

SPECIAL PERMIT	
Petition Received	3/12/79
Maps	3/12/79 - 4/26/79
Action Span	4/19/79
Action Date	4/26/79
Recordation	



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI

Governor

CHARLES W. DUKE

Chairman

SHINICHI NAKAGAWA

Vice Chairman

COMMISSION MEMBERS:

James Carras

Colette Machado

Shinsei Miyasato

Mitsuo Oura

George Pascua

Carol Whitesell

Edward Yanai

GORDAN FURUTANI

Executive Officer

June 6, 1979

Mr. Sidney Fuke
Planning Director
Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Subject: SP79-337 - HENRY A. Y. AH SAM

In reference to our letter to you dated
April 23, 1979, enclosed is a copy of the
Decision and Order on SP79-337 for your information
and records.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encl.

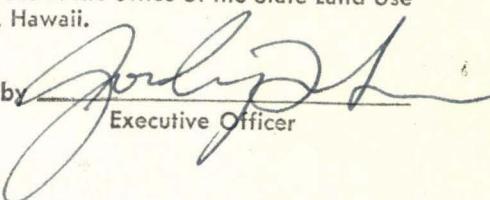
cc: Henry A. Y. Ah Sam

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the) SP79-337
Petition for Special Permit)
of HENRY A. Y. AH SAM) HENRY A. Y. AH SAM
)
)

This is to certify that this is a true and correct copy of the
Decision and Order on file in the office of the State Land Use
Commission, Honolulu, Hawaii.

6/6/79
Date

by 
Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the) SP79-337
Petition for Special Permit)
of HENRY A. Y. AH SAM) FINDINGS OF FACT,
) CONCLUSIONS OF LAW AND
) DECISION AND ORDER

The Land Use Commission of the State of Hawaii,
having duly considered the entire record in the above entitled
matter, makes the following findings of fact and conclusions of
law.

FINDINGS OF FACT

1. The Petition for Special Permit was filed by HENRY A. Y. AH SAM, on behalf of the Church of Jesus Christ of Latter-Day Saints, Kona Hawaii Stake, to allow the establishment of a church on approximately 7.016 acres of land situated within the State Land Use Agricultural District at Keopu 3rd, North Kona, Hawaii, Tax Map Key 7-5-03: 22.

2. The subject property is located adjacent to and immediately mauka of the Lono-Kona Subdivision, approximately 750 feet east of the Kalani Street-Lamaokeola Street intersection.

3. The proposed church is to include a worship hall, cultural hall, classrooms and office.

4. The Land Use Commission had previously granted a Special Permit for the proposed church use on December 5, 1975. However, the Petitioner's failure to comply with a stipulated time condition resulted in the expiration of the permit.

5. The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the area for Alternate Urban Expansion. The County's Zoning designation for the property is Unplanned (U).

6. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or "Very Poor" for the subject property.

7. The subject property is presently vacant of any structures. Surrounding land uses include the adjacent Lono-Kona Subdivision and grazing lands. The west or makai side of the property is bordered by the Great Wall of Kuakini.

8. Access to the subject property will be via Kalani Street which has a right-of-way width of 40 feet and a 16-foot pavement width. The proposed Kaahumanu Highway extension is to abut the mauka side of the subject property.

9. During previous reviews of the Special Permit request, all cooperating agencies had no objections to the permit application.

10. The Hawaii County Planning Department has recommended approval of the application for Special Permit.

11. The Hawaii County Planning Commission conducted a public hearing on the application for Special Permit on January 25, 1979. A representative of the Petitioner testified in support of the request at that time. Under public testimony, Mrs. Hattie Ahuna requested clarification concerning the location of the proposed chapel and the provision of on-site parking.

CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in an Agricultural District may be permitted

by Special Permit pursuant to HRS Chapter 205-6, and State Land Use Commission District Regulation, Part V.

2. The approval of the subject request will be consistent with the Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, 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 Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District also includes lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics. The subject property has soils which are in the Soil Conservation Service's Capability Class VII. Class VII soils have very severe limitations which make them unsuited to cultivation and restrict their use largely to pasture or range, woodland, or wildlife. Class VII soils are the second to the lowest of the Soil Conservation Service's ranking system for agricultural productivity. The quality of the soil is further substantiated by the Land Study Bureau's report which has an overall master productivity rating for agricultural use of Class "E" or "Very Poor".

Although it is still possible for the subject property to be used for some agricultural activities, it is determined that approval of the subject request will not be contrary to the objectives of the Land Use Law and Regulations, given the capability class rating of the property for agricultural productivity and the above cited criterion for determining the Agricultural District.

Further, the use of the subject property for non-

agricultural purposes is expected to not have an adverse effect on the overall agricultural potential of the region or the island.

3. The proposed use will not adversely affect the surrounding properties. Surrounding land uses include the Lono-Kona Subdivision and grazing lands. The Lono-Kona Subdivision, in the area adjacent to the subject property, is zoned for residential uses. This subdivision is fairly built up and is urban in character. The area under consideration is designated for alternate urban expansion on the General Plan Land Use Pattern Allocation Guide Map. Should a need for urban expansion arise in the future, it would be directed to areas designated as such by the General Plan. The pasture lands which surround the subject property on its mauka side could possibly be cut off by the proposed Queen Kaahumanu Highway extension. It is thus determined that approval of the proposed use on the subject property will not have an adverse effect on surrounding properties, be they urban or agricultural in nature.

4. Although the proposed use may alter the essential character of the land, it would not be detrimental to the present use of the subject property. At the present time, it is vacant of any uses. It is determined that the provision of a church on the subject land would be beneficial and well suited to accommodate the welfare of the public, in this particular case the members of the church. At the present time, there is an existing meeting place for the members of this denomination. Due to the inconvenient location of the existing facility, however, it has become necessary for the church to relocate and consolidate all of its activities in one location. Aside from the existing facility, which would be phased out of use for worship services, there is

no other facility of this denomination available to the residents in the general area of Kailua-Kona. Therefore, the establishment of the proposed use would suit the needs of the residents of the area.

5. The use described in the Petition is an unusual and reasonable use pursuant to HRS Chapter 205-6, and State Land Use Commission District Regulation, Part V.

DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit Number 79-337 for the establishment of a church on approximately 7.016 acres of land situated within the State Land Use Agricultural District at Keopu 3rd, North Kona, Hawaii, Tax Map Key 7-5-03: 22, be approved subject to the following conditions:

1. That the petitioner or its authorized representative shall submit plans for Plan Approval and shall secure a Building Permit within one (1) year from the effective date of approval of the Special Permit.

2. That construction of the proposed facility shall be completed within two (2) years from the date of receipt of a Building Permit.

3. That a landscaping buffer shall be established along the Kuakini Wall side of the property for the purpose of screening the proposed use from existing residential uses. This buffer shall be incorporated into plans submitted for Plan Approval and shall be approved by the Planning Director.

4. That all other applicable rules, regulations, and requirements shall be complied with.

5. Failure to comply with any of the delineated conditions of approval, particularly those relating to time commencement and expiration, shall be reason for termination of the Special Permit.

DATED:

Honolulu, Hawaii, May 30, 1979.

LAND USE COMMISSION

By

C. W. Duke
C. W. DUKE
Chairman and Commissioner

By

Shinichi Nakagawa
SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By

James R. Carras
JAMES R. CARRAS
Commissioner

By

Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By

Mitsuo Oura
MITSUO OURA
Commissioner

By

George R. Pascua
GEORGE R. PASCUA
Commissioner

By

Carol B. Whitesell
CAROL B. WHITESELL
Commissioner

By

Edward Yanai
EDWARD YANAI
Commissioner

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

Show to whom and date delivered ¢
 Show to whom, date, and address of delivery ¢
 RESTRICTED DELIVERY
 Show to whom and date delivered ¢
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

HENRY A. Y. AH SAM

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
179559		

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY

JUN 7 1979

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:



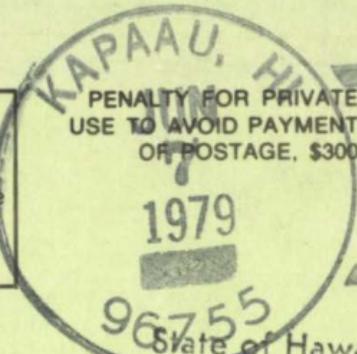
UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



96755
State of Hawaii
LAND USE COMMISSION
Suite 1795, Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813

(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)

No. 179559

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO

HENRY A. Y. AH SAM

STREET AND NO.

P. O. Box 263

P.O., STATE AND ZIP CODE

Kapaaau, HI 96755

POSTAGE

\$.41

CONSULT POSTMASTER FOR FEES

CERTIFIED FEE

80 ¢

SPECIAL DELIVERY

¢

RESTRICTED DELIVERY

¢

OPTIONAL SERVICES

RETURN RECEIPT SERVICE

SHOW TO WHOM AND DATE
DELIVERED

.45

SHOW TO WHOM, DATE, AND
ADDRESS OF DELIVERY

¢

SHOW TO WHOM AND DATE
DELIVERED WITH RESTRICTED
DELIVERY

¢

SHOW TO WHOM, DATE AND
ADDRESS OF DELIVERY WITH
RESTRICTED DELIVERY

¢

TOTAL POSTAGE AND FEES

\$ 1.66

POSTMARK OR DATE



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, afix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

Show to whom and date delivered. ¢

Show to whom, date, and address of delivery. ¢

RESTRICTED DELIVERY

Show to whom and date delivered. ¢

RESTRICTED DELIVERY

Show to whom, date, and address of delivery. \$ ____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

SIDNEY FUKE

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
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179556

I (Always obtain signature of addressee or agent)

I have received the article described above.

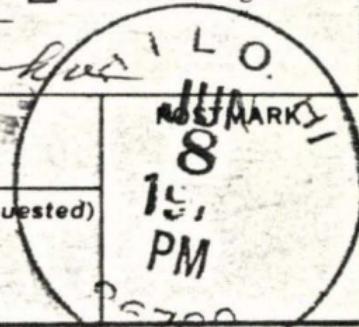
SIGNATURE Addressee Authorized agent

4.

DATE OF DELIVERY

6/8/79

5. ADDRESS (Complete only if requested)



6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

gj

No. 179556

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO

SIDNEY FUKE

STREET AND NO.

25 Aupuni Street

P.O., STATE AND ZIP CODE

Hilo, Hawaii 96720

POSTAGE	\$.93
CERTIFIED FEE	80¢
SPECIAL DELIVERY	¢
RESTRICTED DELIVERY	¢
SHOW TO WHOM AND DATE DELIVERED	45¢
SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES	\$ 2.18

POSTMARK OR DATE



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition) SP79-337
for Special Permit of)
) HENRY A. Y. AH SAM
HERNRY A. Y. AH SAM)
)
)
)

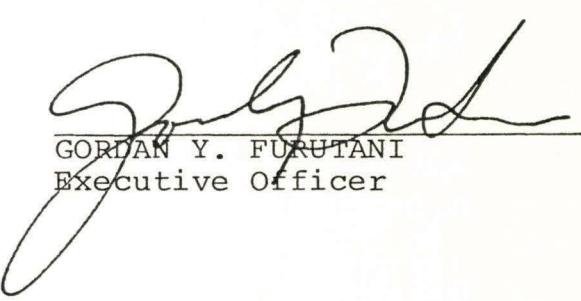
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use
Commission's Decision and Order was served upon the follow-
ing by certified mail:

SIDNEY FUKE, Planning Director
Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

HENRY A. Y. AH SAM
The Church of Jesus Christ of
Latter Day Saints, Kona Hawaii Stake
P. O. Box 263
Kapaaau, Hawaii 96755

DATED: Honolulu, Hawaii, this 6th day of June, 1979.


GORDON Y. FURUTANI
Executive Officer

April 23, 1979

Mr. Henry A. Y. Ah Sam
The Church of Jesus Christ of
Latter Day Saints, Kona Hawaii Stake
P. O. Box 263
Kapaa, Hawaii 96755

Dear Mr. Ah Sam:

The original of the attached letter is on file
in the office of the Hawaii County Planning Department,
25 Aupuni Street, Hilo, Hawaii.

Please be advised that failure to comply with any
of the delineated conditions of approval, particularly
those relating to time, shall be reason for termination
of the Special Permit. The Land Use Commission will not
consider any request for time extension which is filed
after the stipulated commencement or expiration dates.

A copy of the staff memorandum is herewith enclosed
for your information. The Land Use Commission's Decision
and Order on SP79-337 will be forwarded to you at a later
date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encls.

April 23, 1979

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on April 19, 1979, the Land Use Commission voted to approve a Special Permit request by Henry A. Y. Ah Sam (SP79-337) to allow the establishment of a church on approximately 7.016 acres of land situated within the State Land Use Agricultural District at Keopu 3rd, North Kona, Hawaii, Tax Map Key 7-5-03: 22.

Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission. Please be advised that the petitioner's failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit. The Land Use Commission will not consider any request for time extension which is filed after the stipulated commencement or expiration dates.

A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP79-337 will be forwarded to you at a later date.

Sincerely yours,

GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: Henry Ah Sam

April 23, 1979

Department of Planning and
Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

Attention: Mr. Hideto Kono, Director

Gentlemen:

At its meeting on April 19, 1979, the Land Use Commission voted to approve a Special Permit request by Henry A. Y. Ah Sam (SP79-337) to allow the establishment of a church on approximately 7.016 acres of land situated within the State Land Use Agricultural District at Keopu 3rd, North Kona, Hawaii, Tax Map Key 7-5-03: 22. Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission.

