

**COUNTY OF HAWAI'I PLANNING DEPARTMENT
RECOMMENDATION REPORT**

**PARKER SCHOOL
AMENDMENT TO USE PERMIT NO. 05-001 (PL-USE-2026-000043)**

Upon careful review of the applicant's request to amend Use Permit No. 05-001, the Planning Director hereby **recommends that the request to allow preschool and the addition of two TMKs (3) 6-5-004:081 and 085 be approved by the Planning Commission.** Since this recommendation is made without the benefit of public testimony, the Planning Director reserves the right to modify and/or alter this position based on the additional information presented at the public hearing. This approval recommendation is based on the following findings:

The applicant is requesting to amend Condition No. 8 (enrollment) of Use Permit No. 05-001, to include preschool and include two additional parcels (3) 6-5-004:081 and 085 for an expansion of 0.964 acres. As proposed, Condition No. 8 would be modified as follows:

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

Use Permit No. 05-001 was issued on December 7, 2005 to allow the establishment of the Parker School elementary school (grades K-5) on a 2.635-acre portion of TMK (3) 6-5-004:025. The Use Permit was amended by the Planning Commission in 2010 to allow expansion of the Parker School complex to include new athletic fields, new gymnasium, renovation of two residences and warehouse, elementary school addition and new middle school on the remainder of TMKs (3) 6-5-004:025, 026, 028 and 063. On June 30, 2020, the Leeward Planning Commission voted to allow a time extension to Condition No. 6 of Use Permit 05-001 in order to complete construction of the school complex for TMKs (3) 6-5-004:025, 026, 028 and 063. On August 19, 2021 Condition No. 11 (Roadway Improvements) was amended to require an updated traffic study to

determine if roadway improvements are necessary prior to the build out of the middle school.

The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Medium Density Urban, which includes village and neighborhood commercial, single-family and multiple-family residential (up to 35 units per acre) and related functions. The island's urban centers provide physical, social, governmental, and economic concentrations so that the total activities of the community can be more readily and easily conducted. The subject properties are located just north of the Waimea town center within walking distance of nearby residential and commercial uses. Building of the gymnasium complex prior to completion of roadway improvements to Kapi`olani Road for use by Parker School and Waimea Community Education would directly support the existing educational needs of Parker School and the nearby communities. A school is considered a community facility that will complement the Public Facilities-Education element of the General Plan, and the proposed amendment will be consistent with the following goals, policies and standards of the General Plan:

- *Encourage combining schoolyards with county parks and allow school facilities for afterschool use by the community for recreational, cultural, and other compatible uses.*
- *Require developers to provide basic infrastructure necessary for development.*
- *Areas shall have basic improvements and amenities necessary for immediate use.*

The applicant will meet the goals and policies of General Plan by completing the roadway improvements at a later date when the Middle School expansion occurs and the increase in enrollment.

The subject property is located within the proposed Waimea Town Center identified within the South Kohala Community Development Plan (SKCDP). The

SKCDP, adopted by Ordinance No. 08 159 on December 1, 2008, is intended to be the forum for translating South Kohala's community input into policies and action plans that shape the future land use of the district and translate broad general plan statements into specific actions. Policies, strategies, and actions of the SKCDP that are relevant to the applicant's request include: a) protection of important cultural and historic sites, structures and landscapes; b) implementation of Waimea Trails and Greenways project; c) implementation of short-term traffic mitigation improvements in and around Waimea Town Center; and d) plan, design and construct walkways and bikeways along Waimea Trails Project. Conditions of the permit, with compliance reported in the applicant's July 31, 2025 progress report, implement these policies and actions of the CDP. Based on the preceding, the proposed amendments are consistent with the General Plan designation and are in keeping with the goals, policies and standards of the Zoning Code, General Plan and SKCDP.

The desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties. The subject properties are located near the town center of Waimea, north of the existing Parker School Kahilu campus which has been operating since 1975. Surrounding properties are zoned Agricultural (A-1a) to the east, Single-Family Residential (RS-7.5) to the north and Village Commercial (CV-7.5) to the south. Between the campus and Kapi`olani Road are four (4) small residential properties. To the north, across Kapi`olani Road are larger properties in agricultural and residential use as well as a church. The Waimea Parkside subdivision is located to the northwest of the campus, northeast of the Kapi`olani Road/Lindsey Road intersection. Several small residential lots are located along Pu`uki Road, north and west of the campus. Parker School's middle and high school campus is located to the west. Based on the above discussion, the school fits the character of the community and area.

The Waimea Community Association provided comments stating that they have no objection to the proposed amendments, however they have concerns regarding traffic and parking. The applicant responded to note that they will

continue to implement comprehensive mitigation measures to address traffic impacts, including staggered start and dismissal times and encouraging ride sharing. Parking, drop off and pick up for the proposed preschool on Parcel 85 will be located on the adjacent property, Parcel 81. A condition of approval will require the proposed preschool to go through Plan Approval to ensure compliance with parking requirements. With the proposed mitigation measures and continued condition compliance, the Director supports the proposed amendment.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure. The reasons for granting the original permit have not changed as the proposed school expansion still meets the criteria for granting a Use Permit. Existing conditions of approval continue to address the applicant's responsibilities to provide essential services to the subject property.

