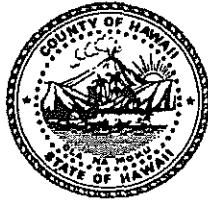


Harry Kim  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL  
7000 0600 0024 2904 6464

FEB 28 2001

Mr. Kenny Joyce  
P.O. Box 6287  
Oceanview, HI 96737

Dear Mr. Joyce:

Special Permit Application (SPP 00-044)

Applicant: Kenny Joyce

Request: Allow for a Four-Bedroom Bed & Breakfast Establishment  
and a Certified Kitchen

Tax Map Key: 9-4-12:29

The Planning Commission at its duly held public hearing on February 2, 2001, voted to approve the above-referenced application. Special Permit No. 1097 is hereby issued to allow a four-bedroom bed and breakfast establishment and a certified kitchen within a proposed dwelling on land situated in the State Land Use Agricultural District. The property is located in Kamaoa Haven Subdivision on the east side of South Point Road, approximately one mile west (makai) of Mamalahoa Highway, Puueo, Ka'u, Hawaii.

Approval of this request is based on the following:

The proposed Bed and Breakfast use is an unusual and reasonable use of land situated within the State Land Use Agricultural District. In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district. The subject property is approximately 3 acres in size. The bed and breakfast operation will be confined to a proposed farm dwelling with the remainder of the property to be cultivated with various agricultural crops. The proprietor of the bed and breakfast operation will reside in the proposed farm dwelling. The proposed use would not displace agricultural activity nor diminish the agricultural potential of the subject property since the proposed activities will be conducted in a farm dwelling that will also become the primary

001640

FEB 28 2001

Mr. Kenny Joyce

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residence of the applicant. In his application, the applicant noted that *"It is the intent to this applicant to reclaim and use the 3.0 acres for agricultural use, minus about 3% for the structural improvements. The diversified agricultural plan will include bananas, oranges, mango, papaya, coffee, and a variety of flowering plants used for lei making." "It is hoped that the bed and Breakfast can sustain a margin of income and support the full development of the agricultural potential of the land."* Landowners who can sustain their families solely upon revenue generated by their agricultural activities are rare, especially when the land area being cultivated is relatively small, like the subject property. If the County wishes to encourage the cultivation of Agricultural-zoned lands, then it must also be willing to accept the economic realities of farming in today's economic climate. The County must consider various non-agricultural options available to landowners that could have a secondary, beneficial effect upon a landowner's ability to cultivate their land. If a landowner cannot sustain an agricultural activity and must abandon the endeavor, what purpose is the County ultimately trying to achieve? To consider a non-agricultural activity that will, in some part, support a bona-fide agricultural activity is, in our opinion, a reasonable use of Agricultural-designated lands.

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The proposed use will be located within an area whose soils are classified as "Poor" and "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and "Unclassified" land by the Department of Agriculture's ALISH Map. Therefore, the proposed activities will not adversely affect the preservation and agricultural use of the County's important agricultural lands.

The subject property is situated within the State and County's Agricultural districts. Bed and breakfast establishments would be a permitted use within the State Land Use Agricultural District provided a Special Permit is secured. The bed and breakfast operation will be confined to the proposed farm dwelling. Therefore, the approval of the subject request will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

The desired use shall not adversely affect the surrounding properties. The proposed farm dwelling containing the bed and breakfast establishment and certified kitchen will be situated on an approximately 3-acre parcel of land within a subdivision consisting of approximately 31 lots of similar size. To the north and west of the property are larger lands with scattered residences. None of the surrounding properties are expected to be adversely impacted by the proposed bed and breakfast operation and

certified kitchen. According to the applicant, the subject property is bordered on three sides by an uninterrupted row of mature Norfolk pines with a mature macadamia nut orchard along the fourth side of the property. These vegetation buffers should assist in mitigating any adverse impact upon adjoining properties. The relatively large size of each lot within Kamaoa Haven Subdivision should ensure that noise and visual impacts upon these neighboring lots are minimized. The applicant will typically receive and discharge guests of the bed and breakfast operation during daylight hours. The certified kitchen will be operated during daylight hours as well. At the most, only the applicant and family members residing on the property will operate the certified kitchen. Deliveries of supplies to the property will be conducted by the applicant. Deliveries of prepared foods to other locations will predominantly be conducted by the applicant. This should limit traffic to the property by eliminating employee-related traffic as well as limit the frequency of delivery trips to and from the property. A condition of this approval will require the applicant to conduct his operations in a manner as substantially represented in its Special Permit Application.

