaluations and decisions must also be considered as they may have an impact on other similar areas in the County.

Land use is one of the principal focal points of public concern and policy. The Land Use Element of the General Plan provides the primary basis for direct control and guidance of publicly and privately owned resources. It is also intended to be used as a policy guide for the coordinated growth and development of all sectors of the County. It sets forth goals, policies, standards and courses of action to accommodate growth without congestion, to designate and preserve the lands needed for residential use, commercial and visitor services, industry, agriculture and open space, and to coordinate these uses with the County's service and circulation systems. The overall Land Use goals, policies and standards are set forth to physically plan the lands in the County in the best interest of the island's residents.

In addition to its goals, policies and standards, the General Plan also includes the Land Use Pattern Allocation Guide (LUPAG) Map, which is a graphic representation of the document's goals and policies to guide the coordinated growth and development of all sectors of the County by presenting 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.

While the General Plan LUPAG Map does designate the Subject Property as "Extensive Agricultural Land", its soils are classified as "Poor" or "Very Poor" for agricultural productivity. Approval of the Applicant's request will not be detrimental towards the protection of important agricultural lands within the County as it seeks to optimize the use of an existing educational campus that largely resides on a 1955 lava flow. No agricultural activity is being displaced nor are prime agricultural lands being committed for non-agricultural purposes.

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

Land Use Element

- Designate and allocate land areas 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.

The Puna CDP does recommend a Neighborhood Village Center within proximity to the Kalapana Seaview Estates to provide a limited range of services and amenities to this rural and isolated community. It also notes that schools are an important social resource, serving not only as educational institutions, but as de facto community centers and recreation areas in rural areas where few other venues are available for meetings and events.

G. GROUNDINGS FOR APPROVAL OF A SPECIAL PERMIT (Planning Department Rule Section 6-7)

The Planning Commission shall not approve a Special Permit unless it is found that the proposed use:

- 1. Is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be.**

In recognizing that lands within Agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the Legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

In 2001, the Planning Commission found that the establishment of a performing art center on 2.5-acres of land was an unusual but reasonable use of agricultural land. Fast forward over 20 years later, the mission of SPACE has evolved and the Applicant wishes for permission to allow for use of the Subject Property to similarly evolve along with SPACE. The basic foundation remains the same, education. The focus is simply much broader, becoming more of a direct community resource by creating a public charter school for area students while also offering outreach programs and services that will benefit the many remote communities in Puna makai.

- 2. Would promote the effectiveness and objectives of Chapter 205, Hawai‘i Revised Statutes, as amended.**

The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands for those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawai‘i. In the case of the Agricultural District, the

intent is to preserve or keep lands of high agricultural potential in agricultural use. Soils within the Project Site are primarily identified as A'a lava, with a smaller component of Malama soils that consists of deep and very deep, well drained soils consisting of organic material over fragmental A'a lava substrata at a shallow depth. The A'a lava is expectedly classified as "Very Poor" soil for agricultural productivity by the Land Study Bureau's Overall Master Productivity Rating while the Malama soils are treated as "Poor". Therefore, the proposed use will not adversely affect the preservation and agricultural use of the County's prime agricultural lands, and is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

H. COASTAL ZONE MANAGEMENT

The requested amendment to Special Permit No. 1122, if approved, will not be contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management. The Subject Property is not situated within the Special Management Area, being located at least 0.85 mile from the nearest coastline, and is not subject to any **coastal hazard** nor anticipated to have any adverse impact upon coastal resources such as **coastal recreational** and **marine resources, coastal ecosystems** or the **public use and recreational use of any beach**.

There is no record of a designated public access that traverses the Subject Property, as the site has been extensively altered by past activities to establish the SPACE campus. Given that the Subject Property is absent of any archaeological features due to its extensively disturbed condition, it can also be reasonably concluded that native Hawai'ian cultural practices are not being exercised within the Subject Property. There are no caves, springs, pu'u, native forest groves or other natural features that would suggest the quality of resources that would be important for native gathering. Therefore, it is not anticipated that approval of the request will have any adverse impact on **cultural or historical resources** in the area.

Both State and County laws have evolved over the years to support various types of activities within the Agricultural district as needs have been identified and support is provided. That is exactly the purpose of the Special Permit, which provides for a case-by-case assessment of non-agricultural uses that may be unusual within an Agricultural district, but reasonable given the circumstances. In this case, you have existing residential subdivisions in a remote area of Puna that reside far from services typical of residential areas. The Applicant is aware of these specific needs within their community and they wish to provide it. Therefore, this request is supportive of the County's efforts towards properly **managing development**.

Finally, in terms of the **public participation** objective, this is generally a public agency function. This is achieved through the Marine and Coastal Zone Management Advisory Group (MACZMAG) and the public hearing process required pursuant to the Planning Commission's Rules and County Council's meetings on this application. Notices of this application will become available through the posting of a sign on the property, as well as sending two (2)

notices to surrounding property owners, one at the time the application is filed and again, prior to the public hearing.

In view of the Hawai‘i State Supreme Court's "PASH" and "Ka Pa‘akai O Ka ‘Aina" decisions, the issue relative to native Hawai‘ian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site. As the Subject Property Site is located about 0.85 mile from the shoreline and has been significantly altered in the past, the Applicant found no valued cultural, historic, or natural resources related to traditional and customary practices within the Subject Property, and no traditional and customary native Hawai‘ian rights are exercised therein. For these reasons, the Applicant could find no evidence of any possible significant adverse effects or impairments that will occur to any valued resources should the requested amendment to the Special Permit be approved. Should the Applicant inadvertently encounter any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, the Applicant agrees to cease work in the immediate area and contact the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-HPD), resuming activities only upon securing archaeological clearance from DLNR-HPD when it finds that sufficient mitigation measures have been taken.

I. CONCLUSION

Based on the discussion above, the Applicant finds that approval of the requested amendment to Special Permit No. 1122 to allow for the establishment of a public charter school and community outreach programs and services within a 3.13-acre portion of the Subject Property that is situated within the State Land Use Agricultural District aligns perfectly with the goals and objectives of the State Land Use Law and Regulations.

Harry Kim
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL

7000 0600 0024 2903 7325

OCT 22 2001

Mr. Graham Ellis, Secretary
Hawaii's Volcano Circus
RR2, Box 4524
Pahoa, HI 96778

Dear Mr. Ellis:

Special Permit Application (SPP 01-013)

Applicant: Hawaii's Volcano Circus

Request: Establish a Performing Arts Educational Center

Tax Map Key: 1-2-9:34 & 1-2-38:50

The Planning Commission at its duly held public hearing on September 21, 2001, voted to approve the above-referenced application. Special Permit No. 1122 is hereby issued to allow the establishment of a performing arts educational center on 2.5 acres of land in the State Land Use Agricultural District. The property is located within and adjacent (west) to the Kalapana Seaview Estates Subdivision, near the intersection of West Pohakupele Loop and Kehauopuna Street, Puna, Hawaii.

Approval of this request is based on the following:

The applicant, Hawaii's Volcano Circus (H.V.C.), is requesting to establish a performing arts educational center on approximately 2.5 acres of a 10-acre lot on TMK: 1-2-9:34. Access is proposed from a separate parcel, TMK: 1-2-38:50, which is a 7,938 square foot parcel adjacent to the subject parcel. The mission of H.V.C. is to promote the healthy development of children and the community using the skills and fun of the circus. Programs have been developed in three ways – 1) by providing elementary schools with self-esteem programs using juggling as a means for teaching success, coordination, cooperation and concentration; 2) by offering afterschool and summer

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programs training children in fun circus skills such as juggling, unicycling, stiltwalking, acrobatics and music; and 3) through performances presented by the Hiccup Children's Circus in schools, libraries and community events. Members of the corporation are mainly professional entertainers or circus arts teachers. The H.V.C. has been in operation for approximately 15 years providing programs and services in schools, libraries, churches, festivals, fairs, benefits and other community events. Programs include the "Hiccup Children's Circus" which is a regular feature at Big Island festivals and parades; and "Juggling for Success" programs in eight (8) Big Island and two (2) Kauai schools. Classes have been held in different locations without a dedicated headquarters. With the receipt of major funding for its programs, there is a need to have an on-site training center to maintain and develop their educational program. The proposed location, will assist in serving one of the most needy areas of the Puna district by providing additional educational, cultural and recreational benefits for the immediate community and the island as a whole.

The proposed performing arts educational center is an unusual and reasonable use of land situated within the State Land Use Agricultural District. In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district. The proposed development would occur on an approximately 2.5-acre portion of a 10.35-acre lot. The applicant has provided the community with a major community resource through their circus programs. It has performed at different locations and are in need of an on-site training center where it can maintain and develop its programs. A majority of the subject property is presently used for agricultural activities, so no active lands will be taken out of production to provide the area necessary to establish the educational center. Further, the proposed use would not displace agricultural activity nor diminish the agricultural potential of the area.

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The proposed use will be located within an area whose soils are classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating. The Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii Map considers the lands unclassified. The area of use has already been cleared and is part of a 1955 lava flow. The proposal is to construct an administrative building/pavilion approximately

7,920 square feet in size (110 feet x 72 feet) for rehearsals and training. The space will be divided into a rehearsal and training area, two offices, costume and prop storage, workshops, lanais, certified kitchen, bathrooms, showers, equipment storage and vehicle parking. Overnight shelter for resident participants attending the circus camps will consist of tents in the area adjacent to the center. The applicant has stated that it will not be presenting public performances in the building.

Thus, the proposed use will not take any active agricultural lands out of production nor will it diminish the agricultural potential of this important agricultural land. Existing agricultural activity will continue on the remaining 8 acres of land. The subject property is situated within the County's Agricultural-3 acre zoned district. The proposed use may be permitted within the County's Agricultural zone district provided a Special Permit is secured. Therefore, the approval of the subject request shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

The desired use shall not adversely affect the surrounding properties. The subject property is approximately 10 acres of which 2.5 acres will be used for the performing arts educational center. Access is proposed through an adjacent lot approximately 7,938 square feet in size, which the applicant also owns. The surrounding area consists of a mixture of agricultural activities, farm dwellings and vacant lots. The majority of the surrounding properties are also zoned Agricultural-3 acres (A-3a). There are neighboring dwellings located on four of the adjacent lots. The number of people using the facility would vary during the year. Weekly classes, workshops and rehearsals would involve approximately 25 people; approximately six (6) times a week between the hours of 10:00 a.m. to 9:00 p.m. Most students would be transported in the company vans, some would arrive on foot or by bicycle and a few in cars. The maximum number of people using the facility would be during workshops and annual winter and summer camps with about 40 student participants and ten (10) staff. To minimize impacts to surrounding residents, a condition shall be included to prohibit public performances on site. Further, to minimize any further impacts to surrounding properties, a landscaping plan around properties adjacent to the proposed development area and the access driveway lot shall be submitted with plans for Final Plan Approval. No objections have been received to date from the community. A letter of support from the Kalapana Seaview Estates Community Association was included with the application.

The desired 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 the Pahoa-Kalapana Road (Highway 130), onto Maupuana Street, which is the entry road into the Kalapana Seaview Estates. From Maupuana Street, turn left and travel on Kehauopuna Street until you arrive at West

Pohakupele Loop. You will be facing Tax Map Key 1-2-38:50, a 7,938 square foot parcel also owned by the applicant, which is graveled to a width of approximately 10 feet and presently used as a driveway to the educational center. The applicant proposes to utilize this lot as its access to the performing arts educational center. The subject parcel is approximately one mile, in driving distance, from the entrance of Kalapana Seaview Estates. The roads within the Kalapana Seaview Estates are county roads with an approximate 20-foot wide pavement. The subject parcel is actually a flag lot with frontage along Kamoamoa Homestead Road which terminates along the property frontage. This road, however, is located at the northwestern end of the property, whereas the subject development is proposed for the southeastern end of the property. If the Kamoamoa Homestead Road were used as access, the participants would have to drive through portions of the property where existing dwellings and agricultural activities are located. There is also a stubout for Moaniala Street, further west of the proposed site, located approximately midway through the subject property. However, according to the applicant, if this were required as an access point, two large 100-year old mango trees would have to be removed in order to construct a driveway. Therefore, TMK: 1-2-38:50 is considered acceptable to access the subject development. All parking, however, shall be on site. Water will be provided by a catchment system via a 5,000-gallon water tank which will provide water for toilets and showers. A separate 5,000-gallon water tank will provide water for cooking and drinking purposes. An individual wastewater system will be installed meeting with the requirements of the Department of Health. The development will not generate a significant amount of waste. However, what is generated will be disposed of at one of the county's solid waste transfer stations in Puna. All electrical services will be provided by solar energy. Telephone and other services are available to the project site. The applicant shall meet all applicable agency requirements of the Department of Health, Department of Water Supply, Department of Public Works and the Fire Department prior to the establishment of the proposed use.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The purpose of this special permit request is to allow the establishment of a performing arts educational center. The H.V.C. has been in existence for over 15 years with significant public benefit. It has been providing programs in schools, libraries, churches, festivals, fairs, benefits and other community events. Programs include the "Hiccup Children's Circus" which is a regular feature at Big Island festivals and parades; and "Juggling for Success" programs in eight (8) Big Island and two (2) Kauai schools. Classes have been held in different locations without a dedicated headquarters. With the receipt of major funding for its programs, there is a need to have an on-site training center to maintain and develop its educational program. The proposed location will assist in serving one of the most needy areas of the Puna district by providing additional educational, cultural and recreational benefits for the immediate community and the island as a whole. This type of public benefit with

minimal impact to the surrounding community is consistent with the social and physical character of a rural-agricultural area, contributes to the economy of the County, and complements existing agricultural activities.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. Further, the proposed use will not substantially alter or change the essential character of the land and the present use. While the subject properties are unclassified by the Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii Map, the soils contained on the properties are also classified as "E" or "Very Poor" by the Land Study Bureau. Furthermore, the U.S. Soil Survey identifies the soils as Lava Flows, Aa, which have practically no soil covering. Further, the subject area is a part of a 1955 lava flow. The area has already been cleared. The remaining approximately 8 acres are in active agricultural use and includes Ohia tree farming, bee hives, diverse exotic fruit trees, palm nursery, coconut tree nursery, mango, avocado and noni production. None of the area currently used in this manner will be taken out of agricultural use. There are four farm dwellings that have secured building permits; however, there are also farm structures that have not been approved. A condition will be included to require the applicant to secure required building permits within one year of the effective date of this permit.

