

COUNTY OF HAWAI‘I PLANNING DEPARTMENT

RECOMMENDATION

HIS HOUSE OF PRAYER AND PRAISE

SPECIAL PERMIT APPLICATION NO. PL-SPP-2025-000089

Upon reviewing the request against the guidelines under Rule 6 of the Planning Commission Rules of Practice and Procedures for granting a Special Permit, the Planning Director is recommending that this request to **allow the establishment of a church and related improvements be approved** by the Windward Planning Commission. Since this recommendation is made without the benefit of public testimony, the Planning Director reserves the right to modify and/or alter this recommendation based upon additional information presented at the public hearing. This approval recommendation is based on the following findings:

The applicant is requesting a Special Permit to construct and operate an approximately 2,650-square foot church and related improvements on a 1-acre parcel of land situated in the State Land Use Agricultural District. The proposed church facility consists of the following components:

- An approximately 2,000-square foot church building with an approximately 650-square foot attached open lānai and ADA accessible restrooms
- An approxiamtely 38 paved parking spaces, plus 2 ADA accessible stalls
- Paved access improvements
- Installation of utilities
- Removal of an unpermitted structure

The applicant proposes the following activities and hours of operation:

- On Sundays between 9:00 a.m. and 10:00 a.m. for Sunday School
- On Sundays from 10:00 a.m. to 12:00 p.m. for regular worship services
- Prayer meetings and Bible studies to be held on Tuesday evenings from 6:30 p.m. to 8:00 p.m. Regular worship services are expected to attract an average

of 50 attendees.

There will be five (5) volunteers, including the pastor, that will be handling the church operations. There will not be anyone living on the property or occupying the church outside of the proposed hours of operation.

The applicant proposes to construct the church and related improvements immediately after receiving the special permit and building permit. Construction is expected to be completed within 12 months from groundbreaking to project completion. The applicant proposes to dismantle and remove the unpermitted structure within 2 years from the start of the church construction. His House of Prayer and Praise estimates the cost of construction to be roughly \$200,000 which they believe will cover the construction of the church building, paved parking, water supply upgrades (if needed) wastewater system installation, and landscaping as proposed.

The applicant is requesting a Special Permit to establish a new church branch in Hawaiian Paradise Park for several reasons. Their main congregation is based in Pearl City, O‘ahu, and they wish to expand to the Puna District to better serve the growing community. Hawaiian Paradise Park has experienced significant population growth, increasing the demand for places of worship and community services.

The criteria for approving a Special Permit are based on Rule 6-7 in the Planning Commission Rules. It states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be, and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai‘i Revised Statutes, as amended.

The proposed use is an unusual and reasonable use of land situated within the Agricultural District that would not be contrary to the effectiveness and objectives of Chapter 205, Hawai‘i Revised Statutes, as amended.

In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the

legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

In addition, the State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawai'i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use.

The subject, 1-acre property is rectangular in shape and located at 15-1745 21st Avenue within the Hawaiian Paradise Park subdivision. It has been partially cleared and graded and is currently occupied by an unpermitted structure. The applicant proposes to use a portion of the property to establish the church use, and the remainder of the property will be left open.

Soils for this site are classified as Keaukaha soils, with 2 to 10 percent slopes. This soil type is made from organic material over pahoehoe lava. It is considered well-drained, has a high runoff class, and is not considered prime farmland. The parcel is designated as "E" or "Very Poor" for agricultural productivity by the Land Study Bureau's Detailed Land Classification System. The property is also considered "unclassified" on the Agricultural Land by the Department of Agriculture's ALISH Map. Because of the parcel's poor soil, non-prime land designations, and limited size, it is ill-suited to commercial agriculture, making any farming operation impractical.

Based on the preceding, the proposed church and improvements are an unusual use in that they are not agricultural in nature. However, the request is considered reasonable as the proposed use will not adversely affect the preservation and agricultural use of the County's prime agricultural lands in this area and is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. As evaluated above, the

applicant's request is considered an unusual and reasonable use of agricultural land that will not adversely affect the preservation of lands with high agricultural potential in the County of Hawai'i.

