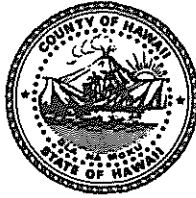


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 095 323 276

January 25, 1996

Pastor Alexander J. Pacheco
New Hope Christian Fellowship - Puna
P.O. Box 2082
Pahoa, HI 96778

Dear Pastor Pacheco:

Special Permit Application (SPP 95-29)
Applicant: New Hope Christian Fellowship - Puna
Request: Establish Church and Related Facilities (Phases I, II and III)
Tax Map Key: 1-5-4:Portion of 5

The Planning Commission at its duly held public hearing on January 11, 1996, voted to approve the above-referenced application. Special Permit No. 922 is hereby issued to allow the establishment of a church and related facilities on approximately 10 acres of land situated within the State Land Use Agricultural District. The property is located along the makai side of the Pahoa-Kapoho Road, approximately 300 feet east of the Pahoa-Kapoho Road and Pahoa Bypass intersection at Nanawale Homesteads, Pahoa, 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 property was previously in sugarcane cultivation by the Puna Sugar Company, Limited several years ago. However, the property is presently vacant and has not been actively used for agricultural purposes. The property has a soil rating of "D" or "Poor" as classified by the Land Study Bureau for agricultural productivity and is not classified by the ALISH Map. It is also located in an area with soils classified as the Olaa series. These soils are generally used for sugarcane. Therefore, the proposed church facilities and related improvements which consist of a sanctuary building, a classroom/office building, a sound proofed music recording studio, a gazebo, a multi-purpose building and parking areas to accommodate approximately 300

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Pastor Alexander J. Pacheco
New Hope Christian Fellowship - Puna
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vehicles 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 vacant lands and scattered single family residential uses and agricultural uses. According to the site plan, the structures are proposed to be built closer to the Homestead Road. Proposed structural setbacks for the sound proofed music studio is approximately 40 feet and the multi-purpose building is approximately 160 feet from the east property border nearest existing residences. Landscaping buffers of trees, groundcover and other indigenous plants will be included as condition of approval to alleviate any adverse impacts to surrounding properties and residences. This requirement will be reviewed during Final Plan Approval.

The proposed 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 property will be from the Pahoia-Kapoho Road onto the Homestead Road. The applicant proposes to pave and widen the Homestead Road to 16 feet. However, according to the Fire Department, an unobstructed width of a fire apparatus access road shall not be less than 20 feet. Therefore, the applicant would be required to meet Fire Department's requirements. The Department of Public Works (DPW) has stated that the County does not own nor maintain the Homestead Road. However, DPW recommends that the Homestead Road be improved to its non-dedicable standards from Pahoia-Kapoho Road to the last driveway of the proposed development. Further, the applicant shall be responsible for the maintenance of the Homestead Road and provide a Deed Covenant disclosure to relieve the County of Hawaii harmless from all liabilities. DPW also recommends the installation of streetlights/signs/pavement markings at entrances, exits and at interior roadways. These recommendations will be included as conditions of approval.

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

The proposed use will not substantially alter or change the essential character of the land and the present use. The property is vacant and has not been used for any agricultural activities for several years. The character of the land would be changed and developed by the proposed use. Although, the granting of the proposed use would establish non-agricultural uses on the property, the proposed use would meet the needs of the existing community by providing social and religious support services for the area.

The proposed 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, which would allow for such uses as churches. The proposed request is consistent with the following goals, policies and standards of 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.

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

Based on the above considerations, the request to establish the church facilities and related improvements which consist of a sanctuary building, a classroom/office building, a sound proofed music recording studio, a gazebo, a multi-purpose building and parking areas to accommodate approximately 300 vehicles 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. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this permit.
4. A metes and bounds description of the 10 acre area for the proposed development in written and map form shall be submitted to the Planning Department within one year from the effective date of this permit.
5. Construction of the proposed Phase I, II and III church facilities and related improvements shall be completed and all certificates of occupancy issued within fifteen (15) years from the effective date of this permit. This time period shall include the securing of Final Plan Approval for the church and related improvements 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 the property boundaries.

