

## 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

FEB 19 2014

Mr. Sidney Fuke  
100 Pauahi Street, Suite 212  
Hilo, HI 96720

Dear Mr. Fuke:

Use Permit Application (USE 13-000045)  
Applicant: Waiākea Uka Bible Church  
Request: To Establish a Church and Related Uses  
Tax Map Key: 2-4-056:030

The Windward Planning Commission, at its duly held public hearing on February 6, 2014, voted to approve the above-referenced request to allow the establishment of a church and related improvements on approximately 1.85 acres of land within the Single-Family Residential 10,000-square foot (RS-10) zoned district. The property is located behind the YMCA on the north side of Lanikāula Street and west of the future Kapi'olani Street extension, Waiākea Cane Lots, Waiākea, South Hilo, Hawai'i.

Approval of this request is based on the following:

The applicant is requesting a Use Permit to allow the establishment of a church and related improvements on Tax Map Key 2-4-056:030. The proposed use will consist of an approximately 3,200-square foot church sanctuary building including an office, an approximately 2,000-square foot building that will house a kitchen, restrooms, classroom, nursery and storage, an approximately 1,500- to 2,000-square foot building to accommodate the future needs of the church, and on-site parking and landscaping. The church plans to conduct its services, classes and fellowship on Sundays for about 250 congregants, beginning at 9:00 a.m. and ending at about 1:00 p.m. Bible classes will also be conducted at various times during the week. The classes will vary in size from 10 to 20 participants.

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Rule 7 (Use Permits), Section 7-6, of the Planning Commission's Rules of Practice and Procedure states that the Planning Commission may approve a Use Permit upon finding that:

- a) 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 County General Plan;
- b) 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
- c) 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.

**The proposed use is consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan.** The subject property is zoned Single-Family Residential (RS) and is located in an area of Hilo designated for Low Density Urban development in the General Plan. Establishment of a church on the property is consistent with the purpose of the zoning code because churches can be permitted in the RS zoning district through the issuance of a Use Permit. The Use Permit process provides an avenue to review projects on a case-by-case basis to determine infrastructure needs and identify and address impacts on surrounding properties and existing uses. The church will be developed in compliance with Zoning Code regulations related to building height, yard setbacks, off-street parking and landscaping. Additionally, a church is considered a community use that is ancillary to a residential area and therefore is consistent with the General Plan's LUPAG Map designation of Low Density Urban for this area of Hilo.

**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.** Surrounding properties are similarly zoned RS-10. The area is comprised of a variety of community, educational, government and residential uses. There are two churches, a military training facility, a YMCA, and the University of Hawai'i at Hilo campus located near the subject property. The proposed use is similar to the existing uses nearby and therefore will not detract from the present character of the area. Due to the existing noise and traffic inherent to the activities already established in the area, it is not anticipated that noise and traffic associated with the proposed use will adversely impact surrounding properties. Short-term potential noise impacts will be limited to construction noise associated with earthmoving equipment. The zoning code does not require paved

parking for permitted uses in the RS zoning district. However, the Department's past practice has been to recommend paved parking for churches in urban areas in order to minimize dust and keep the character of the property consistent with surrounding uses. The applicant will also provide landscaping as required by the zoning code and department's landscape rule. Based upon the above, the desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties.

**The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure.** The proposed use will not generate a significant amount of traffic during weekday peak hours of travel. Access to the site will be from West Lanikāula Street via an easement over the parking lot and driveway of the YMCA property. The applicant also proposes to gain access from the future Kapi'olani Street extension which is estimated to be completed in the summer of 2016. The Planning Director (Director) recommends that the 5-foot wide road lot (Lot B-2A) be dedicated at no cost to the County, when requested by the DPW, for the future street extension project. The Director does not support the applicant's proposal to install a septic system instead of connecting the property to the County sewer system for several reasons. First, the property is located within 300 feet of an existing sewer line within West Lanikāula Street and therefore county code requires sewer connection. Second, the property is located in an area identified by the DOH as a Critical Wastewater Disposal Area and DOH concurs with the requirement to connect to the County sewer. Lastly, there are no plans to install a sewer line within the future Kapi'olani Street extension. Thus, the Director recommends the applicant connect the property to the County sewer prior to issuance of a certificate of occupancy for the church use. County water can be provided to the property via an existing 5/8-inch water meter. The Director agrees with the Department of Water Supply recommendation that a backflow prevention assembly be installed at the water meter prior to establishment of the church on the property. The property has no severe geological or topographical problems which cannot be rectified or which would render the land unusable. All development generated run-off will be disposed of on-site and not allowed onto adjacent properties or roadways. Police, fire and medical services are located nearby in Hilo. All other utilities are available to the site.

