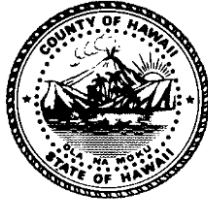


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County of Hawai'i

LEEWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

June 13, 2024

Erick Jacobson
Waikōloa Lutheran Church
68-1928 Lina Poepoe Street
Waikōloa, HI 96738

Dear Mr. Jacobson:

SUBJECT: Use Permit Application (PL-USE-2023-000018)
Applicant: Waikōloa Lutheran Church
Permitted Use: Allows the Establishment of a Church and Related Improvements
Tax Map Key: (3) 6-8-002:056, Waikōloa, S. Kohala, Hawai'i

The Leeward Planning Commission (Commission), at its duly held public hearing on May 22, 2024, voted to approve the above-referenced to allow the establishment of a church and related improvements on the subject property. The project site is located at 68-3670 Paniolo Avenue, approximately 180 feet northeast of its intersection with Pu'u-Nui Street, Waikōloa, South Kohala, Hawai'i.

Approval of this permit is subject to the following conditions:

1. The applicant, its successor, or assigns ("Applicant") shall be responsible for complying with all stated conditions of approval.
2. The construction and operation of the church use shall be conducted in a manner that is substantially representative of plans and details as contained within the Use Permit application received by the Planning Department and representations made to the Leeward Planning Commission. Any substantial expansion or uses beyond what is represented in these documents shall require an amendment to this permit.

3. The Applicant shall provide adequate potable and fire suppression water for the church use through an agreement with West Hawai'i Water Company, (WHWC), a State Public Utilities Commission-approved provider of water for the subject property and surrounding area.
4. Construction of both phases of the proposed development shall be completed within ten (10) years from the effective date of this permit. Prior to construction of each phase, the Applicant 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.
5. An individual wastewater system, meeting with the standards and requirements of the State Department of Health, shall be installed prior to the issuance of a Certificate of Occupancy.
6. The applicant shall secure a food establishment permit and construct a certified kitchen meeting the requirements of the State Department of Health, prior to commencement of meal service. A copy of the permit shall be provided to the Planning Department prior to issuance of a Certificate of Occupancy for the proposed use.
7. Access to Paniolo Avenue, including the provision of adequate sight distances, shall comply with Chapter 22 (County Streets) of the Hawai'i County Code and shall meet with the approval of the Department of Public Works.
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 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. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.

10. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g. rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
11. The Applicant shall comply with all other applicable County, State, and Federal laws, rules, regulations, and requirements.
12. 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, 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).
 - E. If the Applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the Planning Commission for appropriate action.
13. 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 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.

Erick Jacobson
Waikōloa Lutheran Church
June 13, 2024
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Approval of this request is based on the reasons given in the enclosed Findings Report.

Should you have any questions, please contact Christian Kay of this department at (808) 961-8136 or by email at christian.kay@hawaiicounty.gov

Sincerely,


Barbara DeFranco (Jun 13, 2024 13:07 HST)

Barbara DeFranco, Chairperson
Leeward Planning Commission

LWaikoloaLutheranChurchPL-USE-2024-018lpc

Enclosure: Planning Commission Findings Report

cc w/enclosure via email: Christian Renz, Pacific ‘Āina Design
Department of Public Works
Department of Water Supply
County Real Property Tax Division
GIS Section

COUNTY OF HAWAII
PLANNING COMMISSION FINDINGS

WAIKOLOA LUTHERAN CHURCH/ERICK JACOBSON
USE PERMIT APPLICATION (PL-USE-2023-000018)

Based on the following findings, Use Permit No. PL-USE-2023-000018 is **hereby approved by the Leeward Planning Commission** to allow the establishment of a church and related improvements on 1.056 acres of land situated within the Single-Family Residential-10,000 square foot (RS-10) zoning district. The subject parcel is situated at 68-3670 Paniolo Avenue, approximately 180 feet northeast of its intersection with Pu‘u-Nui Street, Waikoloa, South Kohala, Hawai‘i, TMK: (3) 6-8-002:056.

