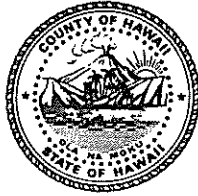


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL

January 27, 1994

Puna United Church of Christ
c/o Ms. Sharon Wickersham
RR 3, Box 192
Pahoa, HI 96778

Dear Ms. Wickersham:

Use Permit Application (USE 93-14)

Applicant: Puna United Church of Christ

Request: Establish a Church with School, Temporary Hostel-Type
Housings, Residences and Recreation Center

Tax Map Key: 1-6-3:95, formerly 1-6-3:Portion of 11

The Planning Commission at its duly held public hearing on January 20, 1994, voted to approve the above-referenced application. Use Permit No. 120 is hereby issued to establish a church with school, temporary hostel-type housings, residences and recreation center on approximately 4.949 acres of land within the Single Family Residential -10,000 square foot (RS-10) district. The project site is located on the southwest (Pahoa) side of the Old Volcano Road at its intersection with the Volcano Highway, Keaau, Puna, Hawaii.

Approval of this request is based on the following:

- (A) The proposed use will still be consistent with the general purpose of the zoned district, the intent and purpose of this chapter, and the County General Plan;
- (B) 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;
- (C) The proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region; and
- (D) The proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water,

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drainage, schools, police and fire protection and other related infrastructure.

The proposed church use will still 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 in the County's Single-Family Residential-10,000 sq. ft. (RS-10) zoned district and the State Land Use Urban District may be allowed through the granting of a Use Permit. The General Plan designates the area for Low Density Urban which is single family residential in character and may allow for ancillary community and public uses and convenience type commercial uses. Surrounding areas are designated Low and Medium Density Urban and Urban Expansion. Thus the proposed use will be consistent with the planning for the area which would allow for a range of uses.

The proposed development will complement the following goals and policies of the Land Use Element of the General Plan which state:

- * Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- * Promote and encourage the rehabilitation and use of urban and rural areas which are serviced by basic community facilities and utilities.
- * 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 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 proposed church will replace an existing church, adjacent to the Keaau Town Center, located approximately 1,500 ft. northeast of the proposed development, also along the Old Volcano Road. The owner, W.H. Shipman, Ltd. is discontinuing the lease in order to allow expansion of the adjacent Keaau Town Center onto the existing church site. The character of the immediate community is presently residential and commercial in nature. The General Plan LUPAG Map defines the subject property and surrounding areas in the vicinity of the Keaau Town Center for Low and Medium Density Urban uses and Urban Expansion. The Keaau Town Center has served as an anchor

as a urban/commercial core for this section of Puna. It is expected that further growth and development will continue to occur in this area. Therefore, the proposed church and related uses are not expected to cause substantial adverse impact to the community's character or to surrounding properties. To ensure noise and visual impacts from the church and related uses are adequately addressed, a condition is being proposed to require that a landscaping buffer be required along the perimeter boundaries of the project site. Landscaping as well as all parking and setback requirements shall be reviewed during Plan Approval review.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. Although, the proposed multipurpose center, church, hostel, classrooms, recreation center and related improvements will be substantially greater in size and scope than the existing church use, it is not anticipated to adversely affect similar uses within the surrounding community or region. The development of the church complex over a period of 15-20 years, within the urban/commercial core of Keaau, will allow for a gradual acceptance of the proposal as development continues to occur in the Keaau region as a whole. Based on the diversity of the proposed development, services offered by the church will continue to supplement existing religious and charitable services in the region and not expected to adversely impact other churches in the area. 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. Access to the church would be from the Old Volcano Road which has a pavement width of 20 feet and can accommodate two way traffic. As the subject property is located within close proximity of a commercial center and within an area that has a potential for urban expansion, it is recommended that a 5-foot road widening setback fronting the subject property be designated on all plans. This would allow for the widening of the Old Volcano Road to commercial standards, should the need arise. Since development plans and roadway improvements are not definite for the surrounding area, rather than impose improvement requirements, a condition is also included to also require the applicant to participate in an improvement district should one be implemented. Plans submitted indicate a service road running along the entire perimeter of the subject property, with two access driveways for ingress and egress. A condition is also being recommended to require that all driveways and parking areas be paved with asphalt or asphalt-concrete and that a second access be constructed prior the construction phase for

the school. All other services and utilities are or shall be made available to the subject property. In addition, agencies had no objections to the proposed church.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. Final Plan Approval, pursuant to Section 25-242 of the Zoning Code, for each phase of the church and its related improvements shall be secured from the Planning Director. Plans shall identify existing and proposed structures, fire protection measures, paved driveways and paved parking stalls (asphalt or asphalt-concrete), and landscaping associated with the proposed uses. Parking for all functions shall be maintained on the subject property and comply with the requirements of Chapter 25 (Zoning Code). Detailed landscaping plans shall include landscaping buffers along the perimeter boundaries of the project site. Plans shall also indicate a 5-foot road widening setback along the Volcano Road frontage of the subject property.
4. Construction of the proposed church complex shall be completed and all certificates of occupancy issued within fifteen (15) years from the effective date of this Use Permit.
5. The applicant shall complete the proposed project in substantial compliance with the representations made before the Planning Commission. Any proposed changes contrary to this shall be submitted to the Planning Commission as an amendment to this permit.
6. All driveway accesses shall meet with the approval of the Department of Public Works. A second access shall be constructed prior to the issuance of a certificate of occupancy for the school or Phase IV of the proposed development.

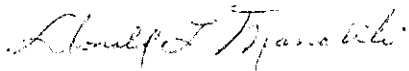
7. The applicant shall provide fire protection standards meeting with the approval of the Fire Department.
8. Should an improvement district or similar arrangement be initiated in the future for curb, gutter, sidewalk, drainage and related improvements to the Old Volcano Road, the property owner(s) shall participate automatically in such an arrangement. Written assurance for implementation of this condition, in the form of a deed covenant, shall be submitted to the Planning Director prior to the start of construction for Phase I.
9. Should any unanticipated archaeological or cultural sites or features be uncovered during land preparation activities, work with the affected area shall immediately cease and the Planning Director notified. No work within the affected area shall resume until clearance is obtained from the Planning Director.
10. All other applicable laws, rules, regulations and requirements shall be complied with, including the Department of Health, Department of Water Supply and Department of Public Works.
11. The applicant shall submit a status report, in writing to the Planning Director, every three (3) years from the effective date of this permit.
12. An extension of time for the performance of conditions of the permit, with the exception of Condition No. 4, may be granted by the Planning Director upon the following circumstances: 1) 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 the Zoning Code; c) granting of the 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 shall initiate procedures to revoke the permit.

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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 feel free to contact Rodney Nakano or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

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xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Fire Department
Department of Health
Plan Approval Section