The request will not be contrary to the General Plan. The subject request is not contrary to the General Plan LUPAG Map, which designates the property for Orchards. The proposed use is consistent with the following goals and policies of the General Plan.

Land Use Element

- Designate and allocate land areas 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.

Economic Element

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

- The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.

Based on the above considerations, the approval of the proposed performing arts educational center is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions. Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this permit.

1. The applicant, successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The project shall be developed in substantial compliance with representations made by the applicant.
3. The performing arts educational center shall be established within five (5) years from the effective date of this permit. Prior to establishing this use, 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 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.
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.
5. No public performances shall be allowed on the subject property.
6. 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 an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.

7. Comply with all other applicable laws, rules, regulations and requirements of the affected government agencies for the proposed use, including the Department of Health requirements.
8. If the 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).

Mr. Graham Ellis, Secretary
Hawaii's Volcano Circus
Page 8

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 Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,

Geraldine M. Giffin

Geraldine M. Giffin, Chairman
Planning Commission

LHIVOLCANOCIRCUSPP01-013PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources
Brian Minaai, Director/DOT-Highways, Honolulu

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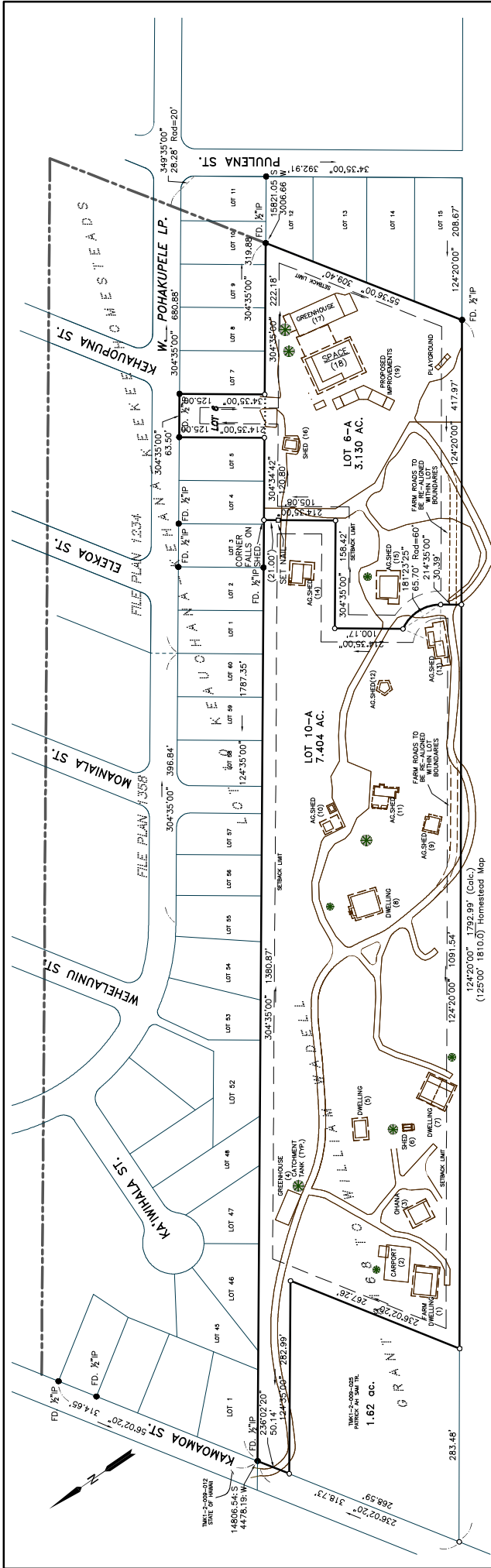
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Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.17



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MR GRAHAM ELLIS SECRETARY
HAWAII'S VOLCANO CIRCUS
RR2 BOX 4524
PAHOA HI 96778

7000 0600 0024 2903 7325



- Indicates found (FD) lot corner as described.
- Indicates set 1/2" iron pipe IP unless noted otherwise

NOTES:

- Owner: Village Green Society, LTD
P.O. Box 49-2281, Kaneohe, HI 96749
1. Greenhouse, no permit number
2. Carport, Permit # 980757
3. Greenhouse, no permit number
4. Greenhouse, no permit number
5. Dwelling, Permit # 950586
6. Dwelling, Permit # 950586
7. Dwelling, Permit # 950586
8. Dwelling, Permit # 950586
9. Ag shed, no permit number
10. Ag shed, no permit number
11. Ag shed, no permit number
12. Ag shed, no permit number
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18. Ag shed, no permit number

ADJACENT OWNERS FROM COUNTY REAL PROPERTY RECORDS

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VICINITY MAP

EXHIBIT B

Consolidation
Lot 6, Kalapana Seaview Estates, Unit III,
together with,
A 10.352 Acre Portion of
Grant 8168 to William Wadell, Being Lot 10 of
Keaupuuna-Kehena-Keekee Homesteads, and
Resubdivision
Into Lot 6-A and Lot 10-A.
Situated at Keaupuuna-Kehena, Puna,
Island and County of Hawaii, Hawaii
TM's (3) 1-2-08050 & (3) 1-2-08054

County of Hawaii
Planning Department
Subdivision Number:
PL-SUB-2023-000170
Is Approved for Recordation with the
Bureau of Conveyances, State of
Hawaii, Zeno Koh
Planning Director, County of Hawaii
Date: 09/25/2023



dlb & Associates
P.O. Box 49-2281, Kaneohe, HI 96749
Ph. 866-4208 Fx. 82-8830
www.dlbandassociates.com

This work was prepared by me or
under my direct supervision.
Daniel L. Barq
PLS 11245

Hawai'i's Volcano Circus

SPACE Large Event Traffic Management Plan

Date: 31 March 2025

EXHIBIT C

Traffic Management Plan

This event management plan is for large events to be held at Seaview Performing Arts Center for Education, located at 12-253 West Pohakupele Lp, Pāhoa, Hawai'i and administered by Hawai'i's Volcano Circus.

This plan includes, but is not limited to, traffic flow, parking and parking strategies, traffic communication and coordination, and contingency plans.

The [Traffic Flow and Parking Management Plan Map](#) on page 3 includes a detailed diagram of SPACE grounds with traffic flow, parking plans and emergency access and assembly points. As noted in the map, SPACE could accommodate up to 118 vehicles if needed.

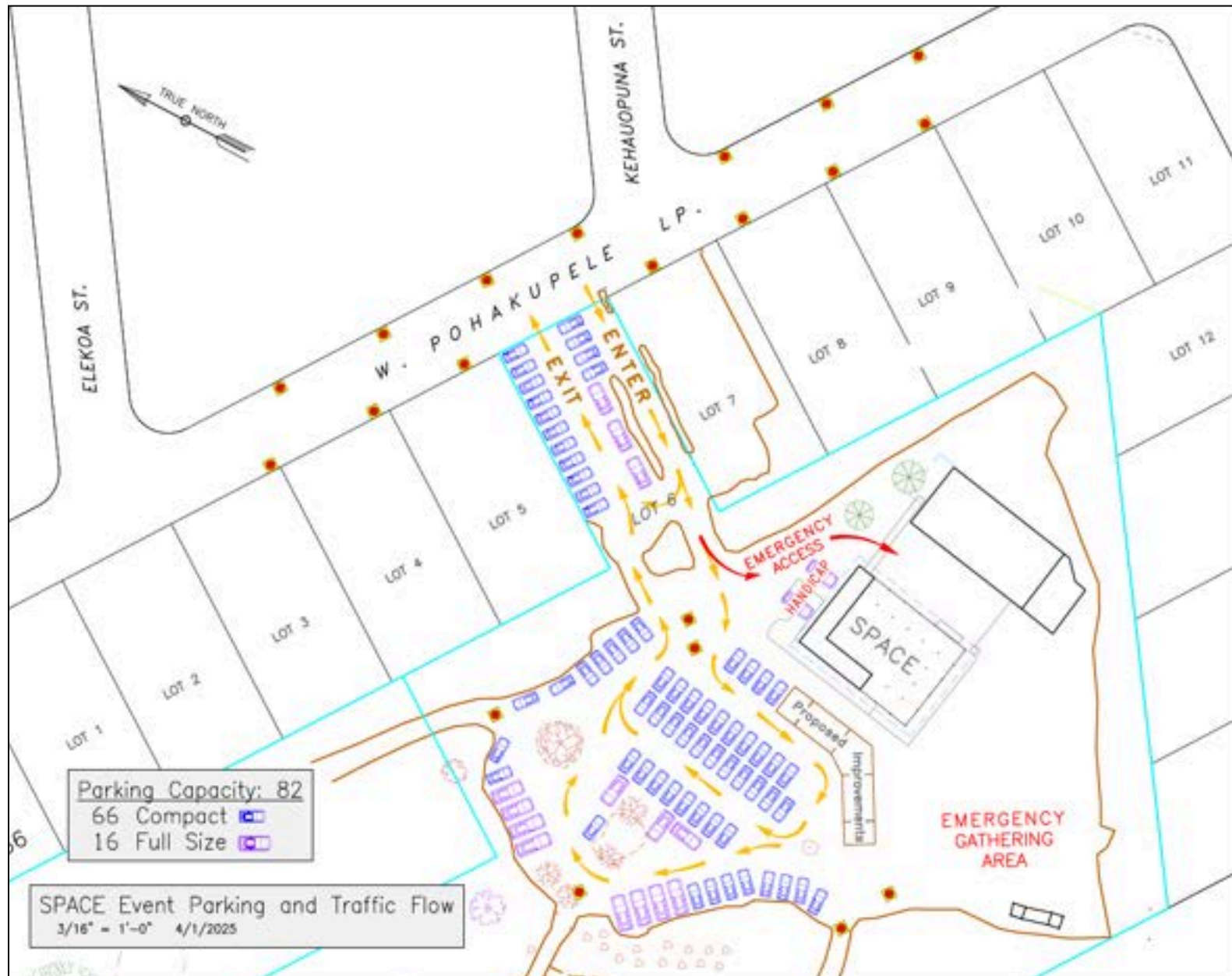
Definitions

large event in this plan refers to events projected to have peak hour traffic of 30 to 50 vehicles.

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Traffic Management Plan	2
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Map: Traffic Flow and Parking Management Plan	3
Traffic Flow	4
Traffic Control Personnel	4
Parking and Parking Strategies	4
Coordination and Communication	5
Event-Specific Traffic Plans	5
Risk Assessment and Contingency Planning	5
Potential Risks & Risk Mitigation	5
Risks that may occur prior to an event	6
Risks that may occur during an event	6

Map: Traffic Flow and Parking Management Plan



Traffic Flow

The entrance into SPACE is via West Pohakupele Lp, a bidirectional road accessible from multiple adjacent roads. Because West Pohakupele Lp is a loop and is accessible by multiple adjacent roads, large events at SPACE will not surrounding traffic flow. Regardless, guidelines established herein should be adhered to in order to limit any potential impact.

The [Traffic Flow and Parking Management Plan Map](#) shows the flow of traffic within SPACE during large events. One entrance into SPACE and two exits, as well as one way traffic lanes within SPACE, ensure a continued traffic flow within SPACE. Traffic flow directions shall be clearly marked during large events.

Traffic Control Personnel

A minimum of 3 personal should handle traffic control during large events at SPACE:

- 1 person accepts parking fees and guides the vehicle to the parking personal
- 2 personnel direct the actual parking to ensure tight, orderly and safe parking.

The personnel directing the parking should be trained and experienced in handling event parking.

Parking and Parking Strategies

Orange beacons shall be placed on the curbside of lots adjacent to SPACE during large events to prevent event participants parking on the curbside. The orange dots in the [Traffic Flow and Parking Management Plan Map](#) indicate where these beacons should be placed. The beacons should be placed at least 2 hours before the start of the event, and removed after the event. The use of beacons shall be communicated and agreed to with neighbors..

SPACE shall employ the below measures to encourage optimal parking at SPACE:

- Experienced personal direct parking. They should have access to a golf cart, if needed, to move efficiently around the large parking area
- Development of customized event parking and traffic management plans when needed (see below section [Event Specific Plans](#))
- Parking should accommodate individuals with special needs and kupuna, close to the event entrance - see the [Traffic Flow and Parking Management Plan Map](#). Parking signage shall clearly highlight this.
- Traffic control personnel shall be visible and identifiable, wearing orange vests.

- In an effort to limit the number of people arriving by car, below strategies can be employed:
 - Parking requires a fee
 - Rideshare - vehicle with 4 or more people park free
 - Bicycle parking advertised to encourage guest to use bicycles
- Parking fees and no-fee rideshare parking advertised on all event fliers and social media

Coordination and Communication

Traffic control personnel work in collaboration with event organizers and planners. During an event, they are in real-time communication with each other and event organizers. In the case of an emergency, the Emergency Response Coordinator is the single person in contact and works with the traffic control personnel and emergency responders to manage traffic flow and address any unforeseen issues.

