



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

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

April 23, 1979

415

GEORGE R. ARIYOSHI
Governor

CHARLES W. DUKE
Chairman

SHINICHI NAKAGAWA
Vice Chairman

COMMISSION MEMBERS:

James Carras
Colette Machado
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai

GORDAN FURUTANI
Executive Officer

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

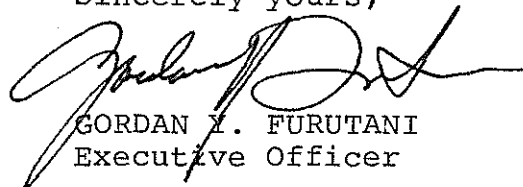
Gentlemen:

At its meeting on April 19, 1979, the Land Use Commission voted to approve a Special Permit request by Henry A. Y. Ah Sam (SP79-337) to allow the establishment of a church on approximately 7.016 acres of land situated within the State Land Use Agricultural District at Keopu 3rd, North Kona, Hawaii, Tax Map Key 7-5-03: 22.

Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission. Please be advised that the petitioner's failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit. The Land Use Commission will not consider any request for time extension which is filed after the stipulated commencement or expiration dates.

A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP79-337 will be forwarded to you at a later date.

Sincerely yours,


GORDAN I. FURUTANI
Executive Officer

Encl.
cc: Henry Ah Sam

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission April 19, 1979

FROM: Staff

SUBJECT: SP79-337 - Henry A. Y. Ah Sam

The petitioner, Henry Ah Sam, on behalf of the Church of Jesus Christ of Latter-Day Saints, Kona Hawaii Stake, is requesting a Special Permit to allow the establishment of a church on approximately 7.016 acres of land situated within the State Land Use Agricultural District at Keopu 3rd, North Kona, Hawaii, Tax Map Key 7-5-03: 22. The subject property is located adjacent to and immediately mauka of the Lono-Kona Subdivision, approximately 750 feet east of the Kalani Street-Lamaoakeola Street intersection.

This permit request is identical to one which was previously approved by the Land Use Commission on December 5, 1975, under SP75-224 - HPM Development Corporation. Condition No. 1 of that permit required that: "Construction of the chapel commence within one (1) year from the date of approval of the Special Permit and be completed within two (2) years thereafter." Since the permit was granted on December 5, 1975, construction was to have commenced by December 5, 1976.

In a letter dated March 24, 1977, the petitioner requested an 18-month time extension for the commencement of construction until June 5, 1978. This request was granted by the Land Use Commission on June 13, 1977. Also at that time, the Special Permit was transferred from HPM Development Corporation (original applicant on behalf of the Church) to the Church of Jesus Christ of Latter-Day Saints.

On July 3, 1978, nearly one (1) month after the second expiration date, the petitioner requested a second time extension. The Land Use Commission, on October 19, 1978, determined that the Special Permit had lapsed and was in an expired status at the time the second time extension request was made. The petitioner has thus filed a new application.

The proposed church is to include a worship hall, cultural hall, classrooms, and offices.

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

"The completed plans and necessary finances are available to commence with the building of the church. Contracting of the building will commence upon approval of the Special Permit.

"The proposed church site lies makai of the Kaahumanu Highway extension route and mauka of the Lono-Kona Subdivision. The property is not well suited for agriculture and with the completion of the Kaahumanu Highway extension will be divided from the remaining agricultural property by a major highway. The present use is for pasture purposes, which use will be difficult and uneconomical to continue after the completion of the Kaahumanu Highway.

"The proposed church site is amply large to accommodate the proposed use without significant effect on the adjoining Lono-Kona Subdivision. The proposed use will not significantly affect the property rights of property owners in the immediate vicinity.

"Enforcement of the zoning code would result in the applicant's property being put to a use that it is not suited for physically or economically.

"The subject property is zoned unplanned under the County zoning code and the proposed use is a conditionally permitted use in an unplanned district. If the property was zoned agriculture under the county zoning code, the proposed use would still be a conditionally permitted use, and therefore not in conflict with the zoning code or General Plan for the County of Hawaii."

The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the area for Alternate Urban Expansion. The County's Zoning designation for the property is Unplanned (U).

According to the U.S.D.A. Soil Conservation Service's Soil Survey Report of December 1973, the land is of the Punaluu Series which consists of well-drained, thin organic soils over pahoehoe lava bedrock. The surface soil layer is black peat about four inches thick. The subject area receives between 30 to 40 inches of rainfall annually.

