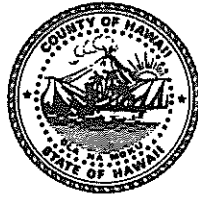


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL  
Z 095 323 292

February 16, 1996

Pastor Larry Gillis  
International Church of the FourSquare Gospel  
aka New Hope Christian Fellowship  
P.O. Box 835  
Kamuela, HI 96743

Dear Pastor Gillis:

Special Permit Application No. 95-21  
Applicant: International Church of the FourSquare Gospel  
Request: Establish a Church and Support Facilities and Related Improvements  
Tax Map Key: 6-2-5:31

The Planning Commission at its duly held public hearing on February 1, 1996, voted to approve the above-referenced application. Special Permit No. 923 is hereby issued to allow the establishment of a church, support facilities and related improvements on approximately 4.00 acres of land situated within the State Land Use Agricultural District. The subject property is located along the north side of Kawaihae-Waimea Road and across the Kamuela Plantation Subdivision at Ouli, Waimea, South Kohala, Hawaii.

Approval of this request is based on the following:

Such use is not contrary to the objectives sought to be accomplished by the land use law and regulations. 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 project will be located within an area whose soils are classified as "E" of "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and unclassified by the Department of Agriculture's ALISH map.

In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

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The subject property is situated within the County's Agricultural-3 acres zoned district. The proposed church would be situated on a 4.000 acre parcel of land. The proposed use will not take significant lands out of the agricultural inventory for this area and will not significantly affect the agricultural resource of the area. The proposed use will be confined to the subject property which is presently being quarried and no additional surrounding lands are to be developed. In addition, no active agricultural lands will be taken out of production to provide the area necessary to establish this use.

The approval of the subject request would not be contrary to the objectives of the State Land Use Law Rules and Regulations given the above-referenced subject conditions. The proposed use would not displace agricultural activity nor diminish the agricultural potential of the area since this parcel has not been in agricultural use in years. The desired use will not adversely affect the surrounding properties. The subject property is currently vacant. The property to the north is used by Parker Ranch for seasonal cattle grazing. Lands to the east and west are vacant. Lands to the south are zoned Agricultural-3 acre. The closest residence is located approximately 350 feet from the applicant's boundary line. The property is of sufficient size to allow for adequate setbacks and buffers in minimizing any physical, social or other impacts that this church use may have on the area. To minimize any visual or noise impacts to surrounding property owners, additional landscaping may be required during Plan Approval review.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, police and fire protection. The site is currently served by water, telephone and electrical utilities. The traffic to be generated by the proposed church use is minimal and at times of the day that are not considered peak hour traffic volumes. Under the current membership of approximately 150 people, the amount of cars for Sunday services range from 43 to 50. The Monday through Friday operations may involve a maximum of six (6) office staff. Monday through Friday bible sessions draw about 10 to 12 people from 7:00 p.m. to 9:00 p.m. The only traffic entering or existing during peak traffic hours on the Kawaihae-Waimea Road may be the six (6) office employees leaving at 5:00 p.m. To ensure traffic safety, a Sight Distance Study shall be submitted to the Department of Transportation meeting with their approval, with a copy to the Planning Director. Also no preschool or related activities shall be permitted on the subject property. To address safety concerns, the applicant shall be required to install street lights meeting with the requirements of the Department of Transportation. The applicant shall meet all applicable agency requirements of the Departments of Transportation, Health and Public Works, and the Fire Department prior to the establishment of the proposed use.

The land upon which the proposed use is sought is unsuitable for the uses permitted within the district. The soils within the project area are unsuitable for many types of agriculture uses and have not been used as such. Due to the physical characteristics and size of the property, agricultural endeavors have not been promoted. The nature of the request is to allow for the permanent establishment of a church.

The use will not substantially alter or change the essential character of the land and the present use. The proposed use will alter the character of the land, yet will not substantially change the character of the land. The general contours of the land will be preserved as the applicant desires to construct the facility on the more level sections of the

property. The building foot print area is set back from the highway by approximately 110 feet. Highway users will be able to view the improvements when heading down to Kawaihae. Additionally, the structure will be visible from a distance heading towards Waimea. However, as the highway users approach the immediate vicinity of the parcel, from the west, the facility will not be visible because of the extremely steep slope of the land and because the facility will only be one story. The applicant anticipates preserving the existing Ironwood trees on site. The use is proposed to be developed in harmony with the existing rural character of the neighborhood.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The rapid residential growth experienced in Kawaihae-Waimea area has increased in the past several years, resulting in an increase in the need for the development of a religious facility. The presently serves many young people by providing constructive opportunities for learning in a safe, drug free environment. To meet this demand, the applicant is seeking to establish a church on the subject 4.0 acre parcel. The applicant has a proven track record for assisting members in a wide variety of social and religious aspects that have resulted in more stable families. The removal of 4.000 acres of land from the agricultural inventory will not have a detrimental impact on the agricultural resources of the area or the County of Hawaii.

