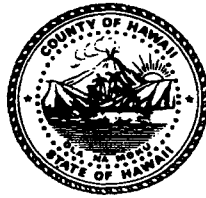


Harry Kim
Mayor

Roy Takemoto
Managing Director



Nancy Carr Smith, Chair
Perry Kealoha, Vice-Chair
Barbara DeFranco
Max Newberg
Mark Van Pernis
Michael Vitousek
Faith "Faye" Yates

County of Hawai'i

LEEWARD PLANNING COMMISSION

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

NOV 3 0 2020

St. Michael the Archangel Catholic Church
Attn: Stan Haanio
75-5769 Ali'i Drive
Kailua-Kona, HI 96740

Dear Mr. Haanio:

SUBJECT: Special Management Area Use Permit No. SMA 10-000044
Applicant: St. Michael the Archangel Catholic Church
Request: Amendment to Condition No. 3 (Time to Complete Construction)
Tax Map Key: (3) 7-5-008:006

The Leeward Planning Commission, at its meeting on November 19, 2020, voted to approve the above-referenced request to amend Condition No. 3 (Time to Complete Construction) of Special Management Area Use Permit (SMA10-000044), which in 2010 to allowed the construction of a church, rectory, parish hall and related improvements to replace the former Saint Michael the Archangel that was damaged during the 2006 earthquake. The approximately 3.19-acre property is located on the northeast (mauka) side of Ali'i Drive, approximately 330 feet south of the intersection of with Hualālai Road, Hienaloli 2nd, North Kona, Hawai'i.

Approval of this amendment is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval of this permit.
2. The applicant shall submit estimated maximum daily water usage calculations, prepared by a professional engineer licensed in the State of Hawai'i, for review and approval to the Department of Water Supply. The water usage calculations shall include the estimated peak flow in gallons per minute (GPM) and the total estimated average daily water usage in gallons per day (GPD) including all irrigation/landscaping use. Based on the water usage calculations provided, if the existing meters cannot support the estimated demand, a larger

Attn: Stan Haanio
St. Michael the Archangel Catholic Church
Page 2

or additional meter will be required to be installed and remittance of the prevailing facilities charge will be required to be paid. The applicant shall install a backflow preventer (reduced pressure type) by a licensed contractor within five feet of the meter on the applicant's property, meeting with the approval of the Department of Water Supply.

3. Construction of the proposed development shall be completed within five (5) years from the effective date of this amendment. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Chapter 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify, if applicable, all proposed structures, fire protection measures, paved driveway access and parking stalls, and other improvements associated with the proposed use. Landscaping shall be included in the development plans to mitigate any potential adverse noise or visual impacts to adjacent properties in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements).
4. The project shall connect to the County's sewer line fronting the property along Ali'i Drive prior to the issuance of a Certificate of Occupancy.
5. 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 issuance of a construction permit. Any recommended drainage improvements shall be constructed meeting with the approval of the Department of Public Works prior to receipt of a Certificate of Occupancy.
6. The applicant shall comply with Chapter 27 - Flood Control, of the Hawaii County Code.
7. For encroachments in or alterations to the AE flood zone, the applicant shall submit a flood study prepared by a licensed professional civil engineer. If required, the applicant shall submit for a Conditional Letter of Map Revision (CLOMR) to the Federal Emergency Management Agency (FEMA) prior to the issuance of any construction permit. If required, the applicant shall obtain a Letter of Map Revision (LOMR) prior to the issuance of Certificate of Occupancy.
8. 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 Hawaii.
9. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawaii County Code.
10. All driveway connections to Ali'i Drive shall be at a location approved by the Department of Public Works and shall conform to Chapter 22, County Streets, of the Hawai'i County Code.

Attn: Stan Haanio
St. Michael the Archangel Catholic Church
Page 3

11. The applicant shall install streetlights, signs and markings meeting with the approval of the Department of Public Works – Traffic Division.
12. An All Hazards Emergency Response Plan shall be submitted to the Hawaii County Civil Defense Agency for review and approval prior to the issuance of a Certificate of Occupancy.
13. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of Final Plan Approval.
14. Prior to any ground altering activities the applicant shall submit a monitoring plan prepared by a qualified archaeologist pursuant to HAR 13-279 to the DLNR-SHPD for review and approval. A copy of the approved monitoring plan shall be provided to the Planning Department prior to issuance of Final Plan Approval.
15. All ground altering activities associated with the proposed development shall be monitored by a qualified archaeologist in a manner meeting with the approval of the DLNR-SHPD.
16. The applicant shall implement a relocation plan and interim preservation measures for the coral shrine grotto during construction.
17. The applicant shall implement the final phase of the approved Burial Treatment Plan for the completion of the new Church structure meeting with the approval of the DLNR-SHPD.
18. Should any undiscovered remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigation measures have been taken.
19. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

[Note: Ramseyer version available upon request.]