The applicant is requesting a Use Permit to allow the establishment of a church and related improvements consisting of a total gross building area of 11,972 square feet, including a total building square footage of 4,069 square feet and approximately 7,903 square feet of outdoor hardscaping such as sidewalks and lanais. As the applicant is self-funding the project, they propose to develop the project in 2 phases as follows:

Phase 1:

- Facilities include the construction of a 2,300-square foot sanctuary including a crying room and restroom facilities along with 2,646 square feet of outdoor hardscaping improvements, a 43-stall, paved parking lot (including required ADA parking), and landscaping improvements.
- Phase 1 activities include Sunday church services and 2 evening bible studies both held in the sanctuary. A congregation of 20-50 people are expected to attend each of the Sunday Church services.

Phase 2:

- Facilities include the construction of 2 classrooms, a storage closet, and kitchen totaling an additional 1,769 square feet. The applicant also proposes an additional 5,259 square feet of hardscaping improvements and landscaping improvements.
- Phase 2 activities will include an additional bible study (totaling to 3 per week) which will be held in the sanctuary. Additionally, the applicant proposes to offer an after-school program and supervised safe location for elementary and middle school kids in the region Monday through Friday within the newly constructed classrooms upon completion of phase 2. The after-school program is expected to accommodate up to 10 children and a church employee or congregation member.
- The applicant also anticipates periodic evening church-related classes or events during the week within the classrooms. The size of the classes would be a maximum of 40 people and be supported by one of the church’s 2 employees or congregation members.

The applicant proposes the following hours of operation at full build-out: three Sunday services are proposed to be spread out between 7:00 am and 12:00 pm; three regular evening activities (including bible study) will occur between 6:00 pm and 8:00 pm; and intermittent evening sessions or classes are anticipated between 3:00 pm and 8:00 pm.

The applicant plans to begin construction of the project by the end of this year. The first phase will commence in 2024 with a build out timetable of 12-15 months. The second phase is planned to commence in 3-5 years and will take approximately 12 months to complete.

Currently Waikoloa Lutheran Church is meeting at the Waikoloa Village

Association's community room. The membership of their congregation has outgrown the facility which has led to the purchase of this subject site for the proposed improvements. Their members reside generally in the North Kohala, South Kohala and North Kona districts including a majority of its members from Kona, Waimea and Kawaihae. Waikoloa Lutheran Church also attracts many visitors from the Kona - Kohala Coast resorts who want to attend church while on vacation.

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

- A. The granting of the proposed use shall be consistent with the general purpose of the zoned 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, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.

The proposed church use meets the guidelines for approval of a Use Permit, for the reasons outlined below:

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 intent and purpose of the Zoning Code is to promote health, safety, morals, or the general welfare of the community through regulations and restrictions relative to the location and use of buildings, off-street parking, the percentage of lots that may be occupied, the density of population and land for trade, industry, residence, or other purposes. The proposed use is situated within the State Land Use Urban district and County's Single Family Residential (RS-10) zoning district. The establishment of a church on the property is consistent with the purpose of the Zoning Code because churches can be permitted in the RS-10 zoning district and the State Land Use Urban district through the issuance of a Use Permit from the Planning Commission.

The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses as well as the goals and policies of the General Plan. The proposed 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 will enhance the religious and charitable services of the community. The church will offer regular spiritual services, classes, and guidance to the surrounding community.

The applicant will need to secure the necessary building permit(s) for any proposed related structures. The Building Permit will allow other agencies to review for compliance with various county and state codes, including but not limited to Fire Code, Health Codes, ADA accessibility, electrical, plumbing and structure regulations.

The General Plan is intended to be used as a policy guide for the coordinated growth and development of all sectors of the County. It sets forth goals, policies, standards, and courses of action to accommodate growth without congestion, to designate and preserve the lands needed for residential use, commercial and visitor services, industry, agriculture, and open space, and to coordinate these uses with the County's service and circulation systems. The overall goals, policies and standards are set forth to physically plan the lands in the County in the best interest of the

island's residents. The proposed request is consistent with the following goals and policies of the Land Use Element of the General Plan:

LAND USE – GENERAL

- Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.
- Encourage urban development within existing zoned areas already served by basic infrastructure, or close to such areas, instead of scattered development.

To create an effective land use pattern, zoning districts and their associated uses should closely correspond to the General Plan Land Use Pattern Allocation Guide (LUPAG) map for the area. The LUPAG Map is a graphic representation of the General Plan's goals and policies to guide the coordinated growth and development of the County. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Low Density Urban, which include primarily residential areas, with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to six units per acre. The proposed church facility will be consistent with and supportive of uses allowed within the low-density urban designation, thus, the proposed use is consistent with the General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation for the property.