The desired use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. The site is currently serviced by water, telephone and electrical utilities. Access to the property from the Mamalahoa Highway is provided by South Point Road, a County-maintained roadway with a pavement width of approximately 20 feet within a right-of-way of at least 60 feet. The condition and width of this roadway is deemed adequate to accommodate the anticipated traffic to be generated. The Department of Public Works did not express any concerns regarding the proposed use. The property is situated within an area designated as Flood Zone X, an area determined to be outside the 500-year flood plain. The applicant shall meet all applicable agency requirements of the Department of Health, Department of Water Supply, Department of Public Works and the Fire Department prior to the establishment of the proposed uses.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The purpose of the special permit request is to allow the establishment of bed and breakfast accommodations which have become part of a worldwide trend towards providing alternative lodging sites in rural and agricultural areas such as this particular location. They are becoming increasingly popular for visitors who seek a more localized and authentic experience in a home-type setting. Such small-scale use is consistent with the social and physical character of a rural-agricultural area and contributes to the economic structure of the County. The "Strategic Directions for Hawaii's Visitor Industry" or Tourism Strategic Plan (TSP) prepared by the Hawaii Tourism Authority (June 1999), forms the basis or foundation upon which Hawaii's future as a visitor destination will be built. This document is a fulfillment of one of the primary responsibilities of the Hawaii Tourism Authority (HTA) established by Act 156 SLH 1998. The TSP contains strategic directions in seven areas, one of which is Product

Mr. Kenny Joyce

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Development. Under Agri Tourism, a subset of Product Development, strategic directions to promote Agri Tourism include:

- Create menus of experiences to make it easier for visitors to purchase agri tourism experiences and products.
- Advocate “Bed & Breakfasts (B&B’s) and “Country Inns” on agriculture lands, farms, and ranches.
- “Bundle” agricultural experiences with health, adventure, culture, eco, and edu tourism.

Thus, the above request is consistent with the State’s strategic directions for Hawaii’s visitor industry.

The land upon which the proposed use is sought is suited for some type of agricultural uses permitted within the district. The proposed use will be confined to a farm dwelling to be constructed and will not substantially alter or change the essential character of the land and the present use. The applicant states that the purpose of the proposed uses are to supplement his efforts to also rehabilitate the subject property for agricultural uses, such as the planting of bananas, oranges, mango, papaya, coffee and a variety of plants used for lei-making. Therefore, only a small portion of the subject property will be dedicated for bed and breakfast and certified kitchen uses with the remainder of the property to be available for cultivation.

The request will not be contrary to the General Plan. The subject request is not contrary to the General Plan objectives and policies nor the Land Use Pattern Allocation Guide (LUPAG) Map, which designates the property for Extensive Agricultural uses. The proposed use is consistent with the following goals and policies of the General Plan.

#### Land Use Element

- Designate and allocate land areas in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Economic Element

- Economic development and improvements shall be in balance with the physical and social environments of the island of Hawaii.
- The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.

Based on the above considerations, the approval of the proposed bed and breakfast operation and certified kitchen is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

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

1. The applicant, successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The bed and breakfast accommodation facility and certified kitchen shall be established within five (5) years from the effective date of this permit.
3. The bed and breakfast operation shall be limited to the use of four (4) bedrooms.
4. The bed and breakfast operation and the certified kitchen shall be established and conducted in a manner as substantially represented within Exhibit A of the Planning Department Background Report dated January 24, 2001 regarding Special Permit Application No. 00-044.
5. Operation of the bed and breakfast establishment and the use of the certified kitchen shall be limited to those persons residing on the subject property.
6. Parking stalls shall be constructed in accordance with the requirements of Section 25-4-7 of the Hawaii County Zoning Code, relating to bed and breakfast establishment.
7. Driveway access to the property shall meet with the approval of the Department of Public Works, prior to the establishment of the bed and breakfast operation and certified kitchen.

Mr. Kenny Joyce

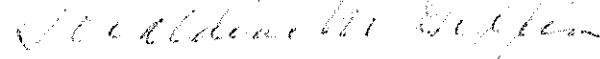
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8. A written final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.
9. Comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Health, for approval of the proposed use.
10. 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 applicant, successors, or assigns and that are not the result of their fault or negligence.
  - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
  - C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
  - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please contact Daryn Arai of the Planning Department West Hawaii Office at 327-3510 or Alice Kawaha of the Planning Department Hilo Office at 961-8288.

Sincerely,



Geraldine M. Giffin, Chairman  
Planning Commission

LJoyceSPP00-004PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
State Land Use Commission  
Department of Health  
Brian Minaai, Director/DOT-Highways, Honolulu

## **COUNTY OF HAWAII PLANNING DEPARTMENT** **BACKGROUND REPORT**

### **KENNY JOYCE** **SPECIAL PERMIT APPLICATION (SPP 00-044)**

**KENNY JOYCE** has submitted an application for a Special Permit to allow a four-bedroom bed and breakfast establishment and a certified kitchen within a proposed dwelling on land situated in the State Land Use Agricultural District. The property is located in Kamaoa Haven Subdivision on the east side of South Point Road, approximately one mile west (makai) of Mamalahoa Highway, Puueo, Ka'u, Hawaii, TMK: 9-4-12: 29.

### **GENERAL INFORMATION**

1. **Land Ownership:** The applicant is the owner of the subject property.
2. **Relevant Permits:** According to the Department of Public Works-Building Division records, a farm workshop/storage building is currently being constructed on the otherwise vacant property. The building permit (BP#015017) was issued on January 4, 2001.

