

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

April 26, 2023

Gary K. Duarte
Lori K. Duarte
P.O. Box 99
Holualoa, HI 96725
Via Email: kaleo.gary@gmail.com

Dear Mr. and Ms. Duarte:

SUBJECT: Additional Farm Dwelling Agreement (PL-AFD-2022-000043)
Applicant(s): Gary K Duarte
Lori K. Duarte
Owner(s): Gary K. Duarte and Lori K. Duarte
Trust dated July 25, 2018
State Land Use: Agricultural
County Zoning: Agricultural (A-1a)
Land Area: 3.004 Acres
TMK: (3) 7-6-005:048 Lot 77

Pursuant to authority conferred to the Planning Director by Chapter 25 (Zoning), Article 5, Division 7, Section 25-5-77 of the Hawai'i County Code and Planning Department Rule 13, Farm Dwellings, we have reviewed your request for **an additional farm dwelling**, for a third dwelling on the subject lot since there is an Ohana Dwelling (second dwelling or first farm dwelling) approved per Ohana Dwelling Permit No. 89-0266, building permit issued on May 25, 2003 (BP no. 035744), on the subject property and have **approved** your request subject to the following:

BACKGROUND INFORMATION

1. **Subject Property:** Mauka Section of Holualoa Partition Lots, North Kona, Island of Hawai'i, Hawai'i.
2. **Lot Size:** 3.04 acres, Lot 77
3. **State Land Use:** Agricultural (A).

4. **County Zoning:** A-1a.
5. **Proposed Request:** Additional Farm Dwelling.
6. **Existing Structures:** There is an existing 3 bedroom, 3 bath dwelling with kitchen, and detached garage with a 3 bedroom, 2 bath Ohana Dwelling with approved Ohana Dwelling Permit No. 89-0266, and building permit issued on May 25, 2003 (BP no. 035744) and a proposed additional farm dwelling with 4 bedrooms, 2 bath, with kitchen.
7. **Building Permits:** There is a building permit of record in Real Property Tax Records for the first farm dwelling (Building Permit #07569) issued on June 17, 1986, and (Building Permit # 03744) issued on May 25, 2003, for the Ohana Dwelling.
8. **Farm Plan:** Includes the following existing and proposed income-producing agricultural activities.
 - a. **Existing and proposed agricultural activities include:**

There is approximately 2.0 acres to be planted for various fruits and herbal plant nursery operation, including a total of 100 mamaki plants, ko'akolau, basil, and related plants and over 20 citrus and other fruit trees that have been planted, including mountain apple, pumelo, and lime, along with a sod operation, for harvesting and distribution.
9. **Evidence of Agricultural Activity:** There is evidence of existing agricultural activity and proposed agricultural income and expenses reported with their application, evidence of General Excise Tax License, and invoices showing expenses related to planting the above crops.
10. **Rationale for Establishing AFD:** To create a farm that supports establishing endemic plant species, sustaining the Hawaiian Culture, and harvesting and distributing the crops to the local markets, for justification for the second additional farm dwelling.

FINDINGS

1. Chapter 205, Hawai'i Revised Statutes (HRS), the State Land Use Law does not authorize residential dwellings as a permitted use in the State Land Use Agricultural district unless the dwelling is related to an agricultural activity or is a farm dwelling. A **farm dwelling** as defined in HRS Chapter 205-4.5 **means a single-family dwelling located on and used in connection with a farm**, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, **or where agricultural activity provides income to the family occupying the dwelling.** (Emphasis added)

2. The subject lot was originally created on August 1, 1914, by Holualoa 1st & 2nd Partition, for Lots 77 and 78, which, pursuant to HRS §205-4.5(b), allows the first dwelling on the lot to be a single-family dwelling.
3. The Farm Plan and the agreement to use the dwelling for agricultural or farm-related activity on the building site demonstrate that there is income-producing agricultural activity.
4. In addition, the following agencies have submitted their comments as identified below:
 - a. Department of Water Supply (DWS) – memo dated February 8, 2023 (Exhibit “B”).
 - b. Department of Health (DOH) – memo dated January 31, 2023 (Exhibit “C”).
 - c. Department of Finance – Real Property Tax (RPT) – memo dated December 6, 2023 (Exhibit “D”).