Event-Specific Traffic Plans

When needed, HVC will develop customized traffic management plans. Although unexpected, events that may require the need for customized plan include:

- Projected attendance is higher than anticipated. For example, if a famous person is attending SPACE
- Primary access routes are unavailable or significantly altered
- The usual parking options are either unavailable or limited
- Guests require different security protocols
- Large film shoot with equipment and crew expected

If customized event plans demand outside assistance, road closures, etc, HVC will liaise with event management professionals and local authorities to collaborate in creating suitable, event-specific plans.

Risk Assessment and Contingency Planning

Potential Risks & Risk Mitigation

HVC addresses risk contingency planning in two categories: risks that may occur prior to the event, and risks that may occur during the event.

As a member of the Vibrant Hawai'i Network, HVC and SPACE personnel are connected to an island wide network of emergency communications, with a fallback satellite internet connection available if regular wired internet and phone communications are disrupted.

Whether a disruption causing event occurs prior to, or during an event, SPACE communicates any event updates and changes to the public using our primary communication sources:

- Volunteers, teachers, performers - text, phone, Telegram, Whatsapp
- General public: social media

Risks that may occur prior to an event

Risk	Mitigation Strategy
Fire	HVC safety and rental policies prohibit the use of fire, candles and other fire related equipment unless prior written consent is obtained In the case a fire does occur before an event, assess facility for safety and health hazards, including air quality, availability of water and structural safety. Cancel event if any risk is posed.
High Winds	HVC maintains a heightened awareness of threats from high winds, including tropical storms and hurricanes. During Civil Defence High Wind warnings, including tropical storm and hurricane warnings, all events and classes are cancelled.
Lava	HVC follows Civil Defence guidance on lava warnings and threat levels. All events and classes are cancelled accordingly.
Tsunami	SPACE is located above the tsunami danger elevations. While SPACE should not be affected by a Tsunami, CD warnings and advice will be followed.

Risks that may occur during an event

Risk	Mitigation Strategy
Fire	HVC safety and rental policies prohibit the use of fire, candles and other fire related equipment unless prior written consent is obtained In the case a fire does occur during an event, see the Traffic Flow and Parking Management Plan Map for emergency response access for ambulance and fire engine and emergency gathering area.
Earthquake	Buildings evacuated and people congregate at the emergency gathering area - see the Traffic Flow and Parking Management Plan Map for

	emergency gathering area.
Tsunami	SPACE is located above tsunami danger elevations - event goers will be encouraged to shelter in place and there after, CD guidance followed.
Emergency medical issue	Onsite AED. See the Traffic Flow and Parking Management Plan Map .
Vehicle accident	With exits and one entrance, as well as multiple traffic flow routes, Traffic Control Personal will assist in helping traffic flow around any accident. See the Traffic Flow and Parking Management Plan Map .

Camero, Tracie-Lee

From: Daryn Arai <Daryn.Arai@outlook.com>
Sent: Sunday, May 4, 2025 1:01 PM
To: Camero, Tracie-Lee
Subject: Re: Request for Additional Information for Special Permit Application (PL-SPP-2024-000079) for TMK: (3) 1-2-009:034

Aloha Tracie,

Please find the Applicant's response to your questions below, highlighted in yellow.
Hope this adequately addresses your concerns.

Daryn

Daryn Arai
Land Use Planning Consultant
Mobile: (808) 895-3218

From: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>
Sent: Thursday, May 1, 2025 4:18 PM
To: Daryn Arai <Daryn.Arai@outlook.com>
Subject: RE: Request for Additional Information for Special Permit Application (PL-SPP-2024-000079) for TMK: (3) 1-2-009:034

Hi Daryn,

Thank you for the clarification regarding the HAAS affiliation—that helps address my questions related to Section B(1)(b), subsection titled “*Seaview Community School*” of the application.

As a follow-up to the trip generation details, I’d like to confirm a few points to better understand the project’s operational scale and potential traffic impacts. The original Special Permit appears to have referenced a maximum of 25 students on campus at any given time. However, the Planning Department later identified this property (in letter dated July 28, 2008) as one location that could accommodate up to 40 students and 10 staff members, provided the use remains associated with performing arts in some manner. However, the current application states (on page 6) that 55 students attend the public charter school five days a week and also participate in after-school programs. It appears that some students may be participating via a distance learning format. Could you please clarify:

- To clarify the learning format - the school is a distance learning school in that it combines homeschooling with core curriculum, in-person elective classes and 1 one-to-one meeting per week with a teacher to support student progress and grow parents' capacity to teach at home. Because children are predominantly home schooled and in-person classes are electives, plus the need to schedule one-to-one meetings, 55 students are never all at school at the same time.
- Approximately how many students are participating in on-campus learning at any one time?
 - Approximately 15, a portion of whom either walk, bicycle or unicycle to school.

- How many students are enrolled in distance learning only?
 - The school only offers the hybrid program - all students are predominantly taught at home by parents, only coming into SPACE for in-person elective classes and a single, in-person one-to-one meeting per week with a teacher.

Additionally, while the Traffic Management Plan addresses large events (which I assume refers to student recitals and resource fairs - **this is correct**), can you confirm whether the same traffic flow and parking arrangements apply to:

- Regular school days - Yes the same traffic flow and parking within SPACE applies.
- Afternoon classes - Yes the same traffic flow and parking within SPACE applies.
- Winter and summer camps - Yes the same traffic flow and parking within SPACE applies.

Please let me know if you have any questions. Thank you again for your time and assistance.

Sincerely,

Tracie-Lee Camero

Planner V
County of Hawaii
Planning Department
Phone: (808) 961-8166

From: Daryn Arai <Daryn.Arai@outlook.com>

Sent: Thursday, May 1, 2025 12:46 PM

To: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiiicounty.gov>

Subject: Re: Request for Additional Information for Special Permit Application (PL-SPP-2024-000079) for TMK: (3) 1-2-009:034

Tracie,

This is the response from the Applicant:

Thanks for asking us to help clarify. To be clear, HVC is not running or proposing to run under HAAS.

What is running under HAAS - Only the Seaview Community School - already detailed in the amendment application - runs under the HAAS umbrella. That is the ONLY program at SPACE which runs under the HAAS umbrella.

Hope this is sufficient.

Let me know if you need more information.

Daryn

Daryn Arai

Mobile: (808) 895-3218

From: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiiicounty.gov>

Sent: Thursday, May 1, 2025 10:15 AM

To: Daryn Arai <Daryn.Arai@outlook.com>

Subject: RE: Request for Additional Information for Special Permit Application (PL-SPP-2024-000079) for TMK: (3) 1-2-009:034

Hey Daryn,

Quick question—I'm currently reviewing the HAAS Special Permit amendment and noticed in your application that the Circus is proposing to operate under the umbrella of HAAS (Hawai'i Academy of Arts and Science). Could you provide a bit more context on the relationship between HAAS and the Circus, including how many additional students (beyond the existing 55) are expected to attend the Circus program?

Thanks!

Sincerely,

Tracie-Lee Camero

Planner V
County of Hawaii
Planning Department
Phone: (808) 961-8166

From: Daryn Arai <Daryn.Arai@outlook.com>

Sent: Wednesday, April 2, 2025 10:33 PM

To: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>

Subject: Re: Request for Additional Information for Special Permit Application (PL-SPP-2024-000079) for TMK: (3) 1-2-009:034

Hi Tracie,

We cleaned things up a bit to make it clear that the greenhouse is used for agricultural purposes, where things are cultivated.

We also clarified what the "proposed improvements" and "SPACE" are in the application, as the proposed improvements are the proposed teachers' resource rooms and SPACE is the existing main pavilion.

We also cleaned up the traffic management plan to recognize the new teacher resource rooms.

Hope we took care of everything. Attached is the latest version of the application package. Let me know if you need anything else.

Thanks much!

Daryn

[Daryn Arai](#)

[Mobile: \(808\) 895-3218](#)

From: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>

Sent: Monday, March 24, 2025 12:19 PM

To: Daryn Arai <Daryn.Arai@outlook.com>

Subject: FW: Request for Additional Information for Special Permit Application (PL-SPP-2024-000079) for TMK: (3) 1-2-009:034

Hey Daryn,

As mentioned earlier, I sent the application over to Maija and Jeff. Maija had a few follow-up questions (see below). Do you think you could help me address them?

Thanks so much!

Sincerely,

Tracie-Lee Camero

Planner V
County of Hawaii
Planning Department
Phone: (808) 961-8166

From: Jackson, Maija <Maija.Jackson@hawaiicounty.gov>

Sent: Monday, March 24, 2025 9:45 AM

To: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>

Cc: Darrow, Jeff <Jeff.Darrow@hawaiicounty.gov>

Subject: RE: Request for Additional Information for Special Permit Application (PL-SPP-2024-000079) for TMK: (3) 1-2-009:034

Hi Tracie,

Do you know why the site plan was not revised to label the “greenhouse” as an auxiliary classroom” since that is what they are proposing to use it as in the application? The site plan also shows “Proposed Improvements” and “SPACE” as labels rather than showing the proposed use on each structure. The application form requires that the applicant provide a site plan showing “existing and proposed structures with elevations , uses and improvements”.

I also see that they provide a Traffic Management Plan (TMP) rather than a traffic assessment. Was Jeff okay with this change?

An inconsistency I see is that the site plan in the TMP shows an emergency access and handicap stalls in the location of the “proposed improvements” on the overall site plan.

From: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>

Sent: Friday, March 21, 2025 3:31 PM

To: Darrow, Jeff <Jeff.Darrow@hawaiicounty.gov>; Jackson, Maija <Maija.Jackson@hawaiicounty.gov>

Subject: FW: Request for Additional Information for Special Permit Application (PL-SPP-2024-000079) for TMK: (3) 1-2-009:034

It appears that Daryn has completed all the items we previously discussed. Before I proceed with processing the intake, I wanted to check in to see if you guys have any remaining concerns or questions for this Special Permit application.

Please let me know at your earliest convenience.

Sincerely,

Tracie-Lee Camero

Planner V
County of Hawaii

From: Daryn Arai <Daryn.Arai@outlook.com>
Sent: Monday, March 17, 2025 2:21 PM
To: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiiicounty.gov>
Cc: Jackson, Maija <Maija.Jackson@hawaiiicounty.gov>
Subject: Re: Request for Additional Information for Special Permit Application (PL-SPP-2024-000079) for TMK: (3) 1-2-009:034

Aloha Tracie,

Sorry for the delay in providing you with additional information regarding the amendment request for Hawaii's Volcano Circus. The holiday season, school grant deadlines and other obligations got in the way of providing this information to you promptly. Apologies.

Due to the amount of additional information that we provided in response to your detailed questions below, we felt it was better to prepare a revised report supporting the amendment request, which you will find attached to this email.

Your questions were succinct, and we updated those specific areas. Hope this will make your reading a bit easier as most were dealing with existing conditions and operational details.

Let me know if we adequately addressed your concerns by offering us this courtesy review prior to uploading into EPIC.

I am willing to come to the office to discuss with you, if necessary. Let me know what works best for you.

Thank you!
Daryn

Daryn Arai
Mobile: (808) 895-3218

From: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiiicounty.gov>
Sent: Tuesday, December 17, 2024 1:26 PM
To: Daryn Arai <Daryn.Arai@outlook.com>
Cc: Jackson, Maija <Maija.Jackson@hawaiiicounty.gov>
Subject: Request for Additional Information for Special Permit Application (PL-SPP-2024-000079) for TMK: (3) 1-2-009:034

Good Afternoon Daryn,

Thank you for submitting the Special Permit Application (PL-SPP-2024-000079) for TMK: (3) 1-2-009:034 which was submitted to the Planning Department on December 3, 2024. After reviewing your application, I found that additional information is needed to proceed and to ensure a thorough review, I am returning your application at this time and kindly requesting that the following information be provided:

- **Traffic:** According to page 15 of your application, it mentions that your proposed amendment will be less than 50 vehicle trips. In discussion with the Director, he recommended that you provide a traffic assessment which can estimate the number of peak hour trips expected on the subject parcel for each type of event. The determination of peak hour trips shall be based on the Institute

of Transportation Engineers, "Trip Generation Handbook", or any other nationally recognized source.

- **Quarterly Event:** You state on page 4 of your application that approximately 200-300 people will attend the quarterly events. Please specify the location where these events will be held.
- **Occupancy:**
 - What is the current occupancy of the structures where these events will take place? Please note that the Planning Director may impose occupancy limits based on the information provided.
 - On page 5 of your application, you state that the Greenhouse is used as an auxiliary classroom. Please confirm its current use and whether there is an applicable building permit for this structure.
 - Regarding the AG Shed located in the northwestern corner of the property:
 - Is there an applicable building permit for the AG Shed?
 - Is the AG Shed used for any special events?
 - What is the total square footage of the AG Shed?
- **Driveway:** Please be advised that driveway improvements may be required as part of the Special Permit process.
- **Classes:**
 - When will the adult classes be held? What structures will these classes take place in? Are these the performing arts educational classes occurring six (6) times a week between 10:00 AM and 9:00 PM, as stated in your application?

Please submit the corrected information at your earliest convenience so we can proceed with the review process. If you have any questions, feel free to reach out and we can chat. I look forward to hearing from you.

