



County of Hawai'i

WINDWARD PLANNING COMMISSION

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

SEP 14 2015

Reverend Leon Baker
Paradise Park Baptist Church
HCR2 Box 9522
Kea'au, HI 96749

Dear Reverend Baker:

SUBJECT: Special Permit No. 14-000163
Applicant: Paradise Park Baptist Church
Request: To Add Additional Acre (Parcel 124) to Allow Access from 24th
Avenue and Close Access from Kaloli Drive
Tax Map Key: 1-5-038:123 and 124

The Windward Planning Commission, at its duly held public hearing on September 3, 2015, voted to approve the above-referenced request for an amendment to Special Permit No. 14-000163 to include an adjoining 1-acre parcel (Parcel 124) as part of the permit area to accommodate a new access from 24th Avenue that will allow for termination of access to Kaloli Drive as required by Condition No. 3. Special Permit No. 14-163 was approved to allow the establishment of a church and related improvements on approximately one acre of land situated in the State Land Use Agricultural District. The properties are located in Hawaiian Paradise Park Subdivision along the west side of Kaloli Drive between Naupaka Avenue (23rd) and Ohe Avenue (24th), approximately 1 mile from the Kea'au-Pāhoa Road intersection, Kea'au, Puna, Hawai'i.

Approval of this amendment is subject to the following amended conditions:

1. The applicant shall be responsible for complying with all of the stated conditions of approval.

2. Building permit(s) for a change of occupancy from a single-family dwelling to a church shall be secured within three (3) years from the effective date of this permit. Prior to the submittal of the change of occupancy permit(s), Final Plan Approval for the church and related improvements shall be secured in accordance with the Zoning Code. Plans shall identify all existing and proposed structures, signage, fire protection measures, all weather dust free driveway access and parking stalls, outdoor lighting (if any), and other improvements associated with the proposed development. Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse noise and visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements). Bufferyard landscaping shall conform to the standards for separation of a residential zone from a commercial zone as provided for in Planning Department Rule No. 17.
3. Access to the subject property(s) from Kaloli Drive shall be prohibited.
4. Any exterior signs shall meet with the approval of the Department of Public Works.
5. The applicant shall upgrade the current cesspool system for the church to a septic system as required by the Department of Health.
6. The applicant shall comply with all other applicable laws, rules, regulations and requirements of the affected government agencies for the proposed use including the Department of Health-Wastewater and Safe Drinking Water Divisions.
7. The applicant shall consolidate Parcels 123 and 124 within one year from the effective date of this amendment.
8. 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.

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).
 - E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

Should any of the conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate the revocation of the permit.

[Note: Ramseyer version available upon request.]

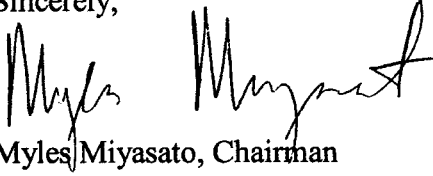
This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Approval of this permit is based on the reasons given in the attached Findings Report.

Reverend Leon Baker
Paradise Park Baptist Church
Planning Consultant
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Should you have any questions, please contact Jeffrey Darrow of the Planning Department at 961-8158.

Sincerely,

A handwritten signature in black ink, appearing to read "Myles Miyasato". The signature is fluid and cursive, with the first name "Myles" and the last name "Miyasato" clearly distinguishable.

Myles Miyasato, Chairman
Windward Planning Commission

LParadiseparkbaptistchurchamendSPP14-163wpc
Enclosure: PC Findings

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
State DLNR-HPD
HPPOA
Mr. Gilbert Bailado

COUNTY OF HAWAI'I
PLANNING COMMISSION FINDINGS

PARADISE PARK BAPTIST CHURCH

AMENDMENT TO SPECIAL PERMIT NO. 14-000163 (SPP NO. 14-000163)

PARADISE PARK BAPTIST CHURCH has submitted a request to amend Special Permit No. 14-163 to include an adjoining 1-acre parcel (Parcel 124) as part of the permit area to accommodate a new access from 24th Avenue that will allow for termination of access to Kaloli Drive as required by Condition No. 3. Special Permit No. 14-163 was approved to allow the establishment of a church and related improvements on approximately one acre of land situated in the State Land Use Agricultural District. The properties are located in Hawaiian Paradise Park Subdivision along the west side of Kaloli Drive between Naupaka Avenue (23rd) and Ohe Avenue (24th), approximately 1 mile from the Kea'au-Pāhoa Road intersection, Kea'au, Puna, Hawai'i, TMK: 1-5-038:123 & 124.