(B) The desired use shall not adversely affect the surrounding properties.

All adjacent lands to the east, south, and west are zoned Agricultural-1 acres (A-1a) and contain single-family residences. Other surrounding properties are residential in nature, and mostly improved. The closest buildings are dwellings approximately 30 feet to the northeast on an abutting parcel and a dwelling located approximately 30 feet to the west on an adjacent parcel. The proposed church will blend with neighboring residential structures due to its residential-style design and its small scale.

The applicant has clearly addressed concerns regarding noise and disruption by detailing operational and construction practices aimed at minimizing impacts on the surrounding residential area. Regular church services and Bible studies will be held within specific hours—Sunday mornings and Tuesday evenings—outside of peak traffic or noise-sensitive periods. All amplified sound, including hymns and music, will be contained within the church building using a small, low-volume PA system and occasional live ukulele music, which is inherently low in volume. This approach ensures that the noise remains confined and unobtrusive to neighbors, aligning with the area's quiet, residential character.

During construction, the applicant acknowledges that some short-term noise and dust may be unavoidable; however, these will be comparable to typical residential construction and are not expected to be significant. The applicant emphasized that the project's scale is modest, and the overall impact on local traffic and the community will be minimal. Measures such as providing adequate on-site parking, restricting parking along public roads, and ensuring activities are limited to the church's interior spaces reflect a deliberate effort to harmonize the project with the existing neighborhood, preserving its rural and peaceful atmosphere.

A condition of approval will require all parking to occur on-site in designated parking stalls and not on the roadway.

The proposed church facility is anticipated to have minimal to no visual impact, as its architectural design and supporting infrastructure are in keeping with the established residential character of the surrounding neighborhood. Furthermore, visual disruption has been addressed by the addition of landscaping. The applicant intends to fully landscape the property lines using plantings to create a visual screen between the site and 21st Avenue, Paradise Drive, and the adjoining home lots. Except for the paved driveway and parking area, the remainder of the one acre parcel will stay as open, natural space.

Based on the preceding it is not anticipated that the proposed use will adversely affect the surrounding properties.

(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Access to the subject parcel and permit area will be provided by a single paved driveway from 21st Avenue which is a privately owned and maintained roadway within the Hawaiian Paradise Park subdivision. Based on previous consultations with the Hawaiian Paradise Park HOA, it is the established practice that access to properties within the subdivision should be provided via side streets, rather than from the main thoroughfare. The preceding will be added as a condition of approval.

County water is currently available to the subject property. However, the Department of Water Supply has commented that they are in need of water calculations to determine whether enough water is available for the church use through the existing County water meter. The applicant proposes installing a 10,000-gallon catchment tank to serve potable and fire suppression water needs, if water is not available through the County meter. According to the State Department of Health (DOH), Safe Drinking Water Branch, DOH does not recognize unregulated rain catchment systems as capable of meeting State and Federal drinking water requirements. The Planning Commission has approved Special Permits for land uses in areas that do not have public water available if the applicant installs a closed water tank for drinking and sanitation water needs. These tanks are filled with potable water trucked to the site and have plumbing separate from any rainwater catchment tank. Based on the preceding, a condition of approval will allow

the applicant to choose between using the existing County water system if DWS determines water can be made available, or the installation and use of a separate, closed water tank for drinking and sanitation water should County water availability be an issue. Additionally, a condition of approval will require the applicant to comply with Fire Code requirements for sufficient fire suppression water.

There is no county sewer system in the area. The applicant proposes constructing ADA accessible restrooms, which will be supported by a septic system to be approved by the DOH with sufficient capacity to support the proposed development. The preceding will be added as a condition of approval.

The property is situated within an area designated as Flood Zone X on the Flood Insurance Rate Map (FIRM) by FEMA, an area determined to be outside the 500-year flood plain. Electrical and telephone services are available to the property. Police services are available in Kea'au. Fire and medical services are available in Hawaiian Paradise Park. Based on the preceding, the requested use will not burden public agencies to provide additional services.

