

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR SPECIAL PERMIT)
by)
DOOR OF FAITH CHURCH)
for)
CHURCH AND SUNDAY SCHOOL)
in)
Nanawale Estates Subdivision,)
Puna, Hawaii)

SPECIAL PERMIT NO. 437

SPECIAL PERMIT

The County Planning Commission at a duly held public hearing on October 30, 1979, considered the application of DOOR OF FAITH CHURCH for a Special Permit in accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, as amended, and Rule No. 6 of the Planning Commission relating to Special Permit to allow the establishment of a Church and Sunday School facility on 48,604 square feet of land situated within the State Land Use Agricultural District. The area involved is situated on the northwest corner of Kapuna Street and Plumeria Street within the Nanawale Estates Subdivision, Puna, Hawaii, Tax Map Key 1-4-81:33.

The Commission has found the following:

1. That 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 not only includes lands with a high capacity or potential for agricultural uses, but also lands which are 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's dominant soil type is pahoehoe lava, which is in the U.S. Department of Agriculture, Soil Conservation Service's capability Class VIII. Class VIII soils have severe limitations that preclude their use for commercial plants. This class is the lowest in the Soil Conservation Service's ranking system for agricultural activity. The Land Study Bureau's rating of these lands for overall agricultural productivity is also the lowest on their scale which is Class "E" or "very poor". Although it is possible that some agricultural

activities may be conducted on the subject property, it is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the capability class rating of the subject property for agricultural productivity and the above-cited criterion for determining the Agricultural District.

Furthermore, the subject area has not been included in the Department of Agriculture's classification of "Agricultural Lands of Importance to the State of Hawaii". Consequently, the use of the subject property for non-agricultural purposes is not expected to have any adverse effect on the overall agricultural potential of the region or of the Island and the State. In addition, institutions of a religious nature are allowed as "conditionally permitted uses" within the agricultural zoned lands under the County's Zoning Code. As such, the granting of this particular Special Permit request for the establishment of a church and related uses on the subject property will also not be contrary to the County's Zoning Code.

2. That although the proposed use 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 subject property is not used for agriculture and is vacant of any structure. Although the proposed use will undeniably alter the existing character of the property to some degree, it is determined that the provision of a religious institution on the subject land may be beneficial and well-suited to accommodate the welfare of the public, in this particular case, the members of this faith.
3. That the proposed use will not adversely affect the surrounding properties and their improvements. Surrounding land uses include scattered single family dwellings and vacant lands. This area can be classified as rural-residential in character due to the sizes of the lots. Most of the land within this general area range between 8,000 square feet to 15,000 square feet in size. Due to the overall character of the area and the physical attributes of the land, it is acknowledged that the lots are and will be basically used as home sites. The establishment of the proposed use is determined to be compatible with the area and would not be in conflict with the surrounding uses.
4. That the proposed use will not unreasonably burden public agencies to provide roads and streets and other infrastructures and services. Water will be provided through rain catchment and storage. Although the roads directly adjacent to the subject property are not in good condition, Kehau Road located one (1)

block east of the subject parcel can be used and is in much better condition. Electricity is presently available to the subject property.

Therefore, the Commission hereby grants to the petitioner a Special Permit to allow the establishment of a Church and Sunday School facility on 48,604 square feet of land situated within the State Land Use Agricultural District at Nanawale Estates Subdivision, Puna, Hawaii, pursuant to the authority vested in it by Chapter 205, Section 205-6, Hawaii Revised Statutes, as amended, and Rule No. 6 of the Planning Commission.

Approval of the Special Permit is subject to the following conditions:

1. That plans for Plan Approval shall be submitted to the Planning Department within one (1) year from the effective date of the Special Permit and that Final Plan Approval shall be obtained within one (1) year from the date of submittal.
2. That construction of the proposed facilities shall commence within one (1) year from the date of receipt of Final Plan Approval and be completed within two (2) years thereafter.
3. That the requirements of the Department of Public Works and the State Department of Health shall be complied with.
4. That all other applicable rules and regulations shall be complied with.

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church
school
etc.

Should the foregoing conditions not be met, the Special Permit may be deemed null and void by the Planning Commission.

The effective date of the Special Permit shall be October 30, 1979.

Dated at Hilo, Hawaii, this 7th day of March, 1980.

for: William F. Mielcke, Chairman
WILLIAM F. MIELCKE, CHAIRMAN
PLANNING COMMISSION

APPROVED AS TO FORM
AND LEGALITY:

Robert T. Tubo
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: 27 Feb 80

CERTIFIED MAIL

March 24, 1983

Reverend Ronald Lindsey
Hawaii Island Superintendent
Door of Faith Church
P. O. Box 12
Kamuela, HI 96743

Dear Reverend Lindsey:

Special Permit No. 437
Tax Map Key 1-4-81:33

The Planning Commission at its duly held public hearing on March 17, 1983, considered your request for the deletion of Condition No. 2 (construction timetable) of Special Permit No. 437 which allowed the establishment of a church and Sunday School facility at Puna, Hawaii.

The Commission voted to amend the above request and approve the granting of a time extension of one year for the completion of the Church and Sunday School facilities based on the following findings:

The Special Permit for the petitioner's church proposal was approved by the County Planning Commission on October 30, 1979. On December 3, 1979, final "Plan Approval" was secured from the County Planning Department. On February 2, 1981, the building permits for the Church chapel and the restrooms were issued by the Department of Public Works.

In checking with the Department of Public Works, Building Construction and Inspection Bureau, the subject church building has been structurally completed and only work on the electrical wiring and fixtures needs to be completed. Work on the restrooms and patio is progressing and should be completed soon.

As such, the petitioner has made substantial progress in attempting to complete the church complex as represented before the County Planning Commission. The substantial performance to

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Reverend Ronald Lindsey

Page 2

March 24, 1983

date is in keeping with the intent and purposes of the performance time condition requirements as outlined in the Special Permit and the State Land Use Rules and Regulations.

Therefore, the approval of a time extension would have no significant impact on the intent of the condition as substantial performance has been shown up to this point by the development at the site.

The approval of the time extension is subject to the following conditions:

1. The construction of the Church and Sunday School facilities be completed and occupancy permits secured within one year from the effective date of approval of this time extension.
2. All conditions of the original approved Special Permit must also be complied with.

Should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,



for CLYDE IMADA
Chairman, Planning Commission

db

cc: Building Division, Public Works Department
Kona Services Office

bcc: Plan Approval Section