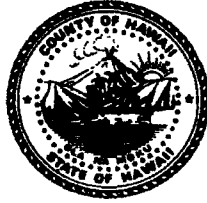


William P. Kenoi
Mayor



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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

JUN 28 2016

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

Dear Mr. Fuke:

SUBJECT: Use Permit No. USE-16-000062
Applicant: Kings Chapel Honoka'a
Permitted Use: Allowed the Conversion of an Existing Single-Family Dwelling to a Chapel and Related Activities
Tax Map Key: 4-5-010:080

The Windward Planning Commission, at its duly held public hearing on June 2, 2016 voted to approve the above-referenced request to allow the conversion of an existing single family residence into a church along with related improvements and activities on 4 acres of land located within the Agricultural - 40 acre (A-40a) zoning district. The project site is situated along the mauka side of the Hawai'i Belt Highway (Highway 19), directly opposite of Tex's Drive Inn in Papa'anui, Hāmākua, Hawai'i.

Approval of this permit 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 two (2) 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

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JUN 28 2016

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. The applicant shall secure and finalize any required permits from the Building Division for the change of use to accommodate the church conversion within one (1) year from the date of issuance of Final Plan Approval.
4. 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. The water usage calculations shall ensure, to the satisfaction of DWS, that average daily water usage by the church will not exceed the maximum water allocation as determined by the DWS.
5. Access to the property shall be limited to Old Māmalahoa Highway. All driveway connections to Old Māmalahoa Highway shall conform to Chapter 22, Streets and Sidewalks, of the Hawai'i County Code.
6. Septic tank(s) shall be installed, meeting with the standards and requirements of the State Department of Health, prior to the issuance of a Certificate of Occupancy.
7. A Solid Waste Management Plan shall be prepared and submitted for approval to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
8. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties. A drainage study of the subject property, if required, shall be prepared and submitted to the Department of Public Works for review and approval, prior to submittal of plans for Plan Approval review. Drainage improvements, if required, shall be constructed, meeting with the approval of the Department of Public Works prior to the issuance of a Certificate of Occupancy.

9. **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-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.**
10. **The applicant shall comply with all other applicable County, State, and Federal laws, rules, regulations and requirements.**
11. **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. **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.

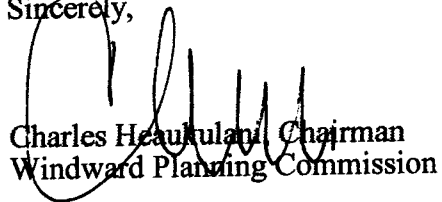
This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies

Approval of this permit is based on the reasons given in the attached Findings Report.

Mr. Sidney Fuke
Planning Consultant
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Should you have any questions, please contact Christian Kay of the Planning Department at 961-8136.

Sincerely,



Charles Heaulani, Chairman
Windward Planning Commission

LKingschapelhonokaaUDE16-062wpc
Enclosure: PC Findings Report

cc: Pastor Dan Akau, Kings Chapel Honoka'a
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Department of Land & Natural Resources - HPD
Department of Environmental Management
State Department of Health
Mr. Gilbert Bailado

COUNTY OF HAWAI'I
PLANNING COMMISSION FINDINGS

KINGS CHAPEL HONOKA'A
USE PERMIT APPLICATION (USE 16-000062)

Based on the following, Use Permit No. 16-000061 is hereby issued to allow for the renovation and conversion of an existing, 3,760 square foot single-family dwelling on the subject property for its use as a chapel and related activities on four (4) acres of land situated within the Agricultural-40 acre (A-40a) zoning district. The subject property is situated along the mauka side of the Hawai'i Belt Highway (Highway 19), directly opposite of Tex's Drive Inn in Papa'anui, Hāmākua, Hawai'i, TMK: 4-5-010:080.

KINGS CHAPEL HONOKA'A is requesting a Use Permit to allow for the renovation and conversion of an existing, 3,760 square foot single-family dwelling on the subject property for its use as a chapel and related activities on four (4) acres of land. Currently, the applicant conducts Sunday morning services at the Honoka'a High School cafeteria from 7:00 a.m. to noon. Two smaller evening services are held during the week at the Pa'auhau community center. The applicant proposes classes, fellowship and services on Sunday mornings from 7:00 a.m. to noon. The applicant is anticipating a maximum congregation of 100 persons spread out over three (3) Sunday services. The applicant further anticipates two to three evening classes during the week beginning at 7:00 p.m., which will consist of between 20 and 40 persons. The request includes the following:

- The renovation and conversion of an existing 3,760, single-story residential structure into a 2,500 square foot chapel, with the remaining space dedicated to office space, classrooms, storage, etc. The height of the existing dwelling is less than 30 feet (Maximum height allowed in the Agricultural zoning district is 45 feet).
- The applicant is proposing two driveway accesses from Old Māmalahoa Highway with the makai driveway accessing the larger parking area and the mauka driveway accessing the proposed church and handicapped parking spaces.
- The applicant is proposing two parking areas with a total of 50 parking stalls. An upper parking area adjacent to the church would accommodate two (2) paved handicapped stalls.
- The applicant also expects to host occasional church related social or spiritual gatherings, fellowship functions, meetings and special events such as weddings, funerals, bazaars and the like.

