CERTIFIED MAIL

November 25, 1987

Mr. Chong P. Reiten
SR 4612
Keaau, HI 96749

Dear Mr. Reiten:

Use Permit Application
TMK: 1-7-16:41

The Planning Commission at its duly held public hearing on November 17, 1987, voted to approve your application, Use Permit No. 54, to allow the establishment of a church on 5.4± acres of land at Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The granting of the proposed 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 and related improvements situated in the County's Single Family Residential (RS) zone district may be allowed through the granting of a Use Permit by the Planning Commission. It should be further noted that the goals of the Land Use element of the General Plan states to "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." The County General Plan designates this area for Low Density uses. It is felt that the granting of this request at this particular location will still maintain the present residential environment of this area of the Puna District. The proposed buildings will have a low profile (less than 25 feet at its highest point). Comparatively, the maximum allowable height limit within the RS zoned district is 35 feet. Therefore, from a physical standpoint, the low profile buildings will be compatible in height with the existing single family residential developments in the immediate area. The siting of the proposed

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church building and the pavilion in a centralized manner provides ample buffer space to the adjacent properties to minimize any noise impacts emanating from the church use. The property is of sufficient size (5.4 acres) to provide for adequate setbacks and buffers to minimize any other impacts from the proposed use.

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 lands to the north, south and west are vacant. The proposed church building and pavilion will be constructed in a central location of the subject property. Further, the use of the church complex on Sundays and Wednesday evenings should not interfere with nor cause any social or physical impacts to the surrounding properties. Further, the applicant does not intend to utilize the facilities as a day-care or nursery school.

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. Since all essential utilities and services are available to the property, the granting of this request will also be in the direction of fulfilling the land use policy of the General Plan which states to promote and encourage the utilization of urban areas which are serviced by basic community facilities and utilities. As such, from an impact standpoint, the introduction of this new church facility will not have any major physical impacts on this area. The property is provided with all essential utilities and services.

Based on the above, it is determined that this particular request conforms to the guidelines established for the granting of a Use Permit.

Approval of this request is subject to the following conditions:

1. The petitioner, successors or its assigns shall comply with all of the stated conditions of approval.

2. Plans for the proposed church facility, including parking and detailed landscaping plans, shall be submitted for Plan Approval review within one year from the effective date of this Permit. Further, the parking for all of the church functions shall be maintained on the subject property, to

ensure that on-street parking will not occur on the Volcano Highway. An overflow parking area should be provided for on the subject property and shall be delineated on the plans submitted for plan approval. The detailed landscaping plan shall include landscaping buffers in the form of trees and shrubbery along the property lines, as well as landscaping medials within the parking areas.

3. Construction of the proposed church and related improvements shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.

4. Preschool or day-care types of activities shall not be allowed.

5. Access to the property from the Volcano Highway shall meet with the approval of the State Department of Transportation, Highways Division.

6. An on-site drainage system shall be installed meeting with the approval of the Department of Public Works.

7. All other applicable County and State laws, rules, regulations and requirements shall be complied with.

8. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon 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; 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 may initiate procedures to nullify the Use Permit.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Thomas A. Krieger

Thomas A. Krieger
Chairman, Planning Commission

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division

bcc: Plan Approval Section