### **PROPOSED DEVELOPMENT**

3. **Request:** The applicant is proposing the establishment of a four-bedroom bed and breakfast operation within a proposed two-story, 4,000 square -foot farm dwelling that will also have an additional 1,500 square feet of lanai space. All four guest bedrooms will be situated on the second level of the home. The request also includes the installation of a certified kitchen that will prepare cooked breakfast meals to guests.
4. **Additional Project Details:** According to the application, the applicant will provide the following improvements to accommodate the proposed use:
  - a. potable water for guest consumption will be stored within a sealed water tank containing a food-grade liner or bottled water;
  - b. a wastewater disposal system, meeting with the approval of the State Department of Health, will be installed;



- c. no other meals other than breakfast will be prepared within the certified kitchen. Additional activities, such as baking cookies or breads for sale may occur within guidelines established by the Department of Health and will be a secondary activity to the bed and breakfast establishment. Agricultural products processing and preparing food for fundraisers or delivery to retail sites will also be conducted within the certified kitchen;
  - d. aggregate will <sup>be</sup> provided within the driveway access that will serve the proposed bed and breakfast establishment. An area able to accommodate six (6) vehicles will be provided along with sufficient turn-around space.
  - e. According to a January 24, 2001 telephone conversation with the applicant, no employees are anticipated to assist the applicant in the operation of the certified kitchen for both the bed and breakfast operation and the other food preparation activities aside from possible assistance from family member(s) already residing on the subject property. Servicing of guests of the bed and breakfast operation and other food preparation activities will require the daily operation of the certified kitchen during daylight hours only. All supplies required to support the certified kitchen will be transported to the property by the applicant. The applicant anticipates that most, if not all of the prepared food deliveries to retail stores and events will be made by the applicant.
5. **Supportive Information:** The applicant has submitted the following in support of the request: (See **Exhibit A** - Special Permit Application and letter to Planning Department dated September 27, 2000)

**STATE AND COUNTY PLANS**

- 6. **SLU:** Agricultural.
- 7. **General Plan Consistency:** Economic and Land Use Elements goals and policies.
- 8. **GP LUPAG MAP:** Extensive Agriculture.
- 9. **Zoning:** Agricultural-20 acres (A-20a).
- 10. **SMA:** The property is not situated within the Special Management Area (SMA).



11. **Hawaii Tourism Authority:** “Strategic Directions for Hawaii’s Visitor Industry” or Tourism Strategic Plan (TSP) prepared by the Hawaii Tourism Authority (June, 1999), forms the basis or foundation upon which Hawaii’s future as a visitor destination will be built. This document is a fulfillment of one of the primary responsibilities of the Hawaii Tourism Authority (HTA) established by Act 156 SLH 1998. The TSP contains strategic directions in seven areas, one of which is Product Development. Under Agri Tourism, a subset of Product Development, strategic directions to promote Agri Tourism include:
- Create menus of experiences to make it easier for visitors to purchase agri tourism experiences and products.
  - Advocate “Bed & Breakfasts (B&B’s) and “Country Inns” on agriculture lands, farms, and ranches.
  - “Bundle” agricultural experiences with health, adventure, culture, eco, and edu tourism.

#### **DESCRIPTION OF PROPERTY AND SURROUNDING AREAS**

12. **Subject Property:** The subject property, consisting of 3.0 acres, is a rectangular-shaped lot located along the east side of the South Point Road and approximately one mile south (makai) of Mamalahoa Highway. According to the applicant, the property is situated at an elevation of 1,000 feet with annual rainfall ranging between 30 and 60 inches per year. The subject property is relatively level with a slight incline from South Point Road. The subject property is currently vacant of any structures. However, a building permit was issued in January 2001 to allow the construction of a farm workshop/storage building on the property.
13. **U.S. Soil Survey:** The subject property is comprised of and identified as Punaluu Extremely Rocky Peat (rPYD). The Punaluu series consists of well-drained, thin organic soils over pahoehoe lava bedrock, with 6 to 20 percent slopes. This soil is low on the leeward side of Mauna Loa. Rock outcrops occupy 40 to 50 percent of the surface. In a representative profile the surface layer is black peat about 4 inches thick. It is underlain by pahoehoe lava bedrock. This soil is medium acid. The peat is rapidly permeable. The



- pahoehoe lava is very slowly permeable, although water moves rapidly through the cracks. Runoff is slow, and the erosion hazard is slight. Roots are matted over the pahoehoe lava. The natural vegetation consists of koa haole, Christmas berry, guineagrass, natal redbud, and sand bur. This soil is used for pasture.
14. **ALISH System:** The property is "Unclassified " on the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) Map.
  15. **Land Study Bureau's Detailed Land Classification System:** Soils within the subject property are classified as "D" (Poor) and "E" (Very Poor) for agricultural productivity by the Land Study Bureau.
  16. **Flora/Fauna and Archaeological Resources:** The subject property is currently overgrown with Christmas berry. The applicant indicates that the property has been previously graded and maintained in pasture.
  17. **FIRM:** According to the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, the subject property is located within Flood Zone X, an area determined to be outside the 500-year flood plain.
  18. **Surrounding Zoning/Land Uses:** The subject property is situated within Kamaoa Haven Subdivision, a 31-lot subdivision consisting of 3-acre sized parcels. Surrounding lands consist predominantly of larger parcels that are maintained in agriculture or are vacant with scattered single family residences. Kamaoa Haven Subdivision and these surrounding lands are zoned A-20a. The nearest residential subdivision (4,200 feet to the east of subject property) is Discovery Harbour Subdivision, containing parcels ranging in size from about 13,000 square feet to in excess of 16,000 square feet on lands zoned A-1a.

