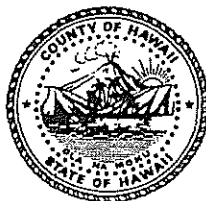


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

August 23, 2003

Mr. John Parazette  
P.O. Box 9021  
Kailua-Kona, Hawaii 96745

Dear Mr. Parazette:

PLAN APPROVAL APPLIED FOR: Proposed Mana Christian Ohana Church  
TMK: 6-4-001: 129, North Kona, Hawaii

We have reviewed the above-described application for the Mana Christian Ohana Church and must regretfully deny your request for Final Plan Approval. Your application is being denied because it does not comply with Condition Nos. 2, 3 and 4 of Special Use Permit No. 1120 (SPP 1120).

Condition Nos. 2, 3 and 4 states the following:

- “2. Construction of the proposed church and related improvements shall be completed within five (5) years from the effective date of this permit. This time period shall include the securing of Final Plan Approval for 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 use. 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. Access(es) to the 4.93-acre property shall meet with the requirements of the Department of Public Works.
4. 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.”

Mr. John Parazette  
Page 2  
August 23, 2003

Based on the fore-mentioned conditions, please provide the following

- a. Condition No. 2 of SPP 1120 calls for the identification of fire protection measures on the plans submitted for Final Plan Approval. These measures are not identified on the submitted plans. Please include the details relating to fire protection measures on any plan in the future.
- b. Condition No. 2 also calls for the paving of the driveways and parking stalls with chipseal, asphalt or asphalt-concrete. Your plans identify some of the proposed parking stalls to be on unpaved lawn area and do not identify any handicap accessible parking stalls. All required parking must be paved, striped and have appropriate signage. Please prepare a revised site plan showing parking stalls of proper dimensions, including accessible parking stalls and its access aisles with wheel stops, handicap signage dimension and location.
- c. Condition No. 2 states that landscaping and fencing shall be shown on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties. This includes your neighbors across Mamalahoa Highway. Condition No. 4 states that the proposed project shall be completed in substantial compliance with the representations made before the Planning Commission. Your representation to the Planning Commission showed a substantial landscape buffer along Mamalahoa Highway with none of the parking within that buffer. The revised site plan should place all parking stalls outside of the landscape buffers.
- d. Condition No. 3 requires that access to the property will meet with the requirement of the Department of Public Works. To date, the Planning Department has not received any confirmation from the applicant or the Department of Public Works indicating compliance with this condition. Please certify that your access meets with the requirements of the Department of Public Works prior to resubmitting your plans. We understand that the applicant is working with the Department of Public Works (DPW) to delay the installation of a left-turn lane within the Mamalahoa Highway and that additional information has been requested by the DPW. We understand that they are still awaiting this information. We will require that the issue regarding the installation of the left turn lane be resolved prior to the submittal of revised plans for Plan Approval review.

Please incorporate the required information detailed above as part of your future application for Plan Approval.

Mr. John Parazette  
Page 2  
August 23, 2003

If you have any questions or comments please contact Norren Kato of our West Hawaii office at 327-3510.

Sincerely,

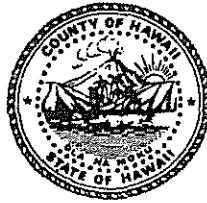


CHRISTOPHER J. YUEN  
Planning Director

NK/DSA:nk  
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c: West Hawaii Office  
SPP 1120

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 2903 7356

SEP 27 2001

Mr. Gregory Mooers  
Mooers Enterprises  
P.O. Box 1101  
Kamuela, HI 96743

Dear Mr. Mooers:

Special Permit Application (SPP 01-016)

Applicant: Mana Christian Ohana

Request: Establish a Church and Related Improvements

Tax Map Key: 6-4-1:129

The Planning Commission at its duly held public hearing on September 7, 2001, voted to approve the above-referenced application. Special Permit No. 1120 is hereby issued for the establishment of a church and related improvements on approximately 2.5 acres of land in the State Land Use Agricultural District. The property is located on the south side of Mamalahoa Highway, approximately 275 feet west from its intersection with Mana Road, and directly across of the Hawaiian Homes Land Hall, Puukapu Homesteads 1<sup>st</sup> Series, South Kohala, Hawaii.