The applicant, Paradise Park Baptist Church, is requesting an amendment to Special Permit No. 14-000163 to add an adjoining 1-acre parcel (Parcel 124) to allow access from 24th Avenue and to close access from Kaloli Drive. Special Permit No. 14-000163 was approved by the Windward Planning Commission on June 5, 2014 to allow the establishment of a church, and related improvements and activities within two existing structures situated on approximately one acre of land in the Hawaiian Paradise Park Subdivision.

The objective of the applicant's amendment request is to comply with the requirements of Condition No. 3 of Special Permit No. 14-000163, which states:

"The entrance to the subject property shall be from 23rd Avenue. Direct access to the subject property from Kaloli Drive shall be prohibited after one (1) year from the effective date of this Special Permit, at which time the applicant will need to appear before the Planning Commission for an amendment."

Although Condition No. 3 currently states that the entrance to the subject property shall be from 23rd Avenue, the applicant owns the adjoining parcel to the southwest towards 24th Avenue and is requesting access be from 24th Avenue. Currently, there is a parsonage, water tank and perimeter landscaping near 23rd Avenue that make it very difficult to allow access to the church from this location. This condition will be amended to state that access will be restricted from Kaloli Drive and not specifically require access from 23rd Avenue. This will allow access from 23rd Avenue and/or 24th Avenue to the church. Additionally, a condition of approval will be added requiring the applicant to consolidate the two properties into one property.

The grounds for approving a Special Permit (and amendment) are based on Rule 6-7 in the Planning Commission Rules. It states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

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, Hawai'i 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 Hawai'i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use.

The parcel that is being added to the permit area is a one-acre parcel in the Hawaiian Paradise Park Subdivision that will be used for access to the adjoining parcel, which is the location for the Paradise Park Baptist Church. The properties will be consolidated into one parcel so that the access and church will be on the same property.

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 Hawai'i (ALISH) Map. Additionally, the soil is classified as rLW (lava flows, Pahoehoe). As a result, the proposed use will not adversely affect the preservation and agricultural use of the County's prime agricultural lands.

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.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The subject request is considered an unusual and reasonable use of the agricultural land and will not adversely affect the preservation and agricultural use of the County's prime agricultural lands. Therefore, the proposed request is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

(B) The desired use would not adversely affect surrounding properties. The properties are located in the Hawaiian Paradise Park Subdivision on the west side of Kaloli Drive between Naupaka Avenue (23rd) and Ohe Avenue (24th). They are rectangular in shape and are each one acre in size. There are two existing permitted dwellings constructed on Parcel 123. One dwelling will be used as a parsonage and the other as a sanctuary, classrooms and office. Parcel 124 will be used solely for access. The properties are situated within the State Land Use Agricultural district and the County's Agricultural (A-1a) zoning district.

The nearest single family dwelling is located on an adjoining parcel to the west along 23rd Avenue. The church has added landscaping through the Plan Approval process to further minimize any adverse noise and visual impacts that may be generated by the proposed request. All of the proposed activities will occur during off-peak traffic periods and the applicant is providing sufficient on-site parking.

Lastly, the Planning Department has not received objections from the community. The Hawaiian Paradise Park Owners Association is in favor of the request. Based on the above discussion, no significant adverse impact to surrounding properties is expected.

(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Access to Hawaiian Paradise Park Subdivision is from Keaau-Pahoa Road (Highway 130), a two-lane highway with a 100-foot right-of-way, then onto Kaloli Drive and 24th Avenue to the subject properties. Kaloli Drive is a private road with an approximate 20-foot wide pavement

within a 60-foot right-of-way. 24th Avenue is a private road with an approximately 20-foot wide paved road along the property frontage within a 40-foot right-of-way. This amendment is in response to a requirement in the original Special Permit to close access from Kaloli Drive within one year from the effective date of the permit. The applicant is proposing access from 24th Avenue instead of the previously approved access from 23rd Avenue.

Water, wastewater and solid waste were addressed during the review of the original permit application and are not needed for access purposes.

Based on the above discussion, the requested use will not burden public agencies to provide additional services.

