

COUNTY OF HAWAI'I PLANNING DEPARTMENT RECOMMENDATION

SURE FOUNDATION USE PERMIT AMENDMENT (PL-USE-2026-000044/AMEND USE 14-000050)

Upon careful review of the applicant's request against the guidelines for amending a Use Permit, the Planning Director hereby **recommends that a five-year time extension to Condition No. 4 (complete construction) be approved by the Planning Commission.**

Since this recommendation is made without the benefit of public testimony, the Planning Director reserves the right to modify and/or amend this position based on additional information presented at the public hearing. This approval recommendation is based on the following findings:

The applicant is requesting a four-year time extension to Condition No. 4 (time to complete construction) of Use Permit No. 14-000050 backdated from the last performance date of September 17, 2024, with a new expiration date of September 17, 2028. Use Permit No. 14-000050 was approved in 2014 to allow the construction of a two-story, 22,150-square-foot church ("Arise Church"), 161 parking stalls (including 5 ADA-accessible stalls), two driveway accesses (one each for ingress and egress only), and landscaping on 2.175 acres of land. Once constructed, the church will offer fellowship activities, classes, and three Sunday morning services. Weekday evening classes beginning at 7:00 p.m. are expected to include approximately 20 to 40 attendees.

Due to the unforeseen circumstances described below, the applicant is requesting an extension of the construction completion deadline to September 17, 2028. Although the applicant anticipates completing construction before the Building Permit expires in October 2026, the requested extension would provide adequate time to address any additional unforeseen issues that may arise before final completion and inspection of the project.

The non-performance of timed conditions is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result of their fault or negligence. The applicant has worked diligently toward completion of the proposed church in compliance with the conditions of Use Permit No. 14-000050, which was issued in 2014. However, the applicant was unable to meet the September 17, 2024 construction completion deadline due to unforeseen delays associated with construction and infrastructure coordination, limited availability of utilities and contractors, supply chain disruptions, and broader economic conditions affecting project scheduling and financing.

Despite the preceding, the applicant has demonstrated continued progress toward project completion through the achievement of several major development milestones. These milestones include securing Final Plan Approval; obtaining an administrative time extension from the Planning Director; obtaining Grading, Building, Plumbing, and Electrical Permits from the Department of Public Works; securing a water commitment and approval of backflow preventer design and construction plans from the Department of Water Supply (DWS); and obtaining confirmation of adequate fire flow capacity from DWS and the Fire Department. In addition, critical infrastructure and site development components, including grading, drainage, and septic system plans, have been reviewed and approved by the appropriate State and County agencies.

Substantial portions of the project have already been constructed, with remaining work consisting primarily of final interior finishes (limited tile installation, countertops, and restroom partitions within the auditorium, first-floor, and support areas) and completion of exterior site improvements (construction of a three-foot retaining wall, sub-grading, and final paving and striping of the parking lot) and inspections.

While the applicant requested a four-year extension retroactive to the previous September 17, 2024 deadline, resulting in a new deadline of September 17, 2028, the Planning Director believes that a five-year extension from the effective date of the amended permit would be more appropriate. This approach

is consistent with past practice of not applying time extensions retroactively and would provide the applicant sufficient time to complete the church and related improvements should additional unforeseen circumstances arise.

Granting the time extension amendments would not be contrary to the General Plan or Zoning Code and the original reasons for granting the Use Permit. Since the issuance of Use Permit No. 14-000050, there have been no significant changes to the land use regulations applicable to this area. The establishment of a church on the subject property remains consistent with the property's Medium Density Urban designation and land use goals and policies of the General Plan.

Furthermore, development of the proposed church on the property remains consistent with the Zoning Code, as meeting facilities, including churches, are permitted within the A-1a zoning district and the State Land Use Urban District through the approval of a Use Permit, including any amendments thereto, by the Planning Commission. The facility has been, and will continue to be, developed in accordance with the Zoning Code, other applicable County codes, and the conditions of approval associated with the Use Permit, as demonstrated by the foregoing discussion regarding compliance with permit conditions.

The granting of the proposed amendment would not be contrary to the original reasons for granting the Use Permit. Namely, the church will not be detrimental to the public welfare nor will it cause substantial adverse impact to the community's character or to surrounding properties.

The surrounding area along Ponahawai Street has transitioned toward a mixed-use urban character consisting of multi-family residential developments, medical offices, commercial uses, and meeting facilities/churches. Nearby uses include the Church of Jesus Christ of Latter-day Saints immediately west of the subject property, the Veterans Cemetery directly north, and the future Food Basket campus across Ponahawai Street to the south. Accordingly, the proposed church is compatible with the existing character of the area.

The nearest dwelling is located immediately east of the subject property; however, required building setbacks and enhanced landscaping will minimize potential impacts to adjacent properties. In addition, the Planning Department has not received objections from the surrounding community regarding the request. Based on the foregoing, no significant adverse impacts to surrounding properties are anticipated.