(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established. In the 1960's and 1970's, the State's Agricultural District boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964. Although the property and surrounding areas are designated for agricultural uses by both State and County land use laws, through the issuance of a Special Permit, various "non-agricultural" services and uses may be allowed.

Since the district boundaries were established, the population of Hawaiian Paradise Park has significantly increased, thus there has been an increased demand for community and religious services in this rural subdivision, as is evidenced by the approval of Special Permits for 7 churches within 2 miles of the subject property since 1978. Approval of this Special Permit will continue to meet the need for religious services within the agriculturally zoned Hawaiian Paradise Park subdivision.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The property's soils are classified as "E" or Very Poor by the Land Study Bureau's Overall Master Productivity Rating and are undesignated by the Department of Agriculture's ALISH Map. Based on the preceding, the proposed church use will not have a negative impact on the agricultural use of the area.

(F) The proposed use will not substantially alter or change the essential character of the land and the present use.

As previously mentioned, the land is predominantly a rugged landscape, with common invasive species both floral and faunal. The proposed construction of a church and related uses will be concentrated on the makai side of the property and will not substantially change the essential character of the remainder of the land.

(G) The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans. The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County.

The project area is designated as Rural by the General Plan, which includes existing subdivisions in the State Land Use Agricultural and Rural districts that have a significant residential component. Typical lot sizes vary from 9,000-square feet to two (2) acres. These subdivisions may contain small farms, wooded areas, and open fields as well as residences. Allowable uses within these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities.

The approval of the subject request would support the goals and policies of the Land Use and Economic elements of the General Plan.

Land Use Element

- *Designate and allocate land areas 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.*

Economic Element

- *Economic development and improvements shall be in balance with the physical and social environments of the island of Hawai‘i.*
- *The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.*
- *The County shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.*

Based on the preceding, the proposed request is consistent with the Rural LUPAG designation and Land Use and Economic goals and policies of the General Plan.

The Puna Community Development Plan (PCDP) does not specifically address special permits for churches on agricultural lands, however, the PCDP generally supports the development of social services and community support facilities for the residents of Puna that may include religious institutions. Approval of the proposed request will allow the applicant an opportunity to improve the quality of life in this area while providing a service to residents in the community. Based on the preceding, the request is consistent with the goals and objectives of the PCDP.

The proposed use is not contrary to the objectives sought to be accomplished by Chapter 205A, Hawai‘i Revised Statutes, relating to coastal zone management program. The subject property is located approximately 2.61 miles from the nearest shoreline, is not within the Special Management Area, and will not be impacted by coastal hazards and beach erosion. There is no designated public access to the mountain or shoreline areas over the property. As such, the proposed use will not adversely impact any recreational resources, including access to and along the shoreline, scenic and open

space nor visual resources, coastal ecosystems, and marine and coastal resources. Therefore, the proposed use is not contrary to the objectives of Chapter 205A, Hawai‘i Revised Statutes.

The request will not have a significant adverse impact to traditional and customary Hawaiian Rights. In view of the Hawai‘i State Supreme Court’s “PASH” and “Ka Pa‘akai O Ka‘Aina” decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site.

Investigation of valued resources: No formal archaeological or botanical studies were conducted by the applicant, due to the site and most of the neighboring properties being previously cleared and graded. The State Historic Preservation Division reviewed the applicant’s proposal and did not find any records indicating any known archaeological sites within the vicinity of the project.

The valued cultural, historical, and natural resources found in the special permit area: As the subject parcel was completely cleared and graded after the property was purchased, it is unlikely that any valued historical resources exist. Furthermore, there are no listed or endangered floral or faunal species likely to be found on the subject property.

It is not known whether the subject site or immediate area was ever used for traditional and customary rights by native Hawaiians.

Possible adverse effect or impairment of valued resources: As there are currently no known valued resources found on the property, there are no anticipated adverse impacts or impairment from the proposed development. However, the applicant has proposed a series of protocols for managing unexpected discoveries of archaeological or historical significance including cessation of work, notification of authorities, and professional assessment.