Please note that a copy of the Land Use Commission's Decision and Order on this matter is on file at the Commission's office.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: Department of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Office of Environmental Quality Control
Division of Land Management, DLNR

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 A & B
New State Building
Honolulu, Hawaii

Approved
SEP 27 1979

April 19, 1979 - 9:30 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
James Carras
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai

COMMISSIONERS ABSENT: Colette Machado

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Chief Clerk

Ray Russell, Court Reporter

ACTION

SP79-336 - FRANCES H. LINDSEY

SPECIAL PERMIT APPLICATION TO ALLOW THE CONSTRUCTION OF A SECOND
RESIDENTIAL DWELLING UNIT AT WAIALUA, MOLOKAI

Mr. Daniel Yasui, staff planner, presented a resume of the staff memorandum relevant to the subject application and located the subject property on the maps.

Mr. Yasui requested counsel from the Deputy Attorney General regarding the following areas:

1. The increase in density within the Agricultural District without benefit of a subdivision.
2. The permissibility of a residential dwelling within the Agricultural District.
3. The appropriateness of processing this type of request through the Special Permit procedure.

Mr. Kawada cited the applicable sections within the statute relative to the above concerns. It was his conclusion that a more appropriate avenue to pursue the proposed use would be via a boundary amendment application.

On the basis of the above advice, Commissioner Whitesell moved to deny the Special Permit. The motion was seconded by Commissioner Miyasato and unanimously carried.

Chairman Duke directed Counselor Kawada to prepare the Decision and Order and to communicate with the County suggesting the alternatives available to the petitioner for the proposed use.

✓ SP79-337 - HENRY A. Y. AH SAM

SPECIAL PERMIT APPLICATION TO ALLOW THE ESTABLISHMENT OF A CHURCH AT KEOPU 3RD, NORTH KONA, HAWAII

Following a presentation of the pertinent facts relative to the subject request by staff planner, Commissioner Whitesell moved that the Special Permit be approved, subject to the conditions imposed by the Hawaii County Planning Commission. The motion was seconded by Commissioner Carras and unanimously approved.

SP79-338 - PUNA SUGAR CO., LTD. DBA PUNA PAPAYA & W. H. SHIPMAN, LTD.
SPECIAL PERMIT APPLICATION TO ALLOW THE ESTABLISHMENT OF THE EXISTING PAPAYA PACKING PLANT AND A PAPAYA PUREE PROCESSING PLANT ADDITION AND RELATED IMPROVEMENTS AT KEAAU, PUNA, HAWAII

A summary of the proposed use requested under this Special Permit was given by Mr. Yasui.

In response to Commissioner Whitesell's question as to why a Special Permit was required for the proposed use, Mr. Sidney Fuke, Planning Director of the Hawaii Planning Department, clarified that in interpreting the law in its strictest sense, the County had required a Special Permit for this particular use. Moreover, the County's Zoning Ordinance was a bit more prohibitive than the State Land Use Regulations, in that it permitted processing activities within the Agricultural District for only those products grown on the premises.

Commissioner Carras moved that the Special Permit be granted, subject to the conditions set forth by the Hawaii County Planning Commission. It was seconded by Commissioner Oura and unanimously passed.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

SP79-337

ITEM Henry A. Y. Ah Sam (Hawaii)

DATE April 19, 1979

Conf. Rm 322 A & B

PLACE New State Building

TIME 9:30 a.m.

1151 Punchbowl St.
Honolulu, Hawaii

	NAME	YES	NO	ABSTAIN	ABSENT
	RASCUA, GEORGE R.	X			
M	WHITESELL, CAROL	X			
	OURA, MITSUO	X			
	MACHADO, COLETTTE				X
	MIYASATO, SHINSEI	X			
	NAKAGAWA, SHINICHI	X			
S	CARRAS, JAMES	X			
	YANAI, EDWARD	X			
	DUKE, CHARLES	X			

Comments:

I move that we approve the Special Permit subject to the conditions imposed by the Hawaii Planning Commission

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission

April 19, 1979

FROM: Staff

SUBJECT: SP79-337 - Henry A. Y. Ah Sam

The petitioner, Henry Ah Sam, on behalf of the Church of Jesus Christ of Latter-Day Saints, Kona Hawaii Stake, is requesting a Special Permit to allow the establishment of a church on approximately 7.016 acres of land situated within the State Land Use Agricultural District at Keopu 3rd, North Kona, Hawaii, Tax Map Key 7-5-03: 22. The subject property is located adjacent to and immediately mauka of the Lono-Kona Subdivision, approximately 750 feet east of the Kalani Street-Lamaokeola Street intersection.

This permit request is identical to one which was previously approved by the Land Use Commission on December 5, 1975, under SP75-224 - HPM Development Corporation. Condition No. 1 of that permit required that: "Construction of the chapel commence within one (1) year from the date of approval of the Special Permit and be completed within two (2) years thereafter." Since the permit was granted on December 5, 1975, construction was to have commenced by December 5, 1976.

In a letter dated March 24, 1977, the petitioner requested an 18-month time extension for the commencement of construction until June 5, 1978. This request was granted by the Land Use Commission on June 13, 1977. Also at that time, the Special Permit was transferred from HPM Development Corporation (original applicant on behalf of the Church) to the Church of Jesus Christ of Latter-Day Saints.

On July 3, 1978, nearly one (1) month after the second expiration date, the petitioner requested a second time extension. The Land Use Commission, on October 19, 1978, determined that the Special Permit had lapsed and was in an expired status at the time the second time extension request was made. The petitioner has thus filed a new application.

The proposed church is to include a worship hall, cultural hall, classrooms, and offices.

In support of the request, the petitioner has in part stated the following:

"The completed plans and necessary finances are available to commence with the building of the church. Contracting of the building will commence upon approval of the Special Permit.

"The proposed church site lies makai of the Kaahumanu Highway extension route and mauka of the Lono-Kona Subdivision. The property is not well suited for agriculture and with the completion of the Kaahumanu Highway extension will be divided from the remaining agricultural property by a major highway. The present use is for pasture purposes, which use will be difficult and uneconomical to continue after the completion of the Kaahumanu Highway.

"The proposed church site is amply large to accommodate the proposed use without significant effect on the adjoining Lono-Kona Subdivision. The proposed use will not significantly affect the property rights of property owners in the immediate vicinity.

"Enforcement of the zoning code would result in the applicant's property being put to a use that it is not suited for physically or economically.

"The subject property is zoned unplanned under the County zoning code and the proposed use is a conditionally permitted use in an unplanned district. If the property was zoned agriculture under the county zoning code, the proposed use would still be a conditionally permitted use, and therefore not in conflict with the zoning code or General Plan for the County of Hawaii."

The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the area for Alternate Urban Expansion. The County's Zoning designation for the property is Unplanned (U).

According to the U.S.D.A. Soil Conservation Service's Soil Survey Report of December 1973, the land is of the Punaluu Series which consists of well-drained, thin organic soils over pahoehoe lava bedrock. The surface soil layer is black peat about four inches thick. The subject area receives between 30 to 40 inches of rainfall annually.

The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or "Very Poor" for the subject property.

The subject property is presently vacant of any structures. Surrounding land uses include the adjacent Lono-Kona Subdivision

and grazing lands. The west or makai side of the property is bordered by the Great Wall of Kuakini.

Access to the subject property will be via Kalani Street which has a right-of-way width of 40 feet and a 16-foot pavement width. The proposed Kaahumanu Highway extension is to abut the mauka side of the subject property.

During the previous reviews of the Special Permit request, all cooperating agencies had no objections to the permit application.

The Hawaii County Planning Commission conducted a public hearing on the application for Special Permit on January 25, 1979. At that time, a representative of the petitioner provided testimony in support of the request. Under public testimony, Mrs. Hattie Ahuna requested clarification concerning the location of the proposed chapel and the provision of on-site parking. No other persons testified concerning the request. For the Commission's information, the hearing transcript of January 25, 1979 has been attached (County Exhibit H).

On February 22, 1979, the Hawaii County Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission based on the following findings:

- "1. That the proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, 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 Hawaii. The area under consideration is classified as agricultural by the State Land Use Commission. The Agricultural District also includes lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics. The subject property has soils which are in the Soil Conservation Service's Capability Class VII. Class VII soils have very severe limitations which make them unsuited to cultivation and restrict their use largely to pasture or range, woodland, or wildlife. Class VII soils are the second to the lowest of the Soil Conservation Service's ranking system for agricultural productivity. The quality of the soil is further substantiated by the Land Study Bureau's report which has an overall master productivity rating for agricultural use of Class 'E' or 'Very Poor'.

Although it is still possible for the subject property to be used for some agricultural activities, it is determined that approval of the subject request will not be contrary to the objectives of the Land Use Law and Regulations, given the capability class rating of the property for agricultural productivity and the above cited criterion for determining the Agricultural District.

Further, the use of the subject property for non-agricultural purposes is expected to not have an adverse effect on the overall agricultural potential of the region or the island.

In addition, churches and institutions of a religious nature are permitted in the Unplanned and the Agricultural zones by the County Zoning Code.

- "2. That the proposed use will not adversely affect the surrounding properties. Surrounding land uses include the Lono-Kona Subdivision and grazing lands. The Lono-Kona Subdivision, in the area adjacent to the subject property, is zoned for residential uses. This subdivision is fairly built up and is urban in character. The area under consideration is designated for alternate urban expansion on the General Plan Land Use Pattern Allocation Guide Map. Should a need for urban expansion arise in the future, it would be directed to areas designated as such by the General Plan. The pasture lands which surround the subject property on its mauka side could possibly be cut off by the proposed Queen Kaahumanu Highway extension. It is thus determined that approval of the proposed use on the subject property will not have an adverse effect on surrounding properties, be they urban or agricultural in nature.
- "3. That although the proposed use may alter the essential character of the land, it would not be detrimental to the present use of the subject property. At the present time, it is vacant of any uses. It is determined that the provision of a church on the subject land would be beneficial and well suited to accommodate the welfare of the public, in this particular case the members of the church. At the present time, there is an existing meeting place for the members of this denomination. Due to the inconvenient location of the existing facility, however, it has become necessary for the church to relocate and consolidate all of its activities in one location. Aside from the existing facility,

which would be phased out of use for worship services, there is no other facility of this denomination available to the residents in the general area of Kailua-Kona. Therefore, the establishment of the proposed use would suit the needs of the residents of the area."

For the Commission's information, the meeting minutes of February 22, 1979 have been attached (County Exhibit Q).

The favorable recommendation was subject to the following conditions:

- "1. That the petitioner or its authorized representative shall submit plans for Plan Approval and shall secure a Building Permit within one (1) year from the effective date of approval of the Special Permit.
- "2. That construction of the proposed facility shall be completed within two (2) years from the date of receipt of a Building Permit.
- "3. That a landscaping buffer shall be established along the Kuakini Wall side of the property for the purpose of screening the proposed use from existing residential uses. This buffer shall be incorporated into plans submitted for Plan Approval and shall be approved by the Planning Director.
- "4. That all other applicable rules, regulations and requirements shall be complied with."

It was further stated by the Planning Commission that: "... failure to comply with any of the delineated conditions of approval, particularly those relating to time commencement and expiration, shall be reason for termination of the Special Permit."

PLANNING COMMISSION

Planning Department
County of HawaiiHEARING TRANSCRIPT
January 25, 1979

A regularly advertised public hearing, on the application of Henry A. Y. Ah Sam, on behalf of The Church of Jesus Christ of Latter-Day Saints, was called to order at 4:02 p.m. in the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Bert H. Nakano
Alfredo Orita
Charles H. Sakamoto

ABSENT: William J. Paris, Jr.
Ex-officio Member Akira
Fujimoto

Sidney M. Fuke, Director
Norman Hayashi, Planner
Keith Kato, Planner

Sandra Pechter, Deputy Corporation Counsel
David Murakami, representing Ex-officio Member Edward
Harada

and approximately 23 people in attendance

CHAIRMAN: Item No. 2 on our agenda is the, excuse me, Item No. 3 on our revised agenda is the public hearing on the application of Henry A. H. Ah Sam, on behalf of The Church of Jesus Christ of Latter-Day Saints, Kona Hawaii State, for a Special Permit to allow the establishment of a church on 7.016 acres of land situated within the State Land Use Agricultural District. The property involved is located adjacent to and immediately mauka of the Lono-Kona Subdivision, approximately 750 feet east of the Kalani Street - Lamaokeola Street intersection, Keopu 3rd, North Kona, TMK: 7-5-03:22. Staff?

HAYASHI: (Presented background on file.)

CHAIRMAN: Thank you. Commissioners, do you have any questions on the staff's background report on the application of Henry A. Y. Ah Sam on behalf of The Church of Jesus Christ of Latter-Day Saints? If there is no question of the staff, at this time I would like to ask the applicant or representative of the applicant to come forward? Yes, do you swear to tell the truth and nothing but the truth in the testimony you're about to give before the Hawaii County Planning Commission?

OLSON: I do.

CHAIRMAN: Please state your name into the microphone.

OLSON: (Inaudible) Olson.

EXHIBIT 4

CHAIRMAN: I'm sorry.

OLSON: Olson.

CHAIRMAN: Mr. Olson? Mr. Olson, you've heard the staff's background report on the application, excuse me, you're representing.

OLSON: Representing Henry Ah Sam.

CHAIRMAN: You represent Mr. Ah Sam. Okay; on behalf of the Church?

OLSON: Right.

CHAIRMAN: Okay; Mr. Olson, you've heard the staff's background report on your application for a Special Permit, do you have anything to add for the benefit of the Commission?