**The request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management.** The property is not located in the Special Management Area and is not proximate to the shoreline; therefore it will not be impacted by coastal hazards and beach erosion. There is no record of a designated public access to the shoreline or mountain areas that traverses the property. According to the applicant, no valued cultural, historical or natural resources exist on the property and there is no evidence of any traditional and customary Native Hawaiian rights being practiced on the

site. Thus, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area. Therefore, no action is necessary to protect these rights.

Based on the above, the establishment of a church and related improvements on approximately 1.85 acres of land situated within the Single-Family Residential (RS-10) zoning district is compatible with the existing land uses and the physical and social environment of the area, and promotes the effectiveness and objectives of the Zoning Code and General Plan. According to the Zoning Code, in approving any use permit application, the Commission may issue the approval subject to conditions, including hours of daily operation and terms of the use permit. The conditions imposed by the commission shall bear a reasonable relationship to the use permit granted.

Approval of the request is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Construction of the proposed development shall be completed within five (5) years from the effective date of this permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structures, fire protection measures, road and utility easements, paved driveway accesses and paved parking stalls associated with the proposed development. Landscaping shall be included on the plans to mitigate any potential adverse noise or visual impacts to adjacent properties in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements) related to parking lot landscaping and screening for loading spaces, trash disposal areas, and mechanical equipment.
3. Prior to receipt of Final Plan Approval, the applicant shall submit water usage calculations to the Department of Water Supply (DWS) that include the total estimated daily water usage in gallons per day and the estimated peak flow in gallons per minute for the church, prepared by a professional engineer licensed in the State of Hawai'i. After review of the calculations by DWS, if it is found that the existing water meter cannot accommodate the proposed demand, the applicant shall upgrade the existing water meter or install an additional water meter to meet demand, prior to issuance of a Certificate of Occupancy for the church.

4. The applicant shall install a reduced pressure type backflow prevention assembly within five (5) feet of the existing 5/8-inch water meter and have it inspected and approved by the Department of Water Supply, prior to issuance of a Certificate of Occupancy for the church.
5. The property shall connect to the public sewer within West Lanikāula Street in accordance with Section 21-5 of the Hawai'i County Code prior to issuance of a Certificate of Occupancy for the church.
6. Streetlights and traffic control devices, as may be required by the Traffic Division, Department of Public Works, shall be installed by the applicant at no cost to the County.
7. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
8. All earthwork activity, including grading and grubbing, shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code.
9. The applicant shall comply with Chapter 11-55, Water Pollution Control, Hawai'i Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity.
10. Construction activities shall comply with Chapter 11-46, Community Noise Control, Hawai'i Administrative Rules, Department of Health.
11. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
12. The applicant shall comply with all other applicable County, State, and Federal laws, rules, regulations and requirements.
13. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:

Mr. Sidney Fuke  
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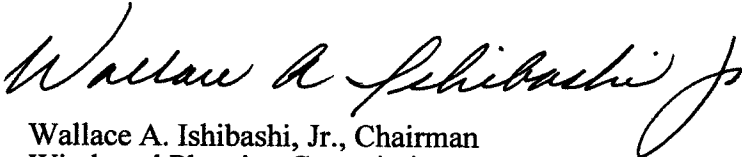
- A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
- B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
- C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
- 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).

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this Use 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 contact Daryn Arai of the Planning Department at 961-8142.

Sincerely,



Wallace A. Ishibashi, Jr., Chairman  
Windward Planning Commission

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cc: Waiākea Uka Bible Church  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
DOT-Highways, Honolulu  
Mr. Gilbert Bailado