Sincerely,

Tracie-Lee Camero

Planner V

County of Hawaii

Planning Department

Phone: (808) 961-8166

Hawai'i's Volcano Circus

SPACE Large Event Traffic Management Plan

Date: 31 March 2025

EXHIBIT C

Traffic Management Plan

This event management plan is for large events to be held at Seaview Performing Arts Center for Education, located at 12-253 West Pohakupele Lp, Pāhoa, Hawai'i and administered by Hawai'i's Volcano Circus.

This plan includes, but is not limited to, traffic flow, parking and parking strategies, traffic communication and coordination, and contingency plans.

The [Traffic Flow and Parking Management Plan Map](#) on page 3 includes a detailed diagram of SPACE grounds with traffic flow, parking plans and emergency access and assembly points. As noted in the map, SPACE could accommodate up to 118 vehicles if needed.

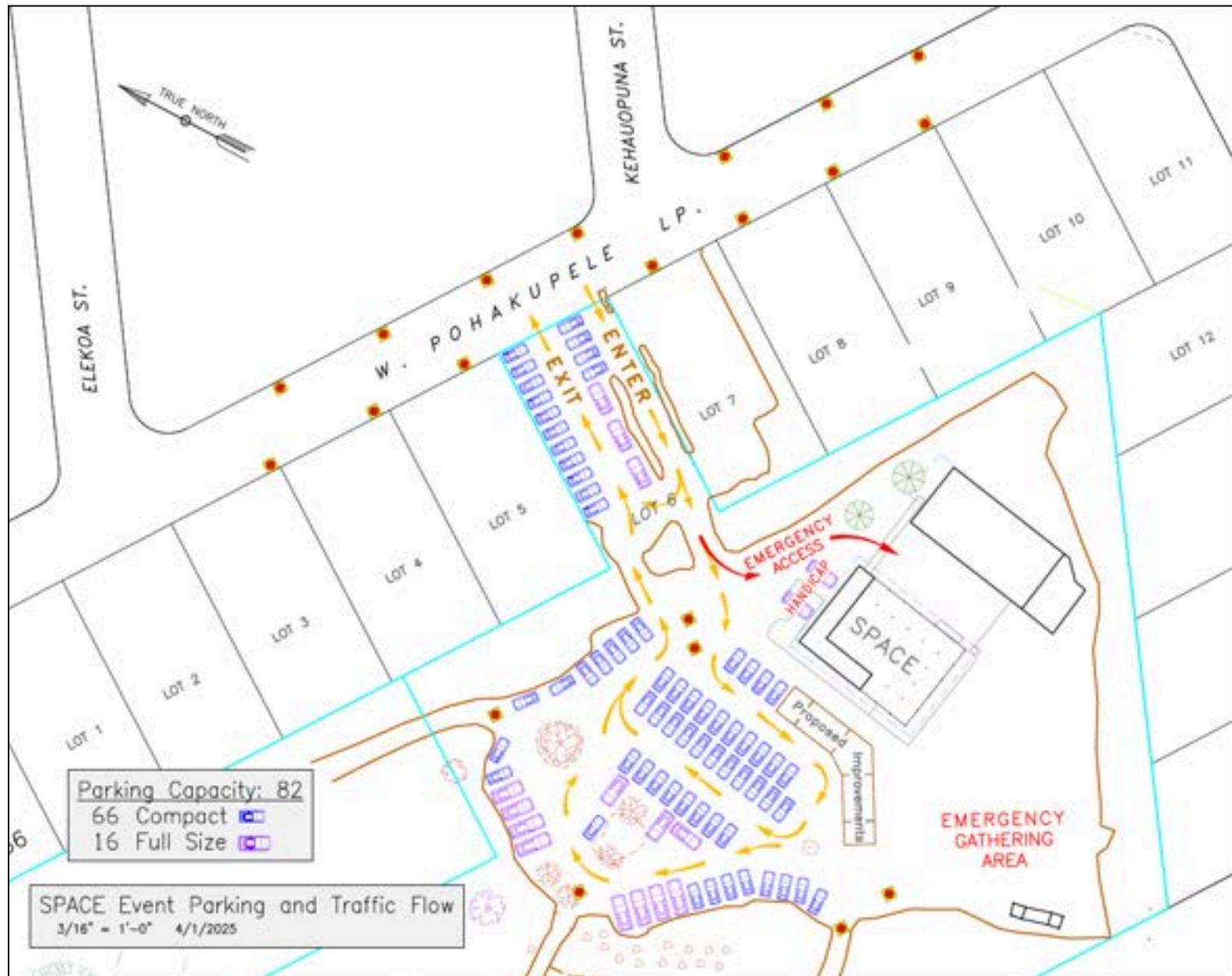
Definitions

large event in this plan refers to events projected to have peak hour traffic of 30 to 50 vehicles.

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Map: Traffic Flow and Parking Management Plan



Traffic Flow

The entrance into SPACE is via West Pohakupele Lp, a bidirectional road accessible from multiple adjacent roads. Because West Pohakupele Lp is a loop and is accessible by multiple adjacent roads, large events at SPACE will not surrounding traffic flow. Regardless, guidelines established herein should be adhered to in order to limit any potential impact.

The [Traffic Flow and Parking Management Plan Map](#) shows the flow of traffic within SPACE during large events. One entrance into SPACE and two exits, as well as one way traffic lanes within SPACE, ensure a continued traffic flow within SPACE. Traffic flow directions shall be clearly marked during large events.

Traffic Control Personnel

A minimum of 3 personal should handle traffic control during large events at SPACE:

- 1 person accepts parking fees and guides the vehicle to the parking personal
- 2 personnel direct the actual parking to ensure tight, orderly and safe parking.

The personnel directing the parking should be trained and experienced in handling event parking.

Parking and Parking Strategies

Orange beacons shall be placed on the curbside of lots adjacent to SPACE during large events to prevent event participants parking on the curbside. The orange dots in the [Traffic Flow and Parking Management Plan Map](#) indicate where these beacons should be placed. The beacons should be placed at least 2 hours before the start of the event, and removed after the event. The use of beacons shall be communicated and agreed to with neighbors..

SPACE shall employ the below measures to encourage optimal parking at SPACE:

- Experienced personal direct parking. They should have access to a golf cart, if needed, to move efficiently around the large parking area
- Development of customized event parking and traffic management plans when needed (see below section [Event Specific Plans](#))
- Parking should accommodate individuals with special needs and kupuna, close to the event entrance - see the [Traffic Flow and Parking Management Plan Map](#). Parking signage shall clearly highlight this.
- Traffic control personnel shall be visible and identifiable, wearing orange vests.

- In an effort to limit the number of people arriving by car, below strategies can be employed:
 - Parking requires a fee
 - Rideshare - vehicle with 4 or more people park free
 - Bicycle parking advertised to encourage guest to use bicycles
- Parking fees and no-fee rideshare parking advertised on all event fliers and social media

Coordination and Communication

Traffic control personnel work in collaboration with event organizers and planners. During an event, they are in real-time communication with each other and event organizers. In the case of an emergency, the Emergency Response Coordinator is the single person in contact and works with the traffic control personnel and emergency responders to manage traffic flow and address any unforeseen issues.

Event-Specific Traffic Plans

When needed, HVC will develop customized traffic management plans. Although unexpected, events that may require the need for customized plan include:

- Projected attendance is higher than anticipated. For example, if a famous person is attending SPACE
- Primary access routes are unavailable or significantly altered
- The usual parking options are either unavailable or limited
- Guests require different security protocols
- Large film shoot with equipment and crew expected

If customized event plans demand outside assistance, road closures, etc, HVC will liaise with event management professionals and local authorities to collaborate in creating suitable, event-specific plans.

Risk Assessment and Contingency Planning

Potential Risks & Risk Mitigation

HVC addresses risk contingency planning in two categories: risks that may occur prior to the event, and risks that may occur during the event.

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Whether a disruption causing event occurs prior to, or during an event, SPACE communicates any event updates and changes to the public using our primary communication sources:

- Volunteers, teachers, performers - text, phone, Telegram, Whatsapp
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Risks that may occur prior to an event

Risk	Mitigation Strategy
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Tsunami	SPACE is located above the tsunami danger elevations. While SPACE should not be affected by a Tsunami, CD warnings and advice will be followed.

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Earthquake	Buildings evacuated and people congregate at the emergency gathering area - see the Traffic Flow and Parking Management Plan Map for

	emergency gathering area.
Tsunami	SPACE is located above tsunami danger elevations - event goers will be encouraged to shelter in place and there after, CD guidance followed.
Emergency medical issue	Onsite AED. See the Traffic Flow and Parking Management Plan Map .
Vehicle accident	With exits and one entrance, as well as multiple traffic flow routes, Traffic Control Personal will assist in helping traffic flow around any accident. See the Traffic Flow and Parking Management Plan Map .

Camero, Tracie-Lee

From: DeMello, Melanie
Sent: Thursday, July 3, 2025 5:55 PM
To: Camero, Tracie-Lee
Subject: RE: Final Check for Comments on Special Permit Project

Hi Tracie,

Thank you for checking in. Sorry I haven't gotten you a memo so hopefully this will suffice:

As previously commented, all driveway connections to a County road shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code. If access has been previously approved for this development off of W. Pohakupele Loop (a County road), then a Work Within the County Right-of-Way Permit should be obtained for the road connection as we do not currently have a permit on file.

Thank you,
Melanie

Melanie DeMello, P.E.

*Deputy Division Chief
County of Hawai'i - Department of Public Works
Engineering Division
Aupuni Center, 101 Pauahi Street, Suite 7
Hilo, HI 96720
Phone: (808) 961-8927
E-Mail: Melanie.DeMello@hawaiicounty.gov*

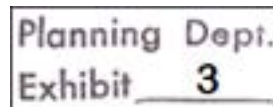
From: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>
Sent: Thursday, June 26, 2025 1:18 PM
To: DeMello, Melanie <Melanie.DeMello@hawaiicounty.gov>
Subject: Final Check for Comments on Special Permit Project
Importance: High

Hi Melanie,

Just checking in to see if your Department has any comments on the proposed Special Permit project (see forwarded message below). Given the size of the existing gravel driveway and the nature of the proposed events and overall project, I wanted to reach out one more time before finalizing my Background and Recommendation Report. For reference, I've attached DPW's comments for the original SPACE application from 2001.

Thanks so much!

Sincerely,
Tracie-Lee Camero
Planner V
County of Hawaii
Planning Department



From: Steen, Raimee <Raimee.Steen@hawaiicounty.gov>

Sent: Monday, May 19, 2025 4:26 PM

To: HPD ONE <HCPDONE@hawaiicounty.gov>; DOA <hdoa.planning@hawaii.gov>; DLNR <dlnr@hawaii.gov>; Kalapana Seaview Estates Community Association <board@kseca.org>; DPW Eng <dpweng@hawaiicounty.gov>; DPW Traffic <dpwtrf@hawaiicounty.gov>; Building Division Internet Email <cohbuild@hawaiicounty.gov>; Spielman, Aaron <Aaron.Spielman@hawaiicounty.gov>; DWS (DWSEngineeringReview@hawaiidws.org) <DWSEngineeringReview@hawaiidws.org>; Kaiulani Matsumoto <KMatsumoto@hawaiidws.org>; cohdem <cohdem@hawaiicounty.gov>; Baybayan, Clinton <Clinton.Baybayan@hawaiicounty.gov>; Henderson, Royd <Royd.Henderson@hawaiicounty.gov>; Kawasaki, Edward <Edward.Kawasaki@hawaiicounty.gov>; Jo, Keita <Keita.Jo@hawaiicounty.gov>; Miura, Lisa <Lisa.Miura@hawaiicounty.gov>; RPT Mapping <rptmapping@hawaiicounty.gov>; Morrison, Bethany J <Bethany.J.Morrison@hawaiicounty.gov>; Palma, Maryam <Maryam.Palma@hawaiicounty.gov>; Kato, Norren <Norren.Kato@hawaiicounty.gov>; Santiago, Hans <Hans.Santiago@hawaiicounty.gov>; Honda, Eric <Eric.Honda@doh.hawaii.gov>; michael.une@doh.hawaii.gov; Dbedt (dbedt.luc.web@hawaii.gov) <dbedt.luc.web@hawaii.gov>; dbedt.stateplanning@hawaii.gov; Chintan Poudel (chintan.poudel@doh.hawaii.gov) <chintan.poudel@doh.hawaii.gov>; Dane Hiromasa (dane.hiromasa@doh.hawaii.gov) <dane.hiromasa@doh.hawaii.gov>; doh.wwb@doh.hawaii.gov

Cc: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>; Dacayanan, Melissa <Melissa.Dacayanan@hawaiicounty.gov>

Subject: Request for Comments on Special Permit Application No. PL-SPP-2024-000079 | Hawaii's Volcano Circus on TMK: (3) 1-2-009:034

Importance: High

Good afternoon,

Please see the attached memo requesting your review and comments on the subject application.

We kindly ask that you submit your comments to planning@hawaiicounty.gov no later than June 19, 2025.

If you have any questions, please feel free to contact Planner Tracie-Lee Camero (cc'd herein) at (808) 961-8166.

Thank you,

Raimee Steen

TA-PC Support Tech.

County of Hawaii Planning Department

101 Pauahi Street, Suite 3 | Hilo, HI 96720

Direct: (808)-961-8038 | Main: (808)-961-8288

raimee.steen@hawaiicounty.gov



BUILDING DIVISION – DPW

COUNTY OF HAWAII – 101 Pauahi Street, Suite 7 – Hilo, Hawai'i 96720
Hilo Office (808) 961-8331 • Fax (808) 961-8410 Kona Office (808) 323-4720 • Fax (808) 327-3509

June 17, 2025

TO: Jeffery Darrow – Planning Director
Cc: Rainee Steen – TA-PC Support Tech.