OLSON: No, sir.

CHAIRMAN: Okay, Mr. Olson, do you, do you know, this may be a little premature, is it the intent to move out of the existing facilities into this new facility?

OLSON: Yes, sir.

CHAIRMAN: It is. And what would your plans be for the, for the existing facilities?

OLSON: Sell it.

CHAIRMAN: To sell that. You also have some property, I think, on the corner of Hualalai and Alii Drive. Is the church use there going to be incorporated into this new facility as well?

OLSON: Yes, it will.

CHAIRMAN: So then it would be your intention to sell that property too.

OLSON: Yes, sir.

CHAIRMAN: Okay, thank you. Commissioners, did you have any questions that you'd like to direct to Mr. Olson? Mr. Olson, doesn't appear to be any questions from the Commissioners, we do ask that you remain in the audience as this is a public hearing. There may be something that comes up from the public that we'd like to ask you to respond to.

Ladies and gentlemen, this is a public hearing on the application of Henry A. H. Ah Sam, on behalf of The Church of Jesus Christ of Latter-Day Saints, for a Special Permit. The Chair at this time would like to ask, invite any of you in the audience who wish to testify either for or against this application to please indicate

so by raising your hand. Yes, would you come forward please? Yes, if you'll raise your right hand. Do you swear to tell the truth and nothing but the truth on the application, on the testimony that you're about to give before the Hawaii County Planning Commission?

AHUNA: Yes.

CHAIRMAN: You do. Norman, would you help her with the microphone please? Thank you. Would you state your name into the microphone?

AHUNA: My name is Hattie Ahuna.

CHAIRMAN: Yes, Mrs. Ahuna, please proceed.

AHUNA: Actually I have a question I'd like to ask. Do you, do they have any preliminary plans on the structural building? How they're going to put up the building?

CHAIRMAN: Okay, Mr. Olson? Do you have any preliminary plans available with you on the structure?

OLSON: Yes, but it's sitting in the car.

CHAIRMAN: Okay, would you like to see the plans, is that it?

AHUNA: Yes, that's the thing I would like.

CHAIRMAN: Okay, we take just a short recess, two or three minutes to allow Mr. Olson to bring the plans in. Mrs. Ahuna, you can be seated, and as soon as we have the plans we can proceed with your question.

RECESS: 4:12 p.m.

RECONVENED: 4:15 p.m.

CHAIRMAN: We'll reconvene our meeting. Mr. Olson, if you would bring your, bring the plans, site plans up or whatever you -.

OLSON: Can I put it on the wall?

CHAIRMAN: Sure, that would be fine; and Mrs. Ahuna if you would come back to the microphone and we'd be happy to entertain any questions that you might have for the applicant at this time.

AHUNA: I wanted to know just about where the church is going to be built. Are you going to have parking facilities? Paved, parking facilities?

CHAIRMAN: Okay, Mr. Olson, if you would take the microphone there because we are taping our proceedings, the question is if you could generally explain the location of the building, the relationship of the parking. In terms of the parking whether it would be paved or not, Mrs. Ahuna, that is something the Department would review at time of plan approval should we get there and at that time we'd be happy to communicate the decision with you if we reach that point.

OLSON: Okay, coming off of the Kalani, coming up Kalani Street which is the road that fronts McDonald, we plan to build the, the proposed chapel here; and we're going to, it's going to be AC parking all around the chapel. And this is the parking area (pointing to map).

AHUNA: About how far away are you from that Great Wall of Kuakini? You know, the building structure?

OLSON: This is the Wall down here (pointing to map).

AHUNA: About how far is that?

CHAIRMAN: Norman, could you scale that off for us please?

OLSON: A hundred feet.

AHUNA: Thank you.

CHAIRMAN: Okay, Mrs. Ahuna, any other questions?

AHUNA: No, that's all.

CHAIRMAN: Fine, thank you very much. Thank you, Mr. Olson. Anyone else who wishes to testify either for or against the application before the, now before the Commission. If there's no further testimony to come before the Commission, would entertain a motion to either continue the public hearing or close the public hearing.

ORITA: Mr. Chairman.

CHAIRMAN: Commissioner Orita.

ORITA: On the application of Henry Ah Sam, on behalf of The Church of Jesus Christ of Latter-Day Saints, I make a motion that the public hearing be closed.

CHAIRMAN: Thank you. Is there a second to the motion?

SAKAMOTO: Second the motion, Mr. Chairman.

CHAIRMAN: Moved by Commission Orita, seconded by Commissioner Sakamoto that the appli, that the public hearing be closed. All those in favor so signify by saying aye.

COMMISSIONERS: Aye.

CHAIRMAN: Oppose, same sign? Public hearing is closed. Mr. Olson, on Special Permit applications there is a 15-day waiting period before the Commission can hear the staff's recommendation and make its evaluation. So we'll advise you of the time and place when the recommendation will be read to the Commission; 15-day waiting period.

Public hearing ended at 4:18 p.m.

A T T E S T:

William F. Mielcke
Chairman, Planning Commission

Respectfully submitted,

Irma Sumera
Irma Sumera
Secretary Pro Tem

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
February 22, 1979

The Planning Commission met in regular session on February 22, 1979, at 11:15 a.m. on the Schwantes Company's property, at 12:15 p.m. in the SS James Makee Dining Room, Kona Surf Hotel, North Kona, Hawaii, at 1:50 p.m. in the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT:	William F. Mielcke Bert H. Nakano Alfredo Orita William J. Paris, Jr. Charles H. Sakamoto	ABSENT:	J. Walsh Hanley Ex-officio Member Akira Fujimoto Deputy Corporation Counsel Sandra Pechter
	Duane Kanuha, Deputy Director Keith Kato, Planner Royden Yamasato, Planner		
	Galen Kuba, representing Ex-officio Member Edward Harada		

and approximately one person in attendance at 11:15 a.m., no one at 12:15 p.m.; 17 people at 1:50 p.m., 15 people at 2:17 p.m., 16 people at 3:00 p.m., and 11 people at 7:02 p.m.

A field trip was held at 11:15 a.m. on the Schwantes Company property with Mr. Frank Schwantes in attendance; purpose was an on-site inspection of the property. The field trip concluded at 11:55 a.m.

EXHIBIT Q

1979-02-22 11:15 a.m. Deputy Director Kanuha

REPORTS: Copies of letter dated February 21, 1979, to the Editor of West Hawaii Today, drafted by the Planning Director, were distributed to the Commissioners.

All those testifying were duly sworn in.

SPECIAL PERMIT Application of Henry A. Y. Ah Sam, on behalf
HENRY A. Y. AH SAM of The Church of Jesus Christ of Latter-Day
KEOPU 3RD, NORTH Saints, Kona Hawaii State, for a Special Permit
KONA to allow the establishment of a church on 7.016
acres of land situated within the State Land Use
Agricultural District. The property involved is located adjacent
to and immediately mauka of the Lono-Kona Subdivision, approximately
750 feet east of the Kalani Street - Lamaokeola Street intersection,
Keopu 3rd, North Kona, TMK: 7-5-03:22.

Staff read recommendation on file.

The petitioner's representative, Mr. Harper Olson, stated they could comply with the conditions outlined by staff.

No one from the public testified on the application.

It was moved by Commissioner Orita and seconded by Commissioner Nakano that the Commission send a favorable recommendation to the State Land Use Commission on the application of Henry A. Y. Ah Sam, on behalf of The Church of Jesus Christ of Latter-Day Saints for a Special Permit with the recommendation and conditions as set forth by staff. A roll call vote was taken and motion carried with five ayes.

At this time, the Chair informed that Item No. 2, the application of The Godfrey Corporation for a Planned Development Permit was deferred until the evening portion of the meeting.

PLANNED DEVELOPMENT PERMIT Application of Schwantes Company for a Planned
SCHWANTES COMPANY Development Permit (PDP) to allow the construction
HOLUALOA 4TH, of a 20-unit condominium project. The property
NORTH KONA involved is situated at the mauka end of Kalani
Way, Kona Sea View Lots, Holualoa 4th, North Kona,
TMK: 7-7-15:89.

Staff presented recommendation on file.

It was clarified by staff that by approving or considering this PDP application, the variance request which will be taken up later in the evening will not be affected. Deputy Director Kanuha added that the PDP is designed to take a look at condominium units allowable whereby variance permits relate to relief from height and setback requirement provisions. There is a definite separation.

The Chair asked the petitioner, Mr. Frank Schwantes, if he could comply with the PDP conditions either with or without the granting of the variance request. Mr. Schwantes stated that he could accommodate the PDP conditions. He added that if granted the height variance, he will build; but if not, he may redesign or withdraw the whole thing. He recognized that there was a height problem, but wanted to go ahead with the PDP. Public hearing on the PDP was closed and the 15-day mandatory waiting period had expired.

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

April 6, 1979

Mr. Sidney Fuke
Planning Director
Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

Please note that petitions

SP79-337 - HENRY A. Y. AH SAM

SP79-338 - PUNA SUGAR CO., LTD. dba PUNA PAPAYA and
W. H. SHIPMAN, LTD.

SP79-339 - WEST HAWAII ASSOCIATES

A78-440 - KOBAYASHI DEVELOPMENT & CONSTRUCTION, INC.

will be acted on at that time.

Should you have any question on these matters, please contact this office.

Very truly yours,


GORDAN Y. FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

April 6, 1979

Mr. Henry A. Y. Ah Sam
The Church of Jesus Christ
of Latter Day Saints, Kona Hawaii Stake
P. O. Box 263
Kapaau, Hawaii 96755

Dear Mr. Ah Sam:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

Please note that petition

SP79-337 - HENRY A. Y. AH SAM

will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME & PLACE

April 19, 1979 - 9:30 a.m.
Conference Room 322 A & B
New State Building
1151 Punchbowl Street
Honolulu, Hawaii

A G E N D A

I. ACTION

1. SP79-336 - Frances H. Lindsey (Molokai)

To allow the construction of a second residential dwelling unit on a one (1) acre parcel situated within the State Land Use Agricultural District at Waialua, Molokai.

2. SP79-337 - Henry A. Y. Ah Sam (Hawaii)

To allow the establishment of a church on approximately 7.016 acres of land situated within the State Land Use Agricultural District at Keopu 3rd, North Kona, Hawaii.

3. SP79-338 - Puna Sugar Co., Ltd., dba Puna Papaya and W. H. Shipman, Ltd. (Hawaii)

To allow the establishment of the existing papaya packing plant and a papaya puree processing plant addition and related improvements on approximately 1.3 acres of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii.

4. SP79-339 - West Hawaii Associates (Hawaii)

To allow the establishment of a veterinary hospital on approximately 3.1 acres of land situated within the State Land Use Agricultural District at Puukapu, Waimea, South Kohala, Hawaii.

5. A78-440 - Kobayashi Development & Construction, Inc. (Hawaii)

To reclassify 90 acres of land, more or less, presently in the Conservation District into the Urban District at North Kona, Hawaii, for a light industrial subdivision.

6. A78-446 - Princeville at Hanalei (Kauai)

To reclassify .7 acres of land, more or less, from the Conservation District to the Urban District at Hanalei, Kauai, for resort use.

II. MISCELLANEOUS

4/6/79 - A COPY OF THIS AGENDA WAS MAILED TO ALL PERSONS AND ORGANIZATIONS ON THE ATTACHED MAILING LISTS:

1. STATEWIDE
2. HAWAII
3. KAUAI
4. MOLOKAI



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF
HAWAII

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

March 9, 1979

Mar 12 7:35 AM '79
LAND USE COMMISSION
STATE OF HAWAII

Mr. Gordan Furutani
Executive Officer
Land Use Commission
190 South King Street
Suite 1795
Honolulu, HI 96813

Dear Mr. Furutani:

Special Permit Application
Petitioner: Henry A. Y. Ah Sam, on behalf
of The Church of Jesus Christ of Latter-Day
Saints, Kona Hawaii Stake

In accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, we are transmitting the decision and findings of the County Planning Commission on the above application.

The special permit request was to allow the establishment of a church on 7.016 acres of land situated within the State Land Use Agricultural District at Keopu 3rd, North Kona, Hawaii, Tax Map Key 7-5-03:22.

The Planning Commission at a duly advertised public hearing on January 25, 1979 at the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, discussed the subject request. The Commission on February 22, 1979, voted to recommend the approval of the special permit to the Land Use Commission based on the following findings:

1. That the proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, 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 Hawaii. The area under consideration is classified as

agricultural by the State Land Use Commission. The Agricultural District also includes lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics. The subject property has soils which are in the Soil Conservation Service's Capability Class VII. Class VII soils have very severe limitations which make them unsuited to cultivation and restrict their use largely to pasture or range, woodland, or wildlife. Class VII soils are the second to the lowest of the Soil Conservation Service's ranking system for agricultural productivity. The quality of the soil is further substantiated by the Land Study Bureau's report which has an overall master productivity rating for agricultural use of Class "E" or very poor.

Although it is still possible for the subject property to be used for some agricultural activities, it is determined that approval of the subject request will not be contrary to the objectives of the Land Use Law and Regulations, given the capability class rating of the property for agricultural productivity and the above cited criterion for determining the Agricultural District.

Further, the use of the subject property for non-agricultural purposes is expected to not have an adverse effect on the overall agricultural potential of the region or the island.

In addition, churches and institutions of a religious nature are permitted in the Unplanned and the Agricultural zones by the County Zoning Code.

