

Harry Kim
Mayor



Geraldine M. Giffin
Chairperson

County of Hawaii

PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL
7000 0600 0024 2903 9282

August 8, 2002

Pastor Leslie C. Pedersen
Spring of Life Community Church
P.O. Box 2076
Pahoa, HI 96778

Dear Pastor Pedersen:

Special Permit No. 855
Applicant: Spring of Life Community Church
Request: Amend Condition No. 5 (Complete Construction),
Condition No. 6 (Expansion Plan/Phases)
and Condition No. 8 (Roadway Improvements)
Tax Map Key: 1-5-006:004

The Planning Commission at its duly held public hearing on July 19, 2002 voted to approve the above-referenced request is to amend Condition No. 5 (complete construction), Condition No. 6 (expansion plan/phases), and Condition No. 8 (roadway improvements and exclusion of turning lanes) of Special Permit No. 855, which allowed the establishment of two churches, youth facilities, temporary crises shelters and related improvements on approximately 13 acres of land within the State Land Use Agricultural District. The property is located on the mauka side of the Pāhoā Bypass Road at its intersection with Nānāwale Homestead Road, Nānāwale Homestead, Pāhoā, Puna, Hawai'i.

Approval of this request is based on the following:

Approval of this request would not be contrary to the original reasons for the granting of Special Permit No 855. The County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates this area for Low Density Uses. The property is situated within the County's Agricultural (A-5a) zoned district. Special Permit No. 855 was approved by the Planning Commission, effective November 26, 1993, for the establishment of two churches, youth facilities, temporary crisis shelters and related improvements. The applicant's proposal to reduce the size of development by

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constructing only one church with related improvements, all to be established within two phases, is consistent with the original reasons that this request was approved.

The desired use will not adversely affect the surrounding properties. The surrounding area is characterized by agricultural and residential uses. The subject property is located on the southeast side of the Pāhoa Bypass Road at its intersection with Nānāwale Homestead Road. There is a single family dwelling along the middle frontage along the Nānāwale Homestead Road. To the south is a flower farm, to the east is abandoned sugar cane land and to the west is an unattended red ginger patch. The proposed buildings are located towards the center of the parcel, approximately 300 feet away from the single family dwelling. The property is of sufficient size to allow for adequate setbacks and landscape buffers in minimizing any physical, social or other impacts that this church use may have on the neighborhood.

The reduction in the size of development will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage improvements, and police and fire protection. The County has paved the parcel's frontage along the Nānāwale Homestead Road. In addition, since there will only be one church, the Department of Transportation has no objection to deleting the required left and right turn lanes on Nānāwale Homestead Road, at its intersection with the Pāhoa Bypass Road. With the traffic impact significantly reduced, Condition 8's requirements to resurface the Nānāwale Homestead Road frontage and to have the gravel shoulders dressed, as well as installation of the left and right turn lanes will be deleted.

All essential utilities such as electricity, water and telephone are available to the subject property. The applicant has stated that they will comply with Department of Health requirements. Consulted agencies had no objections to the amended request.

In addition, Condition No. 5 is amended to reflect the construction of only one church with a new completion date for all improvements of eight (8) years from the effective date of the amended Special Permit. Finally, Condition 6 is revised to reflect a development plan of only two phases.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. Special Permit No. 855 allowed for the development of churches in this location to help meet the spiritual and social needs of this area. Therefore, the requested amendment would still provide the needed support for existing and future populations.

Based on the above considerations, the request to amend Special Permit No. 855 would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations nor the original reasons for approving this permit.

Condition 2 is proposed to be deleted as it is no longer a condition included in Special Permits. Condition 3 has been complied with as the water commitment deposit was received by the Department of Water Supply. Finally, the Landscaping Requirements were adopted on August 15, 1998.