(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established. In the 1960's and 1970's, the State's Agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964. The properties and surrounding areas are designated for agricultural uses by both State and County land use laws. Through the issuance of a Special Permit, various "non-agricultural" uses may be allowed.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. Soils on the properties are classified as "E" or "Very Poor" for agricultural productivity by the Land Study Bureau and is unclassified by the Agricultural Lands of Importance to the State of Hawai'i (ALISH) Map. The U.S. Soil Survey Type for the subject properties is Pāhoehoe lava flows, (rLW). Pāhoehoe lava has no soil covering and is typically bare of vegetation except for mosses and lichens. The properties have not been used for commercial agriculture in the past and due to its poor soil qualities is not ideal for producing sustained high agricultural yields. Thus, the land upon which the proposed use is sought is unsuited for the uses permitted within the district.

(F) The use will not substantially alter or change the essential character of the land and the present use. The essential character of the area is rural and residential. The proposed use will alter the character of the land, but it will not be a substantial change. The proposed access will be in harmony with the existing rural character of the neighborhood.

The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans. 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 properties are designated Rural. This designation includes existing subdivisions in the State Land Use Agricultural and Rural districts that have a significant residential component, including the Orchidland Estates, 'Āinaloa, and Hawaiian Paradise Park (HPP) subdivisions. Typical lot sizes vary from 9,000-square feet to two acres. These subdivisions may contain small farms, wooded areas, and open fields as well as residences. Allowable uses within these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities. The proposed use is considered a community facility as it will provide spiritual support for residents within the HPP subdivision and surrounding areas. The request is not contrary to the Land Use Pattern

Allocation Guide (LUPAG) Map designation for this area and complements the Land Use and Economic elements of the General Plan.

Additionally, the subject properties are located within the proposed Hawaiian Paradise Park Regional Town Center area identified along Kaloli Drive between 22th and 28th Avenues within the Puna Community Development Plan.

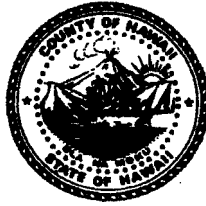
Therefore, the proposed request is not contrary to the General Plan and official Community Development Plan for the area.

The granting of this request would promote the effectiveness and objectives of Chapter 205A, Hawai'i Revised Statutes, relating to the Coastal Zone Management Program. The properties are not located within the Special Management Area and are over three miles from the nearest coastline. There is no record of a designated public access to the shoreline or mountain areas traversing the properties. Due to the project site's distance from the shoreline, the properties will not impact any recreational resources, scenic and open space or visual resources, coastal ecosystems and marine coastal resources.

The added property has been previously cleared and is vacant of structures. The likelihood of any rare or endangered species, habitat or flora, or archaeological sites on the added property is remote. The Department of Land and Natural Resources-State Historic Preservation Division has issued a "no-effect" letter for the adjoining church property stating that they believe that no historic properties will be affected by this project.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the above considerations, the approval of the amendment to include an adjoining 1-acre parcel (Parcel 124) as part of the permit area to accommodate a new access from 24th Avenue is approved.



County of Hawai'i

WINDWARD PLANNING COMMISSION

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JUN 18 2014

Michael Moore, Esq.
Law Offices of Yeh & Moore
85 W. Lanikāula Street
Hilo, HI 96720-4199

Dear Mr. Moore:

Special Permit (SPP 14-000163)

Applicant: Paradise Park Baptist Church

Request: To Allow the Operation of a Church and Related Improvements on 1 Acre
of Land Within the State Land Use Agricultural District

Tax Map Key: 1-5-038:123

The Windward Planning Commission, at its duly held public hearing on June 5, 2014, voted to approve the above-referenced request 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 southeast corner of Kaloli Drive and (23rd) Avenue, approximately 1 mile from the Kea'au-Pāhoa Road Intersection, Kea'au, Puna, Hawai'i.

Approval of this request is subject to the following conditions:

1. The applicant shall be responsible for complying with all of the stated conditions of approval.
2. Building permit(s) for a change of occupancy from a single-family dwelling to a church shall be secured within three (3) years from the effective date of this permit. Prior to the submittal of the change of occupancy permit(s), Final Plan Approval for the church and related improvements shall be secured in accordance

with the Zoning Code. Plans shall identify all existing and proposed structures, signage, fire protection measures, all weather dust free driveway access and parking stalls, outdoor lighting (if any), and other improvements associated with the proposed development. Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse noise and visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements). Bufferyard landscaping shall conform to the standards for separation of a residential zone from a commercial zone as provided for in Planning Department Rule No. 17.