The request is not contrary to the General Plan. The subject request is not contrary to the General Plan LUPAG map, which designates the property for Agricultural uses. The request would also support the General Plan's goals and policies of the Economic, Public Utilities, Land Use (Agricultural) elements of the General Plan.

Applicable agencies reviewing the request had no objections to the proposal.

Based on the above considerations, the proposed Church 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 and Regulations. The Planning Director recommends approval of this request subject to the following conditions:

Approval of this request is subject to the following conditions:

1. The applicant, its successor 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 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. The church use and related activities shall be completed within five (5) years. Prior to commencing construction, Final Plan Approval for the church use shall be secured from the Planning Department. Plans shall identify structures and parking associated with the proposed church, including landscaping where appropriate. All future

- related uses and structures shall be required to secure Final Plan Approval from the Planning Director.
4. A Sight Distance Study shall be submitted for review and approval by the Department of Transportation, with a copy submitted to the Planning Director prior to securing Final Plan Approval.
  5. Driveway access(es) shall be constructed in accordance with Department of Transportation requirements.
  6. Driveway access for ingress and egress to the development shall be established in a mauka location meeting with the approval of the Department of Transportation.
  7. A landscaping buffer shall be established along the entire Kawaihae-Waimea Road frontage of the subject property.
  8. Street lights shall be installed in accordance with the Department of Transportation requirements.
  9. Preschool or day care activities shall not be permitted on the subject property.
  10. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving, or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
  11. An initial 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 applicants, 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.
    - 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).
  12. 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.

Pastor Larry Gillis  
International Church of the FourSquare Gospel  
Page 5  
February 16, 1996

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,



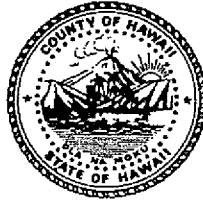
Kevin M. Balog, Chairman  
Planning Commission

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  
West Hawaii Office  
State Land Use Commission  
Department of Land & Natural Resources  
Dr. John W. Bowers

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William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

## County of Hawai'i

### PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

August 5, 2010

Mr. Gregory R. Mooers  
P.O. Box 1101  
Kamuela, HI 96743

Dear Mr. Mooers:

Special Permit Application (SPP 923)  
Tax Map Key: 6-2-005:031

We acknowledge your letter to us dated July 19, 2010, requesting the formal withdrawal of Special Permit No. 923 and also correct our response to you dated July 20, 2010, which stated that we acknowledged your request for the *revocation* of said special permit.

Special Permit No. 923 for the above-referenced parcel is hereby withdrawn.

Should you have questions concerning the above, please contact Maija Cottle of this department at 961-8288, x8159.

Sincerely,

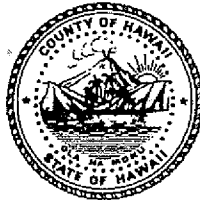


BJ LEITHEAD TODD  
Planning Director

Lhanneken02syhf

cc: Planning Department – Kona  
SPP No. 10-000105 (Jeffrey Hanneken)  
Mr. Jeffrey Hanneken

William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

## County of Hawai'i

### PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

July 20, 2010

Mr. Gregory R. Mooers  
P.O. Box 1101  
Kamuela, HI 96743

Dear Mr. Mooers:

Special Permit Application (SPP 10-000105)

Applicant: Jeffrey Hanneken

Request: Operate a Ranch Fencing Business on a 0.7-Acre Portion of  
A 4-Acre Parcel

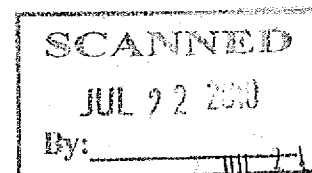
Tax Map Key: 6-2-005:031

This is to acknowledge receipt of the above-captioned Special Permit Application on July 19, 2010. Enclosed is a receipt for the filing fee. We also acknowledge your letter dated July 19, 2010, requesting the revocation of SPP 923 for the subject parcel.

Please be informed, that in accordance with the Planning Commission's Rule 4. Contested Case Procedure, within ten (10) days after filing an application with the Planning Commission, you are required to serve notice of your application on surrounding property owners and lessees of record within 500 feet of the perimeter boundary of the building site, as required in the Hawai'i County Zoning Code, Section 25-2-4.

In addition, upon notice by our department that the hearing date has been set, you are again required to notify all owners and lessees of record within 500 feet of the perimeter boundary of the building site. This second notice shall be served within ten (10) days after receiving notice from the director of the date of the scheduled hearing but not less than ten (10) days prior to the date of the scheduled hearing.

