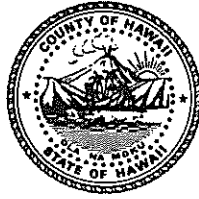


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL

March 23, 1994

Hawaii Assemblies of God
3400 Moanalua Road
Honolulu, HI 96819

Dear Sirs:

Use Permit Application (USE 94-1)

Applicant: Hamakua Coast Assembly of God Church

Request: Establish a Church, School for Grades Kindergarten to
12th Grade and Related Improvements

Tax Map Key: 2-8-7:11

The Planning Commission at its duly held public hearing on March 17, 1994, voted to approve the above application. Use Permit No. 122 is hereby issued to HAMAKUA COAST ASSEMBLY OF GOD to establish a church, school, and related improvements on 29,038 square feet of land within the State Land Use Agricultural district. The project site is located adjacent to the former Pepeekeo School at the intersection of Kulaimano Road and Mamalahoa Highway, Pepeekeo, South Hilo, 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;

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- (C) The proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region; and
- (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 Agricultural-20 acre (A-20a) zoned district 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. The subject property is located in the town of Pepeekeo which has a mix of residential and agricultural uses. Surrounding areas in the vicinity are designated Low Density Urban. Thus the proposed use will be consistent with the planning for the area which would allow for a range of uses.

The proposed development 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 previous church which was demolished. The subject property is located adjacent to the old Pepeekeo School which is presently being used as a park and community association center. The character of the area is residential and agricultural in nature. As the lands

are designated Low Density Urban, it can be expected that further growth and development will continue to occur in this area. As such, the services provided by the proposed church and school will supplement existing services being provided to the community. Therefore, the proposed church, school and related uses are not expected to cause substantial adverse impact to the community's character or to surrounding properties. To ensure that noise and visual impacts from the church and related uses are adequately addressed, a condition is being proposed to require that landscaping, as needed, along the perimeter boundaries of the project site be established. Landscaping as well as all parking and setback requirements shall be reviewed during Plan Approval review.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. Presently, members are meeting at another site in Pepeekeo. The services offered by the church will continue to supplement existing religious and charitable services in the region and not expected to adversely impact other churches in the area.

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 applicant proposes three accesses to the church and school; one from the Old Mamalahoa Highway which has a 18-ft. wide pavement and two from the roadway easement which has a 16-ft. wide pavement. The Department of Public Works recommends that the proposed access from the Old Mamalahoa Highway be for ingress only, due to its close proximity to the Kulaimano Road intersection. As such, the applicant shall comply with all requirements of the Department of Public Works. As additional accesses are proposed off the adjacent roadway easement, it is recommended that the applicant record their right-of-access over this easement with the Bureau of Conveyances, with a copy submitted to the Planning Director. In addition, to accommodate future road widening to 50 feet, a 10-ft. road widening setback along the Old Mamalahoa Highway frontage of the property shall be designated on all plans and dedicated to the County. As this area is likely to become further urbanized, a condition is also included to require the applicant to participate in an improvement district should one be implemented. In regards to driveway and parking areas, they shall be paved with asphalt or asphalt-concrete. All other services and utilities are or shall be made available to the subject property. 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. Final Plan Approval, pursuant to Section 25-242 of the Zoning Code, for the church, school and related improvements shall be secured from the Planning Director. Plans shall identify proposed structures, fire protection measures, paved driveways 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 the perimeter boundaries of the project site. Plans shall also indicate a 10-foot road widening setback along the Old Mamalahoa Highway frontage of the subject property, which shall be dedicated to the County.
3. Construction of the proposed church complex shall be completed and all certificates of occupancy issued within five (5) years from the effective date of the permit.
4. All driveway accesses shall meet with the approval of the Department of Public Works.
5. Right-of-access over the adjacent roadway easement, shall be duly recorded with the Bureau of Conveyances with a copy submitted to the Planning Director prior to the start of construction.
6. The applicant shall provide fire protection standards meeting with the approval of the Fire Department.
7. Preschool or daycare activities shall not be permitted.
8. Should an improvement district or similar arrangement be initiated in the future for curb, gutter, sidewalk, drainage and related improvements to the Old Mamalahoa Highway, the property owner(s) shall participate automatically in such an arrangement. Written assurance for implementation of this condition, in the form of a deed covenant, shall be submitted to the Planning Director prior to the start of construction.
9. Should any unanticipated archaeological or cultural sites or features be uncovered during land preparation

activities, work with the affected area shall immediately cease and the Planning Director notified. No work within the affected area shall resume until clearance is obtained from the Planning Director.

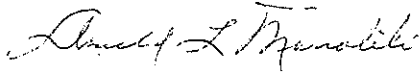
10. All other applicable laws, rules, regulations and requirements shall be complied with including the Health Department, Department of Public Works and Department of Water Supply.
11. Upon compliance with all conditions of approval and in conjunction with the application for a certificate of occupancy, and prior to the opening of any portion of the church or school, the applicant shall submit a status report, in writing, to the Planning Director. A final status report shall be submitted upon completion of the entire church complex.
12. An extension of time for the performance of conditions of the permit, may be granted by the Planning Director upon the following circumstances: 1) 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.

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

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:smn

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Bureau of Conveyances
Fire Department
JOBS and Child Care Branch
State Department of Health
Plan Approval Section
Pastor Roderick Highsmith