



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

• • •
LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

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October 12, 1977

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GORDAN FURUTANI
Executive Officer

HAWAII PLANNING COMMISSION
25 Aupuni Street
Hilo, Hawaii 96720

#369

Attention: Mr. Sidney Fuke, Planning Director


Gentlemen:

At its meeting on October 6, 1977, the Land Use Commission voted to approve a Special Permit request by Bob Mason/National Organization of New Apostolic Churches, Hawaii (SP77-274) to allow the establishment of a church on 43,628 square feet of land situated within the State Land Use Agricultural District at Waiakea Homesteads, Waieka, South Hilo, Hawaii, Tax Map Key 2-4-47: 20.

Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission.

A copy of the staff memorandum is enclosed for your information.

Sincerely,



GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encl.

cc: Bob Mason/National Organization of New Apostolic Churches
Department of Taxation, Hawaii
Tax Maps Recorder, Department of Taxation
Property Technical Office, Department of Taxation
Real Property Tax Assessor, Department of Taxation
Department of Planning and Economic Development
Office of Environmental Quality Control
Division of Land Management, Dept. of Land & Natural
Resources

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission October 6, 1977
9:30 a.m.
FROM: Staff
SUBJECT: SP77-274 - Bob Mason/National Organization of
New Apostolic Churches

The petitioner, Bob Mason, on behalf of the National Organization of New Apostolic Churches, is requesting a Special Permit to allow the establishment of a church on 43,628 square feet of land situated within the State Land Use Agricultural District at Waiakea Homesteads, Waikea, South Hilo, Hawaii, Tax Map Key 2-4-47: 20. The subject property is located along the north side of Alani Street, approximately 650 feet east of the Alani Street and Malaai Road intersection at Waiakea Homesteads.

The petitioner intends to construct a 1,400 square foot church to accommodate approximately 100 persons on the subject property. The present church membership is 39. The subject parcel has a frontage along Alani Street of 113.32 feet and a depth of 385 feet. Plans for the proposed church structure indicate that the building would be set back 100 feet from Alani Street and a minimum of 35 feet from either property line to the east and west.

In support of the permit request, the petitioner has in part stated the following:

- "1. Chapter 8, Article 26, Section 2(C) 1 of the Hawaii County Zoning Code states that churches may be allowed to be built in agricultural areas of the County of Hawaii. The land in question is found within the State Land Use agricultural district and is zoned agricultural three acres, or A-3a. Being that this provision has been adopted by the zoning code, we are seeking this exception.
- "2. To locate a church in a residential or other allowable area would not be feasible in terms of cost of land and expansion needs. Also, in purchasing a smaller sized lot than one acre, a variance will have to be applied for which will consume time and money. The church also will be unable to expand the facilities in terms of playground and parking facilities on small RS-10 to RS-15 type lots.

- "3. Mr. Inocencio Agasa, the former owner of the parcel in question, sold the property to the National Organization of the New Apostolic Church with the intention and the knowledge that a church would be constructed on the parcel. We also have attached signatures from 23 residents in the area (see map) who do not object to the establishment of the church in the area. In addition, all the residents on Alani Street on which the parcel is located have no objections to the church being built.
- "4. The existing roads, we believe, are adequate to serve the projected needs of the church. They believe that the maximum number of cars at any one time which will be driven to the church will be 10 cars. The philosophy of the church is to keep their congregation small--about 50--in order to achieve their goals. Historically, the churches throughout the nation have been about the size indicated above.
- "5. The hours of congregation will be on Sunday and on Thursday during the week.
- "6. In a residential district, a church would have the added disadvantage of being close to other houses and detract from the openness that would be desirable in any neighborhood. It is felt that a church is better suited to be away from any residential-type districts.
- "7. It is also suggested that the State Land Use Code be amended to allow churches in State land use agricultural districts. This will conform to the present County Code which allows churches in those districts."

A petition containing 23 signatures supporting the permit request was submitted along with the Special Permit application to the Hawaii County Planning Department. A copy of the petition is attached (County Exhibits A-3, A-4, and A-5).

The Hawaii County General Plan Land Use Pattern Allocation Guide Map designates the subject area for orchard use. This General Plan classification includes lands which, though rocky in character and content, may support certain agricultural products. The County's zoning designation is Agricultural 3-acres (A-3a).

The subject site is presently vacant of any structures. There had previously been a 2,500 square foot state triangulation station (survey reference point for mapping purposes) located within the subject property, however, that lot has since become a part of the property under consideration. There is a single family

dwelling situated on the adjacent lot to the east of the subject site. The adjacent parcel to the west is used for grazing. Other single family dwellings are scattered throughout the surrounding area.

Access to the property is from Alani Street which has a 40-foot right-of-way and a 16-foot wide pavement. All essential utilities, including water, electricity and telephone are available in the area.

According to the U. S. Department of Agriculture, Soil Conservation Service, the soil of the subject property is of the Oloa Series which consists of extremely stony silty clay loam. The surface layer and subsoil are 16 inches and 9 inches thick respectively. This soil has a medium acid surface layer and a slightly acid subsoil. Permeability is rapid, runoff is slow, and the erosion hazard is slight. The capability subclass rating for this soil is VII. Class VII soils have severe limitations that make them unsuited to cultivation and which restrict their use largely to pasture or range, woodland, or wildlife. This class is the second lowest in the Soil Conservation Service's ranking system for agricultural activity.