6. The Homestead Road shall be improved to non-dedicable standards from Pahoa-Kapoho Road to the last driveway of the subject area, meeting the requirements of Department of Public Works. The applicant, successors or assigns shall be responsible for the maintenance of that portion of the Homestead Road and provide a Deed Covenant disclosure to relieve the County of Hawaii harmless from all liabilities. A copy of the proposed covenant to be recorded with the Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the granting of Final Plan Approval. A copy of the approved covenant shall be recited in an instrument executed by the applicant and the County and recorded with the Bureau of Conveyances prior to the issuance of any Building Permits.
7. Access connections to the Pahoa-Kapoho Road and installation of streetlights/signs/pavement markings at entrances, exits and at interior roadways shall meet the requirements of the Department of Public Works.
8. Fire protection standards shall be provided meeting the requirements of the Fire Department.
9. Preschool or day-care activities shall not be permitted.
10. The proposed project shall be completed in substantial compliance with the representations made before the Planning Commission. Any expansion to the proposed request or phases shall be submitted to the Planning Commission as an amendment to this Special Permit.
11. A status report shall be submitted, in writing to the Planning Director, every three (3) years from the effective date of this permit.
12. 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 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).

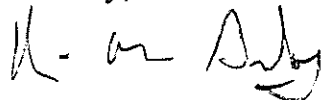
Pastor Alexander J. Pacheco
New Hope Christian Fellowship - Puna
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Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

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 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

LNewHo01.PC

cc: Honorable Stephen K. Yamashiro, Mayor
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Fire Department
Mr. Gregory Trifonovitch



SPP 95-000029

County of Hawai'i

PLANNING COMMISSION

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

October 20, 2008

Ms. Colliene Armitage
New Hope Christian Fellowship – Puna
P.O. Box 2082
Pahoa, HI 96778

Dear Ms. Armitage:

Special Permit (SPP 922)

Applicant: New Hope Christian Fellowship - Puna

Request: Amendment to SPP No. 922 to Allow Preschool and/or Day Care
Activities and Delete Condition 9

Tax Map Key: 1-5-4:5

The Planning Commission at its duly held public hearing on October 3, 2008, voted to approve the above-referenced request for an amendment to allow pre-school and/or day care activities, deletion of Condition No. 9 (prohibition of pre-school and day care activities) and related conditions of Special Permit No. 922, which allowed the establishment of a church and related facilities on approximately 10 acres of land situated within the State Land Use Agricultural District. The property is located along the north side of Highway 132 (Pahoa-Kapoho Road), approximately 300 feet east of the Highway 132 and Highway 130 intersection, Nanawale Homesteads, Pahoa, Puna, Hawaii.

Approval of this request is based on the following:

The applicant requests an amendment to Special Permit No. 922; specifically, to delete Condition No. 9, which prohibits a preschool or day care activities on the site. Special Permit No. 922 was approved by the Planning Commission on January 25, 1996 for the establishment of a church and related facilities. The deletion of the condition would allow the applicant to provide a central location for the Tutu and Me Traveling Preschool on the property. The preschool, which currently meets at the Keonepoko Elementary School in Hawaiian Beaches, requests the use of the New Hope Church facilities on Tuesdays and Thursdays from 7:45 a.m. -11:00 a.m., 40 weeks a year.

SCANNED

OCT 24 2008

By: 

Hawai'i County is an Equal Opportunity Provider and Employer

OCT 20 2008

Currently, four staff members facilitate the preschool program, with approximately 52 children in attendance. The applicant states, “we are simply interested in allowing the Tutu and Me Traveling Preschool to use the New Hope Puna facilities as a ministry of the church to assist the people of our community and minister to the needs of the lower Puna area.”

