Harry Kim
*Mayor*

# County of Hawaii

**PLANNING COMMISSION**
101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
(808) 961-8288 • Fax (808) 961-8742

November 9, 2004

Louis and Helena Deetman
1983 Kalanianaole Avenue
Hilo, HI 96720

Dear Mr. and Mrs. Deetman:

Use Permit Application (USE 04-004)
Applicant: Louis and Helena Deetman
Request: Church Within the Agricultural 3-Acre Zoned District
Tax Map Key: 2-2-51:9

The Planning Commission at its duly held public hearing on October 22, 2004, voted to approve the above-referenced application. Use Permit No. 202 is hereby issued to allow the establishment of a church and related improvements on 2.73 acres of land within the Agricultural 3-acre zoned district. The property is located along the south side of Lama Street, approximately 660 feet east of the Lama Street-Awa Street intersection, Panaewa House Lots, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The applicant is requesting a Use Permit to allow the establishment of a church building on part of a 2.73-acre property and use the facilities for worship services, bible education and community outreach ministries for the Berean Bible Church. According to the application, the proposed facility will consist of a sanctuary and a multi-purpose area with offices. The average attendance of members at the Berean Bible Church is 50 persons per Sunday. The hours of operation will be 9:00 a.m. to 3:00 p.m. on Sundays, 1:00 p.m. to 9:00 p.m. on Wednesdays, and Weekdays when needed. In addition to these scheduled meetings, there will be group functions with 10 to 40 persons for special occasions and religious holiday services for the community.

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 on a parcel located within the State Land Use Urban District and the County's Agricultural (A-3a) zoned district may be permitted through the Use Permit review process. The Use Permit process provides an avenue to review and

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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 General Plan goals and policies. 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. Minimum off-street parking requirements, access requirements, setback and height requirements and landscaping will be reviewed through the plan approval process, which will be made part of the conditions of approval, thereby conforming to the intent and purpose of the Zoning Code.

The subject property is situated within and area designated as low density urban by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The low density urban designation is characterized as single family residential in character, and allows for ancillary community and public uses, and convenience type commercial uses. The proposed use will complement the following goals, policies and standards of the Land Use Elements 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 granting of this request will maintain the present residential character of this area while supplementing the needs of this community. Therefore the approval of the subject request would be consistent with the General Plan.

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 church will be located within a structure on a 2.73-acre parcel. The church services will be held primarily on Sundays and Wednesdays for approximately 50 persons. The congregation plays very traditional music in their services and conducts worship in a quiet and dignified manner. The size of the property is adequate to allow buffers to minimize noise and visual impacts to neighboring properties. A condition will be added to require that the church and facilities be setback from all property lines a minimum of 50-feet to further mitigate noise and visual impacts to surrounding properties. Therefore, it is not anticipated that noise and traffic associated with the proposed use will adversely impact surrounding properties. Due to the nature of the subject property and the immediate surrounding areas, it is not anticipated that endangered or threatened candidate species of flora or fauna are located within the project site, or has the area been identified as a significant botanical or biological habitat.

The desired 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 from Lama Street, which has a pavement width of 20 feet within a 50-foot right-of way. The project site is located within an area adequately served with essential services and facilities such as water, transportation systems, and other utilities and will not unreasonably burden public agencies.

Based on the above findings, this request is approved subject to the following conditions:

1. The applicants, 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 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 25-2-72, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify existing and proposed structures, interior driveway circulation, fire protection measures and paved parking stalls associated with the proposed church facilities. Plans shall indicate a minimum 50-foot setback from all property lines for the proposed church facilities, excluding the water tank. Plans shall also include detailed landscaping plans which provides for visual and noise buffers from the adjacent properties and Lama Street. Parking shall comply with the requirements of Chapter 25 (Zoning Code).

3. Access shall meet with the approval of the Department of Public Works.

4. The applicant shall provide fire protection measures meeting with the approval of the Fire Department prior to the issuance of a certificate of occupancy.

5. The applicant shall install a wastewater system meeting with the approval of the Department of Health.

6. The applicant shall install a backflow preventer (reduced pressure type) by a licensed contractor on the applicant's property after the meter meeting with the approval of the Department of Water Supply.

7. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks 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-SHPD when it finds that sufficient mitigative measures have been taken.

8. The applicant shall comply with all other applicable laws, rules, regulations and requirements of the affected government agencies including, but not limited to, the Department of Health, Department of Public Works-Building Division, the Department of Water Supply and Fire Department.

9. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permits. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not needed.

10. An initial extension of time for the performance of conditions within this 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, successor, 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 original reasons for granting of the permit.

    C. Granting of the time extension would not be contrary to the General Plan or Zoning Code.

    D. The time extension granted does not 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 revoke the 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 Norman Hayashi of the Planning Department at 961-8288.

Sincerely,

Fred Galdones, Chairman
Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Rodney Haraga, Director/DOT-Highways, Honolulu