#### **PUBLIC UTILITIES AND SERVICES**

19. **Access:** Access to the subject property from the Mamalahoa Highway is provided by South Point Road, a County-maintained roadway with a pavement width of roughly 20 feet within a right-of-way ranging between 60 and 80 feet in width. South Point Road



directly fronts the subject property, which is situated approximately one mile from the intersection of Mamalahoa Highway-South Point Road.

20. **Wastewater System:** The applicant intends to provide a septic system to support its wastewater needs in compliance with applicable governmental regulations..
21. **Utilities:** Water, electrical and telephone services are or will be made available to the property. Applicant notes that while a water line fronts the property within South Point Road, current water use restrictions in the area may require that a catchment system be provided on-site to provide for irrigation water.

### **AGENCIES' COMMENTS**

22. **Department of Public Works, Engineering Division (October 30, 2000 Memo):**

“We have reviewed the subject application and our comments are as follows:

1. Buildings shall conform to all requirements of code and statutes pertaining to building construction.
2. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code.
3. Solid waste management shall conform to the rules and regulations of the DPW, Solid Waste Division. The developer shall prepare and submit a solid waste management plan to the DPW.
4. South Point Road, fronting the subject property, is a County road. It has an approximately 20-ft. wide pavement, recently resurfaced. All driveway connections to the County road shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code. Adequate sight distance shall be provided. The applicant should provide adequate off-street parking, and a turnaround before entering the County road right-of-way.”

23. **Department of Water Supply (October 17, 2000 Memo):**

“We have reviewed the subject special permit application and our records show that the subject parcel does not have a water service with us. However, the existing water system facilities cannot support a new service at this time. Extensive improvements and additions, including source, storage, transmission, booster pumps, and distribution facilities must be constructed. Currently, sufficient funding is not available and no time schedule is set.



“Therefore, the Department has no objections to the proposed application subject to the applicant understanding and accepting that the Department cannot provide water service to this parcel.”

24. **Police Department (October 16, 2000 Memo):**

“Staff has reviewed the application for above-referenced project and has no objections to the approval of this request.”

25. **Fire Department (November 29, 2000 Memo):**

“Water supply shall be in accordance with NFPA 1231.  
Design and installation of commercial cooking appliances and exhaust systems shall comply with NFPA 96.”

26. **Real Property Tax Office (October 13, 2000 Memo):**

“Current Real Property taxes are paid through December 31, 2000.”

27. **Department of Health (October 17, 2000 Memo):**

“The subject lot is located in the Critical Wastewater Disposal Area where cesspools are not allowed because of water pollution concerns. Any development on this lot would require all wastewater be disposed into a Septic Tank System. The septic tank system would need to be designed by a Registered Professional Engineer by the State of Hawaii. Please submit the plans to the Wastewater Branch in Honolulu for approval.

“The proposed certified kitchen needs to meet the requirements of Chapter 12, Food Establishment Sanitation. Please call our office (Ph. 322-1507) for consultation and additional information.

“The Department of Health's authority on drinking water quality is based on the definition of a 'public water system.' A 'public water system' means a system for the provision to the public of piped water for human consumption, if such a system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

“Past episodes of water quality concerns for lead, copper, algae and microbial contamination in private rain catchment systems have identified the need for design standards. Without these control standards the Department of Health would not be able to support the use of these private rain catchment systems for drinking purposes.”



28. **Department of Transportation (December 11, 2000 Letter)**

“Thank you for requesting our review of the special permit application.

“The proposed Bed and Breakfast operation will be located along South Point Road, which is under County jurisdiction, and will not impact our State highway facilities.”

29. **State Land Use Commission (October 26, 2000 Letter):**

“We have reviewed the subject application forwarded by your memorandum dated October 5, 2000, to allow the establishment of a 4-bedroom Bed & Breakfast operation and a certified kitchen in a planned two-story structure in Kiolakaa-Keaa, Kau, Hawai'i.

“Based on our review of the subject application, we have the following comments:

1. We confirm that the subject permit area is within the State Land Use Agricultural District as described in the subject application.
2. The Applicant should explain how the proposed use is not contrary to the objectives to be sought to be accomplished by Chapters 205 and 205A, Hawaii Revised Statutes ('HRS').

We have no further comments to offer at this time. We appreciate the opportunity to comment on the subject application.”

**AGENCIES - NO RESPONSE**

30. Department of Land and Natural Resources, Natural Resource Conservation Service, and Department of Agriculture

**PUBLIC COMMENTS**

31. The Department did not receive any written comments or objections from the public or surrounding property owners on the subject request.