2. That the proposed use will not adversely affect the surrounding properties. Surrounding land uses include the Lono Kona Subdivision and grazing lands. The Lono Kona Subdivision, in the area adjacent to the subject property, is zoned for residential uses. This subdivision is fairly built up and is urban in character. The area under consideration is designated for alternate urban expansion on the General Plan Land Use Pattern Allocation Guide Map. Should a need for urban expansion arise in the future, it would be directed to areas designated as such by the General Plan. The pasture lands which surround the subject property on its mauka side could

possibly be cut off by the proposed Queen Kaahumanu Highway extension. It is thus determined that approval of the proposed use on the subject property will not have an adverse effect on surrounding properties, be they urban or agricultural in nature.

3. That although the proposed use may alter the essential character of the land, it would not be detrimental to the present use of the subject property. At the present time, it is vacant of any uses. It is determined that the provision of a church on the subject land would be beneficial and well suited to accommodate the welfare of the public, in this particular case the members of the church. At the present time, there is an existing meeting place for the members of this denomination. Due to the inconvenient location of the existing facility, however, it has become necessary for the church to relocate and consolidate all of its activities in one location. Aside from the existing facility, which would be phased out of use for worship services, there is no other facility of this denomination available to the residents in the general area of Kailua-Kona. Therefore, the establishment of the proposed use would suit the needs of the residents of the area.

The favorable recommendation was also subject to the following conditions:

1. That the petitioner or its authorized representative shall submit plans for Plan Approval and shall secure a Building Permit within one (1) year from the effective date of approval of the Special Permit.
2. That construction of the proposed facility shall be completed within two (2) years from the date of receipt of a Building Permit.
3. That a landscaping buffer shall be established along the Kuakini Wall side of the property for the purpose of screening the proposed use from existing residential uses. This buffer shall be incorporated into plans submitted for Plan Approval and shall be approved by the Planning Director.
4. That all other applicable rules, regulations and requirements shall be complied with.

Mr. Gordan Furutani
Page 4

It should be noted that failure to comply with any of the delineated conditions of approval, particularly those relating to time commencement and expiration, shall be reason to termination of the Special Permit.

Enclosed are copies of the Exhibits from the subject docket.

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

lgy

Enclosures

cc Mr. Henry A. Y. Ah Sam
Land Use Division, DPED
Kona Service Office

COPY

PLANNING DEPARTMENT

25 AUPUNI STREET

COUNTY OF HAWAII

HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

MAR 5 7 27 AM '79

February 27, 1979

Mr. Henry A. Y. Ah Sam
P. O. Box 263
Kapa'au, HI 96755

Dear Mr. Ah Sam:

Special Permit Application
Petitioner: Henry A. Y. Ah Sam, on behalf
of The Church of Jesus Christ of Latter-Day
Saints, Kona Hawaii Stake
Tax Map Key 7-5-03:22

The Planning Commission at its regular meeting of February 22, 1979 considered your application for a special permit to allow the establishment of a church on 7.016 acres of land situated within the State Land Use Agricultural District at Keopu 3rd, North Kona, Hawaii.

The Commission voted to forward a favorable recommendation to the Land Use Commission subject to the following conditions:

1. That the petitioner or its authorized representative shall submit plans for Plan Approval and shall secure a Building Permit within one (1) year from the effective date of approval of the Special Permit.
2. That construction of the proposed facility shall be completed within two (2) years from the date of receipt of a Building Permit.
3. That a landscaping buffer shall be established along the Kuakini Wall side of the property for the purpose of screening the proposed use from existing residential uses. This buffer shall be incorporated into plans submitted for Plan Approval and shall be approved by the Planning Director.

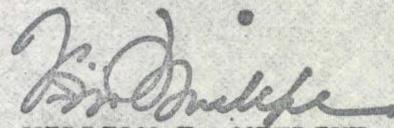
Mr. Henry A. Y. Ah Sam
February 27, 1979
Page 2

4. That all other applicable rules, regulations and requirements shall be complied with.

It should be noted that failure to comply with any of the delineated conditions of approval, particularly those relating to time commencement and expiration, shall be reason to termination of the Special Permit.

In the meantime, should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

lgy
cc State Land Use Commission
Land Use Division, DPED
Kona Service Office
Building Division, Public Works

LIST OF EXHIBITS: HENRY A. Y. AH SAM, ON BEHALF OF THE CHURCH
OF JESUS CHRIST OF LATTER-DAY SAINTS, KONA
HAWAII STAKE

- A. Petitioner's letter (12/20/78)
- A-1. Application form
- B. Departmental acknowledgement letter (12/29/78)
- C. Letter to surrounding property owners (1/9/79)
 - C-1. List of surrounding property owners
 - C-2. Map sent to surrounding property owners
- D. Letter to the petitioner (1/9/79)
- D-1. Public Hearing Notice
- E. Letter from the Petitioner (1/17/79)
- F. Letter from (Mrs.) Elizabeth Stone (1/21/79)
- G. Minutes 1/25/79
- H. Transcript 1/25/79
- I. Letter to the Petitioner (1/29/79)
- J. Letter to (Mrs.) Elizabeth Stone (1/30/79)
- K. Letter to the Petitioner (2/9/79)
- L. Staff Background
- M. Staff Recommendation
- N. Location Map
- O. Plot Plan
- P. Voting Sheet
- Q. Minutes 2/22/79

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY
SAINTS

KONA HAWAII STAKE

December 20, 1978

Mr. Sidney Fuke, Planning Director
Hawaii County Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Because of our failure to make timely request for extension of SP 75-224 as pointed out by the State Land Use Commission, I am submitting an application for a new special permit.

This application is the same as for SP 75-224. May I use any attachments from that application, which you may have on file, to be attached to this application? May I also waive the 16 copies of the location map and 16 copies of the site plan as it is the same as SP 75-224? Hopefully this will meet your approval.

Your consideration of the application would be greatly appreciated. The completed plans and necessary finances are available to commence with the building of the church. Contracting of the building will commence upon approval of the special permit.

Should there be any questions in regards to the application please do write or call.

Sincerely,

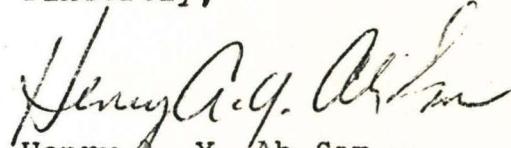

Henry A. Y. Ah Sam
President

EXHIBIT A

APPLICATION FOR SPECIAL PERMIT

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT: Henry A. Y. Ah SamAPPLICANT'S SIGNATURE: Henry A. Y. Ah SamADDRESS: P. O. Box 263, Kapaau, Hawaii 96755

TELEPHONE: Home: 889-5554 Work: 889-5144

TAX MAP KEY: 7-5-03:2 Lot B AREA: 7.016 acres
(*Size of Parcel*)OWNER: The Church of Jesus Christ of Latter-Day Saints

OWNER'S SIGNATURE: _____

APPLICANT'S INTEREST, IF NOT OWNER: President of Local Unit - Kona Hawaii StakeREQUESTED USE: Establishment of ChurchAPPLICANT'S REASON(S) FOR REQUESTING SPECIAL PERMIT: (*Please attach*)

NOTE: The applicant must show that:

- (a) such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
- (b) the desired use shall not adversely affect 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;
- (d) unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
- (e) the land upon which the proposed use is sought is unsuited for the uses permitted within the district;
- (f) the proposed use will not substantially alter or change the essential character of the land and the present use; and
- (g) the proposed use will make the highest and best use of the land involved for the public welfare.

THIS APPLICATION MUST BE ACCOMPANIED BY:

- (a) 16 copies of the completed application form with attachments.
- (b) 16 copies of a location map.
- (c) 16 copies of a site plan with existing and proposed uses.
- (d) any additional information.
- (e) \$100.00 processing fee.

For Official Use:

Date received _____
 120th day _____
 Public Hearing date _____
 Action date _____
 To Land Use Commission _____

EXHIBIT A-1

December 29, 1978

Henry A. Y. Ah Sam, President
The Church of Jesus Christ of
Latter-Day Saints
P. O. Box 263
Kapaaau, HI 96755

Dear Mr. Ah Sam:

Special Permit Application
Establishment of a Church
TMK: 7-5-03:22

This is to acknowledge receipt on December 26, 1978 of the above described special permit application.

As requested in your letter, we will waive the required number of submittals since the information will be same as the previously approved Special Permit (SP 75-224).

The County Planning Commission shall conduct a public hearing on the request within a period of not less than thirty (30) nor more than one hundred twenty (120) days from the receipt of the application. The Planning Commission shall then act on the application not earlier than fifteen (15) days after the public hearing but within a reasonable time thereafter. Should the Planning Commission recommend favorably on the request, it will then be forwarded to the State Land Use Commission for final action.

However, the Planning Commission may deny the request if it is found that the proposed use does not meet the special permit guidelines. In this case, their decision is final. In accordance with the provisions of Chapter 205-6, Hawaii Revised Statutes, a denial by the Planning Commission may be appealable to the Circuit Court of the circuit in which the land is situated, in this case, the Third Circuit Court.

EXHIBIT B

Mr. A. Y. Ah Sam
Page 2
December 29, 1978

Notice of the time and place of the public hearing shall be forwarded when the application is scheduled for Commission action.

Should any questions arise, please contact Norman Hayashi or Keith Kato of this department at 961-8288.

Sincerely,

Sidney M. Fuks

SIDNEY FUKE
Director

NH:wkm

cc: State Land Use Commission
Department of Planning and Economic Development



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF
HAWAII

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

January 9, 1979

Dear Property Owner: TMK:

Special Permit Application
Keopu 3rd, North Kona, Hawaii
Tax Map Key 7-5-03:22

You are hereby notified that a request for a special permit to allow the establishment of a church on 7.01 acres of land situated within the State Land Use Agricultural District has been submitted by the petitioner, Henry A. Y. Ah Sam, on behalf of The Church of Jesus Christ of Latter-Day Saints, Kona Hawaii State.

The property involved is located adjacent to and immediately mauka of the Lono-Kona Subdivision, approximately 750 feet east of the Kalani Street-Lamaokeola Street intersection, Keopu 3rd, North Kona, Hawaii.

A public hearing on the subject among others will be held beginning at 3:30 p.m. on Thursday, January 25, 1979 at Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii.

You are invited to comment on the application at the hearing or submit written comments prior to the hearing.

Sincerely,

SIDNEY FUKE
Director

lgy
Enclosure

JAN 12 1979

EXHIBIT C

SP circ per wif
1. ENRY A.Y. AH E.S.I.
ESTABLISHMENT OF A COUNCIL
7-5-03:22

7-5-03:1 DILUNGHAM INVEST. CORP. P O Box 147 Capt. Cook
96704

2 Keopu Dev. Venture PO Box 331 Hilo 96720

7-5-22:99 Hattie K. Ahuna 3047 Woodlawn Dr. Hilo 96827

100 Fellowship of Christian Pilgrims 133 Hualalai Rd. Kailua-Kona
96740

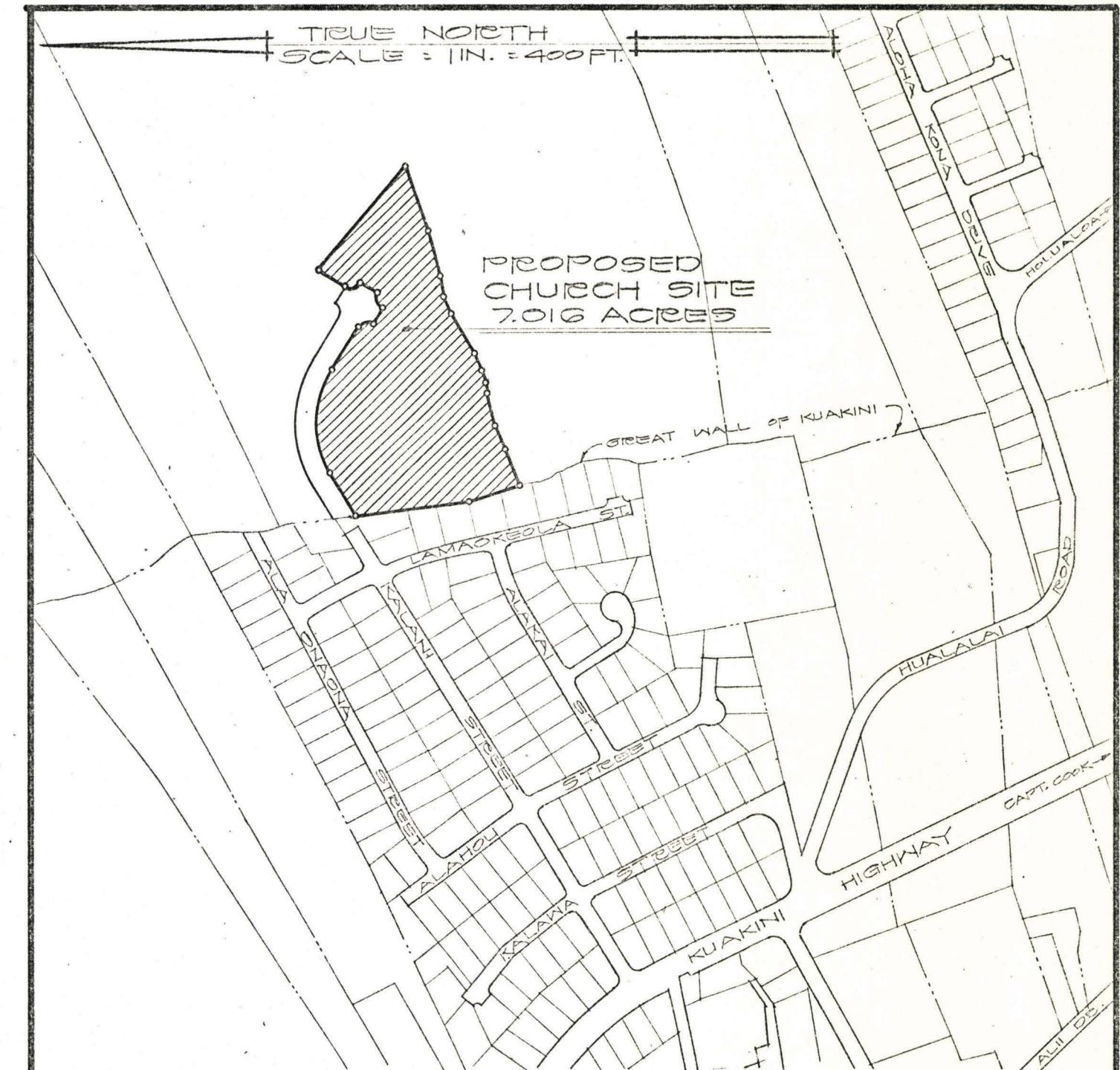
101 Harold W. Conroy 745 Fort Street, 2000 Hawaii Bldg.
Hilo 96813

102 Same as 101

103 Arthur D. Nearon 450 San Antonio Rd. 1
Palo Alto, CA 94306

EXHIBIT C-1

TRUE NORTH
SCALE = 1 IN. = 400 FT.



