

October 1, 1976

Mr. Claude R. Mauldin  
129 Likeke Street  
Hilo, HI 96720

Re: Special Permit Application  
National Spiritual Assembly of the  
Baha'is of the Hawaiian Islands  
Tax Map Key 1-1-35:6 & 7

The Planning Commission at a duly advertised public hearing on July 29, 1976 and in regular sessions of August 30, 1976, September 16 and 30, 1976 discussed your request for a special permit in accordance with Chapter 205-6, Hawaii Revised Statutes, as amended, to allow the establishment of a religious school complex on four (4) acres of land situated within the State Land Use Agricultural District. The property involved is located within the Crescent Acres Subdivision, approximately 5-1/2 miles from the Volcano Highway, Keaau, Puna, Hawaii.

The Commission voted to deny the special permit based on the following findings:

That the subject request does not constitute an unusual and reasonable use. Under the Land Use Law and Regulations, certain uses other than those for which the district is classified may be permitted if such uses are found to be both unusual and reasonable. One of the tests to be applied in reviewing a Special Permit request is whether unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. Within the general area of the requested location, no such conditions, trends and needs have arisen to justify the establishment of the proposed use in the area. Through the subject request, the petitioner intends to establish a religious school which would serve its membership throughout the State on a permanent basis. The petitioner has not provided any substantiation that the requested location is an appropriate one on a State-wide basis

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and that other properly classified and zoned lands are not available for the proposed use. The subject request must be differentiated from others which would serve the needs of a given community in a specific geographic area.

In addition, the requested location in this particular case is not provided with even minimally standard facilities and services, such as roads, water, and protective services. The proposed use would encourage a larger number of persons than usual to traverse the already substandard roads. Although maximum use would initially be only at certain times of the year, the proposed facilities are intended to be permanent and this could overburden the existing infrastructure. Another concern is that of fire protection. The area under consideration is inadequately provided with fire protection. The basic concern is that the proposed facilities would be used by a large number of persons and, as a result, public safety is an important consideration. The subject property is located at a considerable distance from any fire station. This fact coupled with the substandard and private road system within the subject subdivision makes the provision of fire protection extremely difficult.

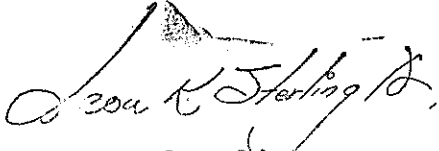
Approval of the proposed use would also have an adverse effect on surrounding property as well as properties with similar characteristics. The requested location is within a large subdivision which consists of over 2,000 2-acre lots. Although none of the lots in the immediate vicinity of the subject property have been developed as yet, the establishment of a religious school complex in this particular area would create a situation wherein other lands in comparable situations will be vulnerable for similar actions. This would be an undesirable situation in terms of land use activities within large-scale agricultural subdivisions. Surrounding properties would be adversely affected by the large number of persons expected to utilize the proposed facilities, the traffic which would be generated by the proposed use, and its generally non-agricultural character.

Based on the above, it is determined that the subject request does not conform to the guidelines for granting Special Permits and does not constitute an unusual and reasonable use.

A denial by the Commission of the desired use shall be appealable to the Circuit Court in which the land is situated and shall be made pursuant to the Hawaii Rules of Civil Procedure.

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Should there be further questions on this matter, please do not  
hesitate to call or write us.

A handwritten signature in cursive script that reads "Leon K. Sterling, Jr." with a stylized flourish at the end.

Leon K. Sterling, Jr.  
Chairman, Planning Commission

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cc National Spiritual Assembly of the  
Baha'is of the Hawaiian Islands  
State Land Use Commission  
Land Use Division, DPED