Both notices shall include the following information:



July 20, 2010

1. Name of the applicant;
2. Precise location of the property involved, including tax map key identification, location map and/or site plan;
3. Nature of the application and the proposed use of the property;
4. Date on which the application was filed with the director or the commission;
5. Inform the landowner or lessee that they have a right to submit a written request for a contested case procedure. Should they seek to intervene as a party, they shall file a written request on the form, "Petition for Standing in Contested Case Hearing." This form shall be included in both notices to the landowners and lessees. The request shall be filed with the Planning Commission at 101 Pauahi Street, Suite 3, Hilo, Hawai'i 96720; and accompanied by a filing fee of \$200 payable to the Director of Finance. The required information shall be submitted no later than seven (7) calendar days, prior to the Commission's first scheduled public hearing to consider the application;
6. Inform the landowner or lessee that should they choose not to submit a written request for a contested case procedure, they may express their support/opposition in writing or by oral testimony at the Planning Commission public hearing to be scheduled;
7. Date, time and place that the public hearing will be held to consider the application (include in second notice); and
8. Contact name and phone number should there be any questions.

Please inform the owner that the application is available at the Planning Department for public review.

Prior to the date of the hearing, the applicant is required to file with the Commission certified mail receipts, affidavits, declarations or other similar proof of mailing of both notices.

Please also be advised that in accordance with Chapter 25 (Zoning Code), Article 2, Division 1, Section 25-2-12, Hawai'i County Code 1983 (2005 Edition) and/or Planning Commission Rules of Practice and Procedure, within ten (10) days of being notified of the acceptance of an application, the applicant shall post a sign on the subject property notifying the public of the following:

1. The nature of the application;
2. The proposed use of the property;
3. The size of the property;



Mr. Gregory R. Mooers

Page 3

July 20, 2010

4. The tax map key(s) of the property;
5. That the public may contact the Planning Department for additional information;  
and
6. The address and telephone number of the Planning Department.

The sign shall be not less than nine square feet and not more than twelve square feet in area, with letters not less than one inch high. No pictures, drawings, or promotional materials shall be permitted on the sign.

The sign shall be posted at or near the property boundary adjacent to a public road bordering the property and shall be readable from said public road. If more than one public road borders the property, the applicant shall post the sign to be visible from the more heavily traveled public road.

The sign shall, in all other respects, be in compliance with Chapter 3 (Signs), Hawai'i County Code 1983 (2005 edition).


The applicant shall file an affidavit with the Planning Department not more than five (5) days after posting the sign stating that a sign has been posted, and that the applicant will not remove the sign until the application has been granted, denied, or withdrawn. A photograph of the sign in place shall accompany the affidavit.

The sign shall remain posted until the application has been granted, denied, or withdrawn. The applicant shall remove the sign promptly after such action.

According to Planning Commission Rule 6 (Special Permits), the Commission shall conduct a public hearing on the request within a period of 90 days from the date of receipt of a properly filed application. The Commission shall act upon the application within thirty days after the close of the hearing or within a longer period as may be agreed upon by the applicant.

We will notify you as to the date of the hearing as soon as it has been determined. Should you have any questions regarding the above, please do not hesitate to contact Maija Cottle of this department at 961-8288.

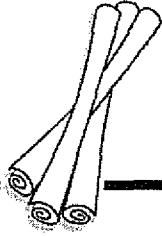
Sincerely,

  
BJ LEITHEAD TODD  
Planning Director

Lhanneken01syhf

Enclosure

cc: Planning Department – Kona  
Mr. Jeffrey Hanneken  
Mr. Gilbert Bailado



**M**OOERS  
**E**NTERPRISES, LLC  
*Land Use Alternatives*

PLANNING DEPARTMENT  
COUNTY OF HAWAII  
Post Office Box 1101  
Kamuela, Hawaii 96743  
Phone (808) 880-1455  
Fax (808) 880-1456  
mooers@hawaii.rr.com  
2010 JUL 20 PM 2:21

July 19, 2010

Ms. Leithead Todd  
Director  
Planning Department  
County of Hawaii  
101 Pauahi Street, Suite3  
Hilo, Hawaii 96720

**Re: Special Permit Application**  
**Applicant: Jeffrey D. Hanneken**  
**Request: Operation of a Ranch Fencing Business in the Agricultural District**  
**Tax Map Key: 6-2-005:031**  
**Waimea, South Kohala, Hawaii**

Dear Ms. Leithead Todd:

Your staff has informed us that there was a previous Special Permit application still pending on the subject property for a church filed by the previous owner, The International Church of the Foursquare Gospel. We are not interested in pursuing that permit and as the current owners ask that you consider this letter as a formal withdrawal of that application (SPP 923).

Should you or your staff require any additional information, please contact me directly. Thank you for your prompt review of this application.

Sincerely,

Gregory R. Mooers  
President

GRM:jj