Approval of this request is based on the following:

The applicant proposes to construct and establish a church and related improvements on a 2.5-acre portion of the property, consisting of 4.93 acres, for Sunday services, weekday Bible study and related social activities. The proposed church will accommodate approximately thirty (30) families who are the parishioners of the Mana Christian Ohana. The existing two paddocks encompassing the remaining 2.43 acres at the rear of the property will continue to be used for cattle/horse grazing.

SEP 27 2001

0086781

Mana Christian Ohana, a non-profit organization, has been worshipping since 1994 in the home on the adjoining parcel, Tax Map Key: 6-4-1:71, owned by Pastor William and Jennifer Mitchell. According to the applicant, the worshipping "started as Christian fellowship meetings and community outreach with Billy and Jenny Mitchell and their friends and family has steadily grown to the point where now nearly thirty families gather on Sundays to worship. Because of the increase in the size of the 'Ohana' a more formal and permanent site for their worship is desired. Billy and Jenny Mitchell own the property that is adjacent to their home and is the subject of this application for Special Permit." According to the Planning Department files, the department has not received any complaints from the community regarding the meetings held on said property for the past seven years.

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 property is classified as "Prime Agricultural Land" on the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) Map. Prime Agricultural Land classification means land which has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed according to modern farming methods. Soils within the subject property and surrounding area are classified as "B" or Good for agricultural productivity and are primarily classified as the Maile series. These soils are used for pasture and truck crops. The applicant proposes to establish a church and related improvements on the front portion of the property. The former lessee cultivated lettuce and celery, however, discontinued the farming operation seven (7) years ago. According to the applicant, the lessee declined to renew the lease due to concerns about the proximity to the residential properties and their animals and that he would be creating a nuisance for the neighbors. The applicant noted that the use of pesticides and farming equipment would be undesirable to the surrounding neighbors. However, the two fenced paddocks to the rear portion of the property are used and will continue to be used for horse/cattle grazing. Therefore, the proposed church facilities and related improvements would not be contrary to the State Land Use Law for the Agricultural District.

The desired use will not adversely affect the surrounding properties. Approximately one half of the front portion of the property will accommodate the proposed church structure and related parking area. The church structure will be centrally situated with setback approximately 95 feet from the front boundary abutting Mamalahoa Highway, 360 feet from the rear property boundary, 125 feet from the west boundary, and 150 feet from the east boundary. The proposed structure will be a total of 3,930 square

feet and will include a meeting area, offices, a storage, kitchen/utility area, and restrooms. The proposed structure will also have 14 feet wide verandas at the west and rear portions of the structure. The paved parking area for about 53 vehicular stalls will be situated at the front and east side of the proposed structure, approximately 20 feet at the nearest point from the front boundary. The proposed church and related uses will be screened by the existing natural windbreak eucalyptus and Christmas berry trees along both side boundaries. In addition, the vegetation along the front boundary consists of a few tall trees, sugarcane, and heavy brush. The applicant proposes to retain this existing vegetation to minimize any visual impact of the proposed church development from Mamalahoa Highway and the surrounding properties.