3. The entrance to the subject property shall be from 23rd Avenue. Direct access to the subject property from Kaloli Drive shall be prohibited after one (1) year from the effective date of this Special Permit, at which time the applicant will need to appear before the Planning Commission for an amendment.
4. Any exterior signs shall meet with the approval of the Department of Public Works.
5. The applicant shall upgrade the current cesspool system for the church to a septic system as required by the Department of Health.
6. The applicant shall comply with all other applicable laws, rules, regulations and requirements of the affected government agencies for the proposed use including the Department of Health-Wastewater and Safe Drinking Water Divisions.
7. 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.
8. 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.

Michael Moore, Esq.
Law Offices of Yeh & Moore
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- 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).
- E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

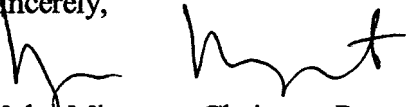
Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this permit.

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.

Approval of this permit is based on the reasons given in the attached Findings.

Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8288, ext 8142.

Sincerely,



Myles Miyasato, Chairman Pro-tem
Windward Planning Commission

LParadiseparkbaptistchurchspp14-163wpc

Enclosure: PC Findings

cc: Paradise Park Baptist Church
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
State DLNR-HPD
Mr. Gilbert Bailado
HPPOA

**COUNTY OF HAWAI'I
PLANNING COMMISSION FINDINGS**

**PARADISE PARK BAPTIST CHURCH
SPECIAL PERMIT APPLICATION NO. 14-000163 (SPP NO. 14-000163)**

The applicant is requesting a Special Permit to allow the establishment of a church and related improvements and activities within two existing structures known as Paradise Park Baptist Church on approximately one acre of land in the Hawaiian Paradise Park Subdivision on TMK:1-5-038:123. The project will include structures and uses

- **Structures/Uses:** The property consists of two permitted dwellings that will be used for the church and related activities. One dwelling will be used for the parsonage for the Church's pastor. The other dwelling will be used for the sanctuary for services; 2 classrooms for Sunday school, Bible study and prayer; and an office. Both dwellings are the same construction design and size, which consists of 3-bedrooms and 2-bathrooms, approximately 1,680 feet in size. There is 20 parking stalls proposed to be provided on-site.

- **Additional Activities:** The church activities will also include special seasonal events, such as summer Vacation Bible School (VBS), Christmas Eve and Candle Light Services, and other similar events. Additionally, the applicant will provide Community Outreach programs including free car washes, debt-free seminars, and similar outreaches.

The objective of the church is to provide both spiritual and physical ministry to the community of Hawaiian Paradise Park and its surrounding communities. There is currently one employee, which is the pastor. There is an average of 25-30 attendees for Sunday services and 6-8 attendees on Wednesday night prayer and Bible study. *Worship services will be held between 8:00 a.m. to 2:00 p.m. on Sundays. Bible study and prayer will be held 7:00 p.m. to 9:00 p.m. on Wednesdays. The office will be open Monday through Fridays from 8:00 a.m. to 4:00 p.m.*

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, Hawai'i 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 Hawai'i. 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 one-acre parcel with two existing dwellings, which is not in active agricultural use. The applicant proposes to establish a church 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 Hawai'i (ALISH) Map. Additionally, the soil is classified as rLW (lava flows, Pahoehoe). As a result,

the proposed use will not adversely affect the preservation and agricultural use of the County's prime agricultural lands.

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.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The subject request is considered an unusual and reasonable use of the agricultural land and will not adversely affect the preservation and agricultural use of the County's prime agricultural lands. Therefore, the proposed request is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

(B) The desired use would not adversely affect surrounding properties. The property is located in the Hawaiian Paradise Park Subdivision on the southwest corner of Kaloli Drive and Naupaka (23rd) Avenue. It is rectangular in shape and is one acre in size. There two existing permitted dwellings constructed onsite. One dwelling will be used as a parsonage and the other as a sanctuary, classrooms and office. The property is situated within the State Land Use Agricultural district and the County's Agricultural (A-1a) zoning district.

