

CERTIFIED MAIL

July 1, 1988

Rev. Lyanne Moiha
Gospel of Salvation Church-Kohala Branch
P. O. Box 563
Kapaau, Hawaii 96755

Dear Rev. Moiha:

Special Permit Application (88-9)
Tax Map Key: 5-5-04:41

The Planning Commission at its duly held public hearing on June 28, 1988, voted to approve your application, Special Permit No. 667, to allow the establishment of the existing non-conforming church and the addition of Sunday School classrooms and restrooms at Puuepa-Kokoiki Homesteads, North Kohala, Hawaii.

Approval of this request is based on the following:

1. The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect, 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. In the case of agricultural districts, the intent is to preserve or keep lands of high agricultural potential in agriculture use. While the subject property has a fair potential for productive agricultural uses and has been classified "Prime" by the ALISH map system, the 0.344 acre parcel contains a 41-year old church. Thus, approval of this request would not remove valuable agricultural resources from production nor adversely affect the potential productivity of the area.

Further, the existing church use of the site has been on-going for several years, pre-dating the land use law and regulations. The history of use is an integral part of the Kohala community and thus, its continuance would be in keeping with the overall intent of the Land Use Law which

is to use the lands for those purposes to which they are best suited in the interest of the health and welfare of the people of the State of Hawaii.

2. The desired use will not adversely affect the surrounding properties. As stated previously, the homestead area grew with the church over a 41-year period. Since Sunday School was being conducted outdoors, the proposed classroom construction would in fact benefit surrounding properties by containing the sound.
3. The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. County water is available from a 5/8-inch water meter. It is not expected that the addition of classrooms would generate additional service. However, if needed, the applicant shall meet with the Rules and Regulations of the Department of Water Supply. All other responding agencies did not raise objections to the church or its expansion.
4. The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The church has been in existence for 41 years. No existing or proposed areas for agricultural activities will be curtailed or diminished as a result of the new or existing use.
5. The proposed use will not substantially alter or change the essential character of the land and the present use. The character of the land is basically rural with residences, sugar cane, and pasture. The church and its expansion will not alter the character of the area. In addition, the proposed new restrooms and classrooms are considered accessory to the main existing church use. It is felt that no additional parking should be required under this circumstance.
6. Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. As previously stated, the church was in existence prior to the promulgation of Land Use Laws. Its growth has necessitated the construction of Sunday School classrooms and restrooms.
7. The request is not contrary to the General Plan. The County General Plan Land Use Pattern Allocation Guide Map designates this area for Intensive Agricultural uses. One

of the basic purposes of the County General Plan is "To improve the physical environment of the County as a setting for human activities - to make more functional, beautiful, healthful, interesting and efficient." The existing church and its expansion at this particular location will fulfill that stated purpose.

In view of the foregoing, it is determined that it is determined that the existing church and the restroom and classroom improvements are unusual and reasonable uses, which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

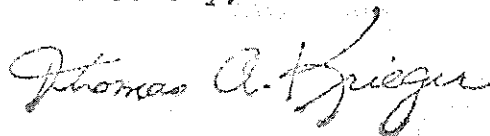
1. The petitioner its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Plans for any proposed construction activity shall be submitted for Plan Approval review within one year from the effective date of this permit.
3. Construction shall commence within one year from the date of receipt of final plan approval and be completed within two years thereafter.
4. All other laws, rules, regulations, and requirements shall be complied with.
5. An annual progress report shall be submitted to the Planning Director 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 and the Planning Director acknowledges that further reports are not required.
6. 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

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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.

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
Planning Office - Kona
State Land Use Commission

bcc: Plan Approval Section