SUBJECT:

Zoning Variance: PL-SPP-2024-000079
Applicant: Hawai'i's Volcano Circus
Owner: VILLAGE GREEN SOCIETY LTD
Request: Amendment to Special Permit No. 1122 to Allow for Educational and Outreach Programs That Extend Beyond the Performing Arts Curriculum Offered by the Seaview Performing Arts Center for Education (SPACE)
TMK: 1-2-009-034

This is to inform you that our records on file, relative to the status of the subject discloses that:

- ☐ No Building permit was issued for work done on the premises.
- ☐ No building permit was issued for the change of occupancy.
- ☐ At the time of completion, the subject complied with all Building Code regulations that were in effect.
- ☐ Variance from any building regulation (Building, Electrical, Plumbing, or Sign) was/was not granted.
- ☐ The following violations(s) still outstanding:
 - ☐ Building
 - ☐ Electrical
 - ☐ Plumbing
 - ☐ Sign

X ☐ Others:

1. BP(Building Permit) 950586 - 2 Story as-built dwelling (Final inspection incomplete).
2. 980757 - 2 Story Dwelling (No Final Inspection).
3. B2004-1943H – Addition to BP 980757 (permit Expired – no activity).
4. E2009-1658H - INSTALL PHOTOVOLTAIC POWERED SYSTEM (Expired – no activity).

Hawai'i County is an Equal Opportunity Provider and Employer

Planning Dept.
Exhibit 4

5. M2006-1997H – Associated with BP 980757 (Expired – no activity).

Permits listed above needs to be addressed. (extension request, and final inspections)

6. BP B2007-1279H - NEW PERFORMANCE ART TRAINING PAVILION WITH OFFICE/STORAGE/RESTROOMS/JANITOR'S CLOSET. (Major Floor Area – 3500 square footage)

This permit is issued as an B-2 Occupancy (1991 UBC) which means it is limited to an occupancy not greater than 50.

Proposed use indicates this will be opened to the Public for school recitals, resource fairs and fundraisers. This type of Use will have an Occupant load Greater than 50 = A Change of Use Permit will be required.

This status report reflects Building Division records only and does not include information from other agencies.

Should you have any questions regarding matters contained herein, please feel free to contact _Tod Tanimoto_ at phone no. (808)961-8372

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante Jr.
Managing Director



Wesley R. Segawa
Director

Craig Kawaguchi
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiicounty.gov

Ph: (808) 961-8083 · Fax: (808) 961-8086

MEMORANDUM

Date : May 27, 2025

To : Jeffrey Darrow, Director
Planning Department

From : Wesley R. Segawa, Director 
Department of Environmental Management

Subject : PL-SPP-2024-000079
TMK: (3) 1-2-009:034 Hawaii's Volcano Circus

The Solid Waste Division has reviewed the subject application and offers the following comments and/or recommendations (contact Gene Quiamas at the Solid Waste Division for details):

- () No comments.
- (X) Submit Solid Waste Management Plan in accordance with attached guidelines. (RD)
- () Existing Solid Waste Management Plan shall be followed. Provide updates to the department on the status of the project.
- () Other: _____

Applicant is reminded of the following requirements/restrictions:

- (X) Commercial operations, State and Federal agencies, religious entities and non-profit organizations may not use any of the 21 transfer stations for disposal.
- (X) Acceptable construction and demolition waste is allowed only at the West Hawai'i Sanitary Landfill.
- (X) Green waste is allowed only at the West Hawai'i Organics Facility or East Hawai'i Organics Facility, or other suitable diversion programs.
- (X) Aggregates and any other construction/demolition waste should be responsibly reused to its fullest extent.
- (X) Ample and equal room should be provided for rubbish and recycling.

The Wastewater Division has reviewed the subject application and offers the following comments and/or recommendations (contact Chris Sparber the Wastewater Division for details):

- () No comments.
- () Require connection of existing and/or proposed structures to the public sewer in accordance with Section 21-5 of the Hawai'i County Code.

Hawai'i County is an Equal Opportunity Provider and Employer

Planning Dept.
Exhibit 5

- () Require Council Resolution to approve sewer extension in accordance with Section 21-26.1 of the Hawai'i County Code. Complete Sewer Extension Application.
- () Require extension of the sewer system to service the proposed subdivision in accordance with Section 23-85 of the Hawai'i County Code.
- () *Check or line out as applicable:* [] If required by the Director of the Department of Environmental Management ("Director of DEM"), [] applicant shall conduct a sewer study in accordance with the then applicable wastewater system design standards prior to approval to connect to the County sewer system. Applicant shall provide such sewer line or other facility improvements as the Director of DEM may reasonably require, which the sewer study may indicate are advisable for mitigation of impacts of the proposed project. Contact Wastewater Division Chief for details.
- () Sewer within private roadway shall be dedicated in accordance with Section 21-19 of the County Code. All WWD standards shall be followed, and County shall be held harmless for any roadway corridor repair in the event that repairs to County Sewer are completed.
- () Sewer within private roadway will not be dedicated in accordance with Section 21-19 of the County Code. Developer shall follow all local plumbing code requirements as required by Department of Public Works – Building Division.
- () Proposed activity may be subject to existing or future federal, state, or county regulation under Title 40 CFR 403.5, prohibiting discharge of certain pollutants into publicly owned treatment works. Contact the Hawai'i Department of Health for information regarding pretreatment standards.
- () Located in a high priority area to be sewerred based on _____.
- (X) No County sewer system in area. Applicant shall follow Department of Health regulations, and all other applicable federal, state, and county regulations. Located approximately 32 miles from nearest Hawai'i County Sewer System. (AM)
- () Other:

C. Kimo Alameda, Ph.D.
Mayor



Benjamin T. Moszkowicz
Police Chief

William V. Brilhante, Jr.
Managing Director

Reed K. Mahuna
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

MAY 30, 2025

~~COH PLANNING DEPT~~
~~JUN 2 2025 AM 10:00~~

COH PLANNING DEPT
JUN 2 2025 AM 10:00

REC'D HAND DELIVERED

TO : JEFFREY W. DARROW, PLANNING DIRECTOR
FROM :  KENNETH A.K. MUCCHO, ASSISTANT POLICE CHIEF
AREA I OPERATIONS BUREAU

SUBJECT: SPECIAL PERMIT AMENDMENT APPLICATION (PL-SPP-2024-000079)
SPECIAL PERMIT NO. 1122
APPLICANT: HAWAI'I VOLCANO CIRCUS
REQUEST: AMENDMENT TO SPECIAL PERMIT NO. 1122 TO ALLOW FOR EDUCATIONAL AND OUTREACH PROGRAMS THAT EXTEND BEYOND THE PERFORMING ARTS CURRICULUM OFFERED BY THE SEAVIEW PERFORMING ARTS CENTER FOR EDUCATION (SPACE)
TAX MAP KEY: (3) 1-2-009:034; KEEKEE, PUNA, HAWAI'I

Staff, upon reviewing the provided documents, does not anticipate any significant impact to traffic and/or public safety concerns.

Thank you for allowing us the opportunity to comment.

If you have any questions, please contact Captain Todd Pataray, Puna Patrol, at 965-2716 or via email at Todd.Pataray@hawaiiicounty.gov.



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I

345 KĒKŪANĀO'A STREET, SUITE 20 • HILO, HAWAI'I 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

June 17, 2025

COH PLANNING DEPT
JUN 18 2025 PM 3:31

TO: Mr. Jeffrey Darrow, Director
Planning Department

REC'D HAND DELIVERED

FROM: Keith K. Okamoto, Manager–Chief Engineer

SUBJECT: **Special Permit Amendment Application (PL-SPP-2024-000079)**

Special Permit No. 1122

Applicant: Hawai'i's Volcano Circus

Request: Amendment to Special Permit No. 1122 to Allow for Educational and Outreach Programs That Extend Beyond the Performing Arts Curriculum Offered by the Seaview Performing Arts Center for Education (SPACE)

Tax Map Key 1-2-009:034

We have reviewed the subject application and have no comments or objections on the request, as the subject parcel is beyond the service limits of the Department's existing water system.

Should there be any questions, please contact Ms. Robyn Matsumoto of our Water Resources and Planning Branch at (808) 961-8070, extension 255.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

RM:makk

copy - Daryn Arai
Hawai'i's Volcano Circus



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: May 27, 2025

TO: Mr. Jeffrey W. Darrow
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Special Permit Amendment Application (PL-SPP-2024-000079)
Special Permit No. 1122
Applicant: Hawai'i's Volcano Circus
Request: Amendment to Special Permit No. 1122 to Allow for Educational and Outreach Programs That Extend Beyond the Performing Arts Curriculum Offered by the Seaview Performing Arts Center for Education (SPACE)
Tax Map Key: (3) 1-2-009:034; Keekee, Puna, Hawai'i

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

Planning Dept.
Exhibit 8

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Standard comments for the Clean Air Branch are at: <https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55.
 1. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, and 11-504.
2. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
3. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related to the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H, and 342I, and HAR Chapters 11-58.1 and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse, and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure. A demolition permit is required prior to demolition.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Hawaii District Health Office, at (808) 933-0917.

From: [Tomomitsu, Mark S](#)
To: [Planning Internet Mail](#)
Cc: [Nagato, Jonathan](#); [Poudel, Chintan](#)
Subject: Comments on Special Permit Application No. PL-SPP-2024-000079 | Hawaii's Volcano Circus on TMK: (3) 1-2-009:034
Date: Friday, June 6, 2025 9:46:03 AM

Dear Sir/Madame,

The DOH, Wastewater Branch (WWB) has the following comments to offer regarding the subject Subdivision Application.

1. The DOH, WWB has an Individual Wastewater System (IWS) File No. 10794, Final Approved for Use 9/12/2006 to serve the Hawaii Volcano Circus Performing Arts Education Center.
2. In order for the DOH, Wastewater Branch to be able determine if the approved IWS No. 10797 will is able to accommodate the additional wastewater generated from proposed Educational an Outreach Programs the extend beyond the Performing Arts Curriculum operations, a wastewater Engineer will need to provide design plan calculations to demonstrate that the existing IWS has capacity to accommodate the existing wastewater design flows and the additional wastewater flows generated from the proposed Educational and Outreach Programs patrons and staff. The wastewater Engineer shall also evaluate if the IWS is appropriate to treat and dispose the wastewater and/or an wastewater treatment works will instead be required for the treatment and disposal of the wastewater.
3. All wastewater systems are required to comply with Hawaii Administrative Rules, Chapter 11-62, Wastewater Systems.
4. Until all buildings generating wastewater are served by an approved wastewater system the DOH, WWB is not able to support the approval of the subject SPA.

We appreciate your consideration regarding this matter.

Thank you,
Mark

Mark Tomomitsu
Environmental Engineer | EMD/Wastewater Branch
Hawai'i State Department of Health | Ka 'Oihana Olakino
2827 Waimano Home Road, Pearl City, HI 96782
Office: (808) 586-4294

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Planning Dept. Exhibit <u>9</u>

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMŌKILA BLVD, STE 555
KAPŌLEI, HAWAII 96707

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

June 12, 2025

Jeff Darrow, Director
County of Hawai'i
Department of Planning
101 Pauahi Street, Suite 3
Hilo HI 96720
Email: planning@hawaiicounty.gov

IN REPLY REFER TO:
Project No.: 2025PR00620
Doc. No.: 2506SN14
Archaeology

Dear Mr. Darrow:

SUBJECT: **Hawaii Revised Statutes (HRS) Chapter 6E-42 Historic Preservation Review – County of Hawai'i Amendment to Special Permit No. 1122 (SPP 01-000013) (PL-SPP 2025-00089)**
Applicant: Hawai'i's Volcano Circus
Keauohana Ahupua'a, Puna District, Island of Hawai'i
TMK: (3) 1-2-038:034 (formerly part of TMK: 1-2-038:050)

This letter provides the State Historic Preservation Division's (SHPD's) review of the subject permit application in support of the applicant's request to establish and operate a church within the proposed project area. The SHPD received the submittal on May 30, 2025, which included the Special Permit Application, construction plans, an aerial photo of the project area, and a letter dated April 4, 2025, from the County of Hawai'i Planning Department requesting SHPD's review.

The applicant, Hawai'i's Volcano Circus (HVC), is seeking an amendment to Special Permit No. 1122 to expand its educational and outreach programs beyond the performing arts curriculum approved for the Seaview Performing Arts Center for Education (SPACE) under Special Permit No. 1122, issued on September 21, 2001. The proposed programs primarily involve a public charter school, along with outreach initiatives and services aimed at enhancing community well-being by engaging youth and adults in cultural, artistic, and agricultural activities that promote social cohesion. The proposed project area is a 2.5-acre portion of the 3.13-acre parcel.

A review of SHPD records indicates that two previous reviews (Log No. 2010.10412, Doc. No.: 1010TD03 and Log No. 2012.3514, Doc. No.: 1212SN19) were associated with the subject TMK. In the prior letters, we indicated that the current project area is located entirely on the 1955 lava flow. A review of our records indicates that there are no previously identified historic properties on these parcels; additionally, we have no records of an archaeological inventory survey (AIS) or inspection of the project area by SHPD staff. Surveys conducted on nearby parcels have identified numerous historic properties, including habitation sites, agricultural complexes, burials and ceremonial sites. The proposed project area has been previously impacted by the existing school uses.

Based on the current submittal, **SHPD has no objections** to the project proponent's amendment to the Special Permit.

However, SHPD requests the opportunity to review any future permits involving ground-disturbance associated with the development of the subject parcel.

Please contact Sean Nāleimaile at (808) 933-7651 or Sean.P.Naleimaile@Hawaii.gov, for any questions or concerns regarding this letter.