SPECIAL PERMIT REQUEST

ESTABLISHMENT OF A CHURCH

KEOPU 3RD, NORTH KONA, HAWAII

TAX MAP KEY : 7-5-03 :

APPLICANT : HENRY A.Y. AH SAM

JAN. 9, 1973

EXHIBIT C-2

January 9, 1979

Mr. Henry A. Y. Ah Sam
P. O. Box 263
Kapa'au, HI 96755

Dear Mr. Ah Sam:

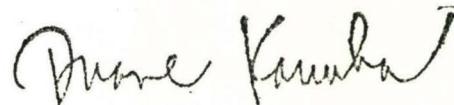
Notice of a Public Hearing
Special Permit Application
Petitioner: Henry A. Y. Ah Sam, on behalf of
The Church of Jesus Christ of Latter-Day Saints,
Kona Hawaii State
Tax Map Key 7-5-03:22

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 3:30 p.m. on Thursday, January 25, 1979 at Kealakehe School Cafeteria, Kealakehe, North Kona, Hawaii.

The presence of a representative will be appreciated in order that all questions relative to the request may be clarified.

A copy of the hearing notice is enclosed for your information.

Sincerely,



SIDNEY M. FUKE
Director

lgy

Enclosure

cc State Land Use Commission
Land Use Division, DPED

JAN 12 1979
EXHIBIT D

PUBLIC HEARINGS
PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii

DATE: Thursday, January 25, 1979

TIME: 3:30 p.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. PETITIONER: JOHN PARAZETTE/GOLD COAST WAREHOUSING

LOCATION: Along the North side of Pawai Place within the Kona Industrial Subdivision, Keahuolu, North Kona.

TMK: 7-4-10:17

PURPOSE: Variance request to allow up to twenty-five percent (25%) compact parking stalls in lieu of the maximum requirement of ten percent (10%) as stipulated within the Zoning Code.

2. PETITIONER: HENRY A. Y. AH SAM

LOCATION: Adjacent to and immediately mauka of the Lono-Kona Subdivision, approximately 750 feet east of the Kalani Street-Lamaokeola Street intersection, Keopu 3rd, North Kona.

TMK: 7-5-03:22

PURPOSE: Special Permit request to allow the establishment of a church on 7.01 acres of land situated within the State Land Use Agricultural District.

3. PETITIONER: SCHWANTES COMPANY

LOCATION: Mauka end of Kalani Way, Kona Sea View Lots, Holualoa 4th, North Kona.

TMK: 7-7-15:89

PURPOSES:

- a) Variance to allow the construction of a 20-unit condominium apartment building with 4 stories in lieu of the maximum allowable height limit of 3 stories as stipulated within the Multiple Family Residential - 1,000 square foot (RM-1) zoned district.
- b) Planned Development Permit (PDP) request to allow the construction of a 20-unit condominium project.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date or in person at the public hearing.

PLANNING COMMISSION
WILLIAM F. MIELCKE, Chairman
By SIDNEY M. FUKE
Planning Director

(Hawaii Tribune-Herald: January 15 and 23, 1979.)

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY
SAINTS

KONA HAWAII STAKE

January 17, 1979

Sidney M Fuke, Director
Planning Department
County of Hawaii
25 Aupuni St.
Hilo, Hawaii 96720

Dear Mr. Fuke:

This letter is to inform you that I will not be able to personally appear at the hearing on January 25, 1979, at 3:30 p.m. at the Kealakehe School Cafetorium. In my behalf, I am sending one of my officers, Hartwell Olson, who will appear before the commission at the specified time.

Sincerely,

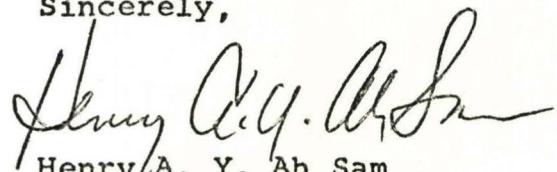

Henry A. Y. Ah Sam
Petitioner

EXHIBIT E

P.O. Box 394

Waialae, Hawaii 96772

January 21, 1979

PLATINUM
COUNTY
FILE NO County of Hawaii

Regarding Articles on Agenda for Thursday
January 25, 1979 meeting at Kealakehe School
Cafeteria - North Kona, Hawaii

① Petitioner Gold Coast Warehousing

Sincerely request that the variance will not be allowed and that the 10% requirement stipulated within the zoning code will be enforced.

What is the sense of having a zoning code if individuals are allowed all kinds of variances to get around it? Increasing the number of traffic stalls allowed will only increase traffic and congestion.

② Henry A.Y. Ah Sam's request for special permits to allow church on 7 acres of agricultural land.

Sincerely request denial of request for special permit for the same reason as stated above. What is the sense of having zoning in agricultural or any other, if people can just get around it with special permits.

We need badly to preserve and protect all agricultural land for agriculture to help provide the increasing food needs for an over-populated world.

A church certainly does not need 7 acres

EXHIBIT F

of land for services or fellowship or recreation
either sincerely request denied!

③ Schwantes Company request for variance
in height limit for condominium.

Sincerely request that the maximum
allowable height limit of 3 stories be enforced
to protect every ones view of the sky
What is the sense of having a height
limit if anyone can get a variance and
not stick to it?

I have personally come from Oahu
where the high & density limits have been
exceeded to the point of death - Nothing is
growing or in Honolulu. I HOPE that won't
happen here.

Also condominiums have so many
rules & regulations that the people who
buy are limited and the builders make millions.
Where will the people who live there work and
go to school? You will then have to provide
bigger schools and more jobs that are not
in keeping with most of the people who
live here and like the peace & quiet of agriculture
fishing and clean environment. A 20' limit
condominium will increase every ones traffic
noise, pollution & taxes, while benefiting
only the seller. I HERE the request will be
denied and agriculture jobs and related homes &
them will be preserved on this island.

Sincerely, Elizabeth Ann Stone + child
Member, Life of the

January 21 1979

To: Planning Commission
County of Hawaii

Regarding the meeting at the Civic Center Conference Room, Waimea, South Kohala, planned for January 25, 1979 at 10:00 a.m.

I sincerely request that existing zoning & height limits be enforced to preserve and protect the areas in question as much as possible just the way they are, and keep peoples taxes down and limit pollution, traffic and congestion. What is the sense of having zoning or height limits if individuals can get around it with variances. I have come from Oahu where there is little and no agriculture land left and nothing left of the environment. I sincerely hope that will not happen here.

Regarding #2 petition by Richard Smart to allow construction of a theater in excess of existing height limit of 30 feet.

I request denial and that if theater is constructed it remain within existing height limit to preserve and protect everyone's view of the beautiful blue sky.

The view of the beautiful blue sky has been cut off in many areas of the state, nation and the world and I HOPE that will not happen here. You might make as much money if you charged people for the view of it and keep it the way it is here on this island.

What is the sense of having a high limit of people, individuals, can just get around it with variances?

Sincerely hope the request will be denied!

③ Regarding request by Richard Penhollow for Neighborhood Commercial on 2.54 acres of agricultural land in South Kohala.

Is this really necessary and in keeping with the needs and desires of the people? It will probably increase traffic, noise, congestion and adversely effect the environment - causing pollution and lessening chances for wild life.

Although I don't live in the area it is awfully nice to visit areas of clean, fresh air and sunshine and open space preserved in agriculture rather than the rat races of Honolulu & Hilo.

I am a resident of Hawaii State for 33 years and little by little seen area after area destroyed so nothing grows any more and pollution has destroyed the clean air and oceans. I HOPE that will not happen on the Big Island and if people don't like agriculture they will move to areas they do like rather than bringing commercial & industrial noise, pollution, traffic, congestion & taxes here. Sincerely, I hope the request for change of zoning from agriculture to commercial will be DENIED.

Sincerely Elizabeth Stone to children
residing 33 yrs & other
members life of this land related to our
parents

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
January 25, 1979

A regularly advertised public hearing, on the application of Henry A. Y. Ah Sam, on behalf of The Church of Jesus Christ of Latter-Day Saints, was called to order at 4:02 p.m. in the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Bert H. Nakano
Alfredo Orita
Charles H. Sakamoto

ABSENT: William J. Paris, Jr.
Ex-officio Member Akira
Fujimoto

Sidney M. Fuke, Director
Norman Hayashi, Planner
Keith Kato, Planner

Sandra Pechter, Deputy Corporation Counsel
David Murakami, representing Ex-officio Member Edward
Harada

and approximately 23 people in attendance

CHAIRMAN: Item No. 2 on our agenda is the, excuse me, Item No. 3 on our revised agenda is the public hearing on the application of Henry A. H. Ah Sam, on behalf of The Church of Jesus Christ of Latter-Day Saints, Kona Hawaii State, for a Special Permit to allow the establishment of a church on 7.016 acres of land situated within the State Land Use Agricultural District. The property involved is located adjacent to and immediately mauka of the Lono-Kona Subdivision, approximately 750 feet east of the Kalani Street - Lamaokeola Street intersection, Keopu 3rd, North Kona, TMK: 7-5-03:22. Staff?

HAYASHI: (Presented background on file.)

CHAIRMAN: Thank you. Commissioners, do you have any questions on the staff's background report on the application of Henry A. Y. Ah Sam on behalf of The Church of Jesus Christ of Latter-Day Saints? If there is no question of the staff, at this time I would like to ask the applicant or representative of the applicant to come forward? Yes, do you swear to tell the truth and nothing but the truth in the testimony you're about to give before the Hawaii County Planning Commission?

OLSON: I do.

CHAIRMAN: Please state your name into the microphone.

OLSON: (Inaudible) Olson.

CHAIRMAN: I'm sorry.

OLSON: Olson.

CHAIRMAN: Mr. Olson? Mr. Olson, you've heard the staff's background report on the application, excuse me, you're representing.

OLSON: Representing Henry Ah Sam.

CHAIRMAN: You represent Mr. Ah Sam. Okay; on behalf of the Church?

OLSON: Right.

CHAIRMAN: Okay; Mr. Olson, you've heard the staff's background report on your application for a Special Permit, do you have anything to add for the benefit of the Commission?

OLSON: No, sir.

CHAIRMAN: Okay, Mr. Olson, do you, do you know, this may be a little premature, is it the intent to move out of the existing facilities into this new facility?

OLSON: Yes, sir.

CHAIRMAN: It is. And what would your plans be for the, for the existing facilities?

OLSON: Sell it.

CHAIRMAN: To sell that. You also have some property, I think, on the corner of Hualalai and Alii Drive. Is the church use there going to be incorporated into this new facility as well?

OLSON: Yes, it will.

CHAIRMAN: So then it would be your intention to sell that property too.

OLSON: Yes, sir.

CHAIRMAN: Okay, thank you. Commissioners, did you have any questions that you'd like to direct to Mr. Olson? Mr. Olson, doesn't appear to be any questions from the Commissioners, we do ask that you remain in the audience as this is a public hearing. There may be something that comes up from the public that we'd like to ask you to respond to.

Ladies and gentlemen, this is a public hearing on the application of Henry A. H. Ah Sam, on behalf of The Church of Jesus Christ of Latter-Day Saints, for a Special Permit. The Chair at this time would like to ask, invite any of you in the audience who wish to testify either for or against this application to please indicate

so by raising your hand. Yes, would you come forward please? Yes, if you'll raise your right hand. Do you swear to tell the truth and nothing but the truth on the application, on the testimony that you're about to give before the Hawaii County Planning Commission?

AHUNA: Yes.

CHAIRMAN: You do. Norman, would you help her with the microphone please? Thank you. Would you state your name into the microphone?

AHUNA: My name is Hattie Ahuna.

CHAIRMAN: Yes, Mrs. Ahuna, please proceed.

AHUNA: Actually I have a question I'd like to ask. Do you, do they have any preliminary plans on the structural building? How they're going to put up the building?

CHAIRMAN: Okay, Mr. Olson? Do you have any preliminary plans available with you on the structure?

OLSON: Yes, but it's sitting in the car.

CHAIRMAN: Okay, would you like to see the plans, is that it?

AHUNA: Yes, that's the thing I would like.