The nearest single family dwelling is located on an adjoining parcel to the west along 23rd Avenue. The church will meet the required landscaping through the Plan Approval process to further minimize any adverse noise and visual impacts that may be generated by the proposed request. All of the proposed activities will occur during off-peak traffic periods and the applicant will be providing sufficient on-site parking.

Lastly, the Planning Department has not received objections from the community. The Hawaiian Paradise Park Owners Association is in favor of the request but asks that the applicant no longer use Kaloli Drive as an entrance to the property but utilize 23rd Avenue as the entrance to the church and parsonage. A condition of approval will be added to require the applicant to meet this request. Based on the above discussion, no significant adverse impact to surrounding properties is expected.

(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Access to Hawaiian Paradise Park Subdivision is from Keaau-Pahoa Road (Highway 130), a two-lane highway with a 100-foot right-of-way, then onto Kaloli Drive and 23rd Avenue to the subject property. Kaloli Drive is a private road with an approximate 20-foot wide pavement within a 60-foot right-of-way. 23rd Avenue is a private road with an approximately 20-foot wide paved road along the property frontage within a 40-foot right-of-way.

Water will be provided by water catchment systems. Wastewater disposal will be by a private septic system. Currently, both dwellings are connected to existing cesspools according to plumbing permit records. The Department of Health has stated concerns regarding the usage of cesspools for this proposed project. A condition of approval will be added requiring the applicant to comply with the requirements of the Department of Health regarding wastewater

disposal and drinking water. Lastly, electrical and telephone service are available to the property.

Based on the above discussion, the requested use will not burden public agencies to provide additional services.

(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established. In the 1960's and 1970's, the State's Agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964. The property and surrounding areas are designated for agricultural uses by both State and County land use laws. Through the issuance of a Special Permit, various "non-agricultural" uses may be allowed.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. Soils on the property are classified as "E" or "Very Poor" for agricultural productivity by the Land Study Bureau and is unclassified by the Agricultural Lands of Importance to the State of Hawai'i (ALISH) Map. The U.S. Soil Survey Type for the subject property is Pāhoehoe lava flows, (rLW). Pāhoehoe lava has no soil covering and is typically bare of vegetation except for mosses and lichens. The property has not been used for commercial agriculture in the past and due to its poor soil qualities is not ideal for producing sustained high agricultural yields. Thus, the land upon which the proposed use is sought is unsuited for the uses permitted within the district.

(F) The use will not substantially alter or change the essential character of the land and the present use. The essential character of the area is rural and residential. The proposed use will alter the character of the land, but it will not be a substantial change. The proposed church will be in harmony with the existing rural character of the neighborhood.

The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans. 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 Rural. This designation includes existing subdivisions in the State Land Use Agricultural and Rural districts that have a significant residential component, including the Orchidland Estates, 'Āinaloa, and Hawaiian Paradise Park (HPP) subdivisions. Typical lot sizes vary from 9,000-square feet to two acres. These subdivisions may contain small farms, wooded areas, and open fields as well as residences. Allowable uses within these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities. The proposed use is considered a community facility as it will provide spiritual support for residents within the HPP subdivision and surrounding areas. The request is not contrary to the Land Use Pattern Allocation Guide (LUPAG) Map designation for this area and complements the Land Use and Economic elements of the General Plan.

Additionally, the subject property is located within the proposed Hawaiian Paradise Park Regional Town Center area identified along Kaloli Drive between 22th and 28th Avenues within the Puna Community Development Plan.

Therefore, the proposed request is not contrary to the General Plan and official Community Development Plan for the area.

The granting of this request would promote the effectiveness and objectives of Chapter 205A, Hawai‘i Revised Statutes, relating to the Coastal Zone Management Program. The property is not located within the Special Management Area and is over three miles from the nearest coastline. There is no record of a designated public access to the shoreline or mountain areas traversing the property. Due to the project site’s distance from the shoreline, the property will not impact any recreational resources, scenic and open space or visual resources, coastal ecosystems and marine coastal resources.

The property has been previously cleared and is developed two existing dwellings. The likelihood of any rare or endangered species, habitat or flora, or archaeological sites on the property is remote. The Department of Land and Natural Resources-State Historic Preservation Division has issued a “no-effect” letter stating that they believe that no historic properties will be affected by this project.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. **Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.**

Based on the above considerations, the request to establish of a church and related improvements and activities within two existing structures known as Paradise Park Baptist Church is approved.