

Stephen K. Yamashiro
Mayor

County of Hawaii

PLANNING COMMISSION

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CERTIFIED MAIL
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October 25, 1995

Mountain View Congregation of
Jehovah's Witnesses
c/o Gregory S. L. Lee, Trustee
260 Kaiulani Street
Hilo, HI 96720

Dear Mr. Lee:

Special Permit Application No. 95-15
Applicant: Mountain View Congregation of Jehovah's Witnesses
Request: Establish a Church and Related Improvements
Tax Map Key: 1-7-21:24

The Planning Commission at its duly held public hearing on October 11, 1995, voted to approve the above-referenced application. Special Permit No. 916 is hereby issued to allow the establishment of a church meeting facility, parking area and related improvements on approximately 1.032 acres of land situated within the State Land Use Agricultural District. The property is located to the west and on the northeastern corner of Volcano Road and Ahuahu Place, approximately 1/4 mile north of Kukui Camp Road, Hawaiiiki Subdivision, Olaa Reservation Lots, 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 for those uses to which they are best suited in the interest of the public 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 subject property, although classified as Agricultural by the State Land Use Commission, has a soil rating of "D" or "Poor." It is also located in an area with soils classified as the Ohia series. These soils are generally used for sugarcane, woodland and pasture. The subject property is presently vacant and not being actively used for agricultural purposes. Therefore, the proposed development would 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. Surrounding uses include mainly single family residential uses. The one-acre property should be sufficient in size to accommodate the proposed 4,500 square foot facility. The applicant has

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informed that the facility will be fully enclosed and air conditioned so as to contain sound. According to the site plan, the structure is proposed to be built approximately in the center of the parcel, with parking areas surrounding the building and property borders. Proposed setbacks are greater than those required for development on a one-acre parcel zoned Agricultural. Landscaping buffers of trees, groundcover and other indigenous plants are also proposed for all property borders. To alleviate any further adverse impacts to surrounding properties and residences, additional setbacks or landscaping may be required along property boundaries adjacent to existing residences. This requirement will be reviewed during Final Plan Approval.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection. Access to the subject property is from the Volcano Highway onto Ahuahu Place, a County roadway having a pavement width of 20 feet with 8-foot grassed shoulders within a 50-foot right-of-way. The State Department of Transportation-Highways Division requires a 10-foot wide no-access planting-screen easement along the Volcano Highway frontage. The Department of Public Works recommends that the grassed shoulders and swale area fronting the subject property be maintained by the applicant in addition to refurbishing the existing stop bar and centerline striping. These recommendations will be included as conditions of approval. Agencies reviewing the request had no objections to the proposed request.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The Puna District has been one of the largest growth areas on the island. The County of Hawaii Data Book 1994, shows a population of 11,751 in 1980 and a population of 20,781 in 1990. This is an approximate 76 percent increase in ten years. Allowing for the development of churches in this district would help meet the spiritual and social needs of the expanding population in this area. The Special Permit in the Agricultural districts and Use Permit in the Urban Districts would be the appropriate vehicles for establishing churches in needed areas.

The use will not substantially alter or change the essential character of the land and the present use. The subject property is vacant, and the character of the land would be changed and developed. However, the applicant proposes to construct a single story structure that is simple and aesthetically pleasing. The grounds will also be professionally landscaped around all property borders. Each week a small group of members would be assigned to maintain the inside and outside of the property. A quarterly general clean-up is also scheduled for painting, repairs, carpet cleaning, etc.

The lands upon which the proposed use is sought is not unsuitable for the uses permitted in the district, however, the proposed uses will not interfere with permitted uses. The subject site is vacant and no agricultural activity will be diminished.

The proposed use is consistent with the following goals, policies and standards of the General Plan. The proposed request would complement and be consistent with the Land Use Element of the General Plan:

- * Designate and allocate land uses in appropriate proportions 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.

In addition, the subject parcel falls within an area designated as Low Density Urban on the General Plan LUPAG Map, which would allow for such uses as churches.

Electricity, water, wastewater disposal facilities and other essential services are or will be made available for the church and related improvements.

Based on the above considerations, the request to establish a church and related improvements would be an unusual and reasonable use of land within the State Land Use Agricultural District, which would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the 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 and 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 this permit.
3. Final plan approval for the church and related improvements shall be secured from the Planning Department. Plans shall identify existing and proposed structures, fire protection measures, paved driveway and paved parking stalls (asphalt or asphalt-concrete), and landscaping associated with the proposed uses. Parking for all functions shall be maintained on the subject property and comply with the requirements of Chapter 25 (Zoning Code). Detailed landscaping plans shall include landscaping buffers along all sides of the project. Plans shall also indicate the 10-foot wide no-access planting-screen easement along the Volcano Highway frontage of the subject property.
4. Construction of the proposed church and related improvements shall be completed within five (5) years from the effective date of the permit.
5. The applicant shall maintain the grassed shoulders and swale area fronting the subject property. In addition, the existing stop bar and centerline striping on Ahuahu Place shall be refurbished meeting with the requirements of the Department of Public Works.
6. Expansions which increase the seating capacity of the proposed church shall be submitted to the Planning Commission as an amendment to this Special Permit.
7. Preschool or day-care activities shall not be permitted.

8. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease, and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
9. Upon compliance with all conditions of approval and in conjunction with the application for a certificate of occupancy, and prior to the opening of the church, the applicant shall submit a final status report, in writing, to the Planning Director.
10. An extension of time for the performance of conditions of the permit may be granted by the Planning Director upon the following circumstances:
 - A. 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 the Zoning Code.
 - C. Granting of the extension would not be contrary to the original reasons for the granting of the permit.
 - 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).

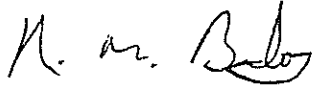
Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

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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Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Vice Chairman
Planning Commission

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cc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources
Plan Approval Section
Mr. Ricky Kamimura/Mr. Nathan Wong