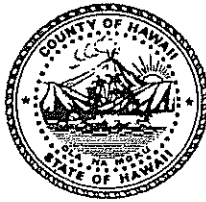


Harry Kim  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL

7000 0600 0024 2903 9381

JUN 17 2002

Mr. Fataikitama F. Nofo  
P.O. Box 5895  
Hilo, HI 96720

Dear Mr. Nofo:

Special Permit Application (SPP 02-017)

Applicant: Hilo Samoan Assembly of God Church

Request: To Construct a Church to Conduct Services and Meetings

Tax Map Key: 1-5-50:140

The Planning Commission at its duly held public hearing on May 17, 2002, voted to approve the above-referenced application. Special Permit No. 1158 is hereby issued to establish a church and related improvements on approximately one acre of land situated in the State Land Use Agricultural District. The property is located in Hawaiian Paradise Park Subdivision at the northwest corner of Paradise Drive and Kiele (10<sup>th</sup>) Avenue, approximately 3 miles from the Keaau-Paho Road intersection, Keaau, Puna, 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 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.

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The subject property is a vacant one-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 Paradise Park 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 Agricultural Lands of Importance to the State of Hawaii (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 Orchards and the zoning is Agricultural (A-1a), 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-1a and the immediately adjacent parcels are vacant. There are a few scattered residences and agricultural activities located within the immediate vicinity of 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 12:00 p.m. and Wednesdays from 6:00 p.m. to 9:00 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 Paradise Park Subdivision at the northwest corner of Paradise Drive and 10<sup>th</sup> Avenue which are both private subdivision roadways. 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. The applicant proposes to construct a wastewater system in compliance with the Department of Health standards. Solid waste shall be disposed of in a manner acceptable to the Department of Environmental Management, Solid Waste Division. 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 Paradise Park Subdivision continues to build-out, 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 vehicles 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 Hawaiian Paradise Park Subdivision, which received Final Subdivision Approval in 1959. Along Paradise Drive within the Hawaiian Paradise Park Subdivision, the following Special Permits were approved:

- a. TMK: 1-5-40:65 (SPP 477) effective 4/1/81 to the County Fire Department for a volunteer fire station on a corner lot on 21st Street.
- b. TMK: 1-5-17:61 (SPP 488) effective 6/9/81 to Malamalama School, Inc. for a pre-school/day care center. (SPP 770) effective 2/21/91 to Malamalama Schools, Inc. for a pre-school & day care center. This is on a corner lot on 31st Street.
- c. TMK: 1-5-40:228 (SPP 589) effective 6/6/85 to Glenn Odani/Hilo South Congregational Church for a church on a corner lot on 25th Street.
- d. TMK: 1-5-17:117 & 118 (SPP 607) effective 10/15/85 to Paradise Park Church of the Nazarene for a church on 32nd Street.
- e. TMK: 1-5-40:95 (SPP 1013), effective 11/20/98 to Doris Armbruster for a real estate office on 22nd Street.
- f. TMK: 1-5-41:190 (SPP1139), effective 2/15/02 to George and Shaleen Curlee for establishment of an auto repair shop and towing service at Paradise Drive and 19th Street.

The entire Hawaiian Paradise Park Subdivision is currently designated as Orchards by the General Plan. The Hawaiian Paradise Park Plan designates areas within the subdivision for future light industrial/commercial development but currently there are no commercial zoned lands to establish a church within the Hawaiian Paradise Park 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.

It is further recommended that the request be 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 five (5) 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 driveways and other improvements associated with the proposed uses. Landscaping in compliance with Planning Department Rule 17 (Landscaping Requirements) shall also be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties. Native species appropriate to the area shall be incorporated into the landscaping where possible.
3. Any exterior signs shall meet with the approval of the Department of Public Works.
4. The entrance to the subject property shall be from 10<sup>th</sup> Avenue. Due to current site clearance restrictions, exit from the subject property shall temporarily be established from the makai portion of the subject property onto Paradise Drive. The applicant shall develop the parcel such that they retain the ability to redirect the traffic flow and provide an exit onto 10<sup>th</sup> Avenue should the sight clearance at the intersection of 10<sup>th</sup> Avenue and Paradise Drive be improved.
5. The applicant shall provide 20 foot wide asphalt paving on 10<sup>th</sup> Avenue commencing at the intersection of 10<sup>th</sup> Avenue with Paradise Drive and then along the subject parcel's 130 foot road frontage, if required, or otherwise negotiated by Hawaiian Paradise Park Owners' Association.
6. Regular hours of operation shall be from 9:00 a.m. to 12:00 p.m. on Sunday and from 6:00 p.m. to 9:00 p.m. on Sunday and Wednesday.
7. The applicant shall carry liability insurance which names Hawaiian Paradise Park Owners' Association as an additional insured.
8. The applicant shall comply with applicable laws, rules and regulations of the appropriate State and County agencies, including the Department of Health, for the proposed use.
9. 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.