The renovation project is anticipated to cost approximately \$50,000 dollars. The applicant hopes to begin the project in this summer (2016) and plans to open the chapel before the end of 2016.

The reason for the request is that the applicant currently conducts services at spaces around the community (Honoka'a High School and Pa'auhau community center). Over time, its membership has grown and has required the need to find a larger, permanent facility. The landowner agreed to convert this planned parsonage into a chapel and associated uses to accommodate this need.

In considering a Use Permit for any proposed use, 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 Agricultural (A-40a), however it is located in an area of Honoka'a designated Urban by the State Land Use Commission and for Low Density Urban development by the General Plan. Establishment of a church on the property is consistent with the purpose of the Zoning Code because churches are permitted in State Land Use Urban district and the Agricultural 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 existing single-family dwelling will be renovated and converted into a church and 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 Honoka'a.

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 adjacent property to the west is zoned single-family residential (RS-10) and is vacant, properties to the east, across Old Māmalahoa Highway are zoned single-family residential (RS-10) and consist of single-family dwellings. The property directly makai and across Highway 19 from the subject property is zoned village commercial (CV-7.5) and is the location of the Tex Drive-In commercial center. Finally, the property directly mauka of the subject parcel is agriculturally zoned (A-40a) and is fully planted in eucalyptus forest. While there are some vacant and agricultural uses in vicinity, the general character reflects an area slowly being transitioned into a mixture of commercial and residential uses. 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. With the exception of the proposed handicapped parking area adjacent to the chapel, the applicant is requesting that they not be required to pave proposed parking areas. The applicant has stated that the currently proposed parking area is grassed and shows little to no erosion or mud and the area shows no signs of standing water when it rains. Additionally, the applicant desires to keep a more residential, and not institutional ambiance for the subject property. Finally they want to avoid costs associated with paving and drainage improvements such as drywells. While the Zoning Code does not require paved parking for permitted uses in the Agricultural (A) zoning district, the Department's past practice has been to recommend paved parking for churches in urban areas in order to minimize dust, noise, and erosion and to keep the character of the property consistent with surrounding uses. Additionally, all of the churches in the area have been required to provide paved parking, including the Honoka'a LDS

Church which is located approximately 1/3 of a mile to the east of the subject property and similarly located directly mauka of the highway in the State Land Use Urban District. As the church was built in 1969, the Zoning Code only required a Plan Approval to accommodate a church. That Plan Approval in 1969 required paved parking. Based on the preceding, the applicant will be required to pave all driveways and parking areas as a condition of approval of this permit. 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 project site is from the Old Māmalahoa Highway, a two-lane, County owned and maintained road with a right-of-way approximately 50-feet wide with a pavement width of 20-22 feet in the vicinity of the subject property. Based on comments from the Police Department and State Department of Transportation, access will not be allowed from Hawai'i Belt Road (Highway 19) due to traffic and pedestrian safety factors. The applicant is proposing to utilize two (2) existing driveway accesses from Old Māmalahoa Highway. According to the Department of Public Works, driveway connections to Old Māmalahoa Highway shall comply with Chapter 22, County Streets, of the Hawai'i County Code which will be made a condition of approval of this permit. The property is currently not serviced by the County sewer system and disposes of wastewater into a cesspool which would meet the definition of a Large Capacity Cesspool (LCC) by the State Department of Health as it would have the capacity to serve more than 20 persons per day as a church. Federal Environmental Protection Agency (EPA) regulations do not allow LCC's, therefore, the existing cesspool will need to be abandoned and replaced with an appropriately sized septic tank. This will be made a condition of this permit. County water is provided to the property via an existing 5/8-inch water meter with a limit in average daily usage of 400 gallons. The applicant estimates that the project will need approximately 300 gallons per day on average. As the existing water system cannot provide any additional water units, the Department of Water Supply (DWS) is requesting that the applicant provide estimated maximum daily water usage calculations for the proposed uses. Those calculations will be used to determine if the water system can accommodate the proposed demand. Submittal of water use calculations and compliance with DWS requirements will be made a condition of this permit. Finally, DWS indicated that a reduced pressure type backflow prevention assembly has already been installed, inspected and approved by DWS. 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. According to the Department of Environmental Management, a Solid Waste Management Plan will be required of the applicant for review and approval. This will be made a condition of approval of this permit. Police, fire and medical services are located nearby in Honoka'a. 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.

Lastly, this approval is made with the understanding that the applicants remain responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.