According to comments from the Department of Water Supply (DWS), water can be made available for Parcel 81 and Parcel 85 from an existing 6-inch waterline within Kapi'olani Road or an existing 8-inch waterline within Lindsey Road, however DWS notes that the waterlines are inadequate to provide the required 2,000 GPM fire flow at the site and recommends that the applicant work with the Fire Department to determine if there are any other fire protection alternatives that may satisfy the required fire flow amounts. Additionally, water calculations for the proposed use and installation of a reduced pressure type backflow prevention assembly will be required, meeting with approval of DWS. Conditions of approval will be updated to address the preceding.

Regarding the proposed preschool use, DPW-Building Division has provided comments informing the applicant that the current permitted use for the structure is a single-family dwelling and that a change of use building permit will be required to convert the dwelling into a preschool. The applicant provided a response that they will apply for a building permit to convert the existing dwelling to use as a preschool. Based on the preceding discussion, the Director supports

the request to add a preschool and expand the permit area and recommends adding a condition to address DPW-Building Division's comments.

The subject request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area. In view of the Hawai'i State Supreme Court's "PASH" and "Ka Pa'akai O Ka'Aina" decisions, the issue relative to native Hawaiian 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.

Investigation of valued resources: The subject properties are located over 8 miles to the nearest shoreline and are not located in the Special Management Area. There are not identified coastal recreational resources, coastal scenic and open resources, coastal ecosystems, beach and marine resources in the area. Thus, the proposed request and use of the property will not adversely impact those resources.

The valued cultural, historical, and natural resources found in the area: The subject property is a previously disturbed residential lot located within an established subdivision. Review of available agency records, project materials, GIS databases, and public testimony did not identify any known archaeological sites, historic properties, traditional gathering areas, cultural sites, or ongoing Native Hawaiian traditional and customary practices within the project area. No evidence was presented (in the application or by the applicant) indicating the exercise of protected Native Hawaiian rights on the subject parcel. Possible adverse effect or impairment of valued resources: The proposed project consists of altering an existing residence located on a previously developed lot to be used as a preschool. No cultural resources or traditional customary Native Hawaiian practices were identified within the project area. Because no protected resources or practices were identified, the proposal is not expected to adversely affect or impair traditional and customary Native Hawaiian rights.

Feasible actions to protect native Hawaiian rights: Because no cultural resources, traditional customary practices, or Native Hawaiian rights were identified within the project area, no specific protective measures are necessary.

Based on the available record, approval of the proposed action will not impair the exercise of protected rights.

According to the Flood Insurance Rate Map (FIRM), the subject property is located in Zone "X", area outside of the 500-year flood plain. There are no valued cultural, historical or natural resources on the property and there is no evidence of any traditional and customary Native Hawaiian rights being practiced on the site. Thus, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

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

Based on the above, the establishment of preschool and the addition of two-parcels would be compatible with the existing land uses and the physical and social environment of the area and would promote the effectiveness and objectives of the Zoning Code and General Plan. Approval of the request is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all conditions of approval.
2. ~~[The applicant is responsible for maintaining valid water commitments with the Department of Water Supply to support the proposed use until such time that required water facilities charges are paid in full]~~Prior to the issuance of a water commitment by the Department of Water Supply (DWS), the Applicant shall submit the anticipated maximum daily water usage calculations as prepared by a

professional engineer licensed in the State of Hawai'i to the DWS. A water commitment deposit shall be paid to the DWS within one hundred and eighty (180) days from the effective date of this ordinance in accordance with Rule 5 of the Department of Water Supply's Rules and Regulations. The Applicant is responsible for maintaining valid water commitments to support the proposed use until such time that required water facilities charges are paid in full.

3. The applicant shall install a reduced pressure type backflow prevention assembly within five (5) feet of each ~~[new water meter]~~ existing water meter and any additional water meters on private property, which must be inspected and approved by the Department of Water Supply prior to the issuance of a Certificate of Occupancy.
4. Prior to the issuance of a Certificate of Occupancy, ~~[for any new building on the subject properties, the applicant shall upgrade the existing County water system as required by the Department of Water Supply in order to provide a minimum theoretical fire flow of 2,000 gallons per minute to the site for fire protection]~~the Applicant shall implement any improvements required by the Fire Department and/or Department of Water Supply to ensure that fire protection requirements can be met for the proposed use.
5. The applicant shall relocate and adjust the Department of Water Supply's water system facilities that are affected by the construction of improvements within the road right-of-ways fronting the subject properties required by this permit.
6. Construction of the athletic fields, gymnasium, and related improvements and renovation of the two existing residences and warehouse for school use shall be completed prior to June 30, 2025. Construction of the preschool, middle school, elementary school addition, and related improvements shall be completed prior to June 30, 2030. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structures, paved driveway accesses and parking stalls associated with the proposed development. Landscaping shall be included on the plans to mitigate any potential adverse noise

or visual impacts to adjacent properties on Pu'ukū Road and the four A-1a-zoned properties on the south side of Kapi'olani Road, specifically in accordance with the Planning Department's Rule No. 17-6(b)(2)(B), Landscaping Requirements for CV zones adjoining an RS zone.

