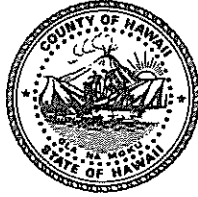


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
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CERTIFIED MAIL
7099 3220 0000 4869 5622

JUL 05 2000

Kahu Harold H. P. Teves
Kahuku Congregational Church
P.O. Box 6869
Ocean View, HI 96737

Dear Kahu Teves:

Special Permit Application (SPP 00-013)
Applicant: Kahuku Congregational Church
Request: Allow for the Establishment of a Church, Church Hall,
and Related Improvements
Tax Map Key: 9-2-185:001

The Planning Commission at its duly held public hearing on June 16, 2000, voted to approve the above-referenced application. Special Permit No. 1063 is hereby issued to allow the development of a church, church hall and related improvements on approximately 3.044 acres of land within the State Land Use Agricultural District. The property is located in Hawaiian Ocean View Ranchos Subdivision bordered by the Mamalahoa Highway and Maile Drive, approximately 0.3 mile south of Prince Kuhio Boulevard and the Ocean View General Store/Post Office, Ka'u, Hawaii.

Approval of this request is based on the following:

The proposed use is an unusual and reasonable use of land situated within the State Land Use Agricultural District and would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes (HRS), 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. In addition, 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

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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 subject property is a vacant approximately 3.044-acre parcel and not in agricultural use. The applicant proposes to establish a church, church hall and related uses on the subject property in the Hawaiian Ocean View Ranchos Subdivision. The land on which the proposed use will be located is classified as "E" or "Very Poor" for agricultural productivity by the Land Study Bureau and unclassified by the ALISH Map. Therefore, the nature of the proposed use will not have an adverse effect on the County's agricultural land inventory. It is therefore determined that the proposed use is an unusual and reasonable use within the Agricultural District and will not be contrary to the objectives of Chapter 205, HRS, as amended.

The proposed request is not contrary to the General Plan. Although the General Plan for the area is designated Extensive Agricultural and the zoning is Agricultural (A-3a), the subject property is not used for agricultural purposes. The proposed use would not displace any agricultural activity nor diminish the agricultural potential of the area, which has very limited agricultural activities. Although the establishment of a church would not take significant lands out of existing or potential agricultural use, it would allow uses other than agricultural uses within the subdivision. The request is not contrary to the goals, policies and standards of the General Plan. The approval of the subject request would support the following goals of the General Plan:

Land Use Element:

- Designate and allocate land uses in appropriate proportions and mix 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.

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 desired use will not adversely affect surrounding properties. Surrounding lands are zoned A-3a and predominantly vacant with the nearest residence located approximately 300 feet from the subject property. The proposed church will be confined to the subject property. Therefore, the character of the property or its surrounding area will not be significantly altered. The proposed hours of operation are Sundays from 9:00 a.m. to 11:30 a.m., Wednesdays from 6:30 p.m. to 8:00 p.m., and Thursdays from 7 p.m. to 9 p.m. Possible noise generated by the proposed use is expected to be negligible, however, a planting buffer will be required to mitigate any adverse noise or visual impacts to adjacent properties. The property is of sufficient size for adequate setbacks and buffers that will minimize any physical, social, or other impacts. 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. Therefore, the proposed use will not alter or change the essential character of the land and present use nor will it impact the surrounding area.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. The subject property is located in the Hawaiian Ocean View Ranchos Subdivision on Maile Drive, a private subdivision roadway. It is not anticipated that the proposed use will impact or burden public agencies given that the requested uses are intended to service the existing population. As County water is not available to the site, water will be provided by a catchment system. All other essential utilities and facilities are available to support the proposed use.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The Hawaiian Ocean View area continues to grow, albeit slowly, and 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 District and Use Permit in the Urban District would be the appropriate vehicle for establishing churches in needed areas. Therefore, the requested use would provide the needed support for existing and future populations.