Planning Dept.
Exhibit **10**

Jeff Darrow
June 12, 2025
Page 2

Aloha,



Jessica L. Puff
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc.: Tracie-Lee Camero, tracie-lee.camero@hawaiicounty.gov
Daryn Arai, daryn.arai@outlook.com

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



DAWN N. S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

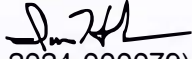
STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
LAND DIVISION

P.O. BOX 621
HONOLULU, HAWAII 96809

May 23, 2025

MEMORANDUM

FROM: **DLNR Agencies:**
___ Div. of Aquatic Resources (kendall.l.tucker@hawaii.gov)
___ Div. of Boating & Ocean Recreation (richard.t.howard@hawaii.gov)
X Engineering Division (DLNR.ENGR@hawaii.gov)
X Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
___ Div. of State Parks (curt.a.cottrell@hawaii.gov)
X Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
___ Office of Conservation & Coastal Lands (sharleen.k.kuba@hawaii.gov)
X Land Division – Hawaii District (candace.m.martin@hawaii.gov)
___ Aha Moku Advisory Committee (leimana.k.damate@hawaii.gov)

TO: Ian C. Hirokawa, Acting Land Administrator 

SUBJECT: Special Permit Amendment Application (PL-SPP-2024-000079) request for additional program special events for an existing education center in Keekee, Puna, Island of Hawaii

LOCATION: Keekee, Puna, Hawaii; TMK: (3) 1-2-009:034 (por.)

APPLICANT: Daryn Arai, Consultant on Behalf of The Village Green Society, applicant and landowner

Transmitted for your review and comment is information on the above-referenced subject matter. Please submit comments by **June 19, 2025**. If no response is received by the above date, we will assume your agency has no comments. Should you have any questions about this request, please contact Raymond Severn at raymond.severn@hawaii.gov. Thank you.

BRIEF COMMENTS:

- () We have no objections.
() We have no comments.
() We have no additional comments.
(☒) Comments are included/attached.

Signed: 
Print Name: JASON D. OMICK, Wildlife Prog. Mgr.
Division: Forestry and Wildlife
Date: Jul 9, 2025

Attachments
cc: Central Files

Planning Dept.
Exhibit **11**

JOSH GREEN, M.D.
GOVERNOR | KE KA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
RYAN K.P. KANAKA'OLE
FIRST DEPUTY
CIARA YUK. KAHANE
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 9, 2025

Log no. 5035

MEMORANDUM

TO: IAN C. HIROKAWA, Acting Land Administrator
Land Division

FROM: JASON D. OMICK, Wildlife Program Manager
Division of Forestry and Wildlife

SUBJECT: Consultation Request regarding the Special Permit Amendment
Application (PL-SPP-2024-000079) request for additional program special
events for an existing education center in Ke'eke'e, Puna, Hawai'i;
TMK (3) 1-2-009:034 (por.)

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) has received your consultation request regarding the Special Permit Amendment Application (PL-SPP-2024-000079) for the existing Hawai'i Volcano Circus Seaview Performing Arts Center for Education (SPACE) in Ke'eke'e and Kehena, within the Puna District of Hawai'i, TMK: (3) 1-2-009:034 (por.). The property owner and applicant, The Village Green Society, Ltd., is requesting a special permit amendment to allow for additional education and outreach programs which extend beyond the current performing arts curriculum offered by SPACE. The project also plans to construct new teachers' resources rooms totaling approximately 1,500 square feet in size.

The proposed project area is a 3.13-acre property within the Hawai'i County Agricultural-3 acres zoning district, and within the State Land Use Agricultural District. The subject property is located approximately 0.85 miles from the nearest coastline and at least 0.75 miles from the nearest Special Management Area boundary. No professional surveys of flora or fauna resources were conducted on the subject property due to its extensively improved condition as an educational facility with extensive support facilities, landscaping, and agricultural uses.

DOFAW provides the following comments regarding the potential for the proposed work to affect listed species in the vicinity of the project area.

The State listed 'ōpe'ape'a or Hawaiian hoary bat (*Lasiurus semotus*) could potentially occur at or in the vicinity of the project and may roost in nearby trees. Any required site clearing should be timed to avoid disturbance to bats during their birthing and pup rearing season (June 1 through September 15). During this period, woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed. Barbed wire should also be avoided in any construction as bats can become ensnared and killed by such fencing material during flight.

Artificial lighting can adversely impact seabirds which may pass through the area at night by causing them to become disoriented. This disorientation can result in seabird collision with manmade structures or the grounding of birds. For nighttime work that might be required, DOFAW recommends all lights used be fully shielded to minimize the attraction of seabirds. Nighttime work which requires outdoor lighting should be avoided during the seabird fledging season from September 15 through December 15, when young seabirds make their maiden voyage to sea. If nighttime construction is required during the seabird fledgling season, we recommend a qualified biologist be present at the project site to monitor and assess the risk of seabirds being attracted or grounded due to the lighting. If seabirds are seen circling the area, lights should be turned off. If a downed seabird is detected, please follow DOFAW's recommended response protocol by visiting <https://dlnr.hawaii.gov/wildlife/seabird-fallout-season/>

Permanent lighting also poses a risk of seabird attraction, and as such should be minimized or eliminated to protect seabird flyways and preserve the night sky. For illustrations and guidance related to seabird-friendly light styles that also protect seabirds and the dark starry skies of Hawai'i please visit <https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>.

The State listed nēnē or Hawaiian goose (*Branta sandvicensis*) could potentially occur in the vicinity of the proposed project site. It is against State law to harm or harass these species. If any are present during construction, all activities within 100 feet (30 meters) should cease and the bird or birds should not be approached. Work may continue after the bird or birds leave the area of their own accord. If a nest is discovered at any point, please contact the Hawai'i Island Branch DOFAW Office at (808) 974-4221 and establish a buffer zone around the nest.

The endemic pueo or Hawaiian short-eared owl (*Asio flammeus sandwichensis*) could potentially nest in the project area. Pueo nest on the ground and active nests have been found year-round. Before any potentially disturbing activity like clearing vegetation, especially ground-based disturbance, DOFAW recommends a qualified biologist conduct surveys during crepuscular hours. Observation surveys should be done at those times from vantage points where they can see the whole project area for 2-3 nights before construction is to start. If any breeding displays are observed, it is likely there could be a nest. If pueo nests are detected in the area, a buffer zone should be established in which no activity occurs within a minimum buffer distance of 100 meters until the nesting cycle is complete and the chicks are capable of flight. DOFAW staff should be notified of any nests or adult displayed breeding behavior.

The State listed 'io or Hawaiian hawk (*Buteo solitarius*) may occur in the project vicinity. Prior to undertaking vegetation clearing, DOFAW recommends that pre-construction surveys of the area be conducted by a qualified biologist following appropriate survey methods (Gorresen et al., 2008) to ensure no Hawaiian Hawk nests are present, which may occur during the breeding season from March to September. The survey should be conducted at least 10 days prior to the start of construction. If an 'io nest is detected, a buffer zone of 100 meters (330 feet) should be established around it where no construction shall occur until the chick or chicks have fledged, or the nest is abandoned and DOFAW staff should be immediately notified. If adult individuals are detected in the area during construction, all activities within 30 meters (100 feet) of the bird should cease. Work may continue when the bird has left the area on its own.

We recommend that Best Management Practices are employed during and after construction to contain any soils and sediment with the purpose of preventing damage to near-shore waters and marine ecosystems.

DOFAW recommends using native plant species for landscaping that are appropriate for the area; i.e., plants for which climate conditions are suitable for them to thrive, plants that historically occurred there, etc. Please do not plant invasive species. DOFAW also recommends referring to www.plantpono.org for guidance on the selection and evaluation of landscaping plants and to determine the potential invasiveness of plants proposed for use in the project.

Avoid importing soil or other plant material from off-island. Soil and plant material may contain fungi (e.g., rapid 'ōhi'a death) and other pathogens which could harm our native species and ecosystems. We recommend consulting the Hawai'i Interagency Biosecurity Plan at <http://dlnr.hawaii.gov/hisc/plans/hibp/> in the planning, design, and construction of the project.

We recommend contacting the Big Island Invasive Species Committee (BIISC) at (808) 933-3340 or biisc@hawaii.edu to learn about potential high-risk invasive species in the area, and for best management practices to avoid spreading of invasive plants and animals. Soil and plant material may contain detrimental fungal pathogens (like Rapid 'Ōhi'a Death), vertebrate and invertebrate pests (e.g. Little Fire Ants, and Coqui Frogs), or invasive plant propagules (e.g. Albizia, Barbados Gooseberry, etc.) that will harm our native ecosystems, and the unique native found within them. Therefore, DOFAW advances the guidance that all equipment and personal items—to include clothing and foot ware should be cleaned of excess soil and debris to minimize the risk of spreading invasive species. Additionally, DOFAW recommends minimizing the movement of plant or soil material between worksites. Suspect pests should be reported through the statewide pest hotline. Photos, videos, and locations can be shared at www.643pest.org or call: 743-PEST. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species.

To prevent the spread of rapid 'ōhi'a death (ROD), DOFAW requests that removal, pruning/trimming, and potentially injury to 'ōhi'a trees be avoided as much as possible. Wounds serve as entry points for ROD fungus and increase the odds that the tree will be infected and die. Also, clean gear/tools, clothes, footwear, and vehicles before and after use. Make sure to removal all loose soil from the aforementioned items, spray gear/tools with 70% rubbing alcohol, and wash clothes with hot water and soap. Wash tires and undercarriages of all vehicles/machinery with a high-pressure water source. If 'ōhi'a trees must be removed or pruned/trimmed, please conduct these activities on a still day to minimize blown sawdust and use a sharp saw to create chips rather than dust. Seal all wounds to these trees with a stump seal product (e.g. Spectricide, etc.). For more information, please consult <https://cms.ctahr.hawaii.edu/rod>.

The invasive coconut rhinoceros beetle (*Oryctes rhinoceros*) or CRB is widespread on the island of O'ahu. CRB have been detected on other islands with moderate infestation on Kaua'i, one incipient site on Hawai'i Island, and only one positive site on Maui in 2023. Hawai'i Department of Agriculture interim rule 24-1 restricts the movement of CRB-host material from the island of O'ahu, which is defined as the Quarantine Area. Regulated material (host material or host plants) is considered a risk for potential CRB infestation. Host material for the beetle specifically includes 1) entire dead trees; 2) mulch, compost, trimmings, fruit and vegetative scraps, and 3) decaying stumps. CRB host plants include the live palm plants in the following genera: *Washingtonia*, *Livistona*, and *Pritchardia* (all commonly known as fan palms), *Cocos* (coconut palms), *Phoenix* (date palms), and *Roystonea* (royal palms). When such material or these specific plants are moved there is a risk of spreading CRB because they may contain CRB in any life stage. Inspection and/or treatment approved by HDOA is mandatory before inter-island transport. For more information regarding CRB, please visit <https://dlnr.hawaii.gov/hisc/info/invasive-species-profiles/coconut-rhinoceros-beetle/>.

DOFAW is concerned about impacts to vulnerable birds from nonnative predators such as cats, rodents, and mongooses. We recommend taking action to minimize predator presence; remove cats, place bait stations for rodents and mongoose, and provide covered trash receptacles.

Cats prey on native birds, including State-listed endangered waterbirds, seabirds, and forest birds. Predation is instinctive and means that even well-fed cats will hunt and kill wildlife. Therefore, DOFAW recommends no feeding of feral cats should occur on the premises.

Due to the arid climate, high fine fuel load (grasses) surrounding the worksite, and risks of wildfire to listed species and native habitats, we recommend coordinating with the Hawai'i Wildfire Management Organization at (808)-850-0900 or admin@hawaiiwildfire.org, on how wildfire prevention can be addressed in the project area. When engaging in activities that have a high risk of starting a wildfire—like wielding in/near tall grass, it is recommended that you: 1) wet down the area before starting your task, 2) continuously wet down the area as needed, 3) have a fire extinguisher on hand, and 4) in the event that your vision is impaired, (i.e. welding goggles) have a spotter to

watch for fire ignitions. Additionally, do not park any vehicles in or near tall grass as heat from the engine/exhaust may ignite dry vegetation.

We appreciate your efforts to work with our office for the conservation of our native species. These comments are general guidelines and should not be considered comprehensive for this site or project. It is the responsibility of the applicant to do their own due diligence to avoid any negative environmental impacts. Should the scope of the project change significantly, or should it become apparent that threatened or endangered species may be impacted, please contact our staff as soon as possible. If you have any questions, please contact Kelli Yamaguchi, Protected Species Habitat Conservation Planning Associate via email at kelli.yamaguchi.researcher@hawaii.gov.

Sincerely,



JASON D. OMICK
Wildlife Program Manager

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



DAWN N. S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
LAND DIVISION

P.O. BOX 621
HONOLULU, HAWAII 96809

May 23, 2025

MEMORANDUM

FROM: TO:

DLNR Agencies:

- ☐ Div. of Aquatic Resources (kendall.i.tucker@hawaii.gov)
- ☐ Div. of Boating & Ocean Recreation (richard.t.howard@hawaii.gov)
- ☒ **Engineering Division** (DLNR.ENGR@hawaii.gov)
- ☒ Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
- ☐ Div. of State Parks (curt.a.cottrell@hawaii.gov)
- ☒ Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
- ☐ Office of Conservation & Coastal Lands (sharleen.k.kuba@hawaii.gov)
- ☒ Land Division – Hawaii District (candace.m.martin@hawaii.gov)
- ☐ Aha Moku Advisory Committee (leimana.k.damate@hawaii.gov)

TO: FROM:

SUBJECT:

Ian C. Hirokawa, Acting Land Administrator 
Special Permit Amendment Application (PL-SPP-2024-000079) request for
additional program special events for an existing education center in Keekee,
Puna, Island of Hawaii

LOCATION: Keekee, Puna, Hawaii; TMK: (3) 1-2-009:034 (por.)

