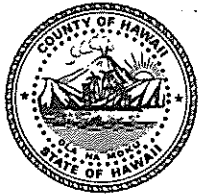


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 416 228 819

July 27, 1995

Greg Lee, Trustee
Mountain View Congregation of
Jehovah's Witnesses
260 Kaiulani Street
Hilo, HI 96720

Dear Mr. Lee:

Special Permit Application No. 95-3

Applicant: Mountain View Congregation of Jehovah's Witnesses

Request: Establishment of a Church Meeting Facility

Tax Map Key: 1-7-8:25

The Planning Commission at duly advertised public hearings on June 7, 1995 and July 13, 1995, considered the above-referenced request for a Special Permit in accordance with Chapter 205-6, Hawaii Revised Statutes, and Rule 6 of the Planning Commission, to allow the establishment of a church meeting facility on approximately 1.145 acres of land situated within the State Land Use Agricultural District approximately 1,250 feet west (Keaau) side of the Volcano Road-Ala Loop intersection, Olaa Reservation Lots, Puna, Hawaii.

The Commission voted to deny Special Permit No. 905 based on the following findings:

In considering a Special Permit for any proposed use, Rule 6 of the Planning Commission relating to Special Permits requires that such action conform to the following guidelines:

- a. Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
- b. The desired use shall not adversely affect surrounding properties;
- c. Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;
- d. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established;

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- e. The land upon which the proposed use is sought is unsuited for the uses permitted within the district;
- f. The proposed use will not substantially alter or change the essential character of the land and the present use;
- g. The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans;

In addition to the guidelines detailed above, the Planning Commission must also find that the proposed use:

- a. Is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be; and
- b. Would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

While a proposed use must meet all of these criteria for approval by the Planning Commission, a denial may be made upon a finding of conflict with any one of these criteria.

The proposed use will not promote the effectiveness and objectives of Chapter 205, H.R.S., as amended. Chapter 205, H.R.S., otherwise known as the State Land Use Law, provides the basic legal framework of land uses in the State of Hawaii and assisted in the implementation of the long-range land use objectives of the State and Counties. The intent of these statutory provisions is 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 in Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use.

At the County level, these broader statewide objectives are articulated through the County General Plan. In that respect, land use and its consistency with the goals, objectives and policies of the General Plan will also promote the effectiveness and objectives of Chapter 205, H.R.S.

The granting of this particular request at this particular location would be inconsistent with the objectives to be sought to be accomplished by the Land Use Law and Regulations as well as the County General Plan. A goal of the General Plan states that the County shall "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments" while maintaining a policy to ". . . encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

The applicants propose to establish a church meeting facility within an area serviced by a winding, substandard roadway. This portion of Olaa Reservation Lots is serviced by Ala Loop Road, a County-maintained roadway having a pavement width of only 12 feet within a 50-foot wide right-of-way. The increase in traffic along this substandard roadway generated by the proposed church use would adversely affect surrounding property owners

by attracting traffic along a roadway in which the existing pavement width is not sufficient to accommodate two-way traffic. The Commission would be remiss in its duties were it to approve such a use which would attract traffic along such inadequate, and possibly hazardous, roadways. The narrow and winding nature of Ala Loop Road and the frequent nightly meetings to be held at the church only add to the concerns regarding the adequacy of Ala Loop Road. The State Department of Transportation has indicated that access to the subject property directly from the Volcano Highway will not be permitted. This access restriction is further enforced by a 10-foot wide planting screen easement located along the property's entire Volcano Highway frontage. Therefore, approval of the Special Permit application would not be in balance with the physical environment of this portion of Puna.

The desired use will unreasonably burden public agencies to provide roadway and safety protection improvements. As in previous applications for similar types of uses, applicants were required to provide necessary roadway improvements to ensure a minimum pavement width which would accommodate two-way traffic. As discussed above, the existing condition of Ala Loop Road cannot support the proposed church use. To require the applicant to widen Ala Loop Road over its 4,000-foot-plus length would be financially prohibitive and unreasonable. Approval of the proposed use, and the potential for similar uses along these types of substandard roadways, would create hazardous conditions which the County must recognize and resolve, thereby burdening governmental agencies to address such problems in a reactive, and not pro-active, manner. The Puna District has many miles of substandard roadways which are unable to accommodate the existing traffic levels upon them. It would not be in the best interest of the County to support an intensification of land use in areas unable to cope with such uses.

This denial recommendation is also based on the potential cumulative impact of similar requests along this substandard roadway should this Special Permit be approved. The proliferation of non-residential/agricultural uses along the substandard Ala Loop Road would eliminate planning options available to the County to ensure the safety and well-being of its residents and the general public. The Commission has been consistent in its efforts to ensure that uses approved through the issuance of a Special Permit are provided with basic facilities and services to accommodate the approved use. Should this policy direction be abandoned with the approval of this request, similar requests along Ala Loop Road or other substandard roadways must be favorably considered, irregardless of the cumulative impacts a concentration of such traffic-generating developments may have on substandard roadways. Such action could adversely affect lands county-wide and frustrate the County's efforts to manage such urban-types of growth to ensure adequate public facilities and services for all. With the discussion above, approval of the request would be in direct conflict with a goal 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" while maintaining a policy to ". . . encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

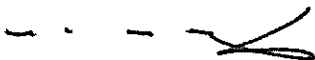
Based on the above considerations, it is determined that the establishment of a church meeting hall at this particular location would not promote the effectiveness and objectives of the State Land Use Law. It is, therefore, decided that this Special Permit application be denied.

Greg Lee, Trustee
Mountain View Congregation of
Jehovah's Witnesses
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As stated in Rule 6-9, "The Planning Commission's decision is appealable to the Third Circuit Court."

Should you have any questions on this matter, please feel free to contact Alice Kawaha of the Planning Department at 961-8288.

Sincerely,



Wilton K. Wong, Chairman
Planning Commission

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cc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
State Land Use Commission
Department of Public Works
Department of Water Supply
Corporation Counsel
Plan Approval Section
Mr. Ricky Kamimura/Mr. Nathan Wong