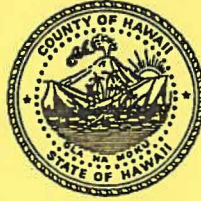


Harry Kim
Mayor



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

April 22, 2010

Pastor Alan Tamashiro
Puna Baptist Church
P.O. Box 1279
Pahoa, HI 96778

Dear Pastor Tamashiro:

Special Permit No. 05-006
Applicant: Puna Baptist Church
Request: Church
Subject: Administrative Time Extension to Comply With Condition No. 3
Tax Map Key: 1-5-115: 8

This is in response to your letter dated April 8, 2010 requesting an administrative extension of time in accordance with provisions of Condition No. 14 to comply with Condition No. 3 (complete construction) of Special Permit No. 05-006. Condition 14 allows for an administrative time extension for a period not to exceed the period originally granted. According to the letter submitted, there is reasonable and sufficient justification to allow the requested time extension. The effective date for Special Permit No. 05-006 is June 3, 2005. Therefore, as requested, we will grant a 5-year extension until **June 3, 2015**.

Please be informed, however, should you need an additional extension of time to comply with Condition No. 3, your request and reasons, along with 20 copies of that request shall be forwarded to the Planning Department with a \$250 filing fee. The request will be transmitted to the Planning Commission for appropriate action.

If you have any questions, please feel free to contact Jeff Darrow at 961-8158.

Sincerely,

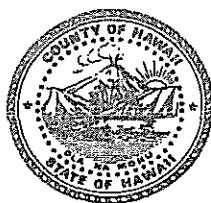
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Planning Director

JWD:smn

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APR 23 2010



County of Hawai'i

PLANNING COMMISSION

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

June 23, 2005

Pastor Alan Tamashiro
Puna Baptist Church
P.O. Box 1279
Pahoa, HI 96778

Dear Pastor Tamashiro:

Special Permit Application (SPP 05-006)
Applicant: Puna Baptist Church
Request: Church
Tax Map Key: 1-5-115:8

The Planning Commission at its duly held public hearing on June 3, 2005, voted to approve the above-referenced application to allow the establishment of a church and related improvements on approximately 2.91 acres of land situated within the State Land Use Agricultural District. The property is located along the south side of the Pahoa-Pohoiki Road (Highway 132), adjacent and to the east of the Pahoa Woodland Subdivision, Pahoa, Kaniahiku, Puna, Hawaii.

Approval of this request is based on the following:

The applicant proposes to establish a church and related improvements on an approximately 2.91-acre parcel. The site plan indicates an approximately 7,656 square-foot 19-foot high single-story structure, parking lot, catchment tank and landscaping. The church will accommodate approximately 200 individuals. The church facilities will be available to individuals and groups during non-church hours. Church membership currently numbers approximately 100, with approximately 70 individuals in attendance on Sundays. The pastor is the only employee of the church. The hours of operation are: Sunday School - 9:00 a.m. Sundays; Monday Worship Service - 10:10 a.m. Sundays; Prayer meeting and Bible Study - 7:00 p.m. Wednesdays; Pastor's office hours - 9:00 a.m. to 5:00 p.m. Monday, Tuesday, Thursday, Friday and 9:00 a.m. to 12:00 p.m. Wednesday. Other hours of operation will vary depending upon the need of groups and individuals for

Bible studies, special services and counseling sessions. The church currently functions as a distribution center for the Food Bank and provides food for approximately one dozen families each week on a regular basis, with occasional emergency referrals. Free blood pressure clinics are held monthly.

The applicant is requesting the Special Permit to relocate their present operation in the Keonepoko Iki Pahoa Village lots located approximately two miles from the subject property. The applicant has been in existence for over 23 years and wishes to continue to provide ongoing ministry and outreach to the community. The applicant states that no complaints have been received from surrounding neighbors.

The existing 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. 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. In recognizing that lands within the 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.

Soils on the property are classified as "E" or "Very Poor" and Unclassified for agricultural productivity by the Land Study Bureau and Unclassified by the Agricultural Lands of Importance to the State of Hawaii (ALISH) Map. The property is currently vacant and is not in active agricultural use. As only a two-acre portion of a 2.91-acre parcel will be used for the church, it is not anticipated that the proposed use will displace any agricultural activity nor diminish the agricultural potential of the area. The rear one-acre area is proposed to remain undeveloped. Thus, this request is not contrary to the objectives of the State Land Use Law for the Agricultural District.