APPLICANT: Daryn Arai, Consultant on Behalf of The Village Green Society, applicant and
landowner

Transmitted for your review and comment is information on the above-referenced subject matter.
Please submit comments by **June 19, 2025**. If no response is received by the above date, we
will assume your agency has no comments. Should you have any questions about this request,
please contact Raymond Severn at raymond.severn@hawaii.gov. Thank you.

BRIEF COMMENTS:

- ☐ We have no objections.
- ☐ We have no comments.
- ☐ We have no additional comments.
- ☒ Comments are included/attached.

Signed:

Print Name: Dina U. Lau, Acting Chief Engineer

Division: Engineering Division

Date: Jun 18, 2025

Attachments

cc: Central Files

Planning Dept.
Exhibit 12

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LD/Ian C. Hirokawa

**Ref: Special Permit Amendment Application (PL-SPP-2024-000079) request for
Additional Program Special Events for an Existing Education Center in
Keekee, Puna, Island of Hawaii
Location: Keekee, Puna, Hawaii
TMK(s): (3) 1-2-009:034 (por.)
Applicant: Daryn Arai, Consultant on Behalf of The Village Green Society,
applicant and landowner**

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high-risk areas). Be advised that 44CFR, Chapter 1, Subchapter B, Part 60 reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible for researching the Flood Hazard Zone designation for the project. Flood zones subject to NFIP requirements are identified on FEMA's Flood Insurance Rate Maps (FIRM). The official FIRMs can be accessed through FEMA's Map Service Center (msc.fema.gov). Our Flood Hazard Assessment Tool (FHAT) (fhathawaii.gov) could also be used to research flood hazard information.

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai: County of Maui, Department of Planning (808) 270-7139.
- Kauai: County of Kauai, Department of Public Works (808) 241-4849.

Signed: 
DINA U. LAU, ACTING CHIEF ENGINEER

Date: Jun 18, 2025

June 18, 2025

Mr. Jeffrey Darrow, Director
County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720

Dear Director Darrow:

Applicant's Response to State Department of Health comments regarding
Amendment to Special Permit No. 1122 (PL-SPP-2024-000079)
Applicant: Hawai'i's Volcano Circus
TMK -1-2-009:034; Keekee-Kehena, Puna, Hawai'i

Thank you for sharing the comments from the State Department of Health via email dated June 6, 2025, regarding the requested amendments to Special Permit No. 1122. The Applicant offers its response to the various comments as recited in full below.

1. The DOH, WWB has an Individual Wastewater System (IWS) File No. 10794, Final Approved for Use 9/12/2006 to serve the Hawaii Volcano Circus Performing Arts Education Center.

Applicant's response: Appreciate this confirmation. The current IWS system is properly maintained and in good operating condition to serve the current and anticipated needs of the Hawaii Volcano Circus Performing Arts Education Center (SPACE).

2. In order for the DOH, Wastewater Branch to be able determine if the approved IWS No. 10797 will be able to accommodate the additional wastewater generated from proposed Educational and Outreach Programs that extend beyond the Performing Arts Curriculum operations, a wastewater Engineer will need to provide design plan calculations to demonstrate that the existing IWS has capacity to accommodate the existing wastewater design flows and the additional wastewater flows generated from the proposed Educational and Outreach Programs patrons and staff. The wastewater Engineer shall also evaluate if the IWS is appropriate to treat and dispose the wastewater and/or an (sic) wastewater treatment works will instead be required for the treatment and disposal of the wastewater.

Applicant's response: As confirmed by the State Department of Health (DOH) in its email dated June 6, 2025, the existing wastewater system serving the SPACE facility was approved in 2006.

The requested amendments to Special Permit No. 1122 are to allow for the expansion of programs offered to its existing student body and is not intended to expand the capacity of this center. Therefore, the number of teachers and support staff will also remain the same. For this reason, capacity of the approved individual wastewater system serving the existing SPACE facility will not increase.

The only new structures are the teacher resource rooms that will help support the existing teachers at SPACE and will not provide facilities to increase the student body or staffing levels. These teacher resource rooms are currently planned with no plumbing fixtures and do not require a connection to the existing individual wastewater system. With the same number of staff and no new plumbing systems, the Applicant anticipates no effect upon the existing approved individual wastewater system currently serving SPACE.

However, should the Applicant elect to provide plumbing to the teacher resource rooms and if deemed necessary by the DOH, the Applicant will agree to provide design plan calculations as prepared by a licensed wastewater engineer. Either way, the Applicant is committed to complying with all applicable requirements of the State Department of Health prior to implementing the proposed Educational and Outreach programs on the existing SPACE campus.

3. All wastewater systems are required to comply with Hawaii Administrative Rules, Chapter 11-62, Wastewater Systems.

Applicant's response: The Applicant acknowledges this requirement and is, as explained above, committed to ensure that all wastewater generated by the existing and proposed educational and outreach programs at SPACE are compliant with State Department of Health's Administrative Rules.

4. Until all buildings generating wastewater are served by an approved wastewater system the DOH, WWB is not able to support the approval of the subject SPA.

Applicant's response: While the Applicant's appreciate these concerns, the operative words are, "Until all buildings generating wastewater are served by an approved wastewater system...". As mentioned, the only building generating wastewater is the existing SPACE building, whose wastewater system was approved in 2006 and a certificate of occupancy subsequently issued in 2008. No new buildings generating wastewater is proposed. However, should the Applicant elect to include plumbing in the new teacher resource rooms, we believe the following proposed condition of approval that would ensure compliance with State Department of Health rules and regulations regarding proper wastewater disposal:

Mr. Jeffrey Darrow, Director
County of Hawai'i Planning Department
Page 3 of 3
June 18, 2025

- Prior to the submittal of plans for Plan Approval Review, the Applicant shall provide, if deemed necessary, design plan calculations to the State Department of Health (DOH), as prepared by a licensed engineer, to demonstrate that the existing IWS has sufficient capacity to support the educational and outreach programs and to determine if a wastewater treatment works or other system improvements or enhancements are needed. Any wastewater system improvements required by the DOH shall be installed and be operational in compliance with DOH rules and regulations prior to implementing the educational and outreach programs at SPACE.

We hope that we have adequately addressed the comments offered by DOH. Should there be any additional questions or concerns on this matter, please feel free to contact me. Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daryn Arai', with a stylized flourish at the end.

Daryn Arai
Land Use Planning Consultant

copy via email: Hawai'i's Volcano Circus

June 30, 2025

Mr. Jeffrey Darrow, Director
County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720

Dear Director Darrow:

Applicant's Response to Department of Public Works-Building Division comments
regarding Amendment to Special Permit No. 1122 (PL-SPP-2024-000079)
Applicant: Hawai'i's Volcano Circus
TMK -1-2-009:034; Keekee-Kehena, Puna, Hawai'i

Thank you for sharing the comments from the Department of Public Works-Building Division dated June 17, 2025, regarding requested amendments to Special Permit No. 1122. The Applicant wishes to address the status of various permits issued and highlighted by the Building Division in its response below:

1. **BP (Building Permit) 950586 - 2 Story as-built dwelling (Final inspection incomplete).**
Applicant's Response: This building permit is associated with an as-built dwelling located on the adjoining Parcel 45, which was previously a part of Parcel 34 prior to its subdivision on September 16, 2023 (PL-SUB-2023-000170). The approved final subdivision plat map is attached to this response and identifies the location of Dwelling #5 that is associated with BP 950586.
2. **980757 - 2 Story Dwelling (No Final Inspection).**
Applicant's Response: This building permit is associated with an as-built dwelling located on the adjoining Parcel 45 and identified on the approved final subdivision plat map as Dwelling #1 that is associated with BP 980757.
3. **B2004-1943H – Addition to BP 980757 (permit Expired – no activity).**
Applicant's Response: This building permit is associated with an as-built dwelling located on the adjoining Parcel 45 and identified on the approved final subdivision plat map as Dwelling #1 that is associated with BP 980757.

4. E2009-1658H - INSTALL PHOTOVOLTAIC POWERED SYSTEM (Expired – no activity).

Applicant's Response: This electrical permit was issued in 2009 for the installation of a photovoltaic system on an existing single family residential building. The Applicant notes that there is no single-family residential structure anywhere on the subject property (Parcel 34) and believes that this permit is associated with one of the as-built dwellings located on the adjoining Parcel 45.

5. M2006-1997H – Associated with BP 980757 (Expired – no activity). Permits listed above needs to be addressed. (extension request, and final inspections)

Applicant's Response: This building permit is associated with an as-built dwelling located on the adjoining Parcel 45 and identified on the approved final subdivision plat map as Dwelling #1 that is associated with BP 980757.

6. BP B2007-1279H - NEW PERFORMANCE ART TRAINING PAVILION WITH OFFICE/STORAGE/RESTROOMS/JANITOR'S CLOSET. (Major Floor Area – 3500 square footage)

- This permit is issued as a B-2 Occupancy (1991 UBC) which means it is limited to an occupancy not greater than 50.
- Proposed use indicates this will be opened to the Public for school recitals, resource fairs and fundraisers. This type of Use will have an Occupant load Greater than 50 = A Change of Use Permit will be required.

Applicant's Response: The Applicant is aware of the maximum occupancy of the existing pavilion and the requested amendments are not intended to exceed the maximum occupancy of this facility. During regular daily school sessions, the occupancy of the pavilion never exceeds 50 individuals since the school is a distance learning program, where many of the students attend remotely from their homes.

Outreach programs that are offered to the community and held within the pavilion are limited in attendance to 50 individuals.

The recitals, fairs and fundraisers are not intended to be limited to the pavilion. If necessary, temporary tents can be utilized if additional covered space is needed for these special events.

Mr. Jeffrey Darrow, Director
County of Hawai'i Planning Department
Page 3 of 3
June 30, 2025

We hope that we have adequately addressed the comments offered by DOH. Should there be any additional questions or concerns on this matter, please feel free to contact me. Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daryn Arai', with a stylized flourish at the end.

Daryn Arai
Land Use Planning Consultant

Encl: PL-SUB-2023-000170
copy w/encl via email: Hawai'i's Volcano Circus

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i
PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

September 25, 2023

Daniel Berg, LPLS
dlb & Associates
P.O. Box 49-2281
Kea'au, HI 96749

Dear Daniel Berg:

FINAL SUBDIVISION APPROVAL NO. PL-SUB-2023-000170

FINAL PLAT MAP

SUBDIVIDERS: VILLAGE GREEN SOCIETY, LTD

Consolidation of Lot 6, "Kalapana Seaview Estates, Unit III,"
Together with Lot 10,

Being Portions of Grants 5165 & 8168,

And Resubdivision into Lot 6-A and Lot 10-A

Keauohana-Kehena-Ke'eke'e Homesteads, Puna, Island of Hawai'i, Hawai'i

TMK: (3) 1-2-009:034 & 1-2-038:050

Please be informed that final subdivision approval for recordation is hereby granted to the final plat map dated September 16, 2023, as attached herewith inasmuch as all requirements of the Subdivision Code, Chapter 23, as modified have been met.

This application is being processed under Section 23-7 of the Subdivision Code whereby the requirements and standards of the Subdivision Code shall not apply to consolidation and resubdivision action resulting in the creation of the same or fewer number of lots than that which existed prior to the consolidation/resubdivision action.

The subdividers may wish to consult an attorney and surveyor for the preparation of the necessary legal documents and description of the certified final plat map for the purpose of recordation with the State of Hawai'i, Bureau of Conveyances.

By a copy of this letter, we are forwarding a copy of the certified final plat map to the listed officers for their file. We would also remind you to remove the posted sign once you have received this letter of subdivision approval.

Daniel Berg, LPLS
dlb & Associates
PL-SUB-2023-000170
Final Subdivision Approval
September 25, 2023
Page 2

There has been considerable legal controversy over subdivisions in the agricultural district, including the Kelly, et.al. v. 1250 Oceanside Partners, et.al., Civil No. 00-1-0192K. Because of the state of the law at this time, we recommend that subdividers in the State Land Use Agricultural district consult with, and rely on, independent legal counsel in deciding whether their subdivisions comply with the requirements of Chapter 205, Hawai'i Revised Statutes. We also recommend that you advise lot purchasers to consult with, and to rely on, independent legal counsel regarding permissible uses and the effect of Land Use Commission Rule 15-15-25(b), Hawai'i Revised Statutes Section 205-4.5, and Hawai'i County Planning Department Rule No. 13, on the requirements to build and occupy dwellings on lots within the subdivision.

A copy of the certified final plat map is enclosed.

Should you have any questions, please feel free to contact Hans Santiago at hans.santiago@hawaiicounty.gov or Jaslyn Nathaniel at jaslyn.nathaniel@hawaiicounty.gov.