Feasible actions to protect native Hawaiian rights: According to the Department’s records, it is not known whether the subject site or immediate area was ever used for traditional and customary rights by native Hawaiians. Thus, to the extent to which traditional and customary native Hawaiian rights are exercised, the proposed action

should not affect traditional Hawaiian rights. However, the applicant commits that if any documented claims of gathering or access are made regarding the site, those claims will be honored.

Lastly, this recommendation is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the proposed use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permit, 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.

Based on the preceding findings, the Planning Director recommends that the request to construct and operate a church and related uses be approved. Approval of this request is subject to the following conditions:

1. The applicant, their successor(s), or assign(s) (“Applicant”) shall be responsible for complying with all stated conditions of approval.
2. The operation of the church and accessory uses shall be conducted in a manner that is substantially representative of plans and details contained within the Special Permit Application dated March 26, 2025, received by the Planning Department and any representations made to the Windward Planning Commission. Any expansion or uses beyond what is represented in these documents shall require an amendment to this permit.
3. Construction of the proposed new building, demolition and removal of the unpermitted structure, and related improvements shall be completed within five (5) years from the effective date of this permit. Prior to the submittal of plans for a building permit, 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 structure(s), fire protection measures, paved driveway access and parking stalls, outdoor lighting (if any), and other improvements associated with the proposed development. Landscaping shall be indicated on the plans and installed on the property for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements) and Chapter 25 (Zoning Code), Hawai'i County Code. Buffer yard landscaping shall conform to the standards for separation of a residential zone from a commercial zone as provided for in Planning Department Rule No. 17, section 17-6 (b).

4. Prior to occupancy of structures for the proposed use, the Applicant shall secure and finalize all required building permits from the Department of Public Works, Building Division.
5. The Applicant shall submit water calculations to the Department of Water Supply in order to determine water availability. If county water is not available for the project, the Applicant shall install and use a minimum 10,000-gallon, separate, closed potable water tank to be filled with trucked potable water. If a potable water tank is installed for use, the tank shall remain filled with sufficient water to meet potable water needs at all times.
6. Prior to occupancy of structures for the proposed use, the Applicant shall construct bathroom facilities meeting with the approval of the Department of Public Works and shall install an individual wastewater system (IWS) meeting with the requirements of the State Department of Health.
7. The Applicant shall install, construct, and maintain improvements for Fire Department Access Road (FDAR) access to the permit area and fire suppression improvements, including but not limited to on-site water storage, as required by the Fire Department. Upon successful completion of the improvements and prior to the commencement of the proposed use, the Applicant shall provide the Planning Department documentation from the Fire Department that the improvements meet Fire Code standards.

8. As represented by the Applicant, the hours of operation will be Sundays between 9:00 a.m. and 12:00 p.m. for Sunday school and worship service, and Tuesday evenings between 6:30 p.m. and 8:00 p.m. for prayer meetings and Bible study.
9. To mitigate noise impacts on surrounding properties, the use of amplified sound shall only be allowed within the walls of the church structure for speaking.
10. All church parking will be entirely on site and will not be permitted on either 21st Avenue or Paradise Drive.
11. Access to the property shall be from 21st Avenue. Access from Paradise Drive is prohibited.
12. All development-generated runoff shall be disposed of onsite and shall not be directed toward any adjacent properties. Additionally, a drainage study shall be prepared prior to Plan Approval, and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works, Engineering Division, prior to occupancy of structures for the proposed use.
13. All earthwork and grading shall conform to Chapter 10, Erosion and Sedimentary Control, of the Hawai‘i County Code.
14. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai‘i County Code.
15. 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.
16. The Applicant shall comply with all applicable County, State and Federal laws, rules, regulations, and requirements in connection with the approved use, prior to its commencement or establishment upon the subject properties.

17. 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).
18. Should any of these conditions not be met or substantially complied with in a timely manner, the Director may initiate procedures to revoke this Special Permit.