Approval of this request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit. (Material to be deleted is bracketed and material to be added is underscored):

1. The petitioner, its successors or assigns shall be responsible for complying with all stated conditions of approval.
- [2. The applicant 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. The required water commitment payment shall be submitted to the Department of Waster Supply in accordance with its "Water Commitment Guidelines Policy" within ninety days from the effective date of the Special Permit.]
- [4.]2. Final Plan Approval shall be secured for the proposed church[es], youth facilities and related improvements. Plans shall identify structures, fire protection measures, paved parking stalls, paved driveway, and drop-off area (asphalt or asphalt-concrete) associated with the proposed uses. Parking for all functions shall be maintained on the subject property. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Detailed landscaping plans shall include landscaping buffers along all sides of the project, as well as surrounding the entire 27,000 sq. ft. parcel located in the center of the subject property. Landscaping shall be in compliance with Planning Department Rule 17 (Landscaping Requirements). Native species appropriate to the area shall be incorporated into the landscaping where possible. Plans shall also indicate a proposed 15-foot road widening setback fronting the subject property along the Nanawale Homestead Road.
- [5.]3. Construction of the proposed church[es], youth facilities, and related improvements shall be completed and a certificate of occupancy issued within eight (8) years from the effective date of the amended special permit. Any amendment to this condition, shall be submitted to the Planning Commission in accordance with Rule 6-8, Planning Commission's Rules of Practice and Procedure.

- [6.]4. Any expansion to the proposed request or phases shall be submitted to the Planning Commission as an amendment to this Special Permit.
- [7.]5. Driveway access(es) shall meet with the approval of the Department of Public Works.
- [8.]6. [Upon compliance with all conditions of approval for Phase I (youth facilities), in conjunction with the application for a certificate of occupancy and prior to the opening of the youth facility, the Nanawale Homestead Road frontage of the subject property shall be resurfaced to 18 feet and the gravel shoulders dressed.] Street lighting shall [also] be installed from the By-Pass/ Nanawale Homestead Roads intersection to the south property boundary. [In addition, left and right turn lanes from Nanawale Homestead Road onto the Pahoa By-Pass Road shall be constructed.] Applicable improvements shall meet with the requirements and approval of the Department of Public Works and the Department of Transportation-Highways Division. In lieu of providing these roadway improvements prior to occupancy, the applicant may seek the effectuation of an agreement together with the appropriate bond, surety or other security deemed acceptable by the Planning Director or County Council, whichever is applicable, to ensure the provision of these necessary improvements in a timely manner.
- [9.]7. A 15-foot wide road widening strip along the subject property's Nanawale Homestead Road frontage, excluding the frontage along TMK: 1-5-6:13, shall be dedicated to the County, prior to the issuance of a certificate of occupancy for any portion of the proposed development.
- [10.]8. Should any unanticipated archaeological or cultural sites or features be uncovered during land preparation activities, work within 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.
- [11.]9. Comply with all applicable county and state laws, rules, regulations and requirements, including the Department of Water Supply, Department of Public Works, Department of Health, Fire Department and Department of Transportation.
- [12.]10. Upon compliance with all conditions of approval, in conjunction with the application for a certificate of occupancy and prior to the opening of [the] each phase, the applicant shall submit a status report, in writing, to the Planning Department.

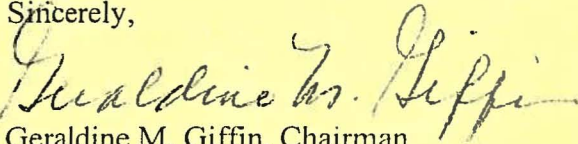
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[13.]11. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are 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 the 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.

Should you have any questions, please contact Alice Kawaha of the Planning Department at 961-8288.