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.

Attn: Stan Haanio
St. Michael the Archangel Catholic Church
Page 4

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Jeff Darrow of the Planning Department at 961-8158.

Sincerely,

DocuSigned by:

Nancy Carr Smith 11/30/2020 | 7:13 PM HAST

D9A0EEF837FE482...

NANCY CARR SMITH, CHAIR
Leeward Planning Commission

LStMichaelArchangelSMA10-044lpc

Enclosure: PC Findings Report

Cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Department of Environmental Management
Department of Land and Natural Resources – SHPD
Final Plan Approval
GIS Section

COUNTY OF HAWAI'I PLANNING DEPARTMENT
PLANNING COMMISSION FINDINGS

SAINT MICHAEL THE ARCHANGEL CHURCH
AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT (SMA 10-44)

Based on the following considerations, an amendment to Condition No. 3 of Special Management Area Use Permit No. 10-000044 to provide a 5-year time extension to complete construction is approved.

The applicant is requesting a five-year time extension to comply with Condition No. 3 (time to complete construction) of Special Management Area Use Permit No. 10-000044, which was issued in 2010 to allow the reconstruction of Saint Michael the Archangel Church and related improvements on approximately 3.19 acres of land within the Special Management Area. The applicant has significantly reduced the overall scope and size of the proposed buildings, however, the original project included a 9,455 square-foot church with a 1,468-square foot attic, a two-story 11,030 square-foot Parrish Hall with a 2,902-square foot exit balcony, a 5,635 square-foot parish ministries/rectory structure, parking and landscaping.

Following approval of SMA Use Permit No. 10-000044, construction of the new church began in December 2012. The first phase of construction included the main church building, parish hall foundation, surrounding landscaping and parking. This initial phase was completed in early February 2015. The first mass in the newly constructed church was held on March 15, 2015. The second phase of construction was postponed allowing the parish to work on fundraising to pay off the initial debt. Unanticipated delays prolonged debt reduction efforts, though the debt was eventually paid off. Subsequently, the parish decided to reduce the scope of the second phase of construction as follows:

- Reduce the height of the Parish Hall from 2-stories to 1-story, while maintaining the design and appearance of the existing church building.
- Eliminate the Rectory Building initially proposed to be located in the northwest corner of the subject property, to be replaced with additional parking.
- Eliminate the second driveway entering/exiting the subject property.

The applicant states that the overall appearance of the project will result in a significantly reduced version compared to the original proposal. Landscaping and the coral shrine grotto that was completed in the first phase will remain.

To expedite the start of construction, the applicant has begun acquiring the required building permits for the project. Final Plan Approval was granted on October 8, 2019, and is current until October 7, 2021. Additionally, the parish has received the approved foundation permit and is waiting for final approval of the vertical building permit. According to the applicant, they are currently working on finalizing contract negotiations with a local General Contractor for the project.

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 are not the result of their fault or negligence. According to the applicant, following the first phase of construction, there were unanticipated delays to debt reduction efforts,

though the debt was eventually paid off. Subsequently, the parish decided to reduce the scope of the second phase of construction, thereby reducing the overall physical appearance of the project. The delays and redesign efforts have led to this time extension request. Therefore, the non-performance was a result of conditions that could not have been foreseen by the applicant and are not the result of the applicant's fault or negligence.

Granting of the time extension would not be contrary to the General Plan, Kona Community Development Plan or Zoning Code. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation for this area is Resort Node, which allows for a mix of visitor-related uses such as hotels, condominium-hotels (condominiums developed and/or operated as hotels), single family and multiple family residential units, golf courses and other typical resort recreational facilities, resort commercial complexes and other support services.