Finally, the subject property is affected by the South Kohala CDP (SKCDP), which anticipates significant residential growth in Waikoloa. As stated in Section 5.1.2, Land Use of the SKCDP, *"Given the rapid increase in residential units in Waikoloa, additional public facilities and commercial businesses are needed."* The church currently offers services at the Waikoloa Village Association's community room, however, due to overall population growth, the congregation has outgrown its current accommodations, thus a new, larger church is necessary. Based on the preceding, the proposed church is consistent with recommendations of the SKCDP.

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 subject parcel is 1.056 acres in size and triangular in shape. The property is currently vacant of any building or improvements and is sparsely vegetated. The surrounding lands are similarly zoned RS-10. To the north of the subject property is vacant property, the Waikoloa Elementary School, and single-family dwellings. Directly to the south across Paniolo Avenue are residential subdivisions. Directly to the west is a daycare center/Baptist church and further west are single-family dwellings and east of the subject property are single-family dwellings. There is also another church (Waikoloa Community Church) to the northeast across Paniolo Avenue.

The general character reflects an area with a mixture of residential and community uses, including a school and two other churches near the subject property, thus the proposed church will not detract from the present character of the area.

Due to the existing urban nature of the area, the proposed use is not anticipated to adversely impact surrounding properties. Traffic is anticipated to increase to the property when the church is constructed, however, most of the increase will occur outside of AM/PM peak hours, thus this impact should be limited and the applicant will provide sufficient parking on-site.

Short-term potential noise impacts will be limited to construction noise associated with

earthmoving equipment. The applicant will also be required to install and maintain landscaping to mitigate any potential adverse noise or visual impacts as part of the Plan Approval process.

As the applicant is self-funding the project, it is necessary that construction of the project be constructed in phases over several years based on availability of funding. To allow for greater fiscal flexibility, the Planning Director is recommending a 10-year construction timeframe for all phases of project development with the possibility of an administrative time extension.

Based upon the preceding, 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. Access to the property is via Paniolo Avenue, which is a County-maintained roadway having an 80-foot wide right of way with a pavement width of 64 feet. A condition of approval will require the applicant to construct the driveway meeting with the requirements of Chapter 22 (County Streets) of the Hawai'i County Code and access requirements shall meet with the approval of the Department of Public Works.

Water service is available to the property from Hawaii Water Service, a State Public Utilities Commission-approved provider of a private water system in Waikoloa. A condition of approval will require the applicant to secure potable and fire suppression water service from this provider for the church use.

The property is currently not serviced by the County sewer system; thus, a condition of approval will require the applicant to install an individual wastewater system meeting with the requirements of the State Department of Health.

Prior to operation, the applicant will be required to secure a food establishment permit meeting the requirements of the State Department of Health.

The property has no severe geological or topographical problems which cannot be rectified, or which would render the land unusable. The property is designated as Flood Zone "X" by the Federal Emergency Management Agency (FEMA). A condition of approval will require 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 in Waikoloa and electricity and telephone services are available from HELCO and Hawaiian Telcom via underground lines from Paniolo Avenue.

Based on the preceding discussion, the proposed request 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 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.

There was no formal flora or fauna survey submitted with the application, however, according to the applicant, the parcel is sparsely vegetated with scatterings of Kiawe and Haole Koa trees along with scrub brush, grass, and dirt. Fauna in the vicinity of the parcel includes feral goats, introduced bird species, feral cats, and rodents. Given the urban setting of the surrounding area, the applicant does not anticipate the project will have any impact on rare or endangered species of flora and fauna on the property.

While no formal archaeological studies were submitted with this application, an Historic Properties Assessment and Section 106 Review was conducted by T.S. Dye and Associates for the construction of a 60-foot-tall telecommunications tower on the adjacent property to the west. The assessment indicated that there are no known archaeological sites within the Area of Potential Effect (APE), which in this case extended to include the subject property. After reviewing the documentation, the Department of Land and Natural Resources-State Historic Preservation Division (SHPD) issued a letter on August 7, 2015 determining that no historic properties would be affected. Despite the preceding, a condition of approval addressing inadvertent archaeological finds has been added.

According to the applicant, no further 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.

Based on the preceding, 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 applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, 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.