Sincerely,

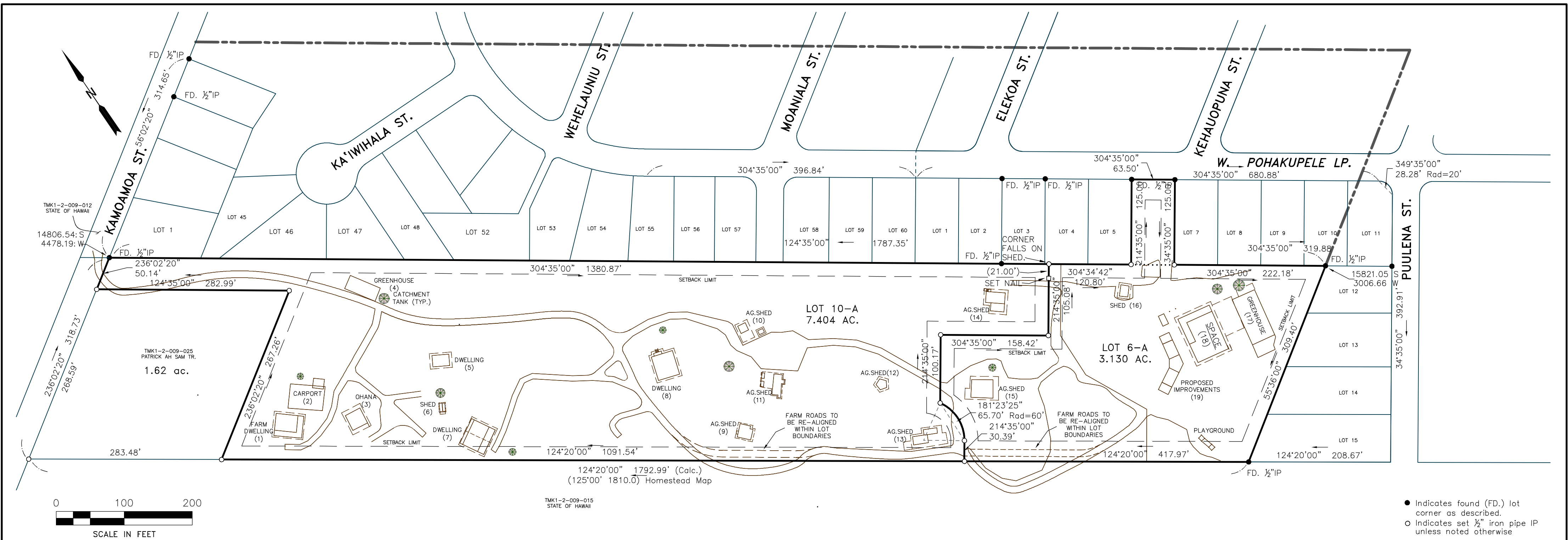
Zendo Kern
Zendo Kern (Sep 27, 2023 08:29 HST)
ZENDO KERN
Planning Director

JYN:cn

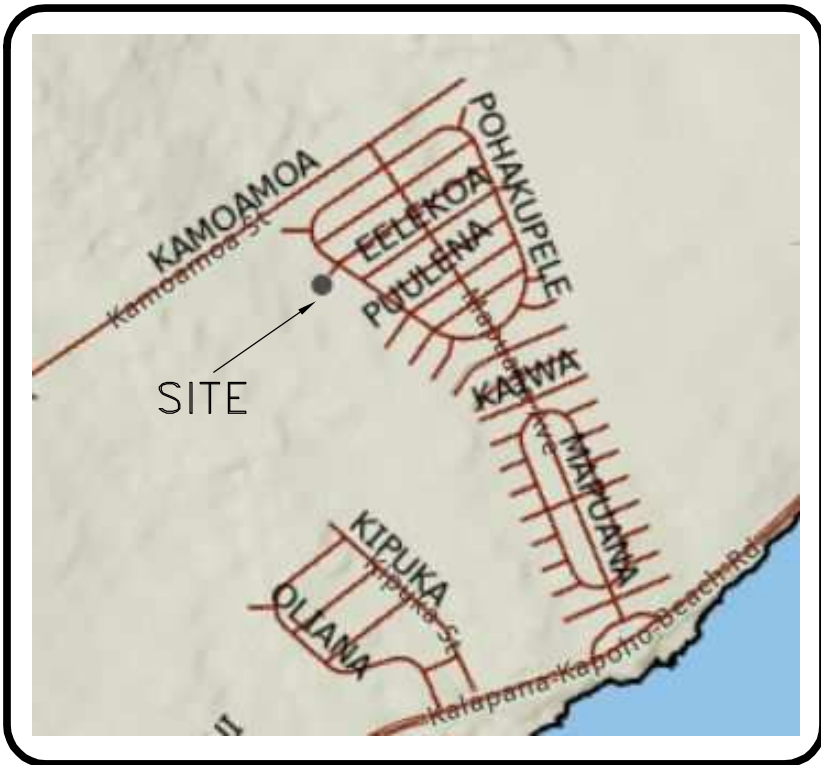
\\\\coh01\planning\public\Admin Permits Division\Subdivision\2023\2023-3\PL-SUB-2023-000170 VILLAGE GREEN SOCIETY LTD
FSA 09-25-23.doc

Encl.: Certified FPM

cc: Manager, DWS
Director, DPW
District Environmental Health Program Chief, DOH
District Engineer, DOT
Real Property Tax Division
Tax Maps and Records Supervisor
Village Green Society, LTD
VAR-17-000429(den)
SPP-1122



● Indicates found (FD.) lot corner as described.
○ Indicates set 1/2" iron pipe IP unless noted otherwise



VICINITY MAP

ADJACENT OWNERS FROM COUNTY REAL PROPERTY RECORDS

LOT #	TMK#	OWNER NAME
LOT 15	12038041	POPE,JEFFREY HOWARD
LOT 14	12038042	HASHIMOTO-MARTIN,BRADLEY HOWARD HASHIMOTO-MARTIN,YOKO
LOT 13	12038043	FURUHASHI,TEIJIRO FURUHASHI,KAZUKO
LOT 12	12038044	SAKAI,ANTHONY G TRST
LOT 11	12038045	UNDERHILL,JAMES M FISH,CALLISTA O
LOT 10	12038046	SMART,JASON CHARLES
LOT 9	12038047	OSHIMA,JERRY T OSHIMA,LINDA S
LOT 8	12038048	EMOTO,RICHARD N TRST
LOT 7	12038049	LOWE,GARETH DAVID LINDSEY
LOT 6	12038050	VILLAGE GREEN SOCIETY LTD
LOT 5	12038051	THOMPSON,ROBERT R - DEC'D THOMSON,TRAVIS
LOT 4	12038052	JAVIER,ANNA CAROLINA
LOT 3	12038053	ROPER,KATHRYN LOUISE
LOT 2	12038054	MACK,ARTHUR WILLIAM MACK,SUZANNA MARIE
LOT 1	12038055	MACK,ARTHUR W MACK,SUZANNA M

ADJACENT OWNERS FROM COUNTY REAL PROPERTY RECORDS

LOT #	TMK#	OWNER NAME
LOT 1	12040001	RUDD,PHILLIP J TRST
LOT 45	12040045	MIRENDA,THOMAS JOAQUIM
LOT 46	12040046	LEKAS,GEORGE
LOT 47	12040047	DUNN,NORMAN JOHN RIDOLFI,SUZETTE CAMPOS
LOT 48	12040048	SULLIVAN,TIMOTHY JAMES
LOT 49	12040049	CHAYANONDA,ORAWAN
LOT 50	12040050	WADE,SHARON P KNOWLES,SUSAN K
LOT 51	12040051	HARTLEY,DAVID BYRON HARTLEY,JOANN KENT
LOT 52	12040052	HARTLEY,DAVID BYRON HARTLEY,JOANN KENT
LOT 53	12040053	IMAMURA,YOSHIKAZU
LOT 54	12040054	MC GLASSON,ANDREW A
LOT 55	12040055	FOLEY,JOHN A
LOT 56	12040056	FLYNN,MICHAEL DAVID/KATHY JEAN TR
LOT 57	12040057	FLYNN,MICHAEL DAVID/KATHY JEAN TR
LOT 58	12040058	HALES,RICHARD A JR
LOT 59	12040059	HALES,RICHARD A JR
LOT 60	12040060	HALEMANAGO LLC

Structures Permits:

1. Farm dwelling. Permit Number: 980757
2. Carport. Permit Number: Attachment to 980757
3. Ohana dwelling. Permit Number: Attachment to 980757
4. Greenhouse, no permit number
5. Dwelling. Permit # 950586
6. Shed, no permit number
7. Dwelling, Permit #980804
8. Dwelling, Permit #950587
9. Ag shed, no permit number
10. Ag shed, no permit number
11. Ag shed, no permit number
12. Ag shed, no permit number
13. Ag shed, no permit number
14. Storage, no permit number
15. Ag shed, no permit number
16. Ag shed, no permit number
17. Greenhouse Permit # B2007-12794
18. SPACE Permit # B2007-0649H_LTS

NOTES:

Owner:
Village Green Society, LTD
RR2 Box 4523
Pahoa, HI. 96778

Situs:

TMK(3) 1-2-009-034
12-7105 Kamoamoa St.
TMK(3) 1-2-038-050
12-253 W. Pohakulele Lp.

Land Use Zone:

Designation:A-3a
Setbacks: Front/Rear 30ft; Sides 20ft.

Flood Zone:

Zone X₁
Per FEMA Flood Insurance Rate Map
No 1551661445F , Effective Sept. 29, 2017

No drainage courses were observed on site.
Structures and improvements on site located by others,
and visually confirmed.

Boundary courses are record per :
Kalapana Seaview Estates Unit III (File Plan 1234)
Keaouhana-Kehena-Keekee Homesteads, (HTS Plat 805)

Coordinates are referenced to "KALIU"

Consolidation
Lot 6, Kalapana Seaview Estates, Unit III,
together with,
A 10.352 Acre Portion of
Grant 8168 to William Wadell, Being Lot 10 of
Keaouhana-Kehena-Keekee Homesteads, and
Resubdivision
Into Lot 6-A and Lot 10-A.
Situated at Keekee-Kehena, Puna,
Island and County of Hawaii, Hawaii
TMK's (3) 1-2-038:050 & (3) 1-2-009:034



This work was prepared by me or
under my direct supervision.
Daniel L. Berg
Daniel L. Berg
PLS 11245

County of Hawaii
Planning Department
Subdivision Number:
PL-SUB-2023-000170
is Approved for Recordation with the
Bureau of Conveyances, State of
Hawaii. *Zendo Kern*
Zendo Kern (Sep 27, 2023 08:29 HST)
Planning Director, County of Hawaii
Date: 09/25/2023

dlb & Associates
LAND SURVEYING • MAPPING • CONSULTING
P.O.Box 49-2281 Keaau, HI. 96749
Ph.966-4206 Fx.82-6830
www.dlbassoc.com

Lorn Douglas

R.R. 2 Box 4544
Pahoa, HI 96778
808.333.1974

COH PLANNING DEPT
JUL 28 2025 PM 3:00

March 7, 2025

To Windward Planning Commission
County of Hawaii
Louis Daniele III, Chair
101 Pauahi Street, Ste 3
Hilo, HI 96720

Re: **Testimony in Support of Amend Special Permit No. 1122**

Aloha Chairman Daniele,

SPACE has been an asset to the Lower Puna community for decades now. I was one of the community members that helped envision SPACE as well as a significant financial contributor to this project. It's founder, Grahan Ellis in his book stated that if it wasn't for my financial contribution, SPACE would never have come into existence.

When we originally visioned this building, we had no idea in how many ways these facilities could be used and did not have a consultant to advise us on what to include on the Special Permit. Mistakenly we did not include performances, which seems obvious in retrospect.

I strongly request your support on this application.

Thanks for your attention on this...

Sincerely,



Lorn Douglas

Graham Ellis
4 The Link
Rye
East Sussex TN317BT
United Kingdom

Windward Planning Commission
County of Hawaii
Louis Daniele III, Chair
101 Pauahi Street, Ste 3
Hilo, HI 96720

Dear Chair Daniele and Windward Planning Commissioners,

Subject: Testimony in Support of Amend Special Permit No. 1122
Applicant: Hawai'i's Volcano Circus
TMK: 1-2-009: 034; Keekee-Kehena, Puna,
Hawai'i

I strongly support HVC's request to amend SP #1122. I lived from 1981 until 2017 on the Big Island and from 1987 until 2015 on Kalapana Seaview Estates. I was the founder of Hawai'i's Volcano Circus in 1992 after creating the HICCUP circus and was the executive director until 2015. SPACE was part of our original vision when our collective of performers purchased the 10 acre property adjacent to Seaview in 1987.

It took us until 2000 to obtain our Special Permit and another seven years before we raised sufficient funds and obtained the permits to build SPACE. By 2008, when we opened the facility, it was obvious that the needs of the residents living in Seaview Estates and along the Red Road had changed dramatically. Build out in Puna Makai subdivisions had mushroomed and the population had grown exponentially.

At the request of residents we opened SPACE to a school (in fact three schools, HAAS, Waters of Life and Kua O Ka La), a farmers market, a church, a clinic and a multitude of other community activities and events. We were the only facility serving the general public below the rift zone and provided emergency services during tropical storm Iselle and the 2014 lava flow.

With our services far exceeding the terms of our SP 1122 we began the process of amendment and submitted an application to Planning in 2012. In 2013 when a cease and desist order was contested before the Windward Planning Commission 247 testimonies were submitted in favor of SPACE along with a petition signed by over 1000 Big Island residents. Obviously we have been strongly supported by our community for a very long time but it has taken us much longer to prove to County government that SPACE serves an essential role.

In 2023 this acceptance was confirmed with the granting of a \$500,000 Puna Recovery award. It is now clear to all that SPACE strengthens resilience by building social cohesion—an essential factor in recovery from isolation and disaster. It also provides much-needed economic and educational opportunities in an underserved area and needs to have it's legal status updated.

Please approve the amendment to SP #1122.

Thank you for your time and consideration.

Mahalo nui loa,

Graham Ellis