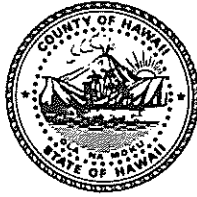


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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CERTIFIED MAIL
Z 095 324 390

DEC 07 1998

Pastor Raymond Glory, Jr.
New Hope Christian Fellowship - Volcano
P.O. Box 995
Volcano, HI 96785

Dear Pastor Glory:

Special Permit Application (SPP 98-15)
Applicant: New Hope Christian Fellowship - Volcano
Request: Establish a Church and Related Improvements
Tax Map Key: 1-1-20:86

The Planning Commission at its duly held public hearing on November 20, 1998, voted to approve the above-referenced application. Special Permit No. 1014 is hereby issued to establish a church and related improvements on 6.00 acres of land within the State Land Use Agricultural District. The property is located along the south side of the Old Volcano Highway within Fern Forest Vacation Estates, Volcano, 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 applicant proposes to establish a church and related improvements on the subject property. The subject property has been developed with a dwelling and workshop/storage on the property. The property is not being actively used for agricultural purposes. The property has a soil rating of "E" or "Very 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 Keei series. These soils are generally used for pasture. Therefore, the proposed church facilities and related improvements which would consist of a church (in an existing structure), an office and administrative

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building, covered court/bathrooms, auditorium/bathrooms and parking areas would not be contrary to the State Land Use Law for the Agricultural District.

The desired use will not adversely affect the surrounding properties. Surrounding uses include scattered dwellings, agricultural uses and vacant lands. The property is bound by the Old Volcano Road to the north, to the west by several parcels where there is a dwelling and greenhouse and to the south and east are vacant lands. The parcel is six (6) acres in size and large enough to accommodate the church and related improvements. To minimize any impact of the church on surrounding properties, the applicant proposes to install a combination of fencing, planting and existing trees and foliage around the perimeter of the property. 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 Highway 11 onto the Old Volcano Road. The Old Volcano Road is presently partially graveled and paved up to the subject driveway. Beyond the driveway, the road is overgrown and then eventually becomes impassible. The applicant would be required to secure appropriate building permits to convert the existing workshop/storage into a church. For access, the applicant proposes to resurface the Old Volcano Road up until the existing driveway which will be paved. A parking area to accommodate approximately 16 stalls will also be paved. According to the Fire Department, water and access is sufficient at this time. However, with future phases, the applicant would also be required to meet Fire Department's requirements. The Department of Transportation requested a traffic assessment be prepared. Presently, according to the applicant, there is an average of 14-23 cars each Sunday. The applicant submitted their anticipated figures, estimating that it will take approximately six years to the year 2004 to maintain a consistent attendance of 100 people per service (two services). At that time, it is estimated that there would be approximately 64 cars each Sunday. Moving forward, it would take approximately 5 years to the year 2009 to reach an estimated attendance of 200 per service (two services). At total buildout, with 300 people per service (two services), there would be approximately 128 cars.

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 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 has been developed with a dwelling and workshop/storage. There is no agricultural activity occurring on the subject property; therefore, no agricultural lands will be taken out of active uses nor be diminished.

The proposed use will not substantially alter or change the essential character of the land and the present use. The property has a dwelling and workshop/storage. It is a six acre parcel which has not been actively used for any agricultural activities. 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 applicant has also submitted a subdivision application to consolidate/resubdivide the adjacent parcel .575 acre parcel (TMK: 1-1-20:85) on November 2, 1998. This parcel runs along side the eastern boundary of the subject property. It is proposed that the portion of the parcel where the existing dwelling is located will be subdivided out. The present owners have decided that they would like to keep the existing dwelling in their ownership. The submittal of this application does not affect/change any of the proposals requested under the Special Permit Application.

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

Economic Element

- * Provide residents with opportunities to improve their quality of life.
- * Economic development and improvement shall be in balance with the physical and social environments of the island of Hawaii.
- * The County of Hawaii shall strive for diversity and stability in its economic system.
- * 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 County of Hawaii shall strive for an economic climate which provides its residents an opportunity for choice of occupation.

Land Use Element

- * Designate and allocate land uses 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.

Electricity, water, wastewater disposal facilities and other essential services are or will be made available for the church facilities and related improvements. The applicant shall comply with applicable agency requirements for the proposed uses.

Based on the above considerations, the request to establish a church and related improvements which consist of a church, an office/administration building, a covered court/bathrooms, gymnasium/bathrooms, playfield, parking areas and related improvements would be an unusual and reasonable use of land within the State Land Use Agricultural District. This request 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. Construction of the proposed church and related improvements shall be completed and all certificates of occupancy issued within twenty (20) years from the effective date of this permit. This time period shall include the securance of Final Plan Approval for each phase of the church development from the Planning Department. Plans shall identify existing and proposed structures, fire protection measures, paved driveway and paved parking stalls (chipseal, 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). Landscaping/fencing shall also be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties.
3. The Old Volcano Road shall be resurfaced to non-dedicable standards to the entrance driveway of the subject property, meeting the requirements of the Department of Transportation.
4. Access shall meet with the requirements of the Department of Transportation.
5. Preschool or day-care activities shall not be permitted.
6. Comply with all other applicable rules, regulations and requirements of the affected agencies for the development of the subject property, including the Department of Transportation and Fire Department.
7. 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.

8. A status report shall be submitted, in writing to the Planning Director, upon the opening of each phase or every three (3) years, from the effective date of this permit.
9. 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.

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

LNewHo01.PC

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