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

The subject property is presently vacant of any structures. Surrounding land uses include the adjacent Lono-Kona Subdivision

and grazing lands. The west or makai side of the property is bordered by the Great Wall of Kuakini.

Access to the subject property will be via Kalani Street which has a right-of-way width of 40 feet and a 16-foot pavement width. The proposed Kaahumanu Highway extension is to abut the mauka side of the subject property.

During the previous reviews of the Special Permit request, all cooperating agencies had no objections to the permit application.

The Hawaii County Planning Commission conducted a public hearing on the application for Special Permit on January 25, 1979. At that time, a representative of the petitioner provided testimony in support of the request. Under public testimony, Mrs. Hattie Ahuna requested clarification concerning the location of the proposed chapel and the provision of on-site parking. No other persons testified concerning the request. For the Commission's information, the hearing transcript of January 25, 1979 has been attached (County Exhibit H).

On February 22, 1979, the Hawaii County Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission based on the following findings:

- "1. That the proposed use will not be contrary to the objectives sought to be accomplished by the 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 those uses to which they are best suited in the interest of 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 also includes 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 subject property has soils which are in the Soil Conservation Service's Capability Class VII. Class VII soils have very severe limitations which make them unsuited to cultivation and restrict their use largely to pasture or range, woodland, or wildlife. Class VII soils are the second to the lowest of the Soil Conservation Service's ranking system for agricultural productivity. The quality of the soil is further substantiated by the Land Study Bureau's report which has an overall master productivity rating for agricultural use of Class 'E' or 'Very Poor'.

Although it is still possible for the subject property to be used for some agricultural activities, it is determined that approval of the subject request will not be contrary to the objectives of the Land Use Law and Regulations, given the capability class rating of the property for agricultural productivity and the above cited criterion for determining the Agricultural District.

Further, the use of the subject property for non-agricultural purposes is expected to not have an adverse effect on the overall agricultural potential of the region or the island.

In addition, churches and institutions of a religious nature are permitted in the Unplanned and the Agricultural zones by the County Zoning Code.

- "2. That the proposed use will not adversely affect the surrounding properties. Surrounding land uses include the Lono-Kona Subdivision and grazing lands. The Lono-Kona Subdivision, in the area adjacent to the subject property, is zoned for residential uses. This subdivision is fairly built up and is urban in character. The area under consideration is designated for alternate urban expansion on the General Plan Land Use Pattern Allocation Guide Map. Should a need for urban expansion arise in the future, it would be directed to areas designated as such by the General Plan. The pasture lands which surround the subject property on its mauka side could possibly be cut off by the proposed Queen Kaahumanu Highway extension. It is thus determined that approval of the proposed use on the subject property will not have an adverse effect on surrounding properties, be they urban or agricultural in nature.
- "3. That although the proposed use may alter the essential character of the land, it would not be detrimental to the present use of the subject property. At the present time, it is vacant of any uses. It is determined that the provision of a church on the subject land would be beneficial and well suited to accommodate the welfare of the public, in this particular case the members of the church. At the present time, there is an existing meeting place for the members of this denomination. Due to the inconvenient location of the existing facility, however, it has become necessary for the church to relocate and consolidate all of its activities in one location. Aside from the existing facility,

which would be phased out of use for worship services, there is no other facility of this denomination available to the residents in the general area of Kailua-Kona. Therefore, the establishment of the proposed use would suit the needs of the residents of the area."

For the Commission's information, the meeting minutes of February 22, 1979 have been attached (County Exhibit Q).

The favorable recommendation was subject to the following conditions:

- "1. That the petitioner or its authorized representative shall submit plans for Plan Approval and shall secure a Building Permit within one (1) year from the effective date of approval of the Special Permit.
- "2. That construction of the proposed facility shall be completed within two (2) years from the date of receipt of a Building Permit.
- "3. That a landscaping buffer shall be established along the Kuakini Wall side of the property for the purpose of screening the proposed use from existing residential uses. This buffer shall be incorporated into plans submitted for Plan Approval and shall be approved by the Planning Director.
- "4. That all other applicable rules, regulations and requirements shall be complied with."

It was further stated by the Planning Commission that:
"... failure to comply with any of the delineated conditions of approval, particularly those relating to time commencement and expiration, shall be reason for termination of the Special Permit."