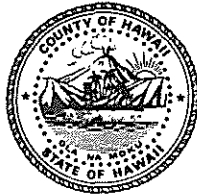
Sincerely,



Geraldine M. Giffin, Chairman
Planning Commission

xc: Rev. Charles Carpenter
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources
Brian Minaai, Director/DOT-Highways, Honolulu

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 26, 1993

Hawaii Assemblies of God
3400 Moanalua Road
Honolulu, HI 96819

Gentlemen:

Special Permit Application (SPP 93-17)

Applicant: Hawaii Assemblies of God

Request: Establish Two Churches, Youth Facilities and
Related Improvements

Tax Map Key: 1-5-06:4

The Planning Commission at its duly held public hearing on November 18, 1993, voted to approve the above-referenced application. Special Permit No. 855 is hereby issued to establish two churches, youth facilities, temporary crises shelters and related improvements on approximately 13 acres of land within the State Land Use Agricultural district. The project site is located on the mauka side of the Pahoa By-Pass Road at its intersection with Nanawale Homestead Road, Nanawale Homestead, 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. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The land on which the proposed use is located is classified as "D" or "Poor" by the Land Study Bureau for agricultural productivity and not

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classified by the ALISH Map. The subject property was previously used as cane land by Puna Sugar Company, Limited, however, the property has not been actively used for agricultural purposes in recent years and is presently on the market for sale. Although, the granting of the proposed uses would establish non-agricultural uses on the property, the proposed uses would meet the needs of the existing community by providing social and religious support services for Pahoa Town and the communities in the surrounding area. Therefore, the proposed use shall not be contrary to the objectives of the State Land Use Law for the Agricultural district.

The desired use will not adversely affect the surrounding properties. The subject property is approximately 13 acres planted with cane. Surrounding uses include vacant lands and scattered agricultural/residential uses to the south, east and west. Along the center frontage of the subject property is a 27,000 sq. ft. parcel with a different landowner (TMK: 1-5-6:13). The applicant has held an informational meeting with some landowners, who did not express opposition to the proposal. Landscaping, to be approved during plan approval review, is recommended along the sides surrounding TMK: 1-5-6:13, as well as all adjacent property boundaries to alleviate visual and noise impacts generated from the proposed development.

The use will not substantially alter or change the essential character of the land and the present use. The proposed development will alter the existing character of the land, however, the subject property, which is planted in cane, has not been harvested or in active agricultural use since the closing of Puna Sugar Company, Limited.

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. Department of Public Works is requiring street lighting and resurfacing of the Nanawale Homestead Road. Due to the revision and reduction in size of the proposed development, it will be recommended that road improvements be constructed for the property frontage, meeting with the approval of the Department of Public Works. The Department of Transportation is also requiring street lighting and that left-turn and right-turn lanes be installed on the Nanawale Homestead Road, at its intersection with the Pahoa By-Pass Road. The Police Department did note that traffic is expected to increase in this area. There is a proposed 10-foot road widening along the west side of Homestead Road. In

response to traffic concerns, the applicant has proposed to set aside an additional 12.5 feet wide strip fronting the Homestead Road to allow for widening to a 50-foot right-of-way. A 15-foot wide strip fronting the subject property will be included as a condition of approval, in order to allow for widening to 50 feet. With this additional right-of-way set aside, and with the roadway and street lighting improvements along the Nanawale Homestead Road, it is expected that traffic concerns can be addressed and mitigated. Based on comments from the Department of Water Supply on available maximum water usage, the applicant has revised their request to include only Phases I, II and III (limited capacity of 300 people). All other services and utilities shall be provided; and basic public services are within close proximity of the subject property. There were no agency objections to the proposal.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. Churches and related improvements may be permitted through obtaining a special permit. The establishment of the two churches, youth facilities and related improvements would meet the needs of the Pahoia Town and surrounding communities. The district of Puna is one of the fastest growing populated areas in the state. Although a rural agricultural area, the population has increased due to the lower cost and availability of lands, as well as the short commute to the City of Hilo. The construction of the Pahoia By-Pass Road and recent rezoning of a parcel to commercial use in the vicinity, has also shown the need to accommodate the increased traffic and growing needs of the community.