The request is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. The property is located on Pahoa-Pohoiki Road (Highway 132) and will not be impacted by coastal hazard and beach erosion. There are no identified recreational resources, historic resources, public access to the shoreline or mountain areas, scenic and open space preserves, coastal ecosystems, marine resources or other natural and environmental resources in the area. Although there were no professional surveys conducted of the site, it is not anticipated that endangered or threatened candidate species of flora or fauna are located within the

property, and the area has not been identified as a significant botanical or biological habitat. The property is not known to be a habitat for any rare or endangered animal life and would not have any significant negative impact on floral or fauna resources in the area. There is no evidence of any traditional and customary Native Hawaiian rights being practiced on the site, nor existence of known valued cultural, historical or native resources in the area. Thus, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

No commissioned archaeological inventory survey of the area was conducted. In a letter dated March 15, 2005, the State Department of Land and Natural Resources Historic Preservation Division has indicated that "We believe there are no historic properties present. SHPD staff site visit indicates invasive tree species indicative of previous land clearing. Should caves be encountered during land alteration activities, SHPD should be notified immediately to inspect. The project has already gone through the historic preservation review process, thus we believe that no historic properties will be affected by this undertaking."

The desired use will not adversely affect surrounding properties. The surrounding area is characterized by single-family dwellings and vacant land. Surrounding properties to the north, east and south are zoned A-1a. Properties to the west (Pahoa Woodland Subdivision) are in the State Land Use Rural district and zoned Residential-Agricultural 5-acres (RA-.5a). Adjacent to the Pahoa Woodland Subdivision to the west is the Tangerine Acres Subdivision, zoned A-1a. The property is 2.91-acres in size and large enough to minimize any impacts from the proposed development. Due to the limited nature of the proposed use, it is not anticipated that the use will adversely impact surrounding properties. As a condition of approval, the applicant will be required to provide landscaping to mitigate any potential adverse noise or visual impacts to adjacent properties. This requirement should further minimize the possibility of adverse impacts to the surrounding area. In addition, a condition will be added to state that the church shall accommodate no more than 200 individuals. No objections were received from the public as of this writing.

The establishment of a church will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Access to the site is from Pahoa-Pohoiki Road (Highway 132), a County roadway with a right-of-way that varies in width from 60 to 70 feet. In a memorandum dated April 14, 2005, the Police Department has stated that "there would be a minimal increase in traffic; and expected peak periods would occur on a Sunday when there is normally less vehicular traffic." County water is available to the site, and a septic system will be installed. Police and fire services are located in Pahoa. 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 project site and surrounding areas are designated for agricultural uses by both State and County land use laws. However, through the issuance of a Special Permit, various "non-agricultural" services and uses may and have been established. The establishment of a church in this area of Pahoa would help meet the spiritual and social needs of a growing community. The applicant hopes to continue to provide ministry and outreach to adults, youth and children in structured educational programs.

The request will conform to, among others, the Land Use and Economic elements of the General Plan and is not contrary to the goals, policies and standards of the General Plan. The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The property is designated Important Agricultural Land and Extensive Agriculture, and soils on the property are classified as "E" or "Very Poor" and Unclassified for agricultural productivity and Unclassified by the Agricultural Lands of Importance to the State of Hawai'i (ALISH) Map. While the potential for intensive agricultural uses may exist, the soil conditions within the property and surrounding area would preclude such intensive agricultural activities from being conducted. Although church activities are not defined as a use that is compatible with the Important Agricultural Land and Extensive Agriculture designation, the proposed use is consistent with the Land Use and Economic element of the General Plan. 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.

In view of the recent Hawaii State Supreme Court's "PASH" and "*Ka Pa'akai O Ka Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site:

Investigation of valued resources: No formal archaeological reconnaissance survey, oral history of kamaaina accounts of the area, historical survey of documentary records, botanical and/or fauna study was submitted.

The valuable cultural, historical, and natural resources found in the rezoning area: The applicant believes that no rare or endangered floral or faunal resources are likely to be on the site, as the property was previously cleared. The DLNR-HPD has stated that no historic properties will be affected by this undertaking.

Possible adverse effect or impairment of valued resources: Native plants could be destroyed by construction and ground alteration. The property does not abut the shoreline, therefore Hawaiian gathering and fishing rights is not an issue.

