

CERTIFIED MAIL

November 25, 1987

Mr. Feleti Latuhoi, Treasurer
Free Church of Tonga
P. O. Box 595
Keeau, Hawaii 96749

Dear Mr. Latuhoi:

Special Permit Application (87-9)
Petitioner: Free Church of Tonga
TMK: 1-5-43:62

The Planning Commission at its duly held public hearing on November 17, 1987, voted to approve the application, Special Permit No. 650, to allow the establishment of a church on 1 acre of land situated within the State Land Use Agricultural District at Hawaiian Paradise Park Subdivision, Keeau, Puna.

Approval of this request is based on the following:

The proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law. The purpose of the Land Use Law 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 of potential for agricultural uses, but also lands which are surrounded by our contiguous to agricultural and ancillary activities by reason of topography, soils, and other related characteristics. The subject area's dominant soil type is pahoehoe lava. This soil type is rated low for agricultural activities. Although it is possible that some agricultural activities may be conducted on the subject property, it is determined that approval of the

NOV 25 1987

Mr. Feleti Latuhoi, Treasurer

Page 2

November 25, 1987

subject request would not be contrary to the objectives of the State Land Use Law given the low agricultural potential for the subject area and the above-cited criterion for determining the Agricultural District.

The proposed use shall not adversely affect the surrounding properties and their improvements. The proposed church structure will be a one-story building. The subject property is of sufficient size, 1.0 acre, to enable adequate setbacks and buffers to be established. These concerns can be addressed through conditions of approval and the "Plan Approval" process established in the Zoning Code. Therefore, the size, bulk, architecture, function and placement of the proposed structure and the impacts resulting therefrom are not anticipated to be adversely affecting the surrounding lands or properties nor significantly affecting the character of the area.

Further, adequate on-site and off-site improvements, as may be required by the affected government agencies will be provided to mitigate any potential impacts to surrounding properties. Therefore, the proposed use will not unreasonably burden public agencies to provide these improvements.

Based on the foregoing findings, it is determined that the proposed church and related uses is an unusual and reasonable use of land within the State Land Use Agricultural district. As such, it is further determined that approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Approval of this request is subject to the following conditions:

1. The applicant, its successors or assigns, shall be responsible for complying with all conditions of approval.
2. Plans for the church, including parking and a detailed landscaping plan, shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of approval of the Special Permit. The parking area and the number of stalls shall meet with the requirements of Chapter 25 (Zoning Code), Hawaii County Code.

Mr. Faleti Latuhoi, Treasurer

Page 3

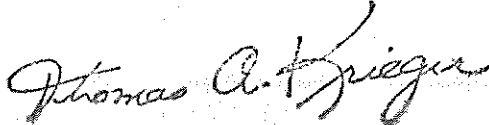
November 25, 1987

3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. A drainage system meeting with the requirements of the Department of Public Works shall be installed.
5. A minimum 10,000 gallon capacity water tank be provided for fire fighting purposes prior to issuance of an occupancy permit.
6. All other applicable laws, rules, regulations, and requirements, including those of the State Department of Health and the Fire Department, shall be complied with.
7. An annual progress report shall be submitted prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This conditions shall remain in effect until all of the conditions of approval have been complied with.
8. An extension of time for the performance of conditions within the permit may be granted by the planning director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

Mr. Feleti Latuhoi, Treasurer
Page 4
November 25, 1987

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Mr. William Grieg

bcc: Plan Approval Section



County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

NOV 18 2011

Siotame Likio, Senior Pastor
Free Church of Tonga
P.O. Box 5162
Kea'au, HI 96749

Dear Pastor Likio:

Special Permit No. 650 (87-000009)
Applicant: Free Church of Tonga
Request: To Expand Church Related Uses to Four Acres
Tax Map Key: 1-5-043:061, 062, 063 and 064

The Windward Planning Commission, at its duly held public hearing on November 3, 2011, voted to approve the above-referenced amendment to Special Permit No. 650, which allowed the establishment of a church on one acre of land identified as TMK 1-5-043:062. The amendment request to amend the permit in order to expand the church and related uses onto three adjacent lots identified as TMK: 1-5-043:061, 063, and 064, for a total of four acres. The property is located immediately north of Kaloli Drive and west (mauka) of 17th Avenue, Hawaiian Paradise Park Subdivision, Kea'au, Puna, Hawai'i.