CHAIRMAN: Okay, we take just a short recess, two or three minutes to allow Mr. Olson to bring the plans in. Mrs. Ahuna, you can be seated, and as soon as we have the plans we can proceed with your question.

RECESS: 4:12 p.m.

RECONVENED: 4:15 p.m.

CHAIRMAN: We'll reconvene our meeting. Mr. Olson, if you would bring your, bring the plans, site plans up or whatever you -.

OLSON: Can I put it on the wall?

CHAIRMAN: Sure, that would be fine; and Mrs. Ahuna if you would come back to the microphone and we'd be happy to entertain any questions that you might have for the applicant at this time.

AHUNA: I wanted to know just about where the church is going to be built. Are you going to have parking facilities? Paved, parking facilities?

CHAIRMAN: Okay, Mr. Olson, if you would take the microphone there because we are taping our proceedings, the question is if you could generally explain the location of the building, the relationship of the parking. In terms of the parking whether it would be paved or not, Mrs. Ahuna, that is something the Department would review at time of plan approval should we get there and at that time we'd be happy to communicate the decision with you if we reach that point.

OLSON: Okay, coming off of the Kalani, coming up Kalani Street which is the road that fronts McDonald, we plan to build the, the proposed chapel here; and we're going to, it's going to be AC parking all around the chapel. And this is the parking area (pointing to map).

AHUNA: About how far away are you from that Great Wall of Kuakini? You know, the building structure?

OLSON: This is the Wall down here (pointing to map).

AHUNA: About how far is that?

CHAIRMAN: Norman, could you scale that off for us please?

OLSON: A hundred feet.

AHUNA: Thank you.

CHAIRMAN: Okay, Mrs. Ahuna, any other questions?

AHUNA: No, that's all.

CHAIRMAN: Fine, thank you very much. Thank you, Mr. Olson. Anyone else who wishes to testify either for or against the application before the, now before the Commission. If there's no further testimony to come before the Commission, would entertain a motion to either continue the public hearing or close the public hearing.

ORITA: Mr. Chairman.

CHAIRMAN: Commissioner Orita.

ORITA: On the application of Henry Ah Sam, on behalf of The Church of Jesus Christ of Latter-Day Saints, I make a motion that the public hearing be closed.

CHAIRMAN: Thank you. Is there a second to the motion?

SAKAMOTO: Second the motion, Mr. Chairman.

CHAIRMAN: Moved by Commission Orita, seconded by Commissioner Sakamoto that the appli, that the public hearing be closed. All those in favor so signify by saying aye.

COMMISSIONERS: Aye.

CHAIRMAN: Oppose, same sign? Public hearing is closed. Mr. Olson, on Special Permit applications there is a 15-day waiting period before the Commission can hear the staff's recommendation and make its evaluation. So we'll advise you of the time and place when the recommendation will be read to the Commission; 15-day waiting period.

Public hearing ended at 4:18 p.m.

A T T E S T:

William F. Mielcke
Chairman, Planning Commission

Respectfully submitted,

Irma Sumera
Irma Sumera
Secretary Pro Tem

PLANNING COMMISSION

Planning Department

County of Hawaii

MINUTES

January 25, 1979

The Planning Commission met in regular session at 10:30 a.m. in the Civic Center Conference Room, Waimea, South Kohala, Hawaii, and at 2:35 p.m. and 7:08 p.m. at the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Bert H. Nakano
Alfredo Orita
Charles H. Sakamoto

ABSENT: William J. Paris, Jr.

Sidney M. Fuke, Director (From 2:52 p.m.)
Norman Hayashi, Planner
Keith Kato, Planner

David Murakami, representing Ex-office Member Edward Harada
Quirino Antonio, representing Ex-officio Member Akira Fujimoto (Left at 11:30 a.m.)
Sandra Pechter, Deputy Corporation Counsel

and approximately 21 people in attendance at 10:30 a.m.,
9 people at 2:35 p.m., 25 people at 3:56 p.m., and
16 people at 7:08 p.m.

MINUTES: The Chair left the matter of the minutes to be taken up at the afternoon meeting.

REPORTS: There were no reports.

All those testifying were duly sworn in.

VARIANCE
ALBERT AND GEORGE
AUYONG
PU'UKAPU HOME-
STEADS, 1ST SERIES,
SOUTH KOHALA Public hearing on the application of Albert and George Auyong for a variance to allow the creation of two (2) lots with building site average widths of 192.52 feet in lieu of the minimum requirement of 200 feet as stipulated within the Agricultural 5-acre (A-5a) zoned district. The property involved is located along the north side of Mamalahoa Highway, approximately 800 feet Hamakua side of Fukushima Store, Pu'ukapu Homesteads, 1st Series, South Kohala, TMK: 6-4-01:38.

Since there was no one in the audience objecting to the waiving of the reading of the background report, staff presented the recommendation for approval with conditions on file.

The applicants were not present and it was verified by staff that they were notified.

There was no one from the public testifying on this application.

Commissioner Orita asked what cost savings would be realized, and Mr. Nakashima stated that in a study made about three years ago, it was found that gas price had gone up 10 to 15 percent, whereas the \$250,000 installation cost would be amortized within 10 years.

Commissioner Orita expressed concern for protection in case of human contact with the pipes. Mr Nakashima mentioned that they would be covered with armorflex insulation.

In response to Commissioner Sakamoto's question, Mr. Nakashima commented that the storage tank holds 7,500 gallons and according to the structural engineer for the original building, the roof was strong enough.

It was stated that the Department of Energy will be funding 50% of the \$250,000.

It was moved by Commissioner Sakamoto and seconded by Commissioner Hanley that the public hearing be closed; motion was carried.

It was moved by Commissioner Sakamoto and seconded by Commissioner Orita that the application for an SMA Use Permit be approved for the reasons and conditions outlined by the staff. A roll call vote was taken and motion carried with five ayes.

VARIANCE
JOHN PARAZETTE
KEAHUOLU, NORTH
KONA Public hearing on the application of John Parazette, on behalf of Gold Coast Warehousing, for a variance to allow up to twenty-five percent (25%) compact parking stalls in lieu of the maximum requirement of ten percent (10%) as stipulated within the Zoning Code. The property involved is located along the north side of Pawai place within the Kona Industrial Subdivision, Keahuolu, North Kona, TMK: 7-4-10:17.

Staff asked to waive the reading of the background report, and was granted permission. Staff then presented the recommendation on file.

The petitioner's representative, Mr. John Parazette, speaking on behalf of his client stated they were able to comply with the conditions and that the conditions were reasonable.

There was no one from the public testifying on the application.

It was moved by Commissioner Orita and seconded by Commissioner Nakano that the public hearing be closed; motion carried.

It was moved by Commissioner Hanley and seconded by Commissioner Nakano that the variance application be approved based on the recommendation and conditions outlined by the staff. A roll call vote was taken and motion carried with five ayes.

SPECIAL PERMIT
HENRY A. Y. AH SAM
KEOPU 3RD, NORTH
KONA Public hearing on the application of Henry A. Y. Ah Sam, on behalf of The Church of Jesus Christ of Latter-Day Saints, Kona Hawaii State, for a Special Permit to allow the establishment of a church on 7.016 acres of land situated within the State Land Use Agricultural District. The property involved is located adjacent to and immediately mauka of the Lono Kona Subdivision, approximately 750 feet east of the Kalani Street - Lamaokeola Street intersection, Keopu 3rd, North Kona, TMK: 7-5-03:22.

Staff presented the background on file.

Mr. Olson, representing Mr. Ah Sam on behalf of The Church of Jesus Christ of Latter-Day Saints, stated that the existing facilities as well as the property at the corner of Hualalai and Alii Drive will be sold when this new church facility is finished.

Under public testimony, Mrs. Hattie Ahuna asked to see the preliminary plans.

RECESS: The Chair called a short recess at 4:12 p.m. to allow time for Mr. Olson to fetch the plans.

RECONVENED: The meeting reconvened at 4:15 p.m.

Mr. Olson pointed out where the proposed chapel will be built and stated that there will be AC pavement parking all around the chapel. It will be built about a hundred feet from the Great Wall of Kuakini. These were Mrs. Ahuna's concerns.

It was moved by Commissioner Orita and seconded by Commissioner Sakamoto that the public hearing be closed; motion was carried.

Mr. Olson was advised at this time that on Special Permits, there was a mandatory 15-day waiting period before action can be taken.

VARIANCE AND
PLANNED DEVELOPMENT
PERMIT
SCHWANTES COMPANY
HOLUALOA 4TH,
NORTH KONA

Development Permit (PDP) to allow the construction of a 20-unit condominium project. The property involved is situated at the mauka end of Kalani Way, Kona Sea View Lots, Holualoa 4th, North Kona, TMK: 7-7-15:89.

Public hearing on the applications of Schwantes Company for the following: a) Variance to allow the construction of a 20-unit condominium apartment building with 4 stories in lieu of the maximum allowable height limit of 3 stories as stipulated within the Multiple Family Residential - 1,000 square foot (RM-1) zoned district; and b) Planned

At this time, it was recommended by staff that the public hearing for the variance be continued. Staff went on and presented the recommendation on the Planned Development Permit application (the reading of the background was waived).

Planning Director Fuke explained that continuance of the variance application public hearing was to afford the staff sufficient time to prepare a comparable study around the Kona area; and that after the 15-day waiting period the Planned Development Permit would be acted upon together with the variance portion of the application. So actually there would be no time lost. Mr. Schwantes was in accord.

There was no one from the public testifying on the application.

It was moved by Commissioner Hanley and seconded by Commissioner Sakamoto that the variance application for Schwantes Company be continued; motion carried.

Commissioner Nakano moved and Commissioner Hanley seconded that the public hearing on the Planned Development Permit be closed; motion was carried.

January 29, 1979

Mr. Henry A. Y. Ah Sam
The Church of Jesus Christ of
Latter Day Saints, Kona Hawaii Stake
P. O. Box 263
Kapa'au, HI 96755

Dear Mr. Ah Sam:

Special Permit Application
Tax Map Key 7-5-03:22

The Planning Commission at its meeting of January 25, 1979, held a duly advertised public hearing on your application for a special permit to allow the establishment of a church on 7.016 acres of land situated within the State Land Use Agricultural District at Keopu 3rd, North Kona, Hawaii.

In accordance with the provisions of Rule 6 of the Planning Commission, the Commission shall act on such petition not earlier than fifteen (15) days after the said public hearing.

We shall notify you when the Commission is ready to take action on your request.

Sincerely,


WILLIAM F. MIELCKE
Chairman, Planning Commission

lgv

cc State Land Use Commission
Land Use Division, DPED

JAN 31 1979

EXHIBIT I



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF
HAWAII

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

January 30, 1979

Ms. Elizabeth Ann Stone
P. O. Box 394
Naalehu, HI 96772

Dear Ms. Stone:

Planning Commission's Agenda of January 25, 1979

This is to acknowledge receipt of your letters of January 21, 1979, stating your objections to certain applications that were presented at the Planning Commission's meeting of January 25.

Please be informed that your objections have been made part of the official records. For your information, the following actions were taken by the Planning Commission regarding those applications which you expressed some concerns with:

1. Gold Coast Warehousing - approved.
2. Henry Ah Sam - recommended approval to State Land Use Commission.
3. Schwantes Company - continued the public hearing on the height variance. The public hearing for the Planned Development Permit (PDP) was closed; however, by law, no action can be taken until fifteen (15) days after the close of the public hearing.
4. Richard Smart - approved.
5. Richard Penhallow - recommended approval to the County Council.

Should you have any questions, please feel free to contact us.

Sincerely,

SIDNEY FUKE
Director

February 9, 1979

Mr. Henry A. Y. Ah Sam
P. O. Box 263
Kapa'au, HI 96755

Dear Mr. Ah Sam:

Special Permit Application

Petitioner: Henry A. Y. Ah Sam, on behalf of
The Church of Jesus Christ of Latter-Day Saints,
Kona Hawaii Stake
Tax Map Key 7-5-03:22

The above application will again be discussed on February 22, 1979 by the Planning Commission. The meeting will be held at Keālakehe School Cafetorium, Keālakehe, North Kona, Hawaii, and is scheduled to begin at 1:30 p.m..

You will be notified of the Commission's decision.

A copy of the agenda is enclosed for your information.

Sincerely,

Sidney M. Fuke

Sidney M. Fuke
Director

lgy
Enclosure
cc State Land Use Commission
Land Use Division, DPED

EXHIBIT K

SPECIAL PERMIT: HENRY A.Y. AH SAM

Henry Ah Sam, on behalf of The Church of Jesus Christ of Latter-Day Saints, Kona Hawaii State, has submitted a petition for a Special Permit to allow the establishment of a church on 7.016 acres of land situated within the State Land Use Agricultural District. The property involved is located adjacent to and immediately mauka of the Lono-Kona Subdivision approximately 750 feet east of the Kalani Street-Lamaokeola Street intersection, Keopu 3rd, North Kona (TMK: 7-5-03:22).

For the Commissioners' information, this is the same request which was approved by the State Land Use Commission on December 5, 1975 (SP No. 75-224). One (1) of the conditions of approval was that "Construction of the church commence within one (1) year from the date of approval of the Special Permit and be completed within two (2) years thereafter." A time extension until June 5, 1978, was granted to the petitioner by the Land Use Commission.

On July 3, 1978, approximately one (1) month after the expiration date, the petitioner requested another time extension which the Planning Commission recommended approval. However, at its meeting on October 19, 1978, the Land Use Commission declared that the Permit had lapsed since the performance time had expired. For this reason, the petitioner has filed a new application.