DECISION AND CONDITIONS

In view of the above, your request to construct **an Additional Farm Dwelling, for a third dwelling**, on the property is **approved** subject to the following conditions:

1. Your AFDA has been approved based on proposed agricultural activity as summarized in this letter.
2. The AFD shall be used for farm-related purposes and provide shelter for persons involved in the agricultural or farm-related activity on the building site. Family members who are not engaged in agricultural or farm-related activities are allowed to reside in the additional farm dwelling.
3. An Additional Farm Dwelling Agreement affidavit shall be notarized and submitted to the Planning Department for recordation with the Bureau of Conveyances, State of Hawai‘i, which states that the additional dwelling shall be used for farm-related purposes.
4. The farming enterprise shall be commercial in nature and up to seventy-five percent (75%) of your proposed farm plan shall be implemented within three (3) years from the AFDA approval date. The Planning Department shall be allowed to inspect the farm upon reasonable prior notice.
5. The agreement shall run with the land and apply to all persons who may, now or in the future, use or occupy the additional farm dwelling. The enclosed AFD Agreement must be returned to the Planning Department with the appropriate notarized signature(s) along with a check made out to the Bureau of Conveyances in the amount of **\$41.00** in accordance

with the enclosed AFDA Instructions.

The Planning Department will not approve a building permit application for the additional dwelling until the AFDA document and all required attachments have been sent for recordation by the Planning Department.

6. All other applicable rules, regulations, and requirements of the Planning Department (including but not limited to the Hawai'i County Code, Chapter 25, Zoning), Department of Public Works, Department of Water Supply, Fire Department and State Department of Health and any other reviewing agencies/divisions listed on the Building Permit (BP) Application shall be adhered to.
7. The applicant is responsible for any State and Federal tax consequences due to the income produced from the farm activity.
8. The First Party (as identified in the Additional Farm Dwelling Agreement) shall allow the Second Party or its representative to inspect the farm upon reasonable prior notice.
9. DWS has noted that the subject parcel does not have a County approved water service at present, and an additional water service is not available for the additional dwelling.
10. This AFD shall be valid for a period of two (2) years from the date of this approval letter to secure a Building Permit (BP) for the AFD. Failure to secure a BP for this AFD on or before **April 26, 2025**, may cause the Director to initiate proceedings to invalidate the AFD.
11. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors, or assigns and that are not the result of their fault or negligence.
 - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
 - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

Gary K. Duarte
Lori K. Duarte
April 26, 2023
Page 5

Should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this permit.

In reference to the Department of Water Supply's comment, we suggest the following:

- a. "Any existing and/or future dwellings not serviced by County water system constructed on the property shall have a minimum 6,000-gallon water storage facility for domestic consumption for water catchment. This catchment system shall adhere to the Department of Public Works, Building Division's "Guidelines for owners of Rain Catchment Water Systems" as well as the State Department of Health requirements related to water testing and water purifying devices.
- b. Provide a water supply system sufficient for firefighting consisting of a minimum 3,000 gallons of water per existing and/or proposed future dwelling on the property meeting with the approval of the Hawaii County Fire Department. If dwellings are more than 50 feet apart, 4,000 gallons of water per dwelling will be required".

Please feel free to contact Rosalind Newlon of the West Hawaii Office at (808) 323-4778 or email Rosalind.Newlon@hawaiicounty.gov should you have any further questions and/or concerns.

Sincerely,

Zendo Kern

Zendo Kern (Apr 26, 2023 13:23 HST)

ZENDO KERN
Planning Director

RJN:ad

C:\Users\rnewlon\OneDrive - County of Hawaii\Desktop\Newlon-2\AFDA Approval\PL-AFD-2022-000043 Duarte TR 76005048 apprvl.doc

Enclosures: AFDA document
AFDA document instruction sheet
Exhibits A thru C

cc: Chief Sanitarian- State of Hawaii. Dept. of Health
Manager- Chief Engineer, Hawaii County Dept. of Water Supply
Administrator- Hawaii County Real Property Tax Division

Mr. Sidney Fuke, Via Email sidneyfuke@gmail.com

cc via email: GIS Section w/enclosures

Exhibit "E"



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

February 8, 2023

COH PLANNING DEPT
FEB 9 2023 PM2:04

TO: Mr. Zendo Kern, Director
Planning Department

REC'D HAND DELIVERED

FROM: Keith K. Okamoto, Manager–Chief Engineer

**SUBJECT: Additional Farm Dwelling Agreement (PL-FDA-2022-000043)
Applicant – Gary K. Duarte and Lori K. Duarte
Tax Map Key 7-6-005:048**

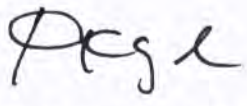
We have reviewed the subject application and have the following comments.

The subject parcel does not have an existing water service with the Department, as the parcel is not within the service limits of the Department's existing water system.

Therefore, the Department has no objections to the proposed application, subject to the applicant understanding and accepting that the Department cannot provide service to the proposed additional farm dwelling.

Should there be any questions, please contact Mr. Troy Samura of our Water Resources and Planning Branch at (808) 961-8070, extension 255.

