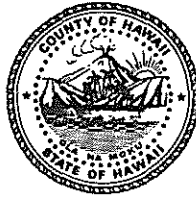


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
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CERTIFIED MAIL  
Z 095 324 484

FEB 17 1999

Mr. Gary Lee  
Corporation of The Presiding Bishop of  
The Church of Jesus Christ of  
Latter Day Saints  
1909 Branding Iron Way  
Roseville, CA 96661

Dear Mr. Lee:

Special Permit Application (SPP 98-20)  
Applicant: The Church of Jesus Christ of Latter Day Saints  
Request: Construction and Establishment of a Church Meeting House  
Tax Map Key: 8-1-2:70 and 71

The Planning Commission at its duly held public hearing on February 5, 1999, voted to approve the above-referenced application. Special Permit No. 1020 is hereby issued to allow the construction and establishment of a church meeting house and related improvements on approximately 5.25 acres of land within the State Land Use Agricultural District. The property is located approximately 750 feet east of Mamalahoa Highway and 800 feet north of the Konawaena School Road at Kanakau 1st and 2nd, South Kona, 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 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 area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District not only includes lands with a high capacity or

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FEB 17 1999

potential for agricultural uses, but also lands which are surrounded by or contiguous to agricultural and ancillary activities by reason of topography, soils and other related characteristics. 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 "B" or "Good" by the Land Study Bureau's Overall Master Productivity Rating and as "Unclassified" on the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) Map.

The soils within the project area are classified by the U.S. Department of Agriculture, Soil Conservation Service, as Honaulu very stony silty clay loam (HUD). This consists of well drained silty clay loams with a 6 to 20 percent slope. Surface layer is very dark brown silty clay loam about 9 inches thick; subsoil layer of dark brown cobbly and stony silty clay loam; stones cover 3-15 percent of the surface. Aa lava is present at a depth of about 36 inches, and permeability is rapid, runoff is slow and erosion hazard is slight. These lands are gently sloping to moderately steep soils on uplands at an elevation ranging from 1,000 to 2,500 feet. This soil is used for pasture and coffee. Small areas are used for macadamia nuts, bananas, citrus fruits, avocados and truck farms. Although it is possible that some agricultural activities may be conducted on the subject property, it is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the low agricultural potential for the subject area and the above-cited criterion for determining the Agricultural District.

The subject property is situated within the County's Agricultural-1 acre zoned district. The proposed church would be situated on a 5.25 acres of land. The proposed church structure will be a one-story building. The property is sufficient size, 5+ acres, to enable adequate setbacks and buffers to be established. These concerns will be addressed through conditions of approval and the "Plan Approval" process. Therefore, the size, bulk, architecture, function and placement of the proposed structure and the impacts resulting therefrom are not anticipated to be adversely affecting the surrounding lands or properties nor significantly affecting the character of the area.

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 has an existing house and garage. In addition, no active agricultural lands will be taken out of production to provide the area necessary to establish this use. 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 surrounding area consists of a mixture of lands zoned RS-15, CV-7.5, CV-10 and A-1a. Surrounding land uses include various single-family residential, small commercial operations such as a florist, beauty shop, bakery, meat market, Konawaena Elementary and High School. Other surrounding uses are coffee farms and agricultural uses. 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 60 people. The Sunday attendance is approximately 100 to 120 people. Members' activities will include Sunday as well as day and evening classes and group meetings. Primary access to the subject area is provided by Mamalahoa Highway, which has a right-of-way width of 60 feet with 20 feet of pavement. It has posted speed limit of 25 miles per. The applicant shall meet all applicable agency requirements of the Department of Public Works, Department of Health, 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 suitable for pasture, coffee, and other agriculture uses. 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. The use as proposed to be developed is 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. No historic sites were present on the parcel. Thus, the proposed action will not have any effect on significant historic sites. Should significant historical sites be located within the subject property, an archaeological preservation/mitigation plan shall be submitted for review and approval by Department of Land and Natural Resources - Historic Preservation Division prior to the issuance of Final Subdivision Approval or any land alteration activities.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The rapid residential growth experienced in the South Kona area has increased in the past several years, resulting in an increase in the need for the development of a religious facility. As such, the proposed use will help to meet the spiritual needs of the expanding population in this area.

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 as Medium Density Urban Development. This allows for village and neighborhood commercial and residential and related functions (3-story commercial, residential-up to 36 units per acre). The request would also support the General Plan's goals and policies of the 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.

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, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. 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.
3. The applicant shall comply with the requirements of the Department of Water Supply.
4. A Sight Distance Study at the intersection of the existing driveway and Mamalahoa Highway shall be prepared for review and approval by the Department of Public Works.
5. Should any improvements or land alteration be proposed within the designated flood zone area, a flood study shall be submitted to Department of Public Works in compliance with Federal Emergency Management Agency (FEMA) regulations.
6. 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 Department of Land and Natural Resources - Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
7. 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.

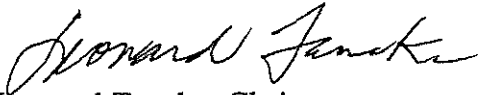
Mr. Gary Lee  
Page 5

- 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 of the Planning Department at 961-8288 or Royden Yamasato of the Planning Department West Hawaii Office at 327-3510.

Sincerely,



Leonard Tanaka, Chairman  
Planning Commission

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cc: 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  
Kazu Hayashida, Director/DOT-Highways, Honolulu  
Mr. Gregory Mooers