The proposed use will not unreasonably burden public agencies or infrastructure, including roads, water, drainage, police and fire protection, and other public services. Access to the property is provided via Ponahawai Street, a County-owned and maintained right-of-way approximately 60 feet wide with a 24-foot pavement width and in good condition. In accordance with Condition No. 5 of the permit, the applicant obtained approval for two access points (one ingress-only and one egress-only) and revised the subdivision plat map (SUB 07-000559) in 2019 to reflect the approved access configuration.

Although church operations are expected to generate additional traffic, most trips will occur outside weekday AM and PM peak traffic periods, such as Sunday mornings and weekday evenings; therefore, significant traffic impacts are not anticipated.

Sufficient County water service is available for potable and fire suppression purposes, and the applicant has complied, and will continue to comply, with conditions requiring improvements and connection to the County water system. The property is not currently served by the County sewer system; therefore, the applicant will install and maintain a private septic system in compliance with State Department of Health requirements until County sewer service becomes available, as required by Condition No. 8 of the permit. All other utilities are available to the site. Police and fire protection services are in close proximity to the property, and Hilo Medical Center is located less than one mile away. Accordingly, the proposed request is not expected to place an unreasonable burden on public facilities or services.

The subject request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area. The subject property is

located approximately 4,000 feet from the nearest coastline and is not within the State Land Use Special Management Area (SMA). Accordingly, the project will not adversely impact coastal recreational resources, scenic or open space resources, visual resources, ecosystems, or marine resources. In addition, there is no record of designated public access to shoreline or mountain areas traversing the property.

There is no evidence of traditional or customary Native Hawaiian practices occurring on the property, nor is there evidence of known cultural or historic resources of significance within the project area.

The property was previously cleared and historically utilized for sugar cane cultivation and, later, as a plant nursery. As such, no known threatened or endangered plant, mammalian, or avian species have been identified on the property.

In response to a 2016 grading permit application, the State Historic Preservation Division (SHPD) determined that the project would result in “no historic properties affected,” based on evidence that the area had been heavily altered by former commercial sugar cane cultivation.

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 properties. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, 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, the **Planning Director recommends approval of a five-year time extension to Condition No. 4 (time to complete construction).**

Approval of the request is subject to the following conditions. Please note, these include

updates to conditions that have been complied with and to reflect current standard condition language. Material to be deleted is bracketed and struck through; new material is underscored:

1. The applicant, its successor or assigns ("Applicant") shall be responsible for complying with all stated conditions of approval.
2. ~~[Prior to the issuance of a water commitment by the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations for the proposed improvements prepared by a professional engineer in the State of Hawai'i, for review and approval, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within one hundred and eighty days from the effective date of this permit.]~~ The Applicant is responsible for maintaining valid water commitments to support the proposed use until such time that required water facilities charges are paid in full. Furthermore, the Applicant shall construct and dedicate necessary water system improvements as required by the Department of Water Supply.
3. The ~~[applicants]~~ Applicant shall install a reduced pressure type backflow prevention assembly within five (5) feet of the existing water meter and any additional water meters on private property, which must be inspected and approved by the Department of Water Supply.
4. Construction of the proposed development shall be completed within five (5) years from the effective date of this amended permit. The applicant shall comply with the conditions of Final Plan Approval (PLA-18-001553), as amended. ~~[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 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all proposed structures, paved driveway accesses and 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). All buffer yard landscaping shall conform to the standards for separation of a residential (RS) zoning district from a commercial (CN) zoning district as provided for in Planning Department Rule No. 17.]~~

5. All driveway connections to Ponahawai Street shall conform to Chapter 22, Streets and Sidewalks, of the Hawai'i County Code. ~~[If two accesses are permitted by the Department of Public Works to the subject property, the applicant shall revise the subdivision final plat map (SUB 07-000559) to reflect the permitted changes to the access points.]~~
6. ~~[A drainage study of the subject property, if required, 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 by the approved drainage plan, shall be constructed, meeting with the approval of the Department of Public Works prior to the issuance of a Certificate of Occupancy.
7. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
8. Septic tank(s) shall be installed, meeting with the standards and requirements of the State Department of Health, prior to the issuance of a Certificate of Occupancy. The ~~[a]~~Applicant shall abandon the septic system and connect to the County sewer line along Ponahawai Street when it becomes available.
9. A Solid Waste Management Plan shall be prepared and submitted for approval to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
10. ~~[Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources State Historic Preservation Division (DLNR-SHPD) 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.]~~ 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 State Historic Preservation Division 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 ~~[a]~~Applicant shall comply with all other applicable laws, rules, regulations and requirements of affected agencies for the proposed project.
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, 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.~~
 - 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).~~ Should the Applicant require an additional extension of time, the applicant shall submit the 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.