Sincerely yours,


Keith K. Okamoto, P.E.
Manager-Chief Engineer

TS:dfg

copy – Gary K. Duarte and Lori K. Duarte Trust

Exhibit "B"

... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

The Department of Water Supply is an Equal Opportunity provider and employer.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: January 31, 2023

TO: Mr. Zendo Kern
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Additional Farm Dwelling Agreement (PL-AFD-2022-000043)
Applicant: Gary K. Duarte and Lori K. Duarte
Owners: Gary K. Duarte and Lori K. Duarte
SLU: Agricultural
CZ: Agricultural (A-1a)
LA: 3.004 Acres
TMK: 7-6-005:048 Lot 77

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

Exhibit "C"

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Standard comments for the Clean Air Branch are at: <https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55.
 1. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, and 11-504.
2. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of 1) Public Water Systems; 2)

Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related to the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.

2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H, and 342I, and HAR Chapters 11-58.1 and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse, and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, “Community Noise Control,” shall not be exceeded unless a noise permit is obtained from the Department of Health.
2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot.

A demolition or land clearing permit is required prior to demolition or clearing.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Hawaii District Health Office, at (808) 933-0917.



County of Hawai'i

DEPARTMENT OF FINANCE - REAL PROPERTY TAX

Aupuni Center • 101 Pauahi Street • Suite No. 4 • Hilo, Hawai'i 96720-4679 • Fax (808) 961-8415
Appraisers (808) 961-8354 • Clerical (808) 961-8201 • Collections (808) 961-8282
West Hawai'i Civic Center • 74-5044 Ane Keohokalole Hwy. • Bldg. D, 2nd Flr. • Kailua Kona, Hawai'i 96740
Fax (808) 327-3538 • Appraisers (808) 323-4881 • Clerical (808) 323-4880

Date: 1/26/2023

Tax Map Key: 7-6-005-048-0000

To: Planning Director

From: Real Property Tax Office

Subj: Request for Comments and/or Review

Comments from the Appraisal Section:

- Property is receiving agricultural use value
- Property is dedicated to agricultural use
- Possible rollback taxes
- There are no comments at this time

Remarks: Subject property is in the Non-Dedicated Ag use Program

Appraiser to Contact: Dionne Costa (for C. Brown) Phone: 808-961-8037

Comments from the collection section:

- Status of real property taxes:
- Current
- Delinquent / Amounts \$ _____
Amount includes tax, penalty & interest up to _____

Remarks: Property taxes are paid up to and including June 30, 2023.

Collection personnel to contact: Namele Walker, Tax Clerk

Phone: 808-961-8285

Exhibit "D"

Additional Farm Dwelling Agreement Instructions

Attached is the Additional Farm Dwelling Agreement form for your approved application. It is important that you follow these instructions in the completion of the form. Failure to complete and submit a properly completed agreement form to the Planning Department for recordation with the Bureau of Conveyances may cause your Additional Farm Dwelling Agreement to be rejected by the Bureau and delay approval of your application for a building permit for the additional farm dwelling. Building permit applications for additional farm dwellings will not be approved by the Planning Department until the AFDA form and the required submittals specified below have been returned to the Planning Department. You may make as many copies of the AFDA document for your records as necessary. A copy of the final recordation page will be available from the Planning Department when received back from the Bureau of Conveyances upon request.

1. All persons in the "First Party" must sign before a Public Notary in the appropriate location on the signature page (Page 4). Photocopies of this page may be made and sent to any persons listed on the page whose notarized signatures are required and then attached to the agreement document along with the original signature page. Facsimiles or FAX copies of signatures will not be accepted.

Note: All signatures must be the same as the typed name. Therefore, if John L. Doe is the name typed the signature must also be John L. Doe. Signing John Doe or Jonathan L. Doe will cause the agreement document to be rejected by the Bureau of Conveyances for recordation purposes.

Please have your notary print their name underneath their signature line.

2. Enclose a check or money order in the amount of \$41.00, made out to the Bureau of Conveyance, for the Bureau of Conveyance recordation fee.
3. Return the **original** completed AFDA document with all required signatures and the recordation fee payment to the Planning Department for the Director's signature and submittal to the Bureau of Conveyances for recordation.

AFTER RECORDATION, RETURN BY MAIL TO:

County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

TITLE OF DOCUMENT:

ADDITIONAL FARM DWELLING AGREEMENT (PL-AFD-2022-000043)

PARTIES TO DOCUMENT:

**FIRST PARTY: GARY K. DUARTE AND LORI K. DUARTE, TRUSTEES OF
THE GARY K. DUARTE AND LORI K. DUARTE TRUST
DATED JULY 25, 2018**

SECOND PARTY: COUNTY OF HAWAI'I

PROPERTY DESCRIPTION:

Por. Mauka Section of Holualoa
Partition Lots, North Kona, Hawai'i
Island, Hawaii

TMK: (3) 7-6-005:048 LOT 77

ADDITIONAL FARM DWELLING AGREEMENT

THIS AGREEMENT made and executed this ___ day of _____, 2023, by and between **GARY K. DUARTE AND LORI K. DUARTE, TRUSTEES OF THE GARY K. DUARTE AND LORI K. DUARTE TRUST DATED JULY 25, 2018**, herein called the “First Party,” whose mailing address is P.O. BOX 99, HOLUALOA, HI 96725 and, the **COUNTY OF HAWAI‘I**, herein called the “Second Party.”