The location of the property is primarily rural-residential in nature. Immediate lands on both sides of the property are zoned Agricultural-5 acres (A-5a), consisting of minimum 3 acres in size, and in residential use. Immediate adjacent lands to the south are similarly zoned Agricultural-3 acres (A-3a) and include mixed residences and limited grazing activity. Special Permits granted for the existing Waimea animal veterinary hospital, health facilities, and animal supply outlet is located further to the south. To the north, the land is zoned Agricultural-40 acres (A-40a) and is the site of the Department of Hawaiian Home Lands Hall and Kamehameha Schools. Lands further to the northeast are the Mokuloa and Puu Nani Subdivisions that are zoned Agricultural-1 acre (A-1a) and primarily in residential uses with limited grazing activity. To the east on the Honokaa side of Mana Road, the lands are minimum 10 acres in size, zoned Agricultural-1 acre and 5 acres (A-1a and A-5a) and are in cattle, horses, and sheep grazing. Lands to the northwest are zoned Agricultural-40 acre (A-40a) ranging from 5 to 19 acres in size, and contain scattered residences, generally fronting Mamalahoa Highway, and grazing activities. Lands further to the west are zoned Agricultural-5 acres (A-5a) with residences fronting along the Mamalahoa Highway and intensive truck crops cultivation toward the back of the residences. It should be pointed out that the soils immediately fronting and on the south side of Mamalahoa Highway, from Mana Road toward Waimea Town, are classified as "B" by the Land Study Bureau. Soils to the north, northeast and west of Mana Road are classified as "C" or Fair.

The Mokuloa Subdivision, consisting of 69 one-acre parcels, is located to the northeast of the property and is primarily in residential uses. The Puu Nani Subdivision, consisting of total 205 lots ranging in size from 8,105 square feet to 32,994 square feet, is also located to the northeast of the property and primarily in residential uses. Of the 205 parcels, there are 145 parcels that contain residential dwellings. The Planning Department has not received any written objections from the surrounding community on the proposed development.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection.

The existing access to the site is from the Mamalahoa Highway, a two lane County road, that has an 80 feet right-of-way and 20-foot wide pavement with grass shoulders. The posted speed limit in the area is 45 miles per hour. The applicant proposes two ingress/egress driveways, one near the east and the other near the west boundaries of the property. There is no municipal sewer system in the area. According to the Department of Health, the property is located in a Critical Wastewater Disposal Area; and therefore, a septic system is required. Water is provided by an existing 6-inch water line that fronts the property. The Department of Water Supply states that there is a 1 1/2-inch meter and a backflow preventer is pending installation. The property is located within Zone X, area determined to be outside the 500-year flood plain. The Police, Fire and emergency facilities are located in Waimea, approximately 1.5 miles west of the property.

According to the applicant, the traffic to be generated by the proposed church is minimal and at times of the day that are not considered peak hour traffic volumes. The amount of cars will range from 25 to 30 for the Sunday services. The evening programs may attract 8 to 10 cars after 6:00 p.m. Further, it is anticipated that there will be no traffic entering or exiting the property during peak traffic hours in the morning or afternoon. According to the Department of Public Works, the Department of Hawaiian Home Lands and Kamehameha Schools are in the process of constructing roadway improvements to channelize their entry. Said agency may require the applicant to coordinate the turning lane into the property. To address this concern, a condition will be included for the applicant to meet the requirements of Department of Public Works. Electricity, water, wastewater disposal facilities and other essential services are or will be made available for the church facility and related improvements. The applicant shall comply with applicable agency requirements for the proposed use.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The purpose of the special permit request is to establish a church and related improvements on the property. Allowing for the development of churches in this district would help meet the spiritual and social needs of the expanding population in this area as well as in the Waimea community as a whole. 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. A former lessee cultivated lettuce and celery on the subject property, however, discontinued the farming operation seven (7) years ago. According to the applicant, the lessee declined to renew the lease due to concerns about the proximity to the residential properties and their animals and that he would be creating a nuisance for the neighbors. The applicant noted that the use of pesticides and farming equipment would be undesirable to the nearby surrounding neighbors. Currently, there are two existing fenced paddocks to the rear portion of the property used for horse/cattle grazing.