Approval of the request is based on the following:

Special Permit No. 650 was approved by the Planning Commission on November 17, 1987, for the establishment of a church on 1 acre of land identified as TMK 1-5-043:062. The applicant is requesting to amend the permit in order to expand the church and related uses onto three adjacent lots identified as TMK 1-5-043:061, 063 and 064, for a total of 4 acres. The applicant proposes the following specific improvements as shown on their site plan dated November 24, 2010: convert the existing 3,200-square foot church building located on parcel 62 into a meeting hall and construct a

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new church building that will be approximately 4,800 square feet in size, a 720-square foot church office, two 480-square foot pavilions, a 320-square foot tool storage shed, a 1,600 covered cooking imu area, and four approximately 2,000-square foot dwellings for employees of the church. The applicant also proposes to continue to use the existing restroom building located next to the existing church and the existing head minister's dwelling located on parcel 63. Some of the existing water catchment tanks on the property will be relocated and new water catchment tanks and cesspools or septic tanks will be installed to accommodate the expansion plan. There is an existing paved parking lot on parcel 62. Additional on-site paved parking and landscaping will be provided. The applicant plans to consolidate the four 1-acre lots into one 4-acre lot should the amendment request be approved. The church has grown from 80 members in 1987 to 155 members in 2011. According to the applicant, the new facilities are needed to accommodate the expected growth of the church membership in the future. Build-out of the project is expected to occur over the next 10 to 15 years as funds become available.

Approval of this request would not be contrary to the General Plan or the Zoning Code. The property will continue to be used for church and related activities as proposed in the original request. The property is designated Agricultural by the State Land Use Commission and zoned Agricultural-1 acre (A-1a) by the County. The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses and establishes the basic urban and non-urban form for areas within the County. The General Plan LUPAG map designation for the property has changed from Orchards to Rural since the original permit was granted back in 1987. Orchards are agricultural lands that, although rocky in character and content, support productive macadamia nuts, papaya, citrus and other similar agricultural products. The Rural designation includes existing subdivisions in the State Land Use Agricultural and Rural districts that have a significant residential component. Typical lot sizes vary from 9,000-square feet to two acres. These subdivisions may contain small farms, wooded areas, and open fields as well as residences. Allowable uses within these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities.

The primary land use goal of the Puna Community Development Plan (PCDP) is to direct urban uses towards "village centers." The subject property is located outside of the Hawaiian Paradise Park regional town center and village centers; however, the church use was established on the property in 1995, prior to creation or adoption of the PCDP. Thus, it is reasonable to allow the expansion of the church use on the property since it is

considered an established community facility and therefore is consistent with the LUPAG map designation and Puna CDP.

Approval of this request would not be contrary to the original reasons for granting the Special Permit. The permit was originally granted to allow the establishment of a church in Hawaiian Paradise Park. The church membership has grown to a point where the applicant is now requesting to expand the permit area to 4 acres. The subject property is not classified by the State or County as important or prime agricultural land and no active agricultural lands will be taken out of production for the expansion of the church and related uses onto 4 acres.

Surrounding properties are similarly zoned A-1a and are either vacant or in residential use. The closest dwelling is located across 17th Avenue approximately 50 feet from the property. A temporary increase in noise and dust may occur during construction of the new church building and related buildings. To reduce these impacts on surrounding properties, a condition of approval will require the applicant to provide landscaping around the perimeter of the property and within the parking lot consistent with that required for commercial uses as defined by Planning Department Rule No. 17 regarding landscaping. A standard condition that is normally required of churches and other community-type land uses is the paving of any driveways and parking stalls in order to reduce dust at the site from adversely affecting surrounding properties. The existing church is currently served by a paved driveway from 17th Avenue to a paved parking lot and paved driveways and parking will be provided to serve the proposed church building. With the implementation of these conditions, the proposed use is not anticipated to have an adverse affect on the surrounding properties.

Access to the property is from Kaloli Drive and 17th Avenue. Currently there is a driveway onto 17th Avenue from each of the four lots and parcel 61 also has a driveway onto Kaloli Drive. Both of these roadways are maintained by the Hawaiian Paradise Park Owners Association (HPPOA). In July 2009 the HPPOA added a restricted driveway policy to their bylaws, which prohibits new accesses onto Kaloli Drive and the other main mauka-makai roadways within the subdivision. The applicant intends to consolidate the 4 lots into one 4-acre lot should the amendment request be approved. Therefore, since access to the property can be provided from 17th Avenue, a condition of approval will be added to prohibit access onto Kaloli Drive. It should also be noted that the Planning Department is concerned with the location of the proposed driveway around the perimeter of the consolidated property. Because this driveway is slightly elevated and runs parallel and adjacent to Kaloli Drive, there is the potential that during nighttime travel oncoming headlights from vehicles traveling on the driveway will distract or confuse drivers of vehicles traveling on Kaloli Drive. Also, based on the applicant's site plan it is not clear