IT IS HEREBY AGREED that the First Party may construct one additional farm dwelling (note: the additional farm dwelling of this agreement is the approved second additional farm dwelling; and, in chronological and numerical order, the second additional farm dwelling is also the second single-family dwelling) located on the real property of Lot 77. The property Lot 77 is described as Mauka Section of Holualoa Partition Lots, North Kona, Island of Hawai‘i, Hawai‘i containing 3.04 acres, **Tax Map Key (3) 7-6-005:048**, situated in the State Land Use Agricultural district and zoned Agricultural (A-1a) by the Second Party.

IT IS HEREBY ACKNOWLEDGED that the First Party FEE OWNER is the legal owner of the property described above.

IT IS HEREBY FURTHER AGREED that this approval to construct one additional farm dwelling is given subject to the following conditions:

1. The additional farm dwellings shall be used to provide shelter to person(s) involved in the agricultural or farm-related activity on the property. Family members who are not engaged in agricultural or farm-related activity are allowed to reside in the farm dwelling.
2. The agreement shall run with the land and apply to all persons who may now or in the future use or occupy the additional farm dwelling.
3. This agreement shall include any and all conditions specified in the Additional Farm Dwelling Agreement letter, attached to this document as Exhibit: “A”.

IT IS HEREBY FURTHER AGREED that this agreement shall run with the land and apply

to a lessee or tenant of the lot or of any portion of Lot 77.

IT IS HEREBY FURTHER AGREED that should the pertinent provisions of the State and County laws, rules, and regulations change to authorize said farm dwelling, upon request of the First Party, this Agreement may be reconsidered for possible amendment and/or severance.

IT IS HEREBY FURTHER AGREED, for the property, Lot 77, situated within the State Land Use Agricultural district, any land use and zoning violations that is determined by the Second Party to be caused by the First Party, a LESSEE or a TENANT, the Second Party may impose fines in violation of Hawaii Revised Statutes section 205-4.5. If the violation is not corrected within six months of such citation and the violation continues, a citation for a new and separate violation may be imposed. There shall be a fine of not more than \$5,000 for a first violation; for any additional violation, there shall be a fine of not more than \$5,000. The Second Party may also impose fines for any violation of Hawaii County Code Chapter 25, as amended, according to the procedures and fine schedule of Hawaii County Code – Zoning Code sections 25-2-30 through -2-36.

IN CONSIDERATION OF THE AFORESAID, the Second Party hereby approves this Agreement to be in conformity with Hawai'i Revised Statutes sections 205-2 and 205-4.5, consistent with the permitted uses of the State Land Use Agricultural district. This Agreement also conforms to Hawai'i County Code Chapter 25, as amended.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

FIRST PARTY:

GARY K. DUARTE, TRUSTEE OF THE GARY K. DUARTE AND LORI K. DUARTE TRUST DATED JULY 25, 2018

FIRST PARTY:

LORI K. DUARTE, TRUSTEE OF THE GARY K. DUARTE AND LORI K. DUARTE TRUST DATED JULY 25, 2018

SECOND PARTY:

ZENDO KERN, Planning Director
County of Hawai'i

STATE OF HAWAI'I)
) SS.
COUNTY OF HAWAI'I)

On this _____ day of _____, 2023 before me personally appeared **GARY K. DUARTE AND LORI K. DUARTE, TRUSTEES OF THE GARY K. DUARTE AND LORI K. DUARTE TRUST DATED JULY 25, 2018**, to me known to be the person described herein and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Notary Public, State of Hawai'i

My commission expires: _____

STATE OF HAWAI'I)
) SS.
COUNTY OF HAWAI'I)

On this ____ day of _____, 20__, before me personally appeared Zendo Kern to me personally known, who, being by me duly sworn, did say that he is the Planning Director of the County of Hawai'i, and that the County of Hawai'i has no corporate seal; and that the instrument was signed on behalf of the Planning Department, County of Hawai'i, a government agency, and said Zendo Kern acknowledged the instrument to be the free act and deed of said County of Hawai'i.

Rachelle Ley

Notary Public, State of Hawai'i
Third Judicial Circuit

My Commission Expires: June 12, 2023

Document Date: _____	No. of Pages: _____
Notary Name: Rachelle Ley	3rd Judicial Circuit
Doc. Description: _____	

Notary Signature	Date