10. 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.
11. 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.
12. 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.

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

Mr. Fataikitama F. Nofu  
Page 7

Sincerely,

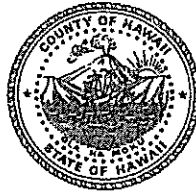
 (Vice Chairman)

FOR - Geraldine M. Giffin, Chairman  
Planning Commission

Lhilosamoanspp02-017PC

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

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

**County of Hawaii**  
**PLANNING DEPARTMENT**  
101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

September 26, 2003

Fataikitama F. Nofu, Senior Pastor  
Hilo Samoan Assembly of God Church  
P.O. Box 5895  
Hilo, HI 96720

Dear Pastor Nofu:

**Your Request & Status Letter (August 25, 2003)**  
**Special Permit No. 1158 (effective: May 17, 2002)**  
**to establish a Church & Related Improvements**  
**TMK: 1-5-50: 140, Hawaiian Paradise Park, Keaau, Puna, Hawaii Island**

We received your request as well as the earlier submitted progress report. The remainder of this letter will respond to the progress report and address the request for temporary on-site church service.

**Request for Temporary Tent to Conduct Church Services.** Currently, church service for the Hilo Assembly is conducted at the Assembly of God Church – Pahoa; however, this is a temporary arrangement because the Pahoa Assembly will need all of its facilities to accommodate a recent merger and restructuring. The Hilo Assembly's status at the Pahoa site is unconfirmed and open-ended after August 2003. To possibly correct this situation, the Hilo Assembly is requesting the County to authorize a temporary tent structure (40' x 40') so that it can conduct Sundays only service on parcel 140 while awaiting the issuance of the building permit for the new church construction.

We reviewed two documents: the permit application and Special Permit 1158. The permit application did not include a request for a temporary tent; therefore, when the County Planning Commission issued the special permit it did not include an approval for church service in a temporary structure. And consequently, there is no permit condition to that effect.

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Fataikitama F. Nofo, Senior Pastor  
Hilo Samoan Assembly of God Church  
Page 2  
September 26, 2003

Under the circumstances, the Planning Department is not authorized by the State agricultural law, Hawaii Revised Statute Chapter 205, to approve a temporary use when it requires a special permit; therefore, we can not unilaterally approve a temporary tent for Sundays only church service.

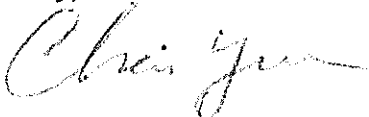
**Progress Report (July 15, 2003).** We received your recent progress report. Please note that the Hilo Assembly is in partial compliance with permit condition 2 because Final Plan Approval (September 10, 2003) was granted for the landscaping and the other plans submitted for the new church construction on parcel 140. Please proceed to obtain the grading and building permits and the HPPOA approval to begin construction on the new church and related improvements.

Attached with this letter is a separate sheet. It lists the conditions of the special permit and final plan approval that the Hilo Assembly is required to perform. Please use this information as a checklist aid in completing the performance of these conditions.

**Option.** Please check with **the Keaau Community Center (966-5801 – Elderly Recreation Office)**, I believe it is a County facility. It may be a site that could meet your need for temporary church services.

For any follow-up on the matters discussed here please contact Earl Lucero of my staff at 961-8288.

