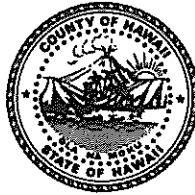


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 095 323 274

January 25, 1996

Danette Vanessa Choi Llobet-Serra
Revocable Living Trust
1294 Kalani-iki Street
Honolulu, HI 96821

Gentlemen:

Special Permit Application No. 95-16
Applicant: Danette Vanessa Choi Llobet-Serra Revocable Living Trust
Request: Establish a Temple and Religious Retreat
Tax Map Key: 1-8-7:74

The Planning Commission at its duly held public hearing on January 11, 1996, voted to approve the above-referenced application. Special Permit No. 919 is hereby issued to allow the establishment of a temple and religious retreat on approximately 4.50 acres of land situated within the State Land Use Agricultural District. The property is located on the north side of Mauna Kea Drive, approximately 5,000 feet from its intersection with the Volcano Highway at Olaa Reservation Lots, Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The granting of this special permit will promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law Rules 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 districts, 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 soils within the project site are classified "C" or Fair by the Land Study Bureau for agricultural productivity and classified as "Other Important Agricultural Land" according to the ALISH map system. The subject property is approximately 31.6 acres in size. There presently is a single family dwelling located on the front half of the subject property with approximately 3 acres of the parcel being used for commercial production of cabbage, beets, carrots and daikon and 5 acres used as pasture. The applicant proposes to establish a temple and religious retreat on 4.5 acres of the subject property to allow for seminars and retreats conducted by Ms. Danette Llobet-Serra, a master

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teacher and pioneer of the philosophy of "Social Buddhism." The temple would be a two-story 4,280-square foot building located in the northwestern portion of the property. The applicant also proposes to construct a dormitory to accommodate attendees of the retreat facility. Activities would consist of meetings and seminars for up to 60 participants which will run 2-3 weeks in length, and occur on a quarterly basis. Other small groups of up to 20 people would be allowed to use the temple facilities between Ms. Llobet-Serra's seminars. The remaining acreage surrounding the temple complex will be cultivated with organically-grown vegetables and fruit trees. Based on the proposal to establish the temple on a 4.5 acre portion of the 31.6 acre lot and the applicant's proposal to continue agricultural activity on the subject property, this request will not displace a significant amount of land from agricultural activity nor diminish the agricultural potential of the area. Therefore, the request would not be contrary to the objectives of the State Land Use Law for the Agricultural District.

The proposed use is not contrary to the General Plan. The County General Plan Land Use Pattern Allocation Guide Map (LUPAG) designates this area for Intensive Agricultural. The applicant plans to continue agricultural activity on the subject property and establish the retreat center on approximately 4.5 acres of land.

The proposed use is consistent with the following goals, policies and standards of the General Plan:

Land Use Element

- * Designate and allocate land areas 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.

Economic Element

- * Economic development and improvements shall be in balance with the physical and social environments of the island of Hawaii.
- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.

The proposed use will not have any significant adverse effects on the surrounding properties. The subject property is a large square-shaped lot of approximately 31.6 acres in size. There are single family dwellings located fronting the subject property and adjacent. However, no adjacent property owners have expressed opposition to the proposed development. Aloha Estates Subdivision is located to the south of the subject parcel on the opposite side of Mauna Kea Drive. This subdivision consists of approximately 1,850 lots, with parcels ranging in size from approximately 10,000 to 15,000-square foot lots. The Aloha Estates Subdivision, originally opposed the request, has subsequently agreed to accept revised road improvements to widen Mauna Kea Road to 20 feet. Discussion regarding this

matter will follow. Surrounding development in the immediate area is rather sparse. Due to the size of the lots and the nature of the proposed development, the proposed use is not anticipated to have significant adverse impacts to surrounding properties. To minimize any dust or noise impacts due to an increase in traffic, it is recommended that the on-site driveway and parking areas be paved (chipseal, asphalt or asphalt-concrete). An existing landscaping buffer shall also be maintained to minimize noise and visual impacts to surrounding properties, with additional landscaping, as needed, to be determined during Plan Approval review. Also, to minimize impacts to surrounding properties, a condition of approval shall require that the proposed dormitory facilities shall accommodate no more than 60 guests.

