

CERTIFIED MAIL

September 6, 1988

Pastor Glenn H. Matsuwaki  
Pahala Assembly of God Church  
P. O. Box 306  
Pahala, HI 96777

Dear Pastor Matsuwaki:

Use Permit Application  
Tax Map Key: 9-6-23:Portion of 34

The Planning Commission at its duly held public hearing on August 30, 1988, voted to approve your application, Use Permit No. 60, to allow the establishment of a multi-purpose church building and related improvements on 2.3+ acres of land within the Single Family Residential - 10,000 square foot (RS-10) zoned district at Pahala Village, Paauau, Ka'u, Hawaii.

Approval of this request is based on the following:

The granting of the proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan. The establishment of the proposed multi-purpose church facility and related improvements on a property situated within the County's Single-Family Residential zoned district may be permitted through the granting of a Use Permit. It should be further noted that the goals of the Land Use Element of the General Plan states to "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." It is felt that the granting of the request at its particular location will still maintain the present character of the area. Community service facilities immediately adjacent to

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the project site include the Pahala fire station and the Pahala Community Center. Ka'u Hospital and the Pahala Hongwanji Mission are located in the vicinity of the project site. Additionally, since all essential utilities and services are available to the property, the granting of this request will also be in the direction of fulfilling the land use policy of the General Plan which states to promote and encourage the utilization of urban areas which are serviced by basic community facilities and utilities."

The proposed use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties. The new multi-purpose church facility will cover approximately 14,000 square feet of land area and is not more than 35 feet in height. Thus, the total development encompasses approximately 14 percent of the net land area of the property which is 2.3+ acres in size. Given the ground cover ratio, the scale and size of the proposed church and related improvements should not physically dominate or overwhelm the property. The height of the structure is consistent with the Single-Family Residential zone district limitation of 35 feet. Off-street parking is proposed to accommodate the activities. The establishment of the church may have some impact on adjacent residential subdivisions, but these impacts may be mitigated by requiring structural setbacks and landscaping from the residences.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. Approval of the subject request would enable the petitioner to provide a service for the Pahala area. This new facility would be tailored to accommodate individual religious, educational and recreational needs of the community.

The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. The property is provided with all essential utilities and services. Pa'au'au Street is paved and improved with swales to county standards. This is adequate to service vehicular and pedestrian traffic to this property. The pole portion or driveway leading to the project site shall be paved in accordance with the requirements of the Department of Public Works.

Additionally, on-site fire hydrants will be installed according to the Uniform Fire Code. It should be noted that none of the cooperating agencies had any objections to the subject request.

Approval of this request is subject to the following conditions:

1. The petitioner shall comply with all of the stated conditions of approval.
2. The petitioner shall submit the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Policy" within ninety days from the date of approval of the Use Permit. The Permit shall become effective after the water commitment payment has been accepted by the Department of Water Supply.
3. Plans for the multi-purpose church building, including detailed parking and landscaping plans, shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of this permit and Final Plan Approval shall be secured within two years thereafter. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Parking for all functions shall be maintained on the subject property to ensure that on-street parking will not occur on Pa'au'au Street. An overflow parking area shall be provided for on the subject property and shall be delineated on the plans submitted for plan approval. Detailed landscaping plans shall include landscaping buffers in the form of trees and shrubbery along the sides of the project as well as landscaping medials within the parking areas.
4. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
5. The multi-purpose building shall maintain a minimum 50-foot setback from the southeast (side), northern (rear), and southwest (side) property lines. The purpose of this requirement is to provide an adequate

- visual and noise buffer area between the church use and adjacent existing and future residents.
6. A drainage system meeting with the approval of the Department of Public Works shall be provided.
  7. Driveway access shall meet with the requirements of the Department of Public Works.
  8. Preschool or day-care activities shall not be permitted.
  9. Comply with all other applicable laws, rules, regulations and requirements, including those of the Department of Water Supply, the Department of Health and the Uniform Fire Code.
  10. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
  11. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the 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; and 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

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Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Thomas A. Krieger  
Chairman, Planning Commission

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Office - Kona  
DLNR  
Residents of Pahala X Subdivision (Per 8/28/88 letter)  
bcc: Plan Approval Section