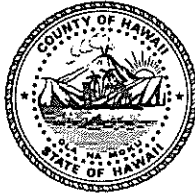


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

#### CERTIFIED MAIL

November 5, 1993

Mr. Kotaro Koizumi  
Kotaro Koizumi & Associates  
1400 Kapiolani Blvd., #A29  
Honolulu, HI 96814

Dear Mr. Koizumi:

Special Permit Application (SPP 93-1)  
Applicant: Kotaro Koizumi, AIA  
Request: Establish Church and Related Improvements  
Tax Map Key: 7-3-2:8 and portion of 9

The Planning Commission at its duly held public hearing on October 28, 1993, voted to approve your above-referenced application. Special Permit No. 852 is hereby issued to establish a church and related improvements on approximately 3 acres of land in the State Land Use Agricultural District. The property is located on the mauka side of the Mamalahoa Highway approximately 3,000 feet north of its intersection with Kaiminani Drive in Kalaoa, 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 is to preserve or keep lands of high agricultural potential in agricultural use. The proposed use has been reviewed in accordance with the following criteria and determined not be contrary to the objectives of the State Land Use Law for Agricultural districts.

The desired use will not adversely affect the surrounding properties. The proposed church will be located on approximately 3 acres of land. Surrounding uses include vacant lands and

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scattered residential uses to the north, south and east. To the west, and across Mamalahoa Highway are residential-agricultural uses on lands zoned Unplanned. The applicant, with permission from the landowner, proposes that the subject properties will be consolidated and resubdivided to accommodate the church. As a result, the existing single-family dwelling and barn, on TMK: 7-3-2:9, will be located on a separate parcel. In addition, plans propose structural front yard setbacks as approximately 173 feet from the highway, rear yard setback at 106 feet, and side setbacks averaging 85-90 feet. It is recommended that landscaping, as needed and to be approved at the time of plan approval review, be included along all property boundaries to alleviate visual and noise impacts to surrounding properties that may result from church activities.

The use will not substantially alter or change the essential character of the land and the present use. The existing character of the land will be changed with the construction of the church, however, the proposed use will be constructed on approximately 3 acres of land, and not expected to impose on the agricultural character of the area or take land away from active agricultural use.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, police and fire protection. All essential utilities are available to the project site, including County water, which can be made available through an existing line. Appropriate wastewater systems shall be provided by the applicant in accordance with requirements of the Department of Health. The applicant has agreed to comply with applicable agency requirements, including highway improvements in accordance with the Department of Transportation. In addition, there were no objections to the proposed use by county and state agencies.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The subject property lies adjacent to the Keahole to Kailua Development Plan area, which is considered to be a prime area for urbanization in meeting the growing needs of West Hawaii. Much of the lands on the makai side of Mamalahoa Highway has been designated for Urban Expansion by the General Plan has been planned for urban growth and development. According to the Keahole to Kailua Development Plan, this is an area which will receive approximately 4,500 new residential units between 1990 and 2010, and considered to be the location for a new "Civic and Business Center." The establishment of a church in this locale, would meet the needs of residents in the area. Such a support

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service, is an integral part of urban growth and community development. It is through the special permit process, that a church may be established on lands with a State Land Use designation of Agricultural.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. Soils are classified "E" or "Very Poor" by the Land Study Bureau for agricultural productivity and unclassified according to the ALISH map system. Although the lands could be used for agriculture, the subject land has been vacant, and thus, the proposed church and related improvements would not adversely affect the agricultural potential of the project site or its surrounding area, nor will it remove valuable lands from agricultural use.

The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans. The General Plan Land Use Pattern Allocation Guide (LUPAG) map designates the area for Extensive Agriculture and Orchards. However, the proposed use is consistent with the following goals of the Land Use Element of the General Plan:

- \* Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County
- \* 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 petitioner, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of the permit.
3. Final consolidation and resubdivision approval of the subject properties shall be secured from the Planning Department.

4. Final Plan Approval shall be secured for the church and any related improvements. Plans shall identify structures, landscaping, fire protection measures, paved parking stalls and paved driveway (asphalt or asphalt-concrete) associated with the proposed uses. Parking for all church functions shall be maintained on the subject property. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Detailed landscaping plans shall also be included along all sides of the project site, as deemed necessary and to be approved during plan approval review.
5. Construction of the church and any related improvements shall be completed within five years from the effective date of this permit.
6. Driveway access(es) shall meet with the approval of the Department of Transportation.
7. Highway improvements shall be constructed in accordance with the requirements of the Department of Transportation prior to issuance of a certificate of occupancy.
8. Preschool or day-care activities shall not be permitted. Any request to amend this condition shall be forwarded to the Planning Commission in accordance with Rule 6.8 of the Planning Commission's Rules of Practice and Procedure.
9. Should any unanticipated archaeological or cultural sites or features be uncovered during land preparation activities, work with the affected area shall immediately cease and the Planning Director notified. No work within the affected area shall resume until clearance is obtained from the Planning Director.
10. All applicable county and state laws, rules, regulations and requirements shall be complied with.
11. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the permit. The report shall include the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
12. The Planning Director may administratively grant extensions to the foregoing conditions subject to any of the following

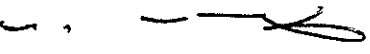
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circumstances occurring: a) the need for an extension is the result of either unforeseen conditions or are circumstances beyond the control of the applicant, successors or assigns; b) granting of the time extension would not be contrary to the general 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). Should any of the conditions not be met or substantially complied with in a timely fashion after the Planning Director has given the permittee notice, this permit may be voided by the Planning Commission.

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 feel free to contact Rodney Nakano or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,

  
Wilton Wong, Vice Chairman  
Planning Commission

DSA;jdk  
LKoizu01.PC

xc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
State Land Use Commission  
Department of Land & Natural Resources  
Department of Transportation-Highways Division  
Plan Approval Section