The petitioner has stated that "The completed plans and necessary finances are available to commence with the building of the church. Contracting of the building will commence upon approval of the Special Permit."

The General Plan LUPAG Map designates the area for Alternate Urban Expansion. The County's zoning designation is unplanned. Churches are conditionally permitted within this zoned district.

According to the USDA Soil Conservation Service's Soil Survey Report (December 1973), the land is of the Punalu'u Series which consists of well-drained, thin organic soils over pahoehoe lava bedrock. The surface layer is black peat about 4 inches thick. The peat is rapidly permeable. The pahoehoe lava is very slowly permeable, although water moves rapidly through the cracks. Run-off is slow, and the erosion hazard is slight. Lands in this series have slopes from 6 to 20 percent. The area receives from 30 to 40 inches of rainfall annually.

The Land Study Bureau's overall master productivity rating for agricultural use is Class "E" or Very Poor.

The subject property is presently vacant of any structures. Surrounding land uses include the adjacent Lono-Kona Subdivision and grazing lands. The west or makai side of the property is presently bordered by the Great Wall of Kuakini. This wall was built by Governor ~~Kuakini~~ Kuakini, the 2nd Governor of the island, for the purpose of fencing cattle.

Kalani Street, which provides access to the subject property, has a right-of-way width of forty (40) feet with a 16-foot wide pavement. The Kuakini Highway extension is proposed to abut the mauka side of the property.

During the original reviews of the Special Permit request, all cooperating agencies had no comments on or objecting to the application.

In support of the request, the petitioner has stated the following:

"The proposed church site lies makai of the Kaahumanu Highway extension route and mauka of the Lono-Kona Subdivision. The property is not well suited for agriculture and with the completion of the Kaahumanu Highway extension will be divided from the remaining agricultural property by a major highway. The present use is for pasture purposes, which use will be difficult and uneconomical to continue after the completion of the Kaahumanu Highway.

"The proposed church site is amply large to accommodate the proposed use without significant effect on the adjoining

Lono-Kona Subdivision. The proposed use will not significantly affect the property rights of property owners in the immediate vicinity.

"Enforcement of the zoning code would result in the applicant's property being put to a use that it is not suited for physically or economically.

"The subject property is zoned unplanned under the County zoning code and the proposed use is a conditionally permitted use in an unplanned district. If the property was zoned agriculture under the County zoning code, the proposed use would still be a conditionally permitted use, and therefore not in conflict with the zoning code or General Plan for the County of Hawaii."

RECOMMENDATION: HENRY A. Y. AH SAM

Upon careful review of the subject request, staff is recommending that it be given favorable consideration based on the following findings:

1. That the proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, 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 Hawaii. The area under consideration is classified as agricultural by the State Land Use Commission. The Agricultural District also includes lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics. The subject property has soils which are in the Soil Conservation Service's Capability Class VII. Class VII soils have very severe limitations which make them unsuited to cultivation and restrict their use largely to pasture or range, woodland, or wildlife. Class VII soils are the second to the lowest of the Soil Conservation Service's ranking system for agricultural productivity. The quality of the soil is further substantiated by the Land Study Bureau's report which has an overall master

EXHIBIT M

productivity rating for agricultural ~~area~~ of Class "E" or very poor.

Although it is still possible for the subject property to be used for some agricultural activities, it is determined that approval of the subject request will not be contrary to the objectives of the Land Use Law and Regulations, given the capability class rating of the property for agricultural productivity and the above cited criterion for determining the Agricultural District.

Further, the use of the subject property for non-agricultural purposes is expected to not have an adverse effect on the overall agricultural potential of the region or the island.

In addition, churches and institutions of a religious nature are permitted in the Unplanned and the Agricultural zones by the County Zoning Code.

2. That the proposed use will not adversely affect ~~the~~ surrounding properties. Surrounding land uses include the Lono Kona Subdivision and grazing lands. The Lono Kona Subdivision, in the area adjacent to the subject property, is zoned for residential uses. This subdivision is fairly built up and is urban in character. The area under consideration is designated for alternate urban expansion on the General Plan Land Use Pattern Allocation

Guide Map. Should a need for urban expansion arise in the future, it would be directed to areas designated as such by the General Plan. The pasture lands which surround the subject property on its mauka side could possibly be cut off by the proposed Queen Kaahumanu Highway extension. It is thus determined that approval of the proposed use on the subject property will not have an adverse effect on surrounding properties, be they urban or agricultural in nature.

3. That although the proposed use may alter the essential character of the land, it would not be detrimental to the present use of the subject property. At the present time, it is vacant of any uses. ~~It is undenyng that the proposed use will alter the character of the land. However,~~
~~proposed use will alter the character of the land. However,~~
It is determined that the provision of a church on the subject land would be beneficial and well suited to accommodate the welfare of the public, in this particular case the members of the church. At the present time, there is an existing meeting place for the members of this denomination. Due to the inconvenient location of the existing facility, however, it has become necessary for the church to relocate and consolidate all of its activities in one location. Aside from the existing facility, which would be phased out of use for worship services, there is no other facility of this denomination available to the residents in the general area of Kailua-Kona. Therefore, the establishment of the proposed use would suit the needs

of the residents of the area.

It is further recommended that the request be given favorable consideration subject to the following conditions:

1. That the petitioner or its authorized representative shall submit plans for Plan Approval and shall secure a Building Permit within one (1) year from the effective date of approval of the Special Permit.
2. That construction of the proposed facility shall be completed within two (2) years from the date of receipt of a Building Permit.
3. That a landscaping buffer shall be established along the Kuakini Wall side of the property for the purpose of screening the proposed use from existing residential uses. This buffer shall be incorporated into plans submitted for Plan Approval and shall be approved by the Planning Director.
4. That all other applicable rules, regulations and requirements shall be complied with.

It should be noted that failure to comply with any of the delineated conditions of approval, particularly those relating to time commencement and expiration, shall be reason to termination of the Special Permit.

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date February 22, 1979

Petitioner HENRY A. Y. AH SAM, - Special Permit

Preliminary hearing Public hearing Request Action

ACTION: Approve

Deny

Defer

Continue

Schedule for public hearing

Other: ENDORSE RECOMMENDATION TO SLUC

Commissioners	Aye	No	Excused	Abstain
HANLEY, J. Walsh				
NAKANO, Bert H.	✓			
ORITA, Alfredo	✓			
PARIS, William Jr.	✓			
SAKAMOTO, Charles Jr.	✓			
MIELCKE, William F.	✓			

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES

February 22, 1979

The Planning Commission met in regular session on February 22, 1979, at 11:15 a.m. on the Schwantes Company's property, at 12:15 p.m. in the SS James Makee Dining Room, Kona Surf Hotel, North Kona, Hawaii, at 1:50 p.m. in the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke

Bert H. Nakano

Alfredo Orita

William J. Paris, Jr.

Charles H. Sakamoto

ABSENT: J. Walsh Hanley

Ex-officio Member

Akira Fujimoto

Deputy Corporation

Counsel Sandra Pechter

Duane Kanuha, Deputy Director

Keith Kato, Planner

Royden Yamasato, Planner

Galen Kuba, representing Ex-officio Member

Edward Harada

and approximately one person in attendance at 11:15 a.m., no one at 12:15 p.m.; 17 people at 1:50 p.m., 15 people at 2:17 p.m., 16 people at 3:00 p.m., and 11 people at 7:02 p.m.

A field trip was held at 11:15 a.m. on the Schwantes Company property with Mr. Frank Schwantes in attendance; purpose was an on-site inspection of the property. The field trip concluded at 11:55 a.m.

EXHIBIT Q

100-1000-11-15-1000 Director Kanuha

REPORTS: Copies of letter dated February 21, 1979, to the Editor of West Hawaii Today, drafted by the Planning Director, were distributed to the Commissioners.

All those testifying were duly sworn in.

SPECIAL PERMIT Application of Henry A. Y. Ah Sam, on behalf of The Church of Jesus Christ of Latter-Day Saints, Kona Hawaii State, for a Special Permit to allow the establishment of a church on 7.016 acres of land situated within the State Land Use Agricultural District. The property involved is located adjacent to and immediately mauka of the Lono-Kona Subdivision, approximately 750 feet east of the Kalani Street - Lamaokeola Street intersection, Keopu 3rd, North Kona, TMK: 7-5-03:22.

Staff read recommendation on file.

The petitioner's representative, Mr. Harper Olson, stated they could comply with the conditions outlined by staff.

No one from the public testified on the application.

It was moved by Commissioner Orita and seconded by Commissioner Nakano that the Commission send a favorable recommendation to the State Land Use Commission on the application of Henry A. Y. Ah Sam, on behalf of The Church of Jesus Christ of Latter-Day Saints for a Special Permit with the recommendation and conditions as set forth by staff. A roll call vote was taken and motion carried with five ayes.

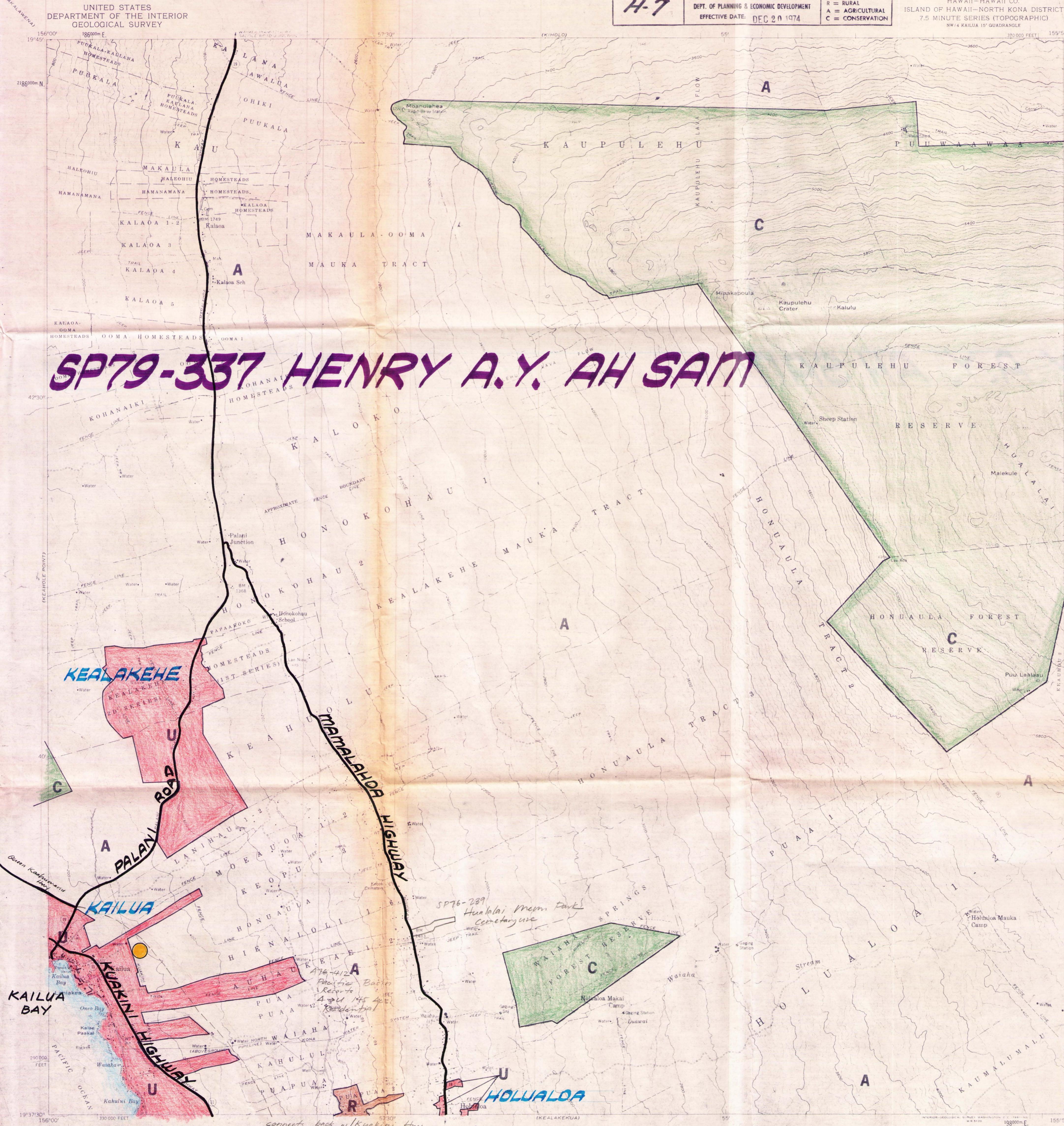
At this time, the Chair informed that Item No. 2, the application of The Godfrey Corporation for a Planned Development Permit was deferred until the evening portion of the meeting.

PLANNED DEVELOPMENT PERMIT Application of Schwantes Company for a Planned Development Permit (PDP) to allow the construction of a 20-unit condominium project. The property involved is situated at the mauka end of Kalani Way, Kona Sea View Lots, Holualoa 4th, North Kona, TMK: 7-7-15:89.

Staff presented recommendation on file.

It was clarified by staff that by approving or considering this PDP application, the variance request which will be taken up later in the evening will not be affected. Deputy Director Kanuha added that the PDP is designed to take a look at condominium units allowable whereby variance permits relate to relief from height and setback requirement provisions. There is a definite separation.

The Chair asked the petitioner, Mr. Frank Schwantes, if he could comply with the PDP conditions either with or without the granting of the variance request. Mr. Schwantes stated that he could accommodate the PDP conditions. He added that if granted the height variance, he will build; but if not, he may redesign or withdraw the whole thing. He recognized that there was a height problem, but wanted to go ahead with the PDP. Public hearing on the PDP was closed and the 15-day mandatory waiting period had expired.