This Special Permit request had been previously denied by the Hawaii County Planning Commission in June, 1976. Prior denial was in part based upon the inadequacy of access roadways leading to the subject property. However, subsequent review by both the Department of Public Works and the Planning Department has indicated that roadways are adequate for the proposed church use, as only about 10 vehicles are expected to be using the roadway at any one time.

Another basis for prior denial was the availability of alternative lands which allow the establishment of churches and related uses. The Planning Department subsequently determined that "due to changing conditions and seeing that the petitioner did look at other possibilities of establishing a church within an urban zoned district and not being able to find suitable property, ... that this particular location will be acceptable because churches are permitted within the County's Agricultural zoned district".

Pertinent comments from governmental agencies:

1. Hawaii County Department of Public Works

The Department of Public Works provided the following comments:

- "1. The State of Hawaii "Clark" trig. station shown on this parcel on the tax maps is not in use and have been abandoned.
- "2. Alani Street is a County maintained roadway with a 40 ft. right-of-way and 16 ft. wide A.C. pavement in good condition."

2. State Department of Health

The State Department of Health had the following comment:

"Provide sanitary facilities as required in the Public Health Regulations, Chapter 1, Sanitation, Section 79."

All other cooperating agencies, including the Hawaii Electric Light Company, Hawaii County Department of Water Supply, Hawaii County Fire Department, Hawaii County Department of Research and Development and Hawaii County Police Department had no comments on or objections to the subject permit request.

At the public hearing held by the Hawaii County Planning Commission on July 21, 1977, testimony was received from the petitioner and his wife. No one else testified in support or opposition to this request. A copy of the hearing transcript is attached (County Exhibit Q).

On August 11, 1977, the Hawaii County Planning Commission voted to recommend approval of the permit request to the Land Use Commission based on the following findings:

- "1. That the granting of the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for the public health and welfare of the people of the State of Hawaii.

The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District does include lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics. The U.S. Department of Agriculture, Soil Conservation Service's capability class is VII. Class VII soils have very severe limitations that make them unsuited to cultivation and that restrict their use largely to pasture or range, woodland, or wildlife. This class is the second lowest in the Soil Conservation Service's ranking system for agricultural activity.

Although it is quite possible that some form of agricultural activity may be conducted on this 1+-acre lot, it is determined that the use of the property for nonagricultural purposes is not expected to have any adverse effect on the overall agricultural potential of the area or of the island and state. This particular area can be classified as "rural-

residential" in character due to the sizes of the lots. The lands along Alani Street are basically 1+ acre in sizes. Due to the overall character of the area and the physical attributes of the lands, it is acknowledged that the lots are and will be basically used as home sites with possibly some backyard farming activity. This situation presently exists with other lots within the general area which are already developed.

The establishment of the proposed use is determined to be compatible with the area and would not be in conflict with the surrounding uses. It is further felt that the granting of this particular request at its proposed location will not adversely affect the surrounding properties and their improvements.

- "2. That the granting of this particular request will also not be in conflict with the County's current land use policies. Institutions of a religious nature, such as churches, are allowed within the agriculturally zoned lands under the County of Hawaii's Zoning Code. As such, the granting of this particular Special Permit request for the establishment of a church on the subject property also will not be contrary to the County's policies regarding land usage.
- "3. That although the proposed uses will somewhat alter the essential character of the land, it is determined that such a change may make the highest and best use of the land involved for the public welfare at the present time. At present, the land is vacant and is not used for agricultural purposes. Although the proposed use will undeniably alter the existing undeveloped situation of the property to some degree, it is determined that the provisions of a religious institution on a limited scale on the subject land would for the present time, be beneficial and well-suited to accommodate the welfare of the public, in this particular case, the members of this faith. There presently are no facilities of this faith available for the residents or the area and the entire island.

Therefore, it is further determined that the establishment of the proposed use would meet the present needs of the members of this congregation.

- "4. That the proposed use will not unreasonably burden public agencies to provide roads and other infra-structures and services. All essential services and facilities are available to the subject property. The area under consideration fronts Alani Street. Although concerns regarding the adequacy of this

roadway was expressed as one (1) of the reasons for the denial of the previous application, after further investigation, it is felt that the present improvements within the roadway will be able to accommodate the added traffic which will be generated by the proposed use. This is further justified by the Department of Public Works comment that the present pavement is in good condition."

The favorable recommendation was subject to the following conditions:

- "1. That construction of the proposed facility commence within one (1) year from the effective date of approval of the Special Permit and be completed within two (2) years thereafter.
- "2. That the requirements of the Building and Fire Codes and the State Department of Health shall be complied with.
- "3. That the driveway to and parking area for the proposed use be paved with all-weather, dust-free surface. The width of the pavement and the number of parking stalls shall be determined at the time of Plan Approval.
- "4. That all other applicable rules and regulations shall be complied with."

It was further stated by the Planning Commission that:
"Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void."

LUC 369

CERTIFIED MAIL

December 8, 1978

Bob R. Mason, Sr.
New Apostolic Church
557 Kupulau Rd.
Hilo, HI 96720

Dear Mr. Mason:

Special Permit No. 77-274
Establishment of a Church
TMK: 2-4-47:20

Thank you for your letter of August 28, 1978, informing us of your desire to let the above-mentioned Special Permit to lapse. As a result of your letter, we have withdrawn the Special Permit from our active file.

We apologize for this very late response, however, we were awaiting a decision from the State Land Use Commission relative to time conditions. Enclosed for your information is a copy of their decision relative to another Special Permit.

Should you have any questions, please feel free to contact us.

Sincerely,



SIDNEY FUCE
Director

NH:wkm

Enclosure

cc: Planning Commission
State Land Use Commission