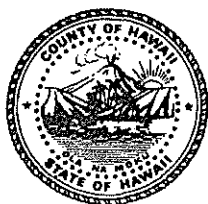
The proposed development will complement the goals, policies and standards of the Land Use Element of the General Plan as the proposed church will encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

The subject property is zoned Resort-Hotel – 750 square feet (V-.75) by the County. Churches are listed as a permitted use within the Resort-Hotel zoning in the Zoning Code. Therefore, the proposed development is consistent with the County General Plan and with County zoning.

The proposed development falls within the area affected by the Kona Community Development Plan, which was adopted by Ordinance No. 08 131. The property is located within the Kona Urban Area and within the Kailua Village Redevelopment Regional Center TOD and the proposed use is consistent with the Kona CDP.

Lastly, the property is located within the Kailua Village Special District. As such, the proposed development will need to be reviewed before the Kailua Village Design Commission. The purpose of the Kailua Village Design Commission is to advise the director in matters concerning the design of buildings and structures and all public and private improvements within Kailua Village. The design of the new church, parish hall and parish ministries/rectory were reviewed by the Kailua Village Design Commission on June 15, 2010, who voted to recommend approval for the proposed project to the Planning Director. The granting of the time extension would not be contrary to the objectives and policies of the General Plan, the Kona CDP or the Zoning Code.

Granting of the time extension would not be contrary to the original reasons for the granting of the Special Management Area Use Permit. The original reasons for the approval of Special Management Area Use Permit No. 10-000044 are still applicable today and the request is not contrary to these reasons. Based on the discussion above, the request for a 5-year time extension to Condition No. 3 (time to complete construction) of SMA Use Permit No. 10-000044 would not be contrary to the General Plan or Zoning Code nor the original reasons for granting of the permit..



County of Hawai'i

LEEWARD PLANNING COMMISSION

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

October 14, 2010

Mr. Gregory R. Mooers
P.O. Box 1101
Kamuela, HI 96743

Dear Mr. Mooers:

Special Management Area Use Permit Application (SMA 10-000044)

Request: Construction of Church, Rectory, Parish Halls, and
Related Improvements

Applicant: Saint Michael the Archangel Church

Tax Map Key: 7-5-008:006

The Leeward Planning Commission at its duly held public hearing on September 30, 2010, voted to approve the above-referenced request to allow the construction of a church, rectory, and parish hall and related improvements to replace the former Saint Michael the Archangel Church that was damaged during the 2006 earthquake. The approximately 3.19 acre property is located on the northeast (mauka) side of Ali'i Drive directly across Hale Halawai Park and Waterfront Row shopping complex in Kailua Village, Hienaloli 2nd, North Kona, Hawai'i.

Approval of this request is based on the following:

The applicant is requesting a Special Management Area Use Permit to allow the reconstruction of Saint Michael the Archangel Church and related improvements on approximately 3.19 acres of land within the Special Management Area. The project will include a 9,455 square-foot church with a 1,468-square foot attic, a two-story 11,030 square-foot Parrish Hall with a 2,902-square foot exit balcony, a 5,635 square-foot parish ministries/rectory structure, parking and landscaping.

The original church constructed in 1850 was recently demolished after sustaining significant structural damage during the October 15, 2006 earthquake. The new church will provide a place of worship for the parishioners of the Roman Catholic faith in the Kailua-Kona area and visiting Catholics. Since the earthquake, services have been

provided in a temporary tent structure on the north side of the property. The new development will be constructed in approximately 18 months and cost approximately \$7 million dollars.

Additionally, the applicant has submitted a request to revoke Special Management Area Use Permit No. 250, which was approved by the Planning Commission on December 11, 1986, to allow the demolition of the existing pavilion, relocation of the existing convent, reconstruction of the existing rectory, construction of a pavilion center, meeting room facility and a storage/maintenance building, and related improvements. The Planning Department will schedule this matter at a future Planning Commission hearing.

The grounds for approving development within the Special Management Area is based on HRS, Chapter 205A-26(2) (Special Management Area guidelines) and Rule 9-11(E) in the Planning Commission Rules. Planning Commission Rule 9-11(E) states that the Authority may permit the proposed development only upon finding that:

1. The development will not have any substantial adverse environmental or ecological effect except as such adverse effect is minimized to the extent practicable and is clearly outweighed by public health, safety, or compelling public interest;
2. The development is consistent with the objectives and policies and the Special Management Area guidelines as provided by Chapter 205A, HRS; and
3. The development is consistent with the General Plan, Zoning Code and other applicable ordinances.
4. The development will, to the extent feasible, reasonably protect native Hawaiian rights if they are found to exist, including specific factual findings regarding:
 - a. The identity and scope of valued cultural, historical or natural resources in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
 - b. The extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed action; and
 - c. The feasible action, if any, to be taken by the Authority to reasonably protect any valued cultural, historical or natural resources, including any existing traditional and customary native Hawaiian rights.

The proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. In considering the significance of potential environmental effects, the

Director shall consider the sum of those effects that adversely affect the quality of the environment and shall evaluate the overall and cumulative effects of the action. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options.

A "substantial adverse effect" is determined by the specific circumstances of the proposed use, activity or operation. In determining whether a proposal may have a substantial adverse effect on the environment, the Director shall consider every phase of a proposed action and expected consequences, either primary or secondary, or the cumulative as well as short or long-term effect of the proposal. In reviewing the proposed development against the factors that may constitute a substantial adverse effect as listed under Planning Commission Rule 9-10 (H) (1 through 10), it has been determined that reconstruction of the church and related improvements in this area will not have a significant adverse environmental or ecological effect to the Special Management Area. It should be noted that under Planning Commission Rule 9-10 (H) (9), a proposed use, activity or operation may constitute a substantial adverse if it affects an environmentally sensitive areas, such as flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water or coastal water. Although this use is located within Flood Zone AE and the Tsunami Evacuation Zone, the proposed development must meet the requirements of Chapter 27 - Flood Plain Management, of the Hawai'i County Code. The applicant will be required to submit a flood study to the Department of Public Works for the encroachments in and/or alterations to the AE flood zone. A Conditional Letter of Map Revision (CLOMR) may be required prior to the issuance of any construction permit. As such, the proposed development will not create a substantial adverse effect on these environmentally sensitive areas.

The proposed development will not create significant adverse impacts upon nearby and adjacent properties as the immediate area has been extensively developed (condominiums, retail uses, churches, etc.). Surrounding properties are zoned Resort-Hotel (V-.75), Open (O) and Village Commercial (CV-7.5). Surrounding land uses in the immediate vicinity include the County's Hale Halawai Park facility and the Waterfront Row shopping mall to the east across Ali'i Drive, the Kailua Public Library to the north, the 6-story Kailua Village apartment complex to the west, and the Kealaokamalamalama Church and the Kona Insider Inn & Hotel to the south.

The property is located within an area adequately served with essential services and facilities such as water, sewer, transportation systems and other utilities. Access to the project site will be from Ali'i Drive. County water is available to the site. As a condition of approval, the applicant will be required to hook up the new facilities to the County's sewer line fronting the property along Ali'i Drive.

Any potential runoff or discharge that could reach ocean waters can be handled by on-site improvements consistent with the requirements of the Department of Public Works. Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations and proper construction practices. Air emissions generated during the construction phase for the proposed project can be mitigated by existing construction regulations. With these precautionary measures in place, the proposed development is not anticipated to have any substantial adverse effects upon nearby coastal resources or the surrounding environment. Conditions of approval will be included relating to wastewater, solid waste and public safety to ensure that impacts on coastal resources are minimized.

The proposed project is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. The purpose of Chapter 205A, Hawai'i Revised Statutes (HRS), and Special Management Area Rules and Regulations of the County of Hawai'i, is to preserve, protect, and where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options. In reviewing the proposed development, it has been determined that it is consistent with the objectives and policies listed under Chapter 205A, HRS, which includes protecting and preserving recreational resources, historic resources, scenic and open space resources, coastal ecosystems, economic uses, coastal hazards, beach protection, and marine resources.

The proposed development will not substantially affect scenic vistas or viewplanes from the nearest State Highway, which is Kuakini Highway, nor have an adverse impact on coastal recreational resources to the shoreline and coastal ecosystems. The project will not restrict access to coastal recreational resources along the shoreline.

It should be noted that the applicant has submitted a separate request for a variance from the Zoning Code to allow additional height from 55 feet to 73 feet for the bell tower and cross, which are considered important architectural and religious elements of the church. This is an administrative process in which the Planning Director makes the decision for the request.

The proposed development is consistent with the County General Plan and Zoning Code and other applicable ordinances. The General Plan Land Use Pattern

Allocation Guide (LUPAG) Map designation for this area is Resort Node, which allows for a mix of visitor-related uses such as hotels, condominium-hotels (condominiums developed and/or operated as hotels), single family and multiple family residential units, golf courses and other typical resort recreational facilities, resort commercial complexes and other support services.