7. Prior to commencement of the preschool use, the applicant shall secure and finalize any required building permits for the structure to be used for the preschool, meeting with the approval of the Department of Public Works.
8. ~~[7.]~~ Nighttime lighting of the athletic fields is prohibited.
9. ~~[8.]~~ Overall enrollment of grades PS[K]-12 shall be limited to four hundred fifty (450) students, which includes limiting the elementary school (grades PS[K]-5) and relocated middle school (grades 6-8) to three hundred (300) students combined.
10. ~~[9.]~~ The gymnasium shall be limited in size to a 250-seating capacity and limited in hours to up to 10:00 p.m. Use of the gymnasium for after-school activities involving persons other than Parker School students shall be limited to 14 vehicle arrivals prior to 6:00 p.m. on weekdays.
11. ~~[40.]~~ Expansion of the existing Lindsey Road parking lot is prohibited.
12. ~~[44.]~~ Prior to issuance of a Certificate of Occupancy for the middle school, the applicant shall conduct an updated traffic study to determine if the following improvements are still necessary. If at such time the improvements are necessary the applicant shall provide the following improvements meeting with the approval of the Department of Public Works, at no cost to the County:
 - a. Provide pavement widening, concrete curb, gutter and sidewalk, and incidental drainage improvements along the south side of Kapi'olani Road from Lindsey Road to the middle school entrance and along the east side of Lindsey Road from Kapi'olani Street to the existing sidewalk at the edge of the school's property.
 - b. Install streetlights along the south side of Kapi'olani Road from Lindsey Road to the middle school and any necessary signs and markings.
13. ~~[42.]~~ Any future vehicular security gate(s) at the County road approaches shall be recessed a minimum of 20 feet (exclusive of gate swing) from the County right-of-way, meeting the approval of the Department of Public Works.

14. ~~[43.]~~ The applicant shall continue to provide active traffic management of all student pick-up/drop-off areas so that drop-off and pick-up activity does not result in queuing of vehicles on any County road. Additional off-street parking, above the minimum required in the Zoning Code, may be required by the Planning Director to achieve this result.
15. ~~[44.]~~ The applicant shall continue to implement staggered school start times and a carpooling program.
16. ~~[45.]~~ The applicant shall implement the Traffic Management Plan for Parker School prepared January 28, 2020 by The Traffic Management Consultant.
17. ~~[46.]~~ All future driveway connections to Pu'ukū Road and Kapi'olani Road shall conform to Chapter 22, Streets and Sidewalks, of the Hawai'i County Code.
18. ~~[47.]~~ All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of Final Plan Approval. Drainage improvements, if required, shall be constructed, meeting with the approval of the Department of Public Works prior to the issuance of a Certificate of Occupancy.
19. ~~[48.]~~ During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawai'i.
20. ~~[49.]~~ Construction activities must comply with the provisions of Hawai'i Administrative Rules, Chapter 11-46, "Community Noise Control."
21. ~~[20.]~~ Earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.
22. ~~[21.]~~ Any new construction, improvements to repetitive loss structures or substantial improvements of structures within 50 feet of Zone "AE" shall be completed in conformance with the requirements of Chapter 27- Flood Plain Management, of the Hawai'i County Code.
23. ~~[22.]~~ The applicant shall install wastewater system(s) meeting with the requirements of the State Department of Health prior to the issuance of a Certificate of Occupancy.

24. ~~[23.]~~ The applicant shall implement the Solid Waste Management Plan approved by the County Department of Environmental Management on April 22, 2019, or as may be amended.
25. ~~[24.]~~ The applicant shall provide an easement on parcels 25 and 63, on the north side (school side) of Waikoloa Stream at a location approved by the Department of Parks and Recreation. The easement shall be granted at no cost to the County when required by the Department of Parks and Recreation for the Waimea Trails and Greenways project.
26. ~~[25.]~~ Prior to adaptive reuse, alteration or demolition of the historic warehouse building the applicant shall submit an architectural inventory survey and mitigation plan to the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) for approval. The applicant shall implement any mitigation required by the DLNR-SHPD related to any historic resources in the project area.
27. ~~[26.]~~ ~~[Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the DLNR-SHPD shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken]~~In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g. rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the Department of Land and Natural Resources-State Historic Preservation Division (SHPD) at (808) 933-7651. Subsequent work shall proceed upon archaeological clearance from SHPD when it finds that sufficient mitigation measures have been taken.
28. ~~[27.]~~ The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
29. ~~[28.]~~ An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of this amended permit. The report shall

include, but not be limited to, the status of the development and compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been satisfied and the Planning Director acknowledges that further reports are not required.

30. ~~[29.]~~ If the applicant should require an additional extension of time for any condition of this permit, the applicant shall submit their request to the Planning Director for appropriate action by the Planning Commission.

31. ~~[30.]~~ Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate the revocation of the Use Permit.