whether the perimeter driveway will enter onto 17th Avenue immediately north of Kaloli Drive or at the existing driveway on parcel 61. In order to prevent vehicles waiting to turn into private driveways from backing up into intersections, for County roadways, the Department of Public Works typically recommends that driveways should be located at least 30 feet from the intersection of a local street and collector road such as the intersection of 17th Avenue and Kaloli Drive. Although the roadways in Hawaiian Paradise Park are privately owned, the Planning Department recommends this standard be implemented for the proposed driveways, especially the proposed perimeter driveway. An increase in traffic will likely occur on the weekends when church services are being held. Since traffic during the weekday a.m. and p.m. peak hour is not expected to increase due to the church use, a traffic impact analysis report was not prepared or required. The roadways in the area have adequate capacity to accommodate the anticipated increase in traffic.

Since County water is not available, the applicant proposes to provide water for the project from water catchment tanks. The applicant will need to identify the location of the existing cesspool serving the restroom building and possibly upgrade or replace the system with a septic system. Additionally, new individual wastewater systems will be installed to provide wastewater disposal for any new structures. All essential utilities and services are available to the property. The original reasons for granting the permit are still valid and the church expansion is not expected to have any significant adverse effects.

Lastly, this approval is made with the understanding that the Applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the above, the request to amend Special Permit No. 650 to expand a church and related uses to 4 acres is an unusual and reasonable use of land within the State Land Use Agricultural District, and would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations. Approval of this request is subject to the following conditions. Material to be added is underscored; material to be deleted is bracketed and struck through.

- ~~1. The applicant, its successors or assigns, shall be responsible for complying with all conditions of approval.~~
- ~~2. Plans for the church, including parking and a detailed landscaping plan, shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of approval of the Special Permit. The parking area and the number of stalls shall meet with the requirements of Chapter 25 (Zoning Code), Hawaii County Code.~~
- ~~3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.~~
- ~~4. A drainage system meeting with the requirements of the Department of Public Works shall be installed.~~
- ~~5. A minimum 10,000 gallon capacity water tank be provided for fire fighting purposes prior to issuance of an occupancy permit.~~
- ~~6. All other applicable laws, rules, regulations, and requirements, including those of the State Department of Health and the Fire Department, shall be complied with.~~
- ~~7. An annual progress report shall be submitted prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with.~~
- ~~8. An extension of time for the performance of conditions within the permit may be granted by the planning director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.]~~

1. The applicant, successors, or assigns, shall be responsible for complying with all conditions of approval.
2. Final Consolidation Approval of the four 1-acre lots shall be secured from the Planning Director prior to the submittal of plans for Final Plan Approval review.

3. Construction of the proposed development shall be completed within ten (10) years from the effective date of this amended permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Chapter 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structures, fire protection measures, paved driveway and parking stalls and landscaping associated with the proposed use. Parking for all functions shall be maintained on the subject property and comply with the requirements of Chapter 25 (Zoning Code). Landscaping along the perimeter of the consolidated properties and within the paved parking areas shall be consistent with the requirements of Planning Department Rule No. 17 (Landscaping Requirements) for properties zoned for commercial uses. Due to the phasing of this project and in consideration of the location and type of the proposed church facilities, the Planning Department, at the time of Plan Approval review, may apply the landscaping required by this condition in a manner and to an extent commensurate with the phasing of this development.
4. The method of sewage disposal shall meet with the requirements of the State Department of Health.
5. Vehicle access onto Kaloli Drive and driveways parallel and adjacent to Kaloli Drive shall be prohibited. Driveway(s) onto 17th Avenue shall be located a minimum of 30 feet from the 17th Avenue/Kaloli Drive intersection.
6. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources - State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigative measures have been taken.
7. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
8. An initial extension of time for the performance of Condition No. 3 may be granted by the Planning Director upon the following circumstances:
 - Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns and that are not the result of their fault or negligence.

- Granting of the time extension would not be contrary to the General Plan or Zoning Code.
- Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
- The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).
- If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

Should any of these conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate procedures to revoke this permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Zendo Kern, Chairman
Windward Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources-HPD
Department of Health
Mr. Gilbert Bailado /