The proposed development will complement the goals, policies and standards of the Land Use Element of the General Plan as the proposed church will encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

The subject property is zoned Resort-Hotel – 750 square feet (V-.75) by the County. Churches are listed as a permitted use within the Resort-Hotel zoning in the Zoning Code. Therefore, the proposed development is consistent with the County General Plan and with County zoning.

The proposed development falls within the area affected by the Kona Community Development Plan, which was adopted by Ordinance No. 08 131. The property is located within the Kona Urban Area and within the Kailua Village Redevelopment Regional Center TOD and the proposed use is consistent with the Kona CDP.

Lastly, the property is located within the Kailua Village Special District. As such, the proposed development will need to be reviewed before the Kailua Village Design Commission. The purpose of the Kailua Village Design Commission is to advise the director in matters concerning the design of buildings and structures and all public and private improvements within Kailua Village. The design of the new church, parish hall and parish ministries/rectory was reviewed by the Kailua Village Design Commission on June 15, 2010, who voted to recommend approval for the proposed project to the Planning Director.

The development will to the extent feasible, reasonably protect native Hawaiian rights if they are found to exist. In view of the Hawai'i State Supreme Court's "PASH" and "*Kā Pa'akai O Ka'Aina*" decisions, the issue relative to native Hawaiian rights, such as gathering and fishing rights, must be addressed. These 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 following surveys were conducted for the property and submitted as part of the application:

- An Archaeological Inventory Survey was conducted of the subject parcel in 2008 by Archaeological Consultants of the Pacific, Inc. (ACP).
- A Burial Treatment Plan dated July 2009 was prepared by Archaeological Consultants of the Pacific, Inc. (ACP).
- A Cultural Impact Assessment dated March 2009 was prepared by Helen Wong Smith for the demolition of Saint Michael the Archangel Church.
- The applicant submitted a biological survey of the property dated January 2009, which was prepared by Reginald E. David of Rana Productions, Ltd. The biological survey included a botanical survey, an avian survey and a mammalian survey.

The valuable cultural, historical, and natural resources found in the area: The Archaeological Inventory Survey identified two previously undocumented sites of historical significance. The first site being the Church and its ancillary components, including an active cemetery. The second site is the burial of Father Joachim Marechal whose remains were interred beneath the floor of the Church. As the Church and other structures were damaged in the earthquake, DLNR-SHPD agreed to mitigation measures including a photographic documentation of the structures. A Burial Treatment Plan was prepared and approved for the remains of Father Joachim Marechal. The remains are to be re-interred in a concrete tomb located in the floor of the new Church at the foot of the steps to the altar and marked with the same memorial plaque that identified his grave in the original Church.

The Cultural Impact Assessment (CIA) concluded that Saint Michael the Archangel Church is a pivotal component of the transition from traditional to introduced belief systems. Kailua, the center of religious and political change in the Kingdom of Hawai'i boasts the first Catholic parish on the island with a continuous and vital presence to its community. Its locale in the coastal zone of a royal residence and a major point of Western contact suggest the possibility for indigenous remains of habitation, religious and secular activities. The CIA suggested that sub-surface activities should be monitored by an archaeologist recognizing the likelihood of uncovering cultural material.

The biological survey indicated that there are no native botanical resources present on the property. The survey concluded that the modification of the current habitat on the church's property and the construction and operation of a replacement church is not expected to result in significant impacts to any avian or mammalian species currently listed as threatened, endangered or proposed for listing under either the Federal, or State of Hawai'i endangered species programs.

Possible adverse effects or impairment of valued resources: With the proposed mitigation measures in place, there are no adverse effects or impairment of valued

resources expected. Native vegetation may be destroyed by ground alteration. There is no evidence that the flora in the area are particularly desired or used for cultural practices.

Feasible actions to protect native Hawaiian rights: To the extent that traditional and customary native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights. The proposed project will not restrict the use of natural resources along the shoreline, as the property is not in close proximity to the shoreline. A condition of approval will protect any unidentified cultural, historical, and natural resource in the event any are encountered during construction. Additionally, the applicant will be required to submit a monitoring plan prepared by a qualified archaeologist and have a qualified archaeologist monitor all ground altering activities associated with the proposed development. Lastly, the applicant will be required to implement the requirements final phase of the Burial Treatment Plan for the burial site of Father Joachim Marechal.