Sincerely,



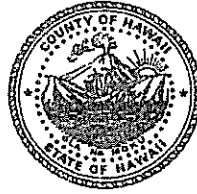
CHRISTOPHER J. YUEN  
Planning Director

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Enclosure: Checklist of Conditions to Perform

cc: Ms. Suzanne Mayheuw, General Manager  
Hawaiian Paradise Park Owners Assn.  
HC3 Box 11000  
Kea'au, HI 96749-9204

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

**County of Hawaii**  
**PLANNING DEPARTMENT**  
101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

**MEMORANDUM**

September 26, 2003

TO: Hilo Samoan Assembly of God  
Fataikitama F. Nofo, Senior Pastor

FR: Christopher J. Yuen, Planning Director *Chris Yuen*

RE: Conditions to Perform  
Special Permit No. 1158 (effective: May 17, 2002)  
Final Plan Approval (September 10, 2003)

**For New Church & Related Site Improvements**  
**TMK: 1-5-50: 140**

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Discussion. The following general information only highlights what conditions of the special permit and the final plan approval need to be performed and fulfilled by the Hilo Assembly. Please refer to Special Permit 1158 and the Final Plan Approval for the complete statement on what these conditions require.

**Special Permit Conditions to Perform**

Should any of the conditions not be met or substantially complied with in a timely fashion the Planning Director may initiate procedures to revoke the permit.

- 2. Five Years to Complete Project: by May 17, 2007.** The proposed church, church hall and related improvements are required to be completed within 5-years of May 17, 2002, the effective date of the special permit (SPP).

**Final Plan Approval (granted September 10, 2003)** means you are in partial compliance with SPP condition 2.

- 3. Exterior Signs** for the new church require approval from the County Department of Public Works.

- **4. Entrance to Parcel 140 from 10<sup>th</sup> Avenue. Exit from Parcel 140 onto Paradise Drive.** Because of current sight clearance restrictions, the exit from this lot shall be temporarily from the makai portion of parcel 140 onto Paradise Drive. The applicant shall develop parcel 140 to enable traffic flow to be redirected when sight clearance improves at the intersection of 10<sup>th</sup> Avenue and Paradise Drive whereupon an exit can be provided onto 10<sup>th</sup> Avenue.
- **5. 20-foot Wide Asphalt Paving.** The applicant shall provide 20-foot wide asphalt paving on 10<sup>th</sup> Avenue commencing at the intersection of 10<sup>th</sup> Avenue and Paradise Drive. And then, if required by the Hawaiian Paradise Park Owners' Association, continue the 20-foot wide asphalt paving along the 130-foot road frontage of parcel 140.
- **6. Regular Hours of Operation:**
  - 9:00 a.m. to 12:00 p.m., on Sunday
  - 6:00 p.m. to 9:00 p.m., on Sunday & Wednesday
- **7. Liability Insurance.** The applicant shall carry liability insurance naming Hawaiian Paradise Park Owners' Association as an additional insured. When documentation becomes available, please provide copies or some proof that the insurance requirement has been obtained.
- **9. Expansion Plans.** The SPP only approves the church project as represented to the Planning Commission. Any expansion of the proposed original request requires an amendment to the SPP, submitted for approval to the County Planning Commission.
- Conditions 1, 8, 10, 11, 12 – can be read in the SPP, pages 5 – 6 of the letter.

**Final Plan Approval Conditions to Perform**

- **1. Conditions.** Comply with conditions of SPP 1158 and the Final Plan Approval (FPA) (September 10, 2003).
- **2. Building Permit.** On or before September 10, 2005, obtain a *building permit*. The *special permit* expires on September 10, 2007.

Fataikitama F. Nofo, Senior Pastor  
Hilo Samoan Assembly of God  
Page 3  
September 26, 2003

- **3. Parking Requirements.** This condition allows for an off-street gravel parking lot; however, the two ADA stalls must meet the legal requirements for pavement, striping, and signage.
- Minimum parking stalls required 31; the approved off-street parking plan showed 47 gravel stalls to be provided.
  
- **Conditions 4, 5, and the remainder of 3** – please read in the Final Plan Approval document, page 2.
  
- The **cover letter** for Final Plan Approval (September 10, 2003) noted the following two criteria:
  - **1. A private water catchment tank system** for potable and emergency needs will be required.
  - **2. Access to parcel 140 & installation of pavement within the private right-of-way** shall be coordinated with and meet the approval of the Hawaiian Paradise Park Owners Association (HPPOA).

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