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography from aerial photographs by photogrammetric methods

Aerial photographs taken 1954. Field check 1959

Hydrography compiled from USC&GS chart 4164 (1951)

Polyconic projection. Old Hawaiian datum

40,000-foot grid based on Hawaiian coordinate system, zone 1

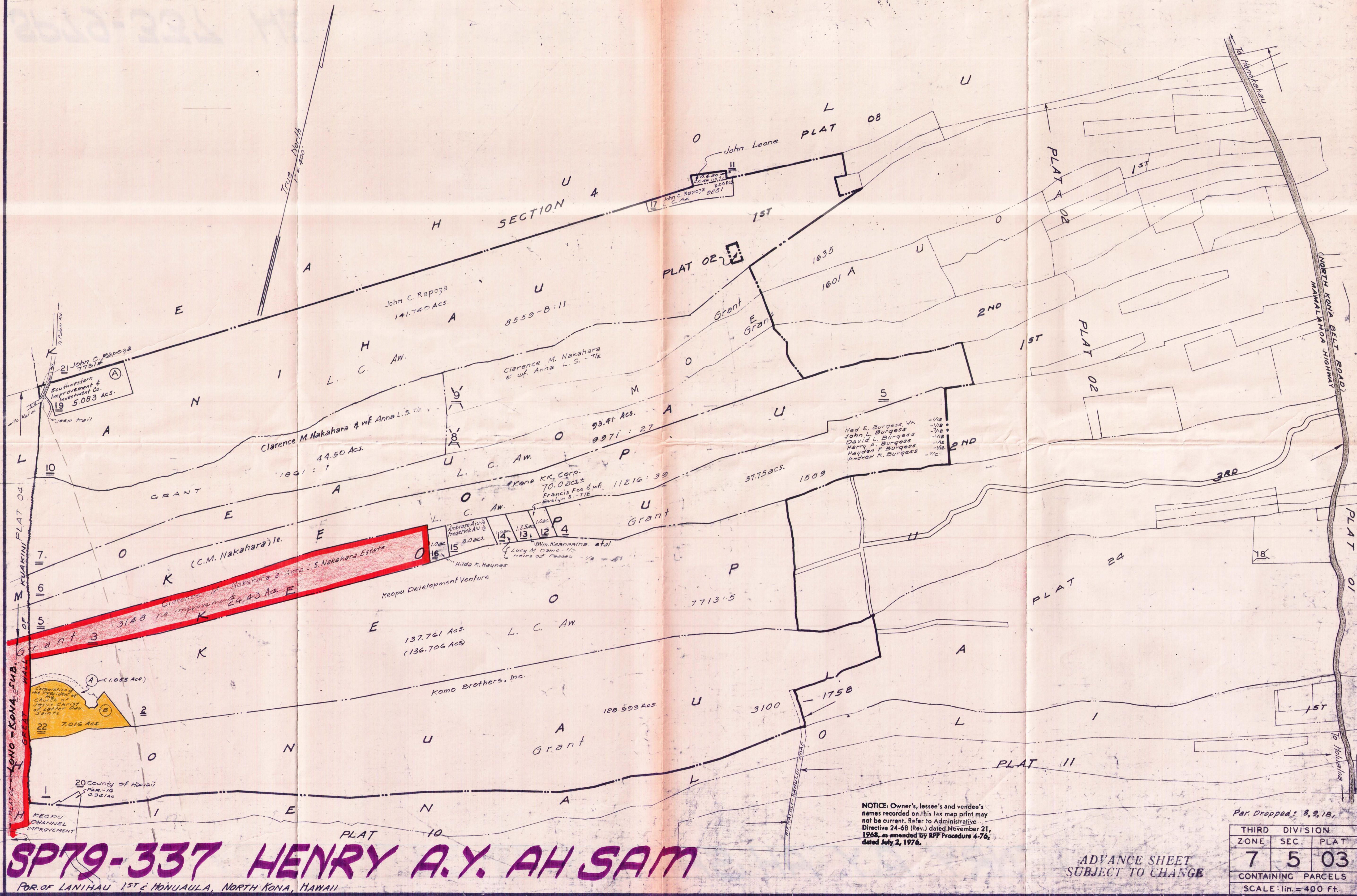
1000-meter, Universal Transverse Mercator grid ticks,

zone 5, shown in blue

19°45' N 156°00' E

19°45' N 156°00' E</

Drawn No: 2729
Source: T.I. GPS Bureau (Field Survey)
By: F.W.B. & H.N. June 1936



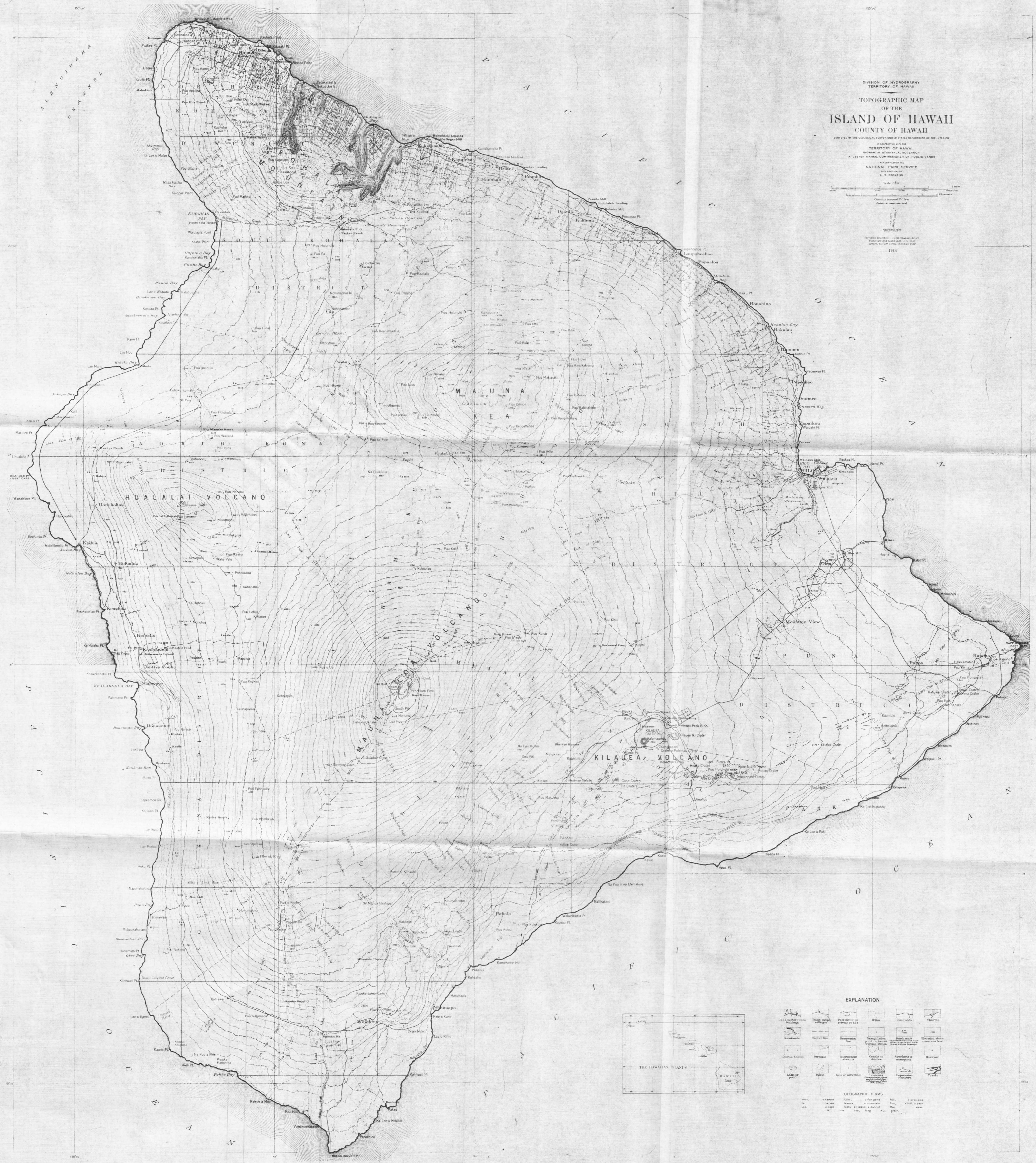
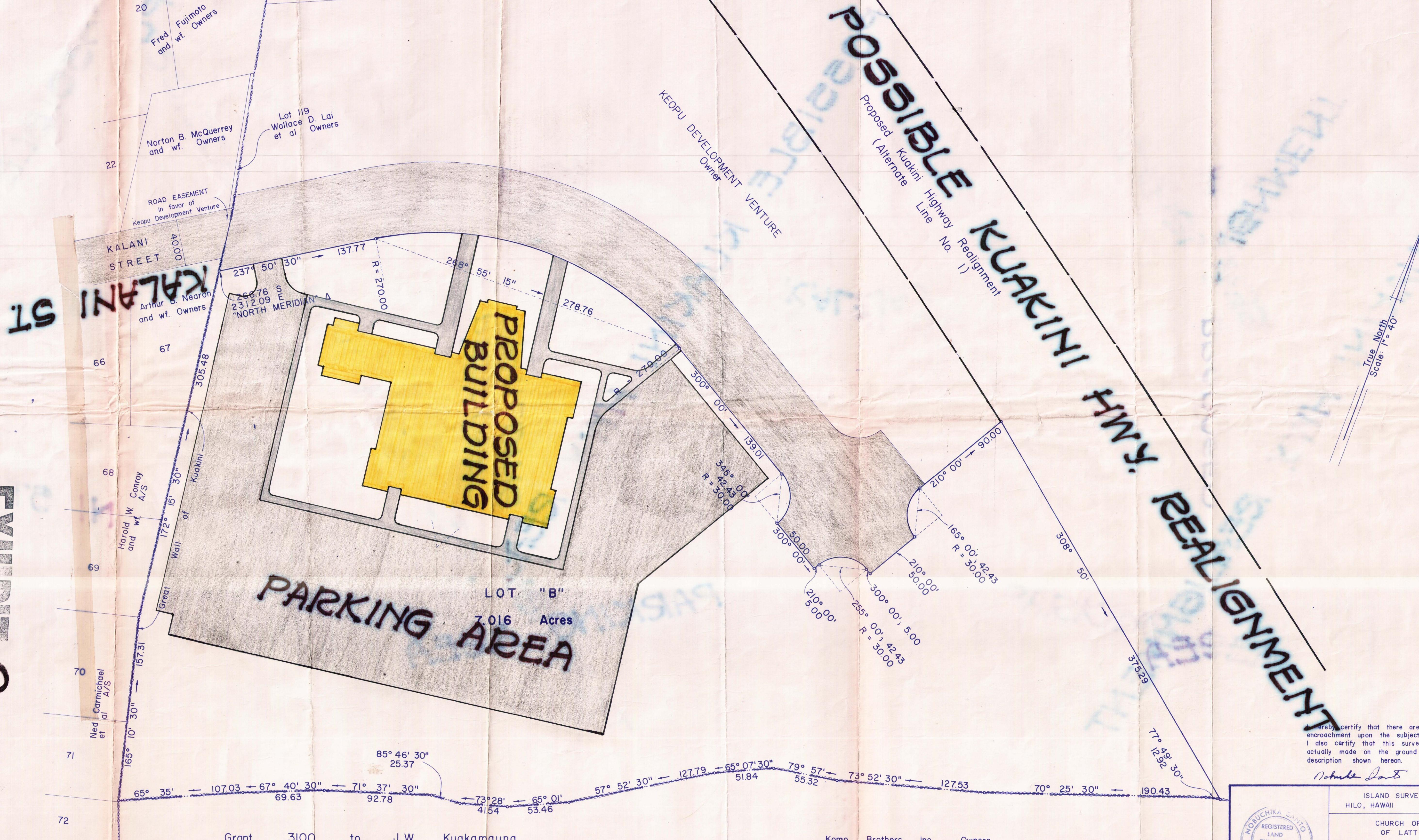


EXHIBIT O



<small>NOBUCHIKA SANO REGISTERED LAND SURVEYOR No. 3260 HAWAII, U.S.A.</small>		<small>ISLAND SURVEY INC., SURVEYORS HILO, HAWAII PH. 935-9105</small>
<small>CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS KONA WARD KONA, HAWAII STAKE</small>		
LOT B <small>BEING A PORTION OF R.P. 4475, L.C. AW. 7713, APANA 5 TO V. KAMAMALU SITUATED AT KEOPU 3RD, N. KONA, HAWAII JULY 7, 1975</small>		

HENRY A. Y. AH SAM
SPECIAL PERMIT

PROPOSED HIGHWAY REALIGNMENT

QUEEN KAAHUMANU HIGHWAY

TRAILANI ROAD

A photograph of a Kuan Yin statue, likely made of wood or stone, with a dark, textured surface. The statue is positioned on a light-colored, rectangular base. Handwritten text is visible on the statue's base and side. On the left side, the text "V-75" is written vertically. On the right side, the text "V-1.25" is written vertically. In the center, the name "KUAN YIN" is written in large, bold, black, block letters. To the right of "KUAN YIN", the text "V-75" is written vertically again. The background is a plain, light-colored wall.

HIGHWAY

To Kainaliu

WALUA ROAD

to Ken

EXHIBIT N

SCALE 0 200 400 600 FEET

SCALE 0 200 400 600 FEET