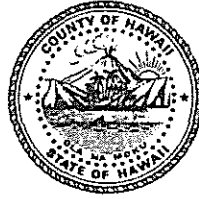


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

February 23, 1998

Reverend Angelica Jayne Taggart
First Church of Religious Science
P.O. Box 879
Keaau, HI 96749

Dear Reverend Taggart:

Special Permit No. 974 (SPP 97-7)
Applicant: First Church of Religious Science, East Hawaii
Request: Administrative Time Extension
TMK: 1-5-15:1

This is to acknowledge receipt of your letter dated January 28, 1998, requesting a time extension to Condition No. 2 of the above-referenced Special Permit.

On July 23, 1997, the Planning Commission issued the Special Permit subject to, in part, the following condition:

- "2. Final Plan Approval shall be secured from the Planning Department within six (6) months from the effective date of the permit. Final Plan Approval shall be secured in accordance with the Hawaii County Zoning Code. Plans shall identify existing structures, driveway, parking stalls, landscaping and fire protection measures associated with the proposed use."

According to Condition No. 2, Final Plan Approval should have been secured within six (6) months from the effective date of the permit, or January 23, 1998.

You have indicated that the request for a time extension to Condition No. 2 was brought about due to your assumption that the process was complete upon the issuance of the Special Permit. In addition, you mentioned that you are currently considering the purchase of another dwelling to be established as your residence and church office.

FEB 24 1998

Resp to 00877

Reverend Angelica Jayne Taggart
First Church of Religious Science
Page 2
February 23, 1998

Condition No. 7 of the approved Special Permit allows the Planning Director to grant an extension of time for performance of conditions within the permit. We have determined that non-performance is a result of circumstances beyond your control and not a result of fault or negligence, and hereby grant you a six (6) month extension of time until July 23, 1998 to comply with Condition No. 2.

Please be aware that should you request an additional extension of time, your request must be forwarded to the Planning Commission through this office. A \$100 filing fee, original and twenty copies of the request shall be submitted when requesting an additional extension of time.

A public hearing to consider your request will be held within 60 days.

As a reminder, you are still required to comply with all conditions as stated in the above-referenced Special Permit.

Should you have any questions regarding the above, please contact Phyllis Fujimoto or Susan Gagorik of this office at 961-8288.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

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Center For Spiritual Growth
P.O. Box 879 • Kea'au, Hawai'i 96749
(808) 982-5683 • E-Mail: mhalogod@ilhawaii.net
Revs. Angelica Jayne and Tag Taggart

JAN 30 AM 11 57

PLANNING DEPT.
COUNTY OF HAWAII

January 28, 1998

County of Hawai'i
Planning Department
25 Aupuni Street
Hilo, HI 96720

Attention: Ms. Virginia Goldstein, Director

Re: Special Use Permit # 974

Aloha Ms. Goldstein,

This letter is to request an extension of time for the completion of requirements for our Special Use Permit # 974.

When we were originally given the permit, I thought the process was complete. In early December, I received the attached letter, and called the planning office and spoke to Darien Orye. He explained things and then mailed me an Application for Plan Approval. This is a one person office and with the Christmas busyness for our Church and the subsequent preparations for our Annual Meeting, I totally forgot about completing this application.

In the meantime, we have found a house that would be appropriate as a Manse for my husband and I, and an office. Our Church Council and the owner of the property are in discussions regarding our purchasing the property and if he will let us buy contingent upon getting a Special Use Permit for that property.

I apologize for the delays in completing the paperwork and ask for an extension of time to do so for Permit # 974.

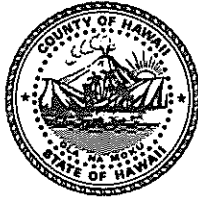
Mahalo,

Angelica Jayne Taggart
Rev. Angelica Jayne Taggart

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First Church of Religious Science, East Hawai'i
Member: Religious Science International & International New Thought Alliance

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 095 323 840

JUL 23 1997

Reverend Jayne Taggart
First Church of Religious Science, East Hawaii
P.O. Box 879
Keaau, HI 96749

Dear Reverend Taggart:

Special Permit Application (SPP 97-7)

Applicant: First Church of Religious Science, East Hawaii

Request: Establishment of a Church Office Within an Existing Dwelling.

