

CERTIFIED MAIL

May 16, 1989

Michael & Cynthia Tonini  
P.O. Box 747  
Naalehu, HI 96722

Dear Mr. and Mrs. Tonini:

Special Permit Application (89-8)  
Tax Map Key: 9-5-12:32

The Planning Commission at its duly held public hearing on May 9, 1989, voted to approve your application, Special Permit No. 703, to allow the construction of a building for religious meetings (Kingdom Hall) and related improvements on .98 acre of land situated within the State Land Use Agricultural District at the makai side of the Hawaii Belt Road, adjacent to and north of the State Department of Transportation's highway maintenance baseyard, Naalehu, Kaunamano Homesteads, Ka'u, Hawaii.

Approval of this request is based on the following:

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. The property is rated Fair by the Land Study Bureau rating system and is designated as "Other Important Agricultural Land" on the ALISH map. Agricultural activity in the area is pasture for cattle. The area of the subject property is less than one acre and the existing use is a single family dwelling. The proposed structure will be constructed between the existing dwelling and the highway. Use of a portion of the property for a building for religious activities and associated improvements will not significantly affect the existing agricultural (pasture) resources of the region nor conflict with the goals of the Land Use Law.

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The desired use is not expected to adversely affect the surrounding properties. Use of the proposed religious building will be conducted entirely on the subject property for limited hours during the week. Most of the surrounding lands are large parcels used for pasture. The use is not anticipated to have a negative impact on the neighboring agricultural activity. Likewise, the State's baseyard operations on the adjoining property will not be affected by the proposed use.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. The Hawaii Belt Road accessing the property is adequate to serve the increased level of use on the property. Additional traffic entering and exiting the property is not expected to impede traffic on the Hawaii Belt Road considering the existing 45 mile-per-hour speed limit and adequate visibility in both directions. The Police Department's recommendation that the driveway access be at least twenty feet wide corresponds to standards of the Department of Public Works. A 10,000 gallon water tank should be provided in accordance with the Fire Department's recommendation. According to the applicant, drainage improvements are needed on the property, although the need for such improvements is the result of water entering the property from the Hawaii Belt Road. These drainage improvements directing water from the Hawaii Belt Highway into the natural channel between the subject property and the Hawaii State baseyard shall meet with the approval of the Department of Public Works. The proposed structure and parking area may exacerbate the existing drainage problem. Per Department of Public Works requirements, development generated runoff should be disposed of on-site.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. As previously mentioned the small size of the property may make the property an unfeasible agricultural unit for traditional agricultural activity, such as the area's cattle pastureland.

The use will not substantially alter or change the essential character of the land and the present use. The use of the religious building will be for one morning and two evenings a week. Landscaping will be required along the frontage of the property and within the parking area. With these conditions, the essential character of the land is not expected to be altered.

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The request is not contrary to the General Plan. The building for religious activities will further the goal of the General Plan to "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County."

Based on the above considerations, it is determined that a building for religious activities (Kingdom Hall) is an unusual and reasonable use of land, 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 applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, a landscaping strip along the front of the property, and parking stalls associated with the religious building. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Parking for all functions shall be maintained on the subject property.
3. Construction of the building for religious activities and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
4. Unless or until a public water system is made available to the property, a ten thousand gallon water tank or similar facility meeting with the approval of the Fire Department shall be provided on site for fire fighting purposes prior to receipt of an occupancy permit and shall be noted on the plans for plan approval and building permit.

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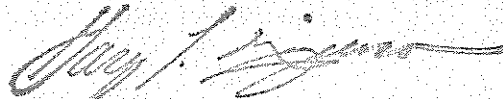
5. Comply with all other applicable laws, rules, regulations and requirements of the Department of Health, Department of Public Works, and other relevant State and County agencies.
6. Additional drainage improvements proposed to accommodate overland flows shall meet with the requirements of the Department of Public Works.
7. 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.
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.

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.

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

Sincerely,



Gary Mizuno  
Chairman, Planning Commission

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Office - Kona  
State Land Use Commission

bcc: Plan Approval Section