SPECIAL PERMIT APPLICATION  
COUNTY OF HAWAII  
PLANNING DEPARTMENT

2000 SEP 21 PM 4 42  
PLANNING DEPARTMENT  
COUNTY OF HAWAII

APPLICANT(S): KENNY JOYCE

APPLICANT'S SIGNATURE:  DATE: 6-22-00

ADDRESS: TMK 9-4-12-29 P.O. BOX 6287  
OCEAN VIEW, HI. 96737

LIST APPLICANT'S INTEREST IF NOT OWNER: N/A

TELEPHONE-BUSINESS: 939-2428 RESIDENCE: 939-8052

REQUESTED USE: BED & BREAKFAST WITH 4 BEDROOMS AND A CERTIFIED KITCHEN

TAX MAP KEY: 9-4-12-29

AREA OF PROPERTY/AREA OF REQUESTED USE: 3.0 ACRES / 3.0 ACRES

LANDOWNER(S): KENNY JOYCE

OWNER(S) SIGNATURE:  DATE: 6-22-00  
(May be by letter)

AGENT: N/A

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE-BUSINESS: N/A RESIDENCE: N/A

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: KENNY JOYCE COPIES: KENNY JOYCE

SPECIAL PERMIT REQUEST  
SOUTH POINT ROAD  
KA'U, HAWAII  
Tax Map Key 3-9-4-12-29

## SPECIAL PERMIT REQUEST

For

Kenny Joyce

South Point Road

TAX MAP KEY 3-9-4-12-29

### I. INTRODUCTION

This is my dream project that I have worked towards ever since I built my first home in Ka'u 13 years ago. I live and work in Ka'u and I can't think of anywhere else I would want to do to this. I believe Ka'u has a lot of strengths that make it the ideal location for an agriculturally and ecologically friendly project design. The property gets enough rain to make the potential for agricultural good and is close enough to the highway to enhance it's potential as a bed and breakfast.

### II. PROJECT LOCATION

Kenny Joyce owns the subject site, consisting of 3.00 acres and identified, as T. M. K. 3-9-4-12-29. The site is located on the east side of South Point Road, approximately one mile from Highway 11. The property borders a macadamia nut orchard on its south side and undeveloped land on its north and west sides. It is across the road from an orange and lemon grove. The only adjacent structure is located in the middle of the macadamia nut orchard, separated by a windbreak of mature Norfolk Pines.

### III. PROJECT DESCRIPTION

A. The planned home will be a two-story structure with front and rear lanai space. Four bedrooms are planned upstairs for use as bed and breakfast guest rooms. Total living area will be approximately 4000 square feet plus an additional 1500 square feet of lanai. Included within that square footage will be a certified kitchen that will be used to serve breakfast to the bed and breakfast guests. Additional improvements on the property will consist of a 1152 square feet combination workshop/ storage barn and a 400 square feet covered work area. No additional improvements are planned. (See exhibits A1 & A2)

B. The applicant wishes to have a 4-room bed and breakfast operation on the identified site within the proposed site improvement identified as the main house, which constitutes the only structure planned for habitation.

It is the intent to this applicant to reclaim and use the 3.0 acres for agricultural use, minus about 3% for the structural improvements. The diversified agricultural plan will include bananas, oranges, mango, papaya, coffee, and a variety of flowering plants used for lei making.

The applicant intends to request permission to establish a certified kitchen as part of the bed and breakfast operation, so that the operation will be allowed to take advantage of the owner's skills and serve a cooked breakfast to the guests.

C. It is hoped that the bed and Breakfast can sustain a margin of income and support the full development of the agricultural potential of the land. The owner builder will permit the project. Completion of the project is expected within 4 years from the time the special use permit is granted. The expected costs to construct the improvement project will be comparable to the construction of regular home, with the exception of the added costs associated with the certified kitchen. The project will most likely be funded with a partial mortgage.

#### IV. INSTITUTIONAL CONSIDERATIONS OF

##### A. State Land Use

The state land-use designation of the subject property is Agricultural. As such, a special use permit is required.

##### B. County Land Use

The county general plan land-use pattern allocation guide designates the subject properties has extensive agriculture. The plan for the property is that it will be used for agricultural use, excepting the areas required for the planned improvements. No amendment to the general plan would be required to implement this project.

The county zoning of the site is Agricultural (A-20a). The minimum lot size for this zoning district is 20 acres. This property is legal, nonconforming. It has been grand fathered in as the parcel was sold before the legal requirement of a minimum of 20 acres was required.

Based on this zoning, a bed and breakfast would be considered a permitted use, provided that plan approval is secured and all other criteria are met. The criteria and their relationship to the applicant requests are as stated below:

1. The bed and breakfast will continue to be accessory and subordinate to the principal use as a residence by its owners or lessee.
2. The existing and or any future owner or lessee will reside on the same property used for the bed and breakfast establishment.
3. The bed and breakfast will be located within the main house.
4. Only breakfast meals will be offered to guests.
5. The bed and breakfast establishment will have no more than 4 guest rooms.
6. The maximum number of guests will be limited to 8.