Tax Map Key: 1-5-15:1

The Planning Commission at its duly held public hearing on July 10, 1997, voted to approve the above-referenced application. Special Permit No. 974 is hereby issued to allow the establishment of a church of business, committee meetings and small group studies within an existing dwelling situated on approximately 1.00 acre of land within the State Land Use Agricultural District. The property is located within the Hawaiian Paradise Park Subdivision along Poni Mo'i Avenue (29th Street) approximately 1/2 mile (Pahoa side) from its intersection with Makuu Drive, 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. 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. 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 is improved with an existing dwelling, and the existing agricultural uses with a banana patch and chickens and roosters will continue on the subject property. The property has a soil rating of "E" or "Very Poor" as classified by the Land Study Bureau for agricultural productivity and is classified by the ALISH Map as Existing Urban Development. Therefore, the proposed church

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office 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. According to the site plan, there is an existing two-story single family dwelling with an attached carport on the property. An approximate 190-foot long gravel driveway leads to the dwelling from Poni Moi Street. The subject property is one acre in size, which would allow for adequate setbacks and buffers in minimizing any physical, social or other impacts that the church use may have on the surrounding area. The dwelling is situated approximately 44 feet from the nearest dwelling to the northwest, and is screened by a planting buffer over 10 feet in height between the boundary of the subject property and the nearest neighbor to the northwest. According to the applicant, there is sufficient parking area for ten cars. Church office hours are from noon to 4 p.m. on Mondays, Wednesdays, Thursdays and Fridays. Morning meetings are held three times a week, with approximately four to five people in attendance. Evening meetings are also held three times a week, with approximately seven people in attendance. There will be small group meetings for Meditation, Healing Ministry, Wellness, Bible, counseling and other classes, and no classes or meetings will begin before 9 a.m. or end after 8:30 p.m. Because of the limited hours, the impact to surrounding properties is minimal. There is an existing dwelling on the adjacent property to the northwest, and chickens and roosters roam the site.

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 project site is from the Keaau-Pahoa Road through Makuu Drive and 29th Street (Poni Moi Street). Makuu Drive is a private road with a 20-foot wide pavement in good condition with approximately 8-foot wide grass shoulders within a 50-foot right-of-way. Poni Moi Street is a private, gravel road in fair condition within a 40-foot right-of-way. There is a private water catchment system on the property. According to the Department of Water Supply, the nearest water system facility is an existing 12-inch waterline along the Keaau-Pahoa Road, approximately 5,400 feet from the subject property. Wastewater is disposed of within an existing cesspool. The Department of Health is requiring the applicant, through a licensed engineer, to submit a sewage flow calculation to determine the adequacy of the existing cesspool. Electricity and telephone are available to the site, and police and fire services are available from the police and fire stations in Keaau. The Department of Public Works recommends that the Hawaiian Paradise Park Community Association be informed of the probable increase in vehicular traffic on these private roadways. Other agencies reviewing the request had no objections to the proposed use.

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% 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 congregation has been temporarily renting the Paradise Hui Activity Center on Maku'u

and 17th in Hawaiian Paradise Park as its meeting location while raising funds to purchase a property and build a church of their own, which it hopes to accomplish within the next year. The applicant is currently renting the dwelling on the subject property for day-to-day business and meeting space for the church council and various classes. A family resides on the first floor and is agreeable to having the church office on the second floor.

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 improved with a single family dwelling, and no agricultural activity will be diminished. Existing agricultural uses such as the banana patch will continue on the subject property.

The proposed use will not substantially alter or change the essential character of the land and the present use. The property is improved with a single family dwelling and will continue to be in agricultural use with a banana patch as well as chickens and roosters on the subject property. Therefore, the character of the land would not be changed 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 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 office.

Based on the above considerations, the request to establish a church office 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. 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.

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.

2. Final Plan Approval shall be secured from the Planning Director within six (6) months from the effective date of the permit. Final Plan approval shall be secured in accordance with the Hawaii County Zoning Code. Plans shall identify existing structures, driveway, parking stalls, landscaping and fire protection measures associated with the proposed use.
3. The life of the permit shall not exceed five (5) years from the effective date of this permit.
4. Comply with all applicable laws, rules and regulations of the affected agencies for this project prior to opening, including the Department of Public Works and Department of Health.
5. A final status report shall be submitted, in writing to the Planning Director, upon compliance with all conditions of approval.
6. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission, that the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.
7. An initial 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).

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.

Reverend Jayne Taggart
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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, Chairman
Planning Commission

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