

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)
Petition for Special Permit)
of KONA BAPTIST CHURCH)
_____)

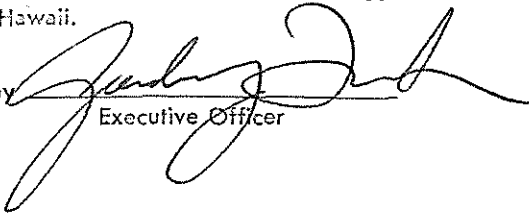
SP78-320
KONA BAPTIST CHURCH

This is to certify that this is a true and correct copy of the
Decision and Order on file in the office of the State Land Use
Commission, Honolulu, Hawaii.

APR 20 1979

Date

by


Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the) SP78-320
Petition for Special Permit)
of KONA BAPTIST CHURCH) FINDINGS OF FACT,
) CONCLUSIONS OF LAW AND
) DECISION AND ORDER

The Land Use Commission of the State of Hawaii,
having duly considered the entire record in the above entitled
matter, makes the following findings of fact and conclusions
of law.

FINDINGS OF FACT

1. The Petition for Special Permit was filed by the
KONA BAPTIST CHURCH, to allow the construction of a classroom
building on approximately 2.4 acres of land situated within
the State Land Use Agricultural District at Keauhou 1st,
North Kona, Hawaii, Tax Map Key 7-8-07: 60.

2. The subject property is situated along the makai
side of the Kuakini Highway, at the northern corner of the
Puuloa Road and Kuakini Highway intersection at Keauhou 1st,
North Kona.

3. The subject area is the site of the present
KONA BAPTIST CHURCH. The existing church building and pastorium
were constructed in 1967 through an Interim Zoning Variance
issued by the County of Hawaii.

4. The proposed classroom building would be two (2)
stories in height, with a gross floor area of 5,760 square feet.
The building would include 12 classrooms, a kitchen, office,
library and restrooms.

5. Present County Zoning for the subject property
is Unplanned (U).

6. The Land Study Bureau's overall master productivity soil rating for agricultural uses is Class "E" or "Very Poor" for the subject site.

7. Surrounding land uses include vacant areas, single family dwellings and some diversified agricultural activities. The subject area is situated at the entrance to the Puuloa Subdivision which is built up with single family dwellings.

8. Access to the subject site will be from Puuloa Road which has a 40-foot right-of-way and a 16-foot pavement.

9. The State Department of Health and County Department of Public Works have cited applicable regulations with which the Petitioner must comply.

10. The County Department of Water Supply, Fire Department, Police Department, Department of Parks and Recreation, State Department of Transportation, Department of Education and Hawaii Electric Light Company, Inc., had no objections to the application for Special Permit.

11. The County Planning Department has recommended approval of the Special Permit request.

12. The Hawaii County Planning Commission conducted a public hearing on the application for Special Permit on August 3, 1978. At that time, a representative of the Petitioner spoke in support of the request. No other persons testified regarding the application.

CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in an Agricultural District may be permitted by Special Permit pursuant to HRS Chapter 205-6, and the State Land Use Commission District Regulation, Part V.

2. The approval of the subject request will be consistent with the State Land Use Law and Regulations. The Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which these lands are best suited in the interest of the public health and welfare of the people of the State. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District includes lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soil and other related characteristics. According to the United States Department of Agriculture, Soil Conservation Service's Soil Survey Report, the soils of the subject area are of the Punaluu Series. These soils consist of thin, well-drained peat over pahoehoe lava. The Capability Class rating for these soils is Class VII. Class VII soils have severe limitations that make them unsuited to cultivation and that restricts their use largely to pasture or range, woodland, or wildlife. The Land Study Bureau's overall master productivity rating for these soils is Class "E" or "Very Poor" which also reflects the poor potential for conducting agricultural activities in the area. In addition, the subject area is already developed and is currently being used for church and related activities which were permitted under Interim Zoning Variance 137, granted on May 31, 1966.

3. Given the present use of the subject area and the poor quality of the soil for agricultural purposes, it is concluded that the expansion of the church facilities by allowing the construction of the classroom building will not be contrary to the objectives of the State Land Use Law and

Regulations and the above-cited criterion for determining the Agricultural District classification.

4. The proposed use will not adversely affect surrounding properties. The subject area has been used for church and related activities since approximately 1967. The granting of this request will not alter the essential character of the area, but will allow the construction of new classroom facilities in order to better serve the congregation of the church. The surrounding land uses include scattered single-family dwellings and open areas. In addition, the subject area is situated at the entrance of the Puuloa Subdivision which is built-up with single-family residences. Consequently, it is concluded that the granting of this request, and the continued use of this area for the existing activities will not have any adverse impact on the surrounding land uses.

5. The proposed use will not unreasonably burden public agencies to provide public roads, water and other infrastructure and services. All essential utilities and services are or will be available to the subject area.

6. The use described in the Petition is an unusual and reasonable use pursuant to HRS Chapter 205-6 and State Land Use Commission District Regulation, Part V.

DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit Number 78-320 for the construction of a classroom building on approximately 2.4 acres of land situated within the State Land Use Agricultural District at Keauhou 1st, North Kona, Hawaii, Tax Map Key 7-8-07: 60, be approved subject to the following conditions:

1. That the proposed development shall conform substantially to the representations made by the Petitioner and the plans submitted with the application.

2. That the Petitioner or its authorized representative shall submit plans for Plan Approval within one (1) year from the effective date of approval of the Special Permit.

3. That construction of the classroom facility shall commence within one (1) year from the date of receipt of final Plan Approval and be completed within two (2) years thereafter.

4. That all other applicable rules, regulations and requirements shall be complied with.

5. That should any of the foregoing conditions not be met, action may be initiated to nullify the Special Permit.

DATED: Honolulu, Hawaii, April 18, 1979.

LAND USE COMMISSION

By C. W. Duke
C. W. DUKE
Chairman and Commissioner

By Shinichi Nakagawa
SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By James R. Carras
JAMES R. CARRAS
Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By Mitsuo Oura
MITSUO OURA
Commissioner

By George R. Pascua
GEORGE R. PASCUA
Commissioner

By Carol B. Whitesell
CAROL B. WHITESELL
Commissioner

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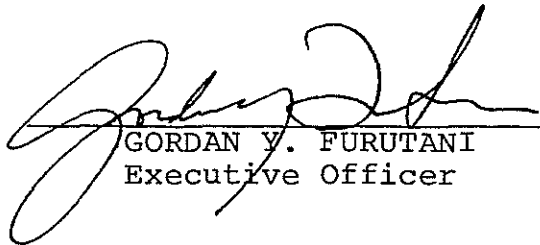
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's Decision and Order was served upon the following by certified mail:

SIDNEY FUKE, Planning Director
Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

WILLIAM W. RUSSELL, Pastor
Kona Baptist Church
Route 1, Box 200
Kailua-Kona, Hawaii 96740

DATED: Honolulu, Hawaii, this 20th day of April, 1979.


GORDAN Y. FURUTANI
Executive Officer