The land upon which the proposed use is sought is not suitable for the uses permitted within the district. However, the proposed uses will not interfere with permitted uses. The soil within the subject property is classified as "E" or "Very Poor" for agricultural productivity and unclassified by the ALISH Map. 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 nature of the request is to allow the establishment of a church. The subject property is located within Increment I of the 1,233-lot Hawaiian Ocean View Ranchos Subdivision, which received Final Subdivision Approval on September 16, 1969. Along the Mamalahoa Highway between Hawaiian Ocean View Estates (mauka of the highway) and the Hawaiian Ocean View Ranchos Subdivision (makai of the highway), the following Special Permits were approved:

- A. TMK: 9-2-185: 93 (SPP 653) effective 10/5/87 to Ocean View Investment Co. for various commercial and industrial uses (located in Ocean View Commercial Complex).
- B. TMK: 9-2-83: 3 (SPP 637) effective 10/29/86 to Quentin Arbo for a hardware store, post office and commercial building.
- C. TMK: 9-2-185: 48 (SPP 216) effective 5/9/72 to Ocean View Investment Co. for a real estate office.
- D. TMK: 9-2-93: 12 (SPP 506) effective 10/29/81 to Real Estate Gallery Kona, Inc. for a real estate office.
- E. TMK: 9-2-92: 1 (SPP 765) effective 10/22/90 to Ross Farsi for a retail nursery and garden supply store.
- F. TMK: 9-2-86: 14 (SPP 717) effective 8/7/89 to Bruce and Robin Hall for a bed and breakfast establishment.
- G. TMK: 9-2-198: 12 (SPP 663) effective 2/22/88 to Richard Bond for a retail produce and gift shop (located across Kohala Blvd. two lots Ka'u side of the subject property).
- H. TMK: 9-2-85: 22, 23 (SPP 222), site of the South Point Bar and Grill (located less than 1/2 mile Ka'u side of the subject property).
- I. TMK: 9-2-197: 51 (SPP 1000), effective 5/28/98 to Steve Kuhnert for a light industrial/commercial complex (located approximately four lots Kona side of the subject property).

- J. TMK: 9-1-185: 10 (SPP 761), effective 12/12/90 to Donald and Martha Nitsche (Bougainvillea B&B) for a bed and breakfast establishment.
- K. TMK: 9-2-197: 1 (SPP 1057), effective 5/19/00 to the Hawaiian Ranchos Road Maintenance Corporation for a base yard.

Special Permits have been issued in the vicinity of the area designated as Urban Expansion by the General Plan. This area, which includes the Ocean View General Store and U.S. Post Office, is known as the Ocean View Commercial Complex and located approximately .3 mile west or Kona-side of the subject property. Pohue Plaza is located across the highway from the Ocean View Commercial Complex. There are no commercial zoned lands to establish a church within the Hawaiian Ocean View Ranchos Subdivision. Therefore, the applicant is seeking to establish a church in a convenient location within the subdivision. The Special Permit process, established by legislation, allows for other uses to be established for which the district is classified, provided the objectives of Chapter 205, HRS, are promoted.

Based on these considerations, the approval of the Special Permit request to establish a church, church hall and related uses would support the objectives sought to be accomplished by the Land Use Law and Regulations.

The request is hereby approved with the following conditions. Should any of the conditions, however, not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

1. The applicant shall be responsible for complying with all of the stated conditions of approval.
2. Construction of the proposed church, church hall and related improvements shall be completed and all certificates of occupancy issued within ten (10) years from the effective date of this permit. This time period shall include securing Final Plan Approval from the Planning Director. Plans shall identify structures, fire protection measures, parking stalls and driveway and other improvements associated with the proposed uses. Landscaping 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. Any exterior signs shall meet with the approval of the Department of Public Works.

4. Access shall be from Maile Drive. Access from the Mamalahoa Highway shall be prohibited.
5. The applicant shall comply with applicable laws, rules and regulations of the appropriate State and County agencies for the proposed use.
6. The proposed project shall be completed in substantial compliance with the representations made before the Planning Commission. Any expansion to the proposed request shall be submitted to the Planning Commission as an amendment to this Special Permit.
7. Upon compliance with all conditions of approval and prior to the start of the operation, the applicant shall provide, in writing, a final status report to the Planning Director.
8. 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.
9. 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. 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 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).

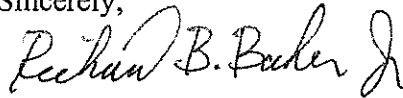
Kahu Harold H. P. Teves

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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 contact Phyllis Fujimoto or Alice Kawaha of the Planning Department at 961-8288.

Sincerely,



Richard B. Baker, Jr., Chairman
Planning Commission

Lkahuku01PC

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