



# Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Larry S. Tanimoto  
Mayor

CERTIFIED MAIL

November 5, 1990

Mr. Peter Aiona, Jr.  
Opihikao SDA Church Company  
SR Box 14000  
Keaau, HI 96749

Dear Mr. Aiona:

Special Permit Application  
Tax Map Key: 1-5-43:91, 92, 93

The Planning Commission at its duly held public hearing on October 25, 1990, voted to approve your application, Special Permit No. 755 to allow the establishment of a church facility and related improvements on 3 acres of land situated within the State Land Use Agricultural District at Hawaiian Paradise Park Subdivision, Keaau, Puna, 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 subject property 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 use, but also lands which are not suited to agricultural use by reason of topography, soils, and other related characteristics. The subject area's dominant soil type is pahoehoe lava; it is classified as "Existing Urban Development" on the ALISH Map system; and it is rated "E" or very poor for agricultural activities by the Land Study Bureau's productivity rating system. Although it is

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possible that some agricultural pursuits 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 low agricultural potential of the land.

The desired use will not adversely affect the surrounding properties. Given the size of the property (3 acres), adequate space is available for landscaping and setbacks which would buffer adjoining properties from visual and noise impacts associated with the church. The proposed site plan shows building setbacks of at least 200 feet from adjacent lots to the north and the west. In addition to the standard 30-foot front yard setbacks, properties to the south and east are buffered by road rights-of-way. Landscaping is recommended to screen visual impact from the road and future neighboring residents. Adequate paved parking will be provided to avoid obstruction by roadside parking. Pavement of the parking area will minimize dust and noise of on-site vehicular traffic. With the imposition of landscaping buffers and adequate paved parking area, it is anticipated that the impacts resulting from the use will not adversely affect surrounding properties nor significantly affect the character of the area.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. As in the case of other churches authorized by Special Permit, it is recommended that access to the church parking area be paved. The Paradise Hui Hanalike, who maintains the private road system, had no objection to the request. However, given the increase in traffic generated by the church and the substandard condition of Maia Avenue, it is recommended that roadway access to the driveway be paved to the furthest point of the proposed access driveway. While not a specified condition of this approval, fire protection must be made available by the provision of a 10,000 gallon water tank. This requirement is part of the existing Fire Department regulations. Consulted public agencies had no objection to the request.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The Puna District has been the second fastest growing district on the island. From 1980 to 1988, the population of Puna has increased by 68 percent. Significant growth in the Paradise Park area has

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resulted in a demand for facilities to provide for the spiritual needs of residents within the community.

The request is consistent with the goal of the Land Use Element of the General Plan is to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County."

The applicant is requesting the approval of the church facility on three separate parcels of land, totalling 3 acres. It is recommended that the three parcels be consolidated prior to Final Plan Approval.

Based on the above considerations, it is determined that a church 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 approval of the consolidation of the subject properties shall be secured within one year of the effective date of this permit.
3. Final Plan Approval shall be secured from the Planning Department within one year of consolidation approval. 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, landscaping, paved driveway and paved parking stalls associated with the church. 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. Landscaping shall buffer the church and parking area from roadways and adjoining properties.
4. Construction of the church and related improvements shall commence within one year from the date of receipt of Final

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Plan Approval and shall be completed within two years thereafter.

5. Maia Avenue (18th Avenue) shall be improved with 16-foot wide pavement from Kaloli Drive to the farthest point of the proposed driveway access, meeting with the approval of the Department of Public Works. These improvements shall be completed prior to the issuance of a certificate of occupancy for the church.
6. Comply with all other laws, rules, regulations and requirements of State and County agencies, including those of the Fire Department and the Department of Health.
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 shall initiate procedures to revoke 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,



Fred Y. Fujimoto  
Chairman, Planning Commission

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Fire Department  
State Department of Health