The land upon which the proposed use is sought is suited for the uses permitted within the district, however, the proposed use will not interfere with permitted uses. Pahoia town limits are expanding, and the surrounding communities in the area are also growing. The need to provide support services are vital to a growing community.

The proposed use will not substantially alter or change the essential character of the land and the present use. The proposed uses will change the existing character of the land, however, the lands have not been in active agricultural use. As the Pahoia Town limits are expanding, the lands in this area may allow other uses as approved through permits and rezoning of lands.

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 Urban Expansion. It recognizes the fact that the Pahoa Town area and its surrounding communities are growing. The proposed uses would be in keeping with the General Plan. The proposed use is consistent with the goal of the Land Use Element of the General Plan which is to:

- * 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.

The proposed use also meets the goal of the Public Facilities Element of the General Plan which states:

- * Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community.

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 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. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety days from the effective date of the Special Permit.
4. Final Plan Approval shall be secured for the proposed churches, youth facilities and related improvements. Plans shall identify structures, fire protection measures, paved parking stalls, paved driveway, and drop-off area (asphalt or asphalt-concrete) associated with the proposed uses. Parking for all functions shall be maintained on the

subject property. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Detailed landscaping plans shall include landscaping buffers along all sides of the project, as well as surrounding the entire 27,000 sq. ft. parcel located in the center of the subject property. Plans shall also indicate a proposed 15-foot road widening setback fronting the subject property along the Nanawale Homestead Road.

5. Construction of the proposed churches, youth facilities and related improvements shall be completed and a certificate of occupancy issued within eight (8) years from the effective date of the special permit. Any amendment to this condition, shall be submitted to the Planning Commission in accordance with Rule 6-8, Planning Commission's Rules of Practice and Procedure.
6. Any expansion to the proposed request or phases shall be submitted to the Planning Commission as an amendment to this Special Permit.
7. Driveway access(es) shall meet with the approval of the Department of Public Works.
8. Upon compliance with all conditions of approval for Phase I (youth facilities), in conjunction with the application for a certificate of occupancy and prior to the opening of the youth facility, the Nanawale Homestead Road frontage of the subject property shall be resurfaced to 18 feet and the gravel shoulders dressed. Street lighting shall also be installed from the By-Pass/Nanawale Homestead Roads intersection to the south property boundary. In addition, left and right turn lanes from Nanawale Homestead Road onto the Pahoia By-Pass Road shall be constructed. Applicable improvements shall meet with the requirements and approval of the Department of Public Works and the Department of Transportation-Highways Division. In lieu of providing these roadway improvements prior to occupancy, the applicant may seek the effectuation of an agreement together with the appropriate bond, surety or other security deemed acceptable by the Planning Director or County Council, whichever is applicable, to ensure the provision of these necessary improvements in a timely manner.
9. A 15-foot wide road widening strip along the subject property's Nanawale Homestead Road frontage, excluding the frontage along TMK: 1-5-6:13, shall be dedicated to the

County, prior to the issuance of a certificate of occupancy for any portion of the proposed development.

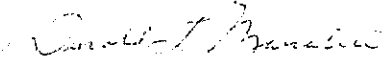
10. Should any unanticipated archaeological or cultural sites or features be uncovered during land preparation activities, work with the affected area shall immediately cease and the Planning Director notified. No work within the affected area shall resume until clearance is obtained from the Planning Director.
11. Comply with all applicable county and state laws, rules, regulations and requirements, including the Department of Water Supply, Department of Public Works, Department of Health and Department of Transportation.
12. Upon compliance with all conditions of approval, in conjunction with the application for a certificate of occupancy and prior to the opening of the each phase, the applicant shall submit a status report, in writing, to the Planning Department.
13. 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.

Hawaii Assemblies of God
November 26, 1993
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Should you have any questions, please feel free to contact Rodney Nakano or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

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LHawaii01.PC

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Rev. David Shotwell
Ms. Anne Lo-Shimazu
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Health
Department of Transportation-Highways Division
Department of Land and Natural Resources
Plan Approval Section