

CERTIFIED MAIL

February 3, 1989

Ms. Barbara Wilcox
Kahikolu Congregational Church
RR1 Box 172A
Captain Cook, HI 96704

Dear Ms. Wilcox:

Special Management Area Use Permit
and Special Permit Applications
Tax Map Key 8-2-7:06

The Planning Commission at its duly held public hearing on January 31, 1989, voted to approve your applications, Special Management Area (SMA) Use Permit No. 281 and Special Permit No. 691, to allow the construction of a church fellowship/Sunday school/meeting facility and related improvements on 2.58 acres of land situated within the State Land Use Agricultural district at Kahauloa 1st, South Kona, Hawaii.

Approval of the requests are based on the following:

SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION 88-14

The approval of a church fellowship and meeting facility and related improvements will not be violative of the objectives and policies stated in Chapter 205-A, HRS, nor with the intent of Rule No. 9 of the Planning Commission relating to Special Management Area.

The purpose of Chapter 205-A, HRS and Rule No. 9 is to preserve, protect and where possible, to restore the natural resources of the coastal zone areas. As a result, special controls on development may be necessary to avoid irretrievable loss of the valuable resources and the foreclosure of management options. No known rare or endangered species of plant or animal

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have been identified in this vicinity. Also, the location of the project over 1,500 feet from the shoreline coupled with the proposed intermittent use of the meeting hall should have minimal impacts on the coastal ecosystem.

Since the project area has been previously graded, it is highly unlikely that significant historic remains exist. Furthermore, the proposed facility will not be located near known gravesites. With regards to impacts to Kahikolu Church, which is listed on the National Register of Historic Places, the Department of Land and Natural Resources-Division of State Parks concurred with the proposed plans stating the "building's design is modest in detail and scale and should not have an onerous visual impact on the historic stone church structure."

The proposed construction is not anticipated to have a significant environmental impact on the resources of the area. The structure would be only 16-1/2 feet in height and will be located a considerable distance from the nearest residence. The use of appropriate landscaping around the facility (as much as practicable) is being recommended as a condition for these permits.

Public accesses along the shoreline and coastal hazards will not be affected because of the project's considerable distance from the coastal waters. Nor will the development interfere with any publicly-owned or used recreational areas.

No adverse impacts on air and water quality are expected to be generated by the proposed facility. Air emissions generated during the construction phases can be mitigated through the application of existing construction practice regulations.

Based upon the above, it has been determined that the proposed development will not have any substantial adverse impacts on the surrounding area nor will its approval be inconsistent with the General Plan and Zoning Code or contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to Special Management Area.

SPECIAL PERMIT APPLICATION 88-27

The proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

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The purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District not only includes lands with a high capacity or potential for agricultural uses, but also lands which are contiguous to agricultural activities by reason of topography, soils, and other related characteristics. The soils in the subject area are designated as "E" or very poor by the Land Study Bureau. The Department of Agriculture raised no objections to the proposal. Further, the property has been used as a church site since its founding in 1824. It is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the fact that the property has been improved and utilized by the existing church.

The proposed facility will not adversely affect the surrounding properties and their improvements. The surrounding lands are either owned by the State or are sparsely populated. Since the Church has been an integral part of the community's character, the construction of a fellowship/meeting hall should only serve to support the role of the Church in Kealahou. Landscaping and parking improvements can be addressed through the "Plan Approval" process established in the Zoning Code.

The proposed use will not unreasonably burden public agencies to provide roads and other similar infrastructure or services. The proposed facility is an adjunct to the existing Church use. The use of the hall is not expected to burden infrastructure of Napoohou and Kealahou as evidenced by the few comments received from the various cooperating agencies.

Based on the foregoing, it is determined that the proposed fellowship and meeting hall facility and related improvements are an unusual and reasonable use of land within the State Land Use Agricultural District. As such, it is further determined that approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Approval of the requests are subject to the following conditions:

1. The petitioner shall be responsible for complying with all conditions of approval.

2. Final Plan Approval for the fellowship/meeting hall shall be secured within one year from the effective date of these permits. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Parking for all functions shall be maintained on the subject property to ensure that on-street parking will not occur on the Lower Government Main Road. Plans shall also include detailed landscaping plans.
3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. Should any unanticipated archaeological or historic features be uncovered during the construction activities, work in the affected area shall cease immediately and the Planning Department notified. Work shall not resume until clearance has been obtained from the Planning Department.
5. Comply with all other applicable laws, rules, regulations and requirements, including those of the Department of Health.
6. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permits. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
7. An extension of time for the performance of conditions within the permits may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permits; and

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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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permits.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Gary Mizuno
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
DBED, CZM Program w/background
State Land Use Commission
DLNR

bcc: Plan Approval Section