Approval of this request would not be contrary to the General Plan or the Zoning Code or the original reasons for granting the Special Permit. The project site will continue to be used for church activities, as proposed in the original request. The property is located on lands designated State Land Use Agricultural and zoned A-5a. The General Plan LUPAG Map designates the property as Urban Expansion and Low Density Urban. Soils on the property are unclassified by the ALISH map, and the Land Study Bureau's Soil Rating for the property is "C" or "Fair" for agricultural activity.

Approval of this request would not be contrary to the original reasons for granting the Special Permit. No active agricultural lands will be taken out of production for the use of the church site for preschool activities. Pre-school activities will take place within an existing covered pavilion on the property. The property is of sufficient size to minimize any physical, social, or other impacts that this proposed new use may have on surrounding properties. The preschool will not interfere with existing church services, as it will operate during morning hours on Tuesdays and Thursdays, and church worship services will continue to be conducted on Sunday mornings and Wednesday evenings. The applicant will still be required to comply with all other existing conditions within Special Permit No. 922.

Based on the above, the request to amend Special Permit No. 922 would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations or the original reasons for approving this permit. The Planning Director recommends that Condition No. 9 of Special Permit No. 922 be deleted, with additional conditions for the proposed new use. It is also recommended that existing conditions in the permit be revised to reflect the current standard language for conditions of approval.

Based on the above, the request to delete Condition No. 9 and allow a preschool and day care activities is an unusual and reasonable use of land within the State Land Use Agricultural District, and 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. Material to be added is underscored; material to be deleted is bracketed and struck through.

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. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this permit.
4. A metes and bounds description of the 10 acre area for the proposed development in written and map form shall be submitted to the Planning Department within one year from the effective date of this permit.
5. Construction of the proposed Phase I, II and III church facilities and related improvements shall be completed and all certificates of occupancy issued within fifteen (15) years from the effective date of this permit. This time period shall include the securing of Final Plan Approval for the church and related improvements 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 the property boundaries.
6. The Homestead Road shall be improved to non-dedicable standards from Pahoa-Kapoho Road to the last driveway of the subject area, meeting the requirements of Department of Public Works. The applicant, successors or assigns shall be responsible for the maintenance of that portion of the Homestead Road and provide a Deed Covenant disclosure to relieve the County of Hawaii harmless from all liabilities. A copy of the proposed covenant to be recorded with the Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the granting of Final Plan Approval. A copy of the approved covenant shall be recited in an instrument executed by the applicant and the County and recorded with the Bureau of Conveyances prior to the issuance of any Building Permits.
7. Access connections to the Pahoa-Kapoho Road and installation of streetlights/signs/pavement markings at entrances, exits and at interior roadways shall meet the requirements of the Department of Public Works.

8. Fire protection standards shall be provided meeting the requirements of the Fire Department.
9. ~~[Preschool or day care activities shall not be permitted.]~~ The hours of operation for the preschool shall be limited from 6:30 a.m. to 6:00 p.m.
10. The proposed project shall be completed in substantial compliance with the representations made before the Planning Commission. Any expansion to the proposed request or phases shall be submitted to the Planning Commission as an amendment to this Special Permit.
11. A status report shall be submitted, in writing to the Planning Director, every three (3) years from the effective date of this permit.
12. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

~~[12.]~~13. 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 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).

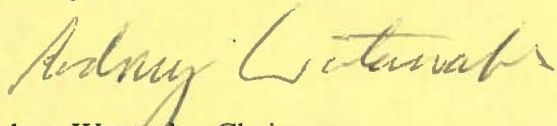
Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director ~~[shall]~~ may initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the request as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Ms. Colliene Armitage
New Hope Christian Fellowship – Puna
Page 5

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Rodney Watanabe".

Rodney Watanabe, Chairman
Planning Commission

Lnewhopespp922PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
DOT-Highways, Honolulu