



# Planning Commission

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

Lorraine R. Inouye  
Mayor

## CERTIFIED MAIL

December 3, 1991

Mr. Sidney Fuke  
100 Pauahi Street  
Hilo, HI 96720

Dear Mr. Fuke:

Special Permit Application 91-14  
Applicant: Rissho Kosei-Kai Hawaii Kyokai  
Establishment of Church and Related Improvements  
Tax Map Key: 7-3-8:74

The Planning Commission at its duly held public hearing on November 22, 1991, voted to approve your application, Special Permit No. 789, to allow the establishment of a church and related improvements on 3.0 acres of land situated within the State Land Use Agricultural District. The property is located along the west (makai) side of Mamalahoa Highway approximately 600 feet south of Kaloko Drive, Kaloko, North Kona, 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.

In the case of the Agricultural district, the intent of the State Land Use Law Rules and Regulations is to preserve or keep lands of high agricultural potential in agricultural use. The land on which the proposed development is located is classified as "C" or "Fair" by the Land Study Bureau's Productivity Rating system and "Other Important Agricultural Land" by the ALISH map. The Soil Conservation Service's Soil Survey Report classifies soils within the subject area as of the Kaimu Series, which is defined as soil not suitable for cultivation. Existing agricultural activities on the property include the planting of

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coffee trees along its northern boundary. While a portion of the parcel will be taken out of potential agricultural use to accommodate the proposed church, is not an unwarranted intrusion in the agricultural district and will not affect agricultural activities in the region. The limited nature of the proposed development will have a negligible effect on the County's agricultural land inventory. Therefore, it can be determined that approval of the proposed use will not affect important agricultural lands within the district or region and would not be contrary to the objectives of the State Land Use Law and Regulations.

The desired use will not adversely affect the surrounding properties, provided visual and noise impacts are mitigated. The nearest residence is located adjacent to the north of the subject property. The church facility will be located approximately 60 feet from the property line common to this improved residential property. The church structure will be located 80 feet and 100 feet from adjacent vacant parcels to the south and west, respectively. The Mamalahoa Highway will provide a buffer area between the church site and the neighboring Kaloko Houselots to the east. On site, the applicant has established coffee trees along the property's northern boundary. The site plan also depicts a stand of coffee trees between the proposed church structure and the Mamalahoa Highway. These coffee trees, as well as other landscaping elements that may be required at the time of plan approval, will reduce the potential of any adverse visual impacts to surrounding properties and will be made a condition of approval. It is also recommended that the driveway access and parking area for the church be paved prior to establishment of use to minimize noise and dust. With the adoption of the above mitigation measures, the proposed church use will not adversely affect surrounding lands 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. All essential services are available to the property. Access to the property will be via the Mamalahoa Highway, which has a pavement width of 22 feet within a 80-foot right-of-way. The church facility will be utilized for services on Saturdays between the hours of 9 a.m. to 12 noon. No structured evening services are planned. Funerals and weddings will be performed as requested. No other

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types of activities are being proposed. Therefore, it is anticipated that traffic generated by the proposed use will not conflict with the heavy volume of traffic experienced during weekdays. In response to comments provided by the Department of Transportation, conditions of approval will prohibit any day care, pre-school or other similar activities at the church facility and require the delineation of a 10-foot wide no-access planting screen easement on plans submitted for plan approval review. The applicant shall also provide a minimum 22-foot wide paved driveway for that portion of the property's access located within the State right-of-way. In addition, a guardrail shall be installed along the property's highway frontage, should it be required. Finally, a water supply for fire fighting purposes meeting with the approval of the Fire Department shall be provided.

The request is not contrary to the General Plan or community development plans. It is consistent with the goals and policies of the Land Use Element of the General Plan to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

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 for phase one of the development 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, fire protection measures and paved parking stalls and driveway associated with the proposed church facility. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Parking for all functions shall be maintained on the subject property. Plans shall also delineate a 10-foot wide no-access planting screen easement

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along the property's highway frontage with the exception of the property's highway access points.

3. Construction of the church 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. Preschool, day care or similar types of activities shall not be permitted.
5. The applicant shall provide a minimum 22-foot wide paved driveway for that portion of the property's driveway access located within the State right-of-way. Driveway access to the property and the provision of safety features, should it be required, along the property's Mamalahoa Highway frontage, shall meet with the approval of the Department of Transportation.
6. The applicant shall provide fire protection measures meeting with the approval of the Fire Department prior to the issuance of a certificate of occupancy.
7. Comply with all other laws, rules, regulations and requirements of State and County agencies.
8. 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.
9. 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

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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.

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

Sincerely,



Mike Luce, Chairman  
Planning Commission

6910d  
jdk

xc: Rissho Kosei-Kai Hawaii Kyokai  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
Fire Department  
State Land Use Commission  
Plan Approval Section