Other than the paddocks, the specific project area has not been in agricultural activity for the past seven years; and 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 character of the land would be changed by the proposed developed. However, this portion of Waimea is rural-residential in nature. The property is relatively level. There are existing tall large windbreak eucalyptus trees along both sides of the property, and trees and brush along the frontage abutting Mamalahoa Highway. Aside from the two grazing paddocks, the project area is overgrown with various grasses and weeds and some trees. The project area has not been actively used for any agricultural activities for the past seven years. 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. This area of Waimea is designated as Low Density Urban Development, which allows single family residential in character, ancillary community and public uses, and convenience type commercial uses. Said Low Density Urban designation has existed on both sides of Mamalahoa Highway, extending from Waimea Town toward and including the Mokuhoa and Puu Nani Subdivisions, since the adoption of the initial General Plan in 1971. 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.

Finally, because the property has been previously farmed and presently grazing by cattle and/or horses, it is not anticipated that endangered or threatened candidate species of flora or fauna are located within the property, nor has the area been identified as a significant botanical or biological habitat. Further, no valued cultural, historical or native resources nor any traditional and customary native Hawaiian rights were practiced in the area. As such, it is also not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area. In addition, the property is not situated within the Special Management Area. It is located more than 12 miles from the nearest South Kohala coastline. Therefore, the request will not impact any recreational, shoreline access to and along the shoreline, and coastal resources.

Based on the above considerations, the request to establish a church 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 the 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 within five (5) years from the effective date of this permit. This time period shall include the securing of Final Plan Approval for 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 use. 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.

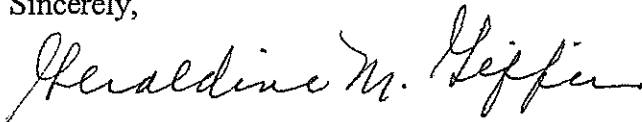
3. Access(es) to the 4.93-acre property shall meet with the requirements of the Department of Public Works.
4. The proposed project shall be completed in substantial compliance with the representations made before the Planning Commission. Any expansion to the proposed request shall be submitted to the Planning Commission as an amendment to this Special Permit.
5. Comply with all other applicable laws, rules, regulations and requirements of the affected agencies for the development of the proposed project.
6. A written final status report shall be submitted to the Planning Director upon compliance with all conditions of approval and prior to opening of the church operation.
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. 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.

Mr. Gregory Mooers  
Page 8

Should you have any questions, please contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Geraldine M. Giffin, Chairman  
Planning Commission

Lmanachristianohana01PC

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  
Brian Minaai, Director/DOT-Highways, Honolulu  
Ms. Laurie Ainslie



## County of Hawai'i

### LEEWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

OCT 02 2012

Kahu Billy Mitchell, Senior Pastor  
Mana Christian 'Ohana  
P.O. Box 437478  
Kamuela, HI 96743

Dear Pastor Mitchell:

Revocation of Special Permit No. 1120 (Docket No. 01-000016)  
Applicant: Mana Christian 'Ohana  
Tax Map Key: 6-4-001:129

The Leeward Planning Commission at its duly held public hearing on September 20, 2012, approved your request for the revocation of Special Permit No. 1120 issued to Mana Christian Ohana which allowed the establishment of a church and related improvements on approximately 2.5 acres of land in the State Land Use Agricultural District. The property is located on the south side of Māmalahoa Highway, approximately 275 feet west from its intersection with Mana Road, and directly across of the Hawaiian Home Lands Hall, Pu'ukapu Homesteads 1<sup>st</sup> Series, South Kohala, Hawai'i.

You had stated in your letter dated July 25, 2012, that the applicant is no longer pursuing the construction of the proposed church as described and approved by the subject special permit. Therefore, with your concurrence, Special Permit No. 1120 (01-000016) is hereby revoked.

If you have any questions regarding the above, please contact Daryn Arai of the Planning Department at (808) 961-8288, ext. 8142.

Sincerely,

Geraldine Giffin, Chairman  
Leeward Planning Commission

Lrevocationspp1120manachristianoohana01lpc

cc: Planning Department - Kona  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
State DLNR

State DOT *Hawai'i County is an Equal Opportunity Provider and Employer*  
Mr. Gilbert Bailado ✓