Feasible actions to protect native Hawaiian rights: A condition of approval will be included to require the applicant to notify the DLNR-HPD should any unidentified sites or remains be encountered, and proceed only upon an archaeological clearance from the DLNR-HPD. The applicant has stated that there is no evidence of any traditional or customary Native Hawaiian rights being practiced on the site, nor existence of any known valued cultural, historical or native resources in the area. Thus, it is believed that the project would have no adverse impact relative to the cultural and historical resources of the area. To the extent to which traditional and customary Native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights.

Based on the above considerations, the approval of the request to establish a church would support 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 these conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this permit.

1. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Prior to the issuance of a water commitment by the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within ninety days from the effective date of this permit.
3. Construction of the church shall be completed within five (5) years from the effective date of this permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Chapter 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all existing and/or proposed structures, fire protection measures, parking stalls, and other improvements associated with the proposed use. A 30-foot landscaping buffer shall be included in the development plans to mitigate any potential adverse noise or visual impacts to the adjacent property to the west (TMK 1-5-115: 45), in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements) standards for the Village Commercial (CV) zone adjoining a Single-Family Residential (RS) zone.

Existing vegetation shall be retained for the buffer (except for albizzia, cecropia or other potentially hazardous trees) to the extent compatible with runoff control requirements of Condition No. 8. The landscape buffer plans shall be subject to the approval of the Planning Director.

4. The church shall accommodate no more than 200 individuals.
5. Any exterior signs shall meet with the approval of the Department of Public Works.
6. The driveway connection to Pahoa-Pohoiki Road (Highway 132) shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code.
7. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of a construction permit. The recommended drainage improvements, if any, shall be constructed, meeting with the approval of the Department of Public Works prior to receipt of a Certificate of Occupancy.
8. All development-generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.
9. Septic tank(s) shall be installed, meeting with the standards and requirements of the State Department of Health, prior to the issuance of a Certificate of Occupancy.
10. A Solid Waste Management Plan shall be prepared and submitted for approval to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
11. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources - State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigative measures have been taken.
12. 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

Pastor Alan Tamashiro

Page 7

13. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
14. An initial extension of time for the performance of conditions 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 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.
 - 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 Norman Hayashi of the Planning Department at 961-8288.

Sincerely,

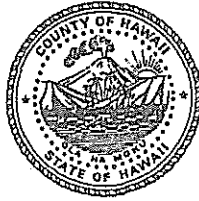


Fred Galdones, Chairman
Planning Commission

Lpunabaptistspp05-006

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources-HPD/Kona
Rodney Haraga, 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

October 25, 2005

Mr. Nick Nixon, Trustee
Puna Baptist Church
P.O. Box 1279
Pahoa, HI 96778

Dear Mr. Nixon:

Special Permit No. 05-006
Applicant: Puna Baptist Church
Request: Church
Subject: Administrative Time Extension to Comply With Condition No. 2
Tax Map Key: 1-5-115: 8

This is in response to your letter dated October 17, 2005 requesting an administrative extension of time in accordance with provisions of Condition No. 14 to comply with Condition No. 2 (submit water calculations to DWS) of Special Permit No. 05-006. Condition 14 allows for an administrative time extension for a period not to exceed the period originally granted. According to the letter submitted, there is reasonable and sufficient justification to allow the requested time extension. The effective date for Special Permit No. 05-006 is June 3, 2005. Therefore, as requested, we will grant a 90-day time extension until December 3, 2005 to comply with Condition No. 2.

Condition No. 2 requires the applicant to submit the anticipated maximum daily usage calculations as recommended by a registered engineer, and a water commitment deposit (if needed) in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within ninety days from the effective date of this permit. Per a telephone conversation with a member of our staff, you had said that your engineer, Ron Nickel, does not anticipate needing the additional unit of water for the proposed development. To comply with this condition, please have your engineer submit a letter to the Department of Water Supply with the anticipated water calculations within the next 90 days.


Hawai'i County is an Equal Opportunity Provider and Employer

OCT 26 2005

Mr. Nick Nixon, Trustee
Puna Baptist Church
Page 2
October 25, 2005

If you have any questions, please feel free to contact Jeff Darrow at 961-8288.

Sincerely,


CHRISTOPHER J. YUEN
Planning Director

JWD:smn
P:\WPWIN60\JEFF\Letters\Time Ext\LPunaBaptist-SP05-006-TER-Cond2.doc
cc w/ copy of letter: Planning Commission