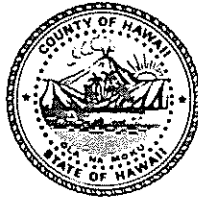


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 095 323 853

APR 21 1997

Mr. Edmond Akiona
P.O. Box 1197
Wailuku, HI 96793

Dear Mr. Akiona:

Use Permit Application (USE 97-2)
Applicant: The Church of Jesus Christ of Latter-Day Saints
Request: Establish a New Church Meeting House
Tax Map Key: 5-5-10:Portion of 3

The Planning Commission at its duly held public hearing on April 10, 1997, voted to approve the above-referenced application. Use Permit No. 155 is hereby issued to construct and establish a new church meeting facility and related improvements on approximately 3.52 acres of land within the Single Family Residential (RS-15) zoned district. The property is located along the west side of Hawi Road approximately 580 feet southwest from the intersection of Hawi Road and Akoni-Pule Highway at Hawi, North Kohala, Hawaii.

Approval of this request is based on the following:

In considering a Use Permit for any proposed use, the Hawaii County Zoning Code Section 25-2-65, relating to Criteria for granting a Use Permit, requires that such action conforms to the following guidelines:

- (1) The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and the General Plan;
- (2) The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties; and
- (3) The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

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APR 21 1997

The proposed church 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 a church facility and related activities within the County's Single Family Residential (RS-15) zoned district and the State Land Use Urban District may be allowed through the granting of a Use Permit. The proposed use would complement and be consistent with the following goals and policies of the Land Use Element of the General Plan.

- * Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- * 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 General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Low Density Urban which allows single family residential in character, ancillary community and public uses, and convenience type commercial uses. Further, the North Kohala Community Development Plan (CDP) and Land Use Concept Map recommend the area for residential-related uses. Therefore, the proposed church use will be consistent with the planning for the area which allows a range of public uses.

The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties. Presently, members utilize an existing church facility which has been in existence since the early 1960s which is located on the adjacent property (northeast) fronting Hawi Road. The existing church facility is a non-conforming use which was a permitted use at that time. Church-related activities may continue to occur on this property; however, should such uses cease for a continuous period of 12 months, said uses may not resume until a Use Permit is secured from the Planning Commission. Due to the land configurations, the existing facility cannot be expanded to accommodate church growth; and therefore, the proposed church meeting facility will replace this existing facility.

As the proposed facility will be located on the immediate adjacent parcel and setback further in 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 primarily in residential use, pasture land or vacant and the character of the community is residential in nature. The proposed setbacks are greater than those required for development on a property zoned Agricultural. Landscaping buffers of trees, groundcover and other plants are also proposed within the project area. However, to alleviate any potential adverse impacts to surrounding properties and residences, additional landscaping may be required and, thus, can be reviewed during Final Plan Approval. The services offered by the proposed use will continue to supplement existing religious and charitable services in the community. It should be noted that an existing dwelling is situated within the area of the proposed church meeting facility. However, the applicant has indicated that the dwelling will be relocated to the Condominium Property Regime Unit 2 area prior to construction of the proposed church meeting facility.

The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. Existing access to the project area is provided by a 10-foot wide dirt road off of Hawi Road, which has a 40-foot right-of-way with a 20-foot wide pavement. The applicant proposes to construct a new paved 20-foot wide driveway from Hawi Road to the proposed facility over and across both the subject property's and the adjacent property's 10-foot wide roadway strips. As a result, the proposed 20-foot paved access road would provide access to Hawi Road for the proposed facility, the other three CPR units and the property owned by Herman and Marcelita Hernaez. It should be noted that an easement document has been recorded with the State of Hawaii Bureau of Conveyances which grants an easement and right-of-way to the applicant for ingress and egress and for access and roadway purposes over and across the 10-foot wide portion of the property owned by Herman and Marcelita Hernaez. County water can be made available from an existing 6-inch waterline fronting the property along Hawi Road. There is no municipal wastewater system in the area. Therefore, construction of proposed wastewater disposal system must be approved by the State Department of Health. The police, fire and emergency services are provided by the North Kohala Police Station, Fire Station and the Kohala Hospital which are located at Kapaau, approximately 2.5 miles northeast of the subject property.

The property has been in pasture use and is covered with grass, several ironwood trees, bananas, citrus trees, Christmas berries and a banyan tree. Based on a botanical resources survey, the findings concluded that there are no endangered species of plants present within the project area. Further, an archaeological walk-through reconnaissance survey was conducted on the entire property and the findings concluded that no historical or archaeological remains of any kind were found, and there are no gravesites present. Any proposed grading, grubbing and/or drainage improvements shall meet the requirements and approval of the Department of Public Works.

Based on the above considerations, it is determined that the establishment of a church and related activities on the subject property would be compatible and would not conflict with the existing land uses and the physical and social environment of the area and would promote the effectiveness and objectives of the Zoning Code and General Plan.

Approval of this request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke this permit.

1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this permit.
3. A metes and bounds description of the 3.52-acre area for the proposed development in written and map form shall be submitted to the Planning Department within one year from the effective date of this permit.

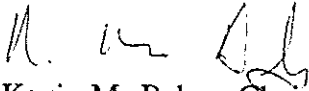
4. Construction of the proposed church facility and related improvements shall be completed within five (5) years from the effective date of this permit. Prior to commencing construction, Final Plan Approval shall be secured from the Planning Director. Plans shall identify existing and proposed structures, paved (asphaltic-concrete, concrete or chip-seal) parking areas and driveway, existing and proposed agricultural areas, landscaping along the eastern boundary to mitigate any visual and noise impacts, and fire protection measures associated with the proposed use. Parking for all functions shall be maintained on the subject property and comply with the requirements of Chapter 25 (Zoning Code).
5. Driveway access connection to Hawi Road shall meet with the approval of the State Department of Transportation, Highways Division.
6. Comply with all applicable laws, rules and regulations of the affected agencies for this project.
7. A final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.
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.
 - 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.

Mr. Edmond Akiona
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Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

AK:syw

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Kazu Hayashida, Director/DOT-Highways, Honolulu
The Church of Jesus Christ of Latter-Day Saints