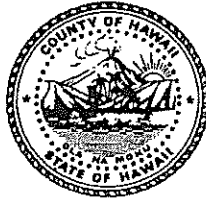


Harry Kim
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
7000 0600 0024 2905 3288

MAR 19 2001

Mr. Jonithen Jackson
74-5147 Puuolokaa Place
Kailua-Kona, HI 96740

Dear Mr. Jackson:

Special Permit Application (SPP 01-03)
Applicant: Kona-Kau Marshallese Church
Request: To Allow the Construction of a New Church, Church Hall and
Related Improvements
Tax Map Key: 9-2-188:1

The Planning Commission at its duly held public hearing on March 2, 2001, voted to approve the above-referenced application. Special Permit No. 1106 is hereby issued to allow the construction of a new church, church hall and related improvements on approximately 3.00 acres of land in the State Land Use Agricultural District. The property is located in Hawaiian Ocean View Ranchos Unit 1 Subdivision, along Menehune Drive and approximately 600 feet east from its intersection with Kahili Boulevard, Kahuku, Kau, 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

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District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The subject property is approximately 3 acres in size and presently vacant of any structure or use. The applicant wishes to construct a church, church hall and related improvements on the subject property. According to the site plan submitted with the application, the remainder of the property will be cultivated with various types of fruit trees. Soil within the project site is classified as A'a Lava Flows (rLV). The property has a soil rating of "E" or "Very Poor" and the ALISH maps do not classify soils within the project site. As the property is presently vacant of any use, the proposed establishment of a church and related improvements will not displace existing agricultural activities nor will it diminish the agricultural potential of the project site or surrounding area.

The desired use will not adversely affect the surrounding properties. Surrounding uses are predominantly vacant lands with scattered residential and agricultural uses. There is no immediate development on either side of the subject property. The size of the subject property (3 acres) will provide for sufficient physical buffers to minimize adverse noise and visual impacts upon adjoining properties. The proposed hours of operation for the church are primarily Sundays from 9:00 a.m. to 11:30 a.m. with meetings to be held during the mid-week. Special events, such as weddings and funerals will also be held. The limited nature of the proposed use and the size of the property will ensure that any noise and visual impacts generated by the church and its activities will not adversely impact adjoining properties.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection. Water will be provided by a water catchment system. Access to the property from the Mamalahoa Highway is via Prince Kuhio Boulevard, then onto Menehune Drive, both of which are paved, two-lane private roadways. Public agencies reviewing the request had no specific objections to the proposal. Wastewater disposal will be accommodated within a system that meets the requirements of the State Department of Health.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. While the subject property and surrounding parcels within the Hawaiian Ocean View Ranchos Subdivision is designated for agricultural uses by both the State and County, the State Land Use Law does provide the opportunity to apply for a Special Permit to allow for unusual and reasonable uses within the State Land Use Agricultural District. Hawaiian Ocean View Ranchos Subdivision is a 1,233-lot subdivision developed in the late 1960's. The residents of this subdivision have needs for services just as do the residents of any other typical urban subdivision.

The land upon which the proposed use is sought is marginally suited for the uses permitted within the district, however, the proposed use will not interfere with permitted uses. Soils within the subject property are classified as Very Poor for agricultural

productivity. The property is not identified as Agricultural Lands of Importance to the State of Hawaii. With no agricultural activities currently being conducted on the property, the establishment of a church will not displace any agricultural activity nor will the establishment of such a use significantly affect the County's agricultural land inventory.

The use will not substantially alter or change the essential character of the land and the present use. The subject property is presently vacant of any use. While the establishment of a church on the subject property will change the character of the surrounding area, we do not feel that this change will be substantial on the order of being disruptive to the overall agricultural character of the area. The size of the property and the limited nature of the proposed church use will help to minimize any adverse impacts upon the character of this existing community.

The proposed use is consistent with the following goals, policies and standards of the General Plan. The subject parcel falls within an area designated as Extensive Agricultural on the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The zoning for the property is Agricultural (A-3a) and the State Land Use designation is Agricultural. As such, a Special Permit is the appropriate means to establishing the proposed church, church hall and its related improvements. The request would complement and be consistent with the following goals, policies and standards of the General Plan:

Land Use Element

- * Designate and allocate lands 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.

Public Facilities

- * Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community.

Electricity, wastewater disposal facilities and other essential services are or will be made available for the proposed use. While access to the subject property from the Mamalahoa Highway will be provided via Prince Kuhio Boulevard and Menehune Drive,

both private roadways, these roadways are in generally good condition and accessibility should not be an issue. A county-approved water system is not available to the property, but the applicant will provide a catchment system to provide for its water needs. Finally, agencies had no objections to the proposed uses.

Based on the above considerations, the request to construct a church, church hall and other related improvements on the subject property would be 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. Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this Special Permit.

1. The applicant, successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Construction of the proposed church, church hall and its 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 proposed structures, driveway, parking stalls and other improvements associated with the proposed church.
3. Driveway access connection improvements with Menehune Drive shall meet with the approval of the Hawaiian Ranchos Roadway Maintenance Corporation.
4. All exterior signs shall meet with the approval of the Department of Public Works.
5. Comply with all other applicable laws, rules, regulations and requirements of the appropriate State and County agencies for the proposed development.
6. The proposed project shall be completed in substantial compliance with the representations made before the Planning Commission. Any expansion or departure to the request as represented 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 establishment of the church, 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 extension of time for the performance of conditions within the permit may be granted by the Planning Commission 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).

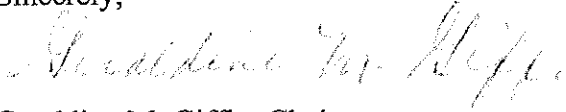
This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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Should you have any questions, please contact Daryn Arai of the Planning Department West Hawaii Office at 327-3510 or Alice Kawaha of the Planning Department Hilo Office at 961-8288.

Sincerely,



Geraldine M. Giffin, Chairman
Planning Commission

Lkona-kaumarshallese01PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
Brian Minaai, Director/DOT-Highways, Honolulu
Reverend Henry K. Boshard