The proposed use will not substantially alter or change the essential character of the land and the present use. The subject property is presently be used to farm cabbage, beets, carrots and daikon. Agricultural activity will continue to take place on the property. Although the development on 4.5 acres of the property will change the character of the land, due to the size of the property, agricultural activity can still take place. The applicant proposes not to disturb the natural perimeter buffer that exists.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection. Water will be by a private catchment system. The Department of Health will regulate drinking water requirements. Other essential utilities and services are or will be made available to the site. Access to the subject property is from the Volcano Highway onto Mauna Kea Drive. Based on concerns expressed and discussions held with the community and the Aloha Estates Association in regards to existing roadway conditions, increase in traffic and safety of children, the applicant proposes to make the following improvements. The applicant proposes to improve Mauna Kea Drive for approximately the first 2,000 feet (to the sixth cross street) from a 9-foot wide road to a 20-foot wide asphalt-paved road. Also, the balance of Mauna Kea Road up to the project entrance, is proposed to be improved to a minimum width of 16-feet wide. Aggregate would be utilized to improve the existing rutted and potholed roadway to accommodate passenger vehicles. Roadway improvements are proposed for the portions of the road that are within the 30-foot right-of-way government road with existing drainage considerations to be incorporated. These improvements shall be included as conditions of approval. All roadway improvements up to and fronting the entire subject property shall be installed prior to the opening of the temple and retreat facility. To address the issue of road maintenance, the applicant proposes to form an incorporated association that will establish a road maintenance fund. The fund will be established with an annual budget of \$3,000, with a proportionate amount of \$1,200 to be designated for the maintenance and repair of the paved section. All residents utilizing Mauna Kea Drive will be permitted to join; however, all contributions to the fund will be voluntary except by the applicant. These roadway improvements and the creation of a road maintenance fund by the applicant should help to minimize any adverse impacts that may be generated by the increase in traffic along Mauna Kea Drive. The applicant is encouraged to provide shuttle transportation, when possible, to minimize the increase in traffic along Mauna Kea Drive. Finally, agencies reviewing the request expressed no opposition to the proposal.

The land on which the proposed use is sought is unsuited for the uses permitted within the district. The property is suitable for agricultural activities and will be continue to be used for such. A significant amount of land will not be removed from agricultural use.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The applicant proposes to establish a temple and retreat facility on portions of the subject property. The temple and retreat facility as proposed, can more appropriately be accommodated in rural and remote areas where the serene and peaceful environment would nurture the meditation, chanting and prayer components of Ms. Llobet-Serra's teachings. The proposed development is consistent with the social and physical character of a rural-agricultural area. In addition, the Special Permit process is the appropriate means to allow for and establish such a use.

The proposed use will not have an adverse effect on archaeological resources or flora and fauna resources within the area. The parcel has previously been cleared by other commercial agricultural interests. A condition of approval is included to require work to cease if any unidentified sites or remains are discovered.

Based on the above considerations, the establishment of a temple and retreat facility is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall be responsible for complying with all of the 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 approval of this permit.
3. Construction of the temple and related improvements shall be completed within five (5) years. Prior to the start of construction, Final Plan Approval for any proposed development shall be secured from the Planning Director. Plans shall identify proposed structures, paved (asphaltic-concrete, concrete or chip-seal) parking areas and/or driveway, landscaping and fire protection measures associated with the proposed use.
4. Mauna Kea Drive shall be paved (asphalt or asphalt-concrete) to a width of 20 feet up to and including the intersection of the sixth cross street. Existing drainage conditions shall be considered and shoulders shall be made as wide as possible.
5. The remaining section of Mauna Kea Drive up to the entire property frontage shall be improved to a width of 16 feet, with drainage considerations. Aggregate shall be utilized to improve sections of the rutted and potholed roadway.

6. All roadway improvements shall be made within the 30-foot wide right-of-way depicted as the government road and completed prior to the opening of the temple facility.
7. An incorporated association shall be formed for the purpose of maintaining Mauna Kea Road from the intersection of Volcano Highway to and along the entire frontage of the subject property. The Association shall establish a road maintenance fund with an annual budget of \$3,000, with a proportionate amount of \$1,200 designated for maintenance and repair of the paved section of Mauna Kea Drive. The Association and Road Maintenance Fund documents shall be submitted for review during Plan Approval Review, with final recorded documents with the Bureau of Conveyances submitted to the Planning Director prior to the opening of the temple.
8. The dormitory shall accommodate no more than 60 guests.
9. The applicant, through the newly formed Association, shall inform area residents of the dates and duration of the proposed seminars no less than two weeks prior to seminars taking place.
10. The hours of temple operation shall be from 6:00 a.m. to 8:00 p.m. daily.
11. 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 sufficient mitigated measures have been taken.
12. A final status report shall be submitted to the Planning Director upon compliance with all conditions of approval and prior to the opening of the temple.
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) 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).

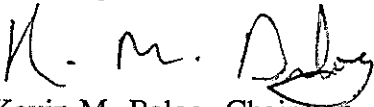
Danette Vanessa Choi Llobet-Serra
Revocable Living Trust
Page 6
January 25, 1996

14. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke this 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 feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

AK:syw

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cc: Honorable Stephen K. Yamashiro, Mayor
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources
Reid & Associates Inc.
Steven S. C. Lim, Esq.
Mr. Eugene Lee/Aloha Estates Association