Based on the above findings, it is determined that the proposed development and related improvements will not have substantial adverse impacts on the surrounding area, nor will its approval be 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 the Special Management Area. Approval of this request is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval of this permit.
2. The applicant shall submit estimated maximum daily water usage calculations, prepared by a professional engineer licensed in the State of Hawai'i, for review and approval to the Department of Water Supply. The water usage calculations shall include the estimated peak flow in gallons per minute (GPM) and the total estimated average daily water usage in gallons per day (GPD) including all irrigation/landscaping use. Based on the water usage calculations provided, if the existing meters cannot support the estimated demand, a larger or additional meter will be required to be installed and remittance of the prevailing facilities charge will be required to be paid. The applicant shall install a backflow preventer (reduced pressure type) by a licensed contractor within five feet of the meter on the applicant's property, meeting with the approval of the Department of Water Supply.
3. Construction of the proposed development shall be completed within five (5) years from the effective date of this permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Chapter 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify, if applicable, all proposed structures, fire protection measures,

paved driveway access and parking stalls, and other improvements associated with the proposed use. Landscaping shall be included in the development plans to mitigate any potential adverse noise or visual impacts to adjacent properties in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements).

4. The project shall connect to the County's sewer line fronting the property along Ali'i Drive prior to the issuance of a Certificate of Occupancy.
5. 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 issuance of a construction permit. Any recommended drainage improvements shall be constructed meeting with the approval of the Department of Public Works prior to receipt of a Certificate of Occupancy.
6. The applicant shall comply with Chapter 27 - Flood Control, of the Hawai'i County Code.
7. For encroachments in or alterations to the AE flood zone, the applicant shall submit a flood study prepared by a licensed professional civil engineer. If required, the applicant shall submit for a Conditional Letter of Map Revision (CLOMR) to the Federal Emergency Management Agency (FEMA) prior to the issuance of any construction permit. If required, the applicant shall obtain a Letter of Map Revision (LOMR) prior to the issuance of Certificate of Occupancy.
8. 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.
9. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.
10. All driveway connections to Ali'i Drive shall be at a location approved by the Department of Public Works and shall conform to Chapter 22, County Streets, of the Hawai'i County Code.
11. The applicant shall install street lights, signs and markings meeting with the approval of the Department of Public Works – Traffic Division.

12. An All Hazards Emergency Response Plan shall be submitted to the Hawai'i County Civil Defense Agency for review and approval prior to the issuance of a Certificate of Occupancy.
13. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of Final Plan Approval.
14. Prior to any ground altering activities, the applicant shall submit a monitoring plan prepared by a qualified archaeologist pursuant to HAR 13-279 to the Department of Land and Natural Resources – State Historic Preservation Division (DLNR-SHPD) for review and approval. A copy of the approved monitoring plan shall be provided to the Planning Department prior to issuance of Final Plan Approval.
15. All ground altering activities associated with the proposed development shall be monitored by a qualified archaeologist in a manner meeting with the approval of the DLNR-SHPD.
16. The applicant shall implement a relocation plan and interim preservation measures for the coral shrine grotto during construction.
17. The applicant shall implement the final phase of the approved Burial Treatment Plan for the completion of the new Church structure meeting with the approval of the DLNR-SHPD.
18. Should any undiscovered remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials 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 mitigation measures have been taken.
19. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
20. An initial extension of time for the performance of conditions within this permit may be granted by the Planning Director upon the following circumstances:
 - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.

Mr. Gregory R. Mooers
Page 10

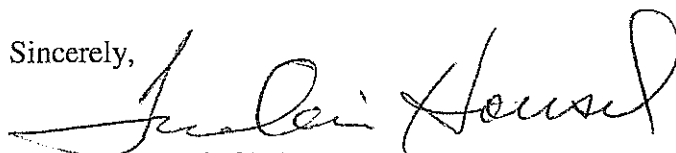
- B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
- C. Granting of the time extension would not be contrary to the original reasons for the granting of this permit.
- D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).
- E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please contact Daryn Arai of the Planning Department at (808) 961-8288.

Sincerely,



Frederic Housel, Chairman
Leeward Planning Commission

Lsaintmichael01lwpc

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
DLNR-State Historic Preservation Division
Planning Department - Kona
Long Range Planning Division
Zoning Inspector - Kona
Plan Approval Section
Mr. Gilbert Bailado /