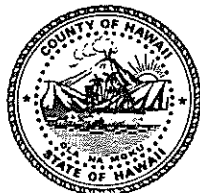


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL

January 10, 1994

Mr. Ricky Kamimura
PO Box 535
Hawi, HI 96719

Dear Mr. Kamimura:

Use Permit Application (USE 93-13)

Applicant: Kohala Congregation of Jehovah's Witnesses

Request: Construct and Establish a Church & Related Improvements

Tax Map Key: 5-5-08:3 and 56

The Planning Commission at its duly held public hearing on December 15, 1993, voted to approve the above-referenced application. Use Permit No. 119 is hereby issued to establish a church and related improvements on approximately 1.044 acres of land in the State Land Use Agricultural District. The property is located on the west (Kona) side of Hawi Road, approximately 2000 feet north (makai) of its intersection with Akoni Pule Highway, Kaauhuhu, North Kohala, Hawaii.

Approval of this request is based on the following:

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits, require that such action conform to the following guidelines:

- (A) The proposed use will still be consistent with the general purpose of the zoned district, the intent and purpose of this chapter, and the County General Plan;
- (B) 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;
- (C) The proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region; and

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- (D) 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 proposed church use will still 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 a church and related improvements in the County's Residential Agricultural - 1 acre (RA-1a) and the State Land Use Urban District may be allowed through the granting of a Use Permit. The General Plan designates the area for Low Density Urban which is single family residential in character and may allow for ancillary community and public uses and convenience type commercial uses. Thus the proposed use will be consistent with the planning for the area which allows a range of public uses.

The church use will complement the following goals and policies of the Land Use Element of the General Plan which state:

- * Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- * Promote and encourage the rehabilitation and use of urban and rural areas which are serviced by basic community facilities and utilities.
- * The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

The granting of 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 proposed church will replace an existing Kingdom Hall located on TMK: 5-5-8:3, which has existed since 1967 and is a non-conforming use. As the new church building will be located on a parcel further back from Hawi Road, it is anticipated that impacts that could be generated from the church would be less than from a lot fronting Hawi Road. Adjacent properties are either vacant or in residential use. However, as the character of the community is residential in nature, and to ensure impacts are from the church are adequately addressed, a condition is being proposed to require that any structural expansion to the proposed church, shall be submitted to the

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Planning Commission as an amendment to the Use Permit. In addition, the continuation of charitable services proposed by the applicant are expected to have a positive impact on the community.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. Presently, members utilize an existing church structure which, due to land configurations cannot be expanded to accommodate church growth. The services offered by the church will continue to supplement existing religious and charitable services in the region. The existing Kingdom Hall on TMK: 5-5-8:3 is a non-conforming use, which was a permitted use at the time. Church-related activities may continue to occur on this property, however, should such uses cease for a continuous period of 12 months, uses may not resume until a Use Permit is secured from the Planning Commission.

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. Access to the church would be from Hawi Road which has a pavement width of 20 feet and can accommodate two way traffic. The applicant proposes to use an existing driveway over TMK: 5-5-8:3 which is 16 feet wide. To ensure that access runs perpetual with the church use, a condition is being recommended to require that a roadway and utility easement over and across the adjacent property meet with the approval of the Department of Public Works and be duly recorded with the Bureau of Conveyances. Also to minimize noise and visual impacts from the church to adjacent residents, a condition is included to require landscaping along all property boundaries and between church uses and the existing residence on the subject property. Landscaping as well as all parking and setback requirements shall be reviewed during Plan Approval. All services and utilities are available to the subject property. In addition, agencies had no objections to the proposed church.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or

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omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.

3. Final plan approval for the church and related improvements shall be secured from the Planning Department. Plans shall identify existing and proposed structures, fire protection measures, paved driveway and paved parking stalls (asphalt or asphalt-concrete), and landscaping associated with the proposed uses. Parking for all functions shall be maintained on the subject property and comply with the requirements of Chapter 25 (Zoning Code). Detailed landscaping plans shall include landscaping buffers along all sides of the project, as well as between the church uses and the existing single family dwelling. Plans shall also indicate a proposed 10-foot road widening setback along the Hawi Road frontage of TMK: 5-5-8:3.
4. Construction of the proposed church and related improvements shall be completed and a certificate of occupancy issued within five years from the effective date of the permit.
5. Any structural expansion to the proposed church shall be submitted to the Planning Commission as an amendment to this Use Permit.
6. Driveway access shall meet with the approval of the Department of Public Works.
7. A 16-foot wide perpetual roadway and utility easement over and across the adjacent property shall meet with the approval of the Department of Public Works. This easement shall also be duly recorded with the Bureau of Conveyances with a copy submitted to the Planning Director prior to the issuance of a certificate of occupancy.
8. The applicant shall provide fire protection standards meeting with the approval of the Fire Department prior to the issuance of a certificate of occupancy.
9. Preschool or day-care activities shall not be permitted.
10. All other applicable laws, rules, regulations and requirements shall be complied with.

6/30/94

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cc 1/12/94

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4/11/94

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11. Upon compliance with all conditions of approval and in conjunction with the application for a certificate of occupancy, and prior to the opening of the church, the applicant shall submit a final status report, in writing, to the Planning Director.
12. An extension of time for the performance of conditions of 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 the Zoning Code; c) granting of the 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 shall initiate procedures to revoke the 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.

Should you have any questions, please feel free to contact Rodney Nakano or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

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xc: Honorable Stephen K. Yamashiro, Mayor
Kohala Congregation of Jehovah's Witnesses
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Kona
Fire Department
West Hawaii Office
Plan Approval Section