7. The bed and breakfast is legal nonconforming to the A-20 zoning. As the site falls within the A-20 district, the parking will not be paved. Instead, the parking area and drive will be covered with stone aggregate. The parking site will be leveled, clearly marked, and designed to minimize erosion or standing water.
8. Any sign to be erected will be consistent with the residential signage requirements.
9. All related permits, such as for a certified kitchen, will be applied for and complied with as required by the overseeing regulator.

#### C. State Department of Health Certified Kitchen Use

The State Department of Health review plans and issues permits for certified kitchens within designated use areas. In order for them to issue a certified kitchen permit within the A-20 district, a special use permit that includes recognition of a certified kitchen is required. The criteria and plans for having and maintaining a certified kitchen are as stated below:

1. The certified kitchen will not engage in any activity that would require USDA oversight.
2. The State Department of Health shall permit and monitor the certified kitchen.
3. A plan review fee of \$200.00 will be paid after the building permit request is submitted and a \$150.00 permit fee will be paid every two years.
4. A sealed water tank with a food grade liner will be used to hold potable water. Plans for this system will be submitted, reviewed, and approved before operations begin.
5. Sewage Disposal of wastewater shall be calculated and an approved system capable of complying with those calculations shall be installed.
6. All physical requirements will be complied with. In part, the certified kitchen will be separate from the household kitchen, will provide over 12% ventilated openings to the outside, shall have self-closing doors, shall have adequate refrigeration, shall have appropriately designated sinks, shall have easy to clean surfaces, and shall comply with any exhaust requirements related to any installed equipment requiring it.
7. The main activity of the certified kitchen will be to prepare and serve breakfast foods for bed and breakfast guests. No other meals will be prepared for guests. Additional activities, such as baking cookies or breads for sale may occur within the guidelines established by the Department of Health. These activities will be secondary in purpose and are not an immediate part of this plan.
8. Should circumstances arise that make compliance with the regulations required by the Department of Health infeasible, the special use permit for the bed and breakfast shall be maintained with the understanding that it would not include a certified kitchen. All rules applying to a bed and breakfast without a certified kitchen would apply and be observed.



## V. INFRASTRUCTURE

### A. WATER

Whereas the current county water line along South Point Road is restricted access, the main source of water for irrigation, if needed, will be catchment from the structural improvements, until such a time as the restriction is removed. County water would be accessed should it become available.

Bottled water or a closed water system with hauled county water will be used to provide drinking water for the guests and cooking water for the certified kitchen.

### B. WASTEWATER

All county codes regarding the installation of a septic system for the project as permitted shall be complied with and be approved as sufficient to meet the wastewater needs of the home and the certified kitchen.

### C. WATER DRAINAGE

Drainage is excellent in the area, and should not have a substantial impact on the home, the driveway, or the parking area.

### D. ROADWAY

The property fronts South Point Road. This county owned road is approximately 20 feet wide and is paved with asphalt. The planned driveway and parking area shall be stone aggregate. Ample space for parking will include six parking stalls and an area large enough for turning around. The property will be able to afford access to larger trucks or emergency vehicles.

### E. OTHER SERVICES

Electric service and phone service are available to the property. Water fronts the property but is not presently available. Propane gas service and water hauling are available upon arrangement. A fire station is located within 5 miles of the property.

## VI. ENVIRONMENTAL CONSIDERATIONS

### A. GENERAL DESCRIPTION

The project site is located on South Point Road approximately one mile from Hwy. 11. The property is at an elevation of about 1000 feet. Annual rainfall varies between 30 to 60 inches a year. Temperatures usually range between 65 and 80 degrees with slight seasonal changes of about 10 degrees.

The site itself is fairly level even before grubbing, with a slight incline going away from South Point Road. After clearing, there will be three level terraced

sections with about one to two feet in height difference from the first section to the second and from the second section to the third. The house will be built on the larger second section. The terracing will improve water conservation and reduce water run-off or erosion. Wide breaks will be maintained or developed on the property to provide protection from the sometimes-heavy wind, although the surrounding area has mature windbreaks that provide substantial protection already.

#### B. FLORA AND FAUNA

The project site is completely overgrown with Christmas Berry and will require removal of all but a few large trees that can be kept and pruned for shade or wind protection. The land will be checked as it is cleared for any other trees that would be an asset to the intended farm use. The land was previously graded and used for ranching, does not have any significant undergrowth, and most likely does not contain any endangered plants.

The project site does not contain any original habitat for native species, and, given its low elevation, most likely has some introduced bird species, some introduced ground animals, and a variety of introduced insects. It would appear highly unlikely that developing this land would have any negative impact on the existing flora or fauna in the area.

#### C. OTHER ENVIRONMENTAL POINTS

The property is bordered on three sides by large uninterrupted windbreaks, and on the fourth side by a 6.0-acre macadamia nut orchard with a single home in its center, separated by an uninterrupted row of mature Norfolk Pines. Given the simple and residential nature of the project, and given that the bed and breakfast will normally receive and discharge guests with reservations during daylight hours, and given that no more than 4 rooms will be used for paying guests, it is unlikely that there would be any exceptional impact on the air and noise qualities that would detract from the current style of country living the area now enjoys.

The visual impact of the proposed project will be limited to the immediate view onto the property from South Point Road. It will change from Christmas Berry to cultivated farm with a driveway leading to a home that will be set back 400 feet from the roadway. Landscaping and farm trees will favorably obscure the view.

### VII. PLANNING AND LAND USE CONSIDERATIONS

#### A. Surrounding Land Uses

The project site is about 4.7 miles from Na'alehu town and 2.5 miles from the smaller Waiohinu town. There are a few shops and restaurants in the area, as well as the basic necessities like a gas station and grocery store.

The adjacent lands are used for residences and for agriculture. The site is part of Kamaoa Havens subdivision and is bordered on two sides by similar 3.0-acre

sites. Two large parcels in excess of 20 acres, one across South Point Road, and one to its rear also border it.

The area has other approved bed and breakfasts and is considered appropriate for this type of use. Since the project will not be significantly different from the normal construction of a residential dwelling and buildings to support the farm, there should be no additional impact by the establishment of the bed and breakfast.

#### B. Agricultural Impacts

The planned development of the project site into a diversified agricultural farm will undoubtedly enhance the surrounding area by blending in with the extensive farming that exists near-by. Additionally, the end products should benefit from areas solid agricultural reputation.

#### C. Economic Impacts

The high cost of reclaiming the existing land justifies using a small portion of the land for alternative purposes. The existing trend is towards more ecological visitors coming to areas like Ka'u. The demand for adequate facilities for them has increased and low impact options like a bed and breakfast are ideally suited to meet the demand and quietly contribute to improving the local economy. Additionally, the long economic stagnation that Ka'u faces suggests that combining an agricultural effort with ecologically sound guest accommodations will be important for sustaining success.

It is hoped that the bed and breakfast will sustain a margin of income and increase the possibility of hiring some help for both the bed and breakfast and the farm. It will be a natural consequence for the surrounding area that the bed and breakfast guests will seek out other businesses for food, gifts, and recreational needs.

## VII. JUSTIFICATION FOR REQUEST

In determining whether the requested use is an unusual and reasonable use and should be permitted within the agricultural district, certain guidelines are used. These are the guidelines and the relationship to land use law and objectives. The subject request will not be contrary to the land use law, the purpose of which is to preserve, protect and encourage the development of lands in the state for their best uses and in the best interest of the public welfare.

This project seeks to use the economic benefits of the bed and breakfast to allow for the development of a quality agricultural farm that will be an asset to the agricultural area and its market. In this way the project will be in the best interest of both the public's economic welfare the public's agricultural welfare.

#### A. RELATIONSHIP TO GENERAL PLANNING REQUIREMENTS

The requested use would not be inconsistent with the general plan. The general plan use pattern allocation guide designates the site as extensive agriculture.

For this project, the site is not currently being used agriculturally. The bed and breakfast part of the project will allow for the full development of the diversified agricultural farm. Once developed, the farm will become an attraction for the bed and breakfast guests and the two will work together to fulfill the general plans agricultural objective. This project will actually place unused land into agricultural use. The structural improvements planned for the land would not be substantially different without the bed and breakfast permit.

The zone code essentially considers bed and breakfast establishments permissible within the agricultural zone. The site is zoned A-20 and therefore the concept of the bed and breakfast use is inherently permissible.

#### C. Impacts to Surrounding Properties

All of the surrounding properties are zoned A-20. Only one dwelling is within sight of the land, and is itself considerably private. Combined with the low impact nature of a bed and breakfast, the area should not suffer any significant adverse impact. The number of guests at any one time will be 8 or less and their impact will not be substantially different from a conventional home. Activities may be planned, but will be informal and residential in nature, with no appreciable difference between activities for guests and a resident family.

#### D. INFRASTRUCTURE AND GOVERNMENT SERVICES IMPACTS

The proposed project will not unreasonably burden public agencies to provide roads, sewers, water, or similar county services. Requirements for providing potable water will be complied with in accordance with the designated regulations. All codes for wastewater and refuse disposal, as well as other related services will be complied with.

The existing road is more than adequate to handle the few added vehicles to the existing traffic pattern. There would likely be 5 or fewer cars daily in addition to the existing traffic. The area is served by fire and police and would not require a change in those services.

#### E. SUITABILITY OF THE SITE

Given the need for building an economic base in Ka`u, and given that this project will do that while at the same time placing fallow land into agricultural use, and given that the impact of the bed and breakfast on the environment will be minimal, and given that the bed and breakfast and the farm will impact one another favorably, it is fair to say that the location for this project is ideal and very suitable for the area.

#### F. ALTERING CHARACTER OF THE LAND

Although the character of the land will be altered, the transformation from Christmas Berry to diversified agricultural farm with a bed and breakfast should, without question alter the character favorably. This use is an example of creative planning that is low impact, environmentally friendly, and fully respectful and representative of the character found in the developed projects within the area.

#### G. UNUSUAL CONDITIONS OR TRENDS

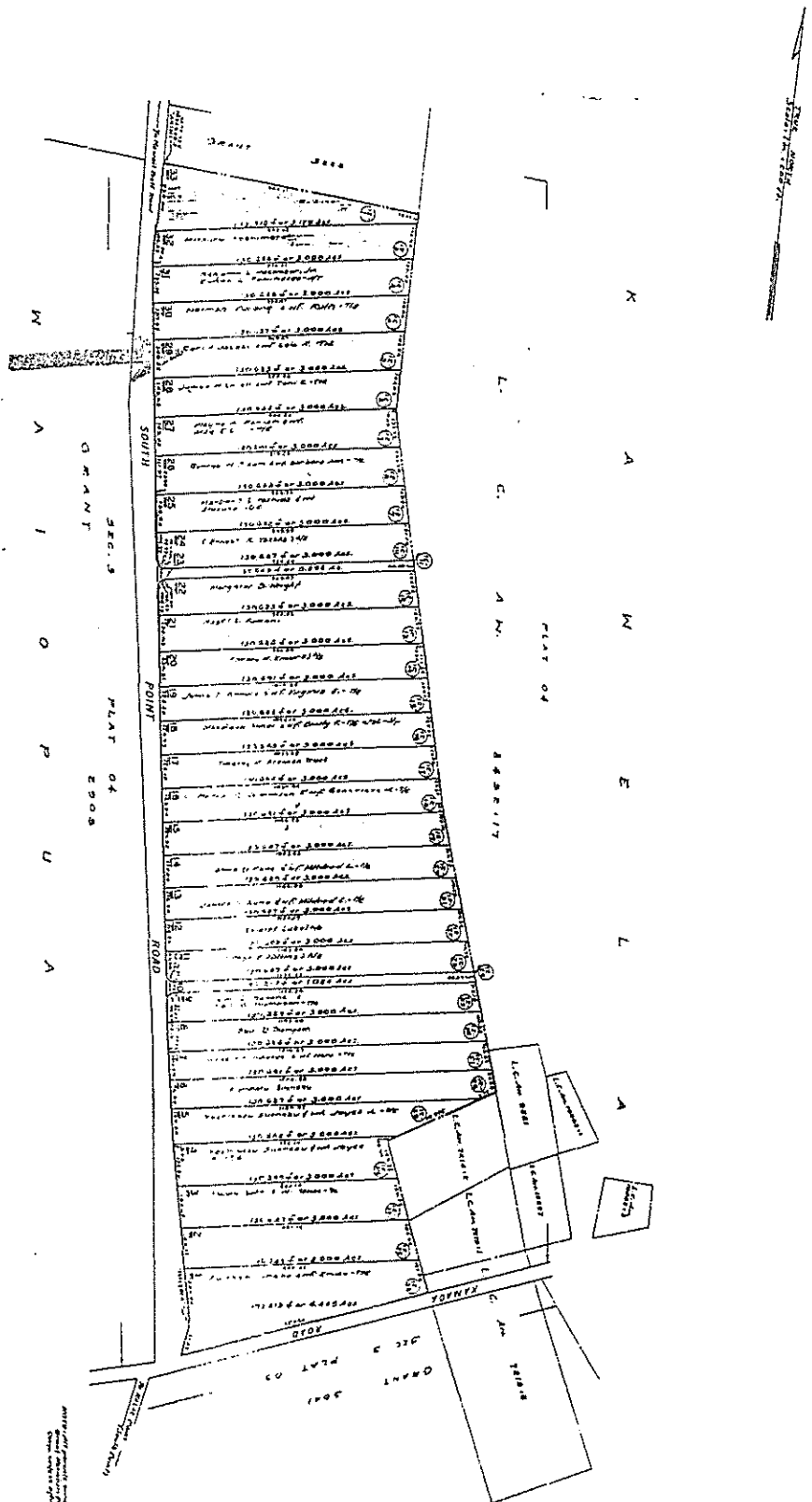
The Ka`u area is struggling to identify an economic base that can replace a lost industry. One way to do this is by developing small businesses that can work together to create economic success. In order for this concept to take root, there must be a customer base coming to and staying within the area a sufficient enough time to receive information about what the community has to offer. A bed and breakfast can be an excellent vehicle for referrals and recommendations to small business in the area. As travel to rural areas continues to grow in popularity, providing space for them to stay in Ka`u will remain in demand. Given the limited number of quality rooms available in Ka`u, capacity in the area will likely not be met for some time, thereby encouraging establishments to work together to serve the unmet need. Eventually, this will help the economic tax base to grow and result in improved opportunities for all.



Notes: This is a plat of a portion of a lot... including between with reference to the... and... and the liability is assumed by reason of law...

Area: 1.0000  
Acres: 0.0230  
Meters: 29.26  
Square Feet: 3168.00  
Square Meters: 0.73

D-4-12 300 DW. DATE: August 8, 1987. ST. 1110. SOURCE: Map & Survey by Public Works



PLAT OF  
SECTION 3  
OF  
TOWNSHIP 10 N  
RANGE 10 E  
COUNTY OF HAWAII  
STATE OF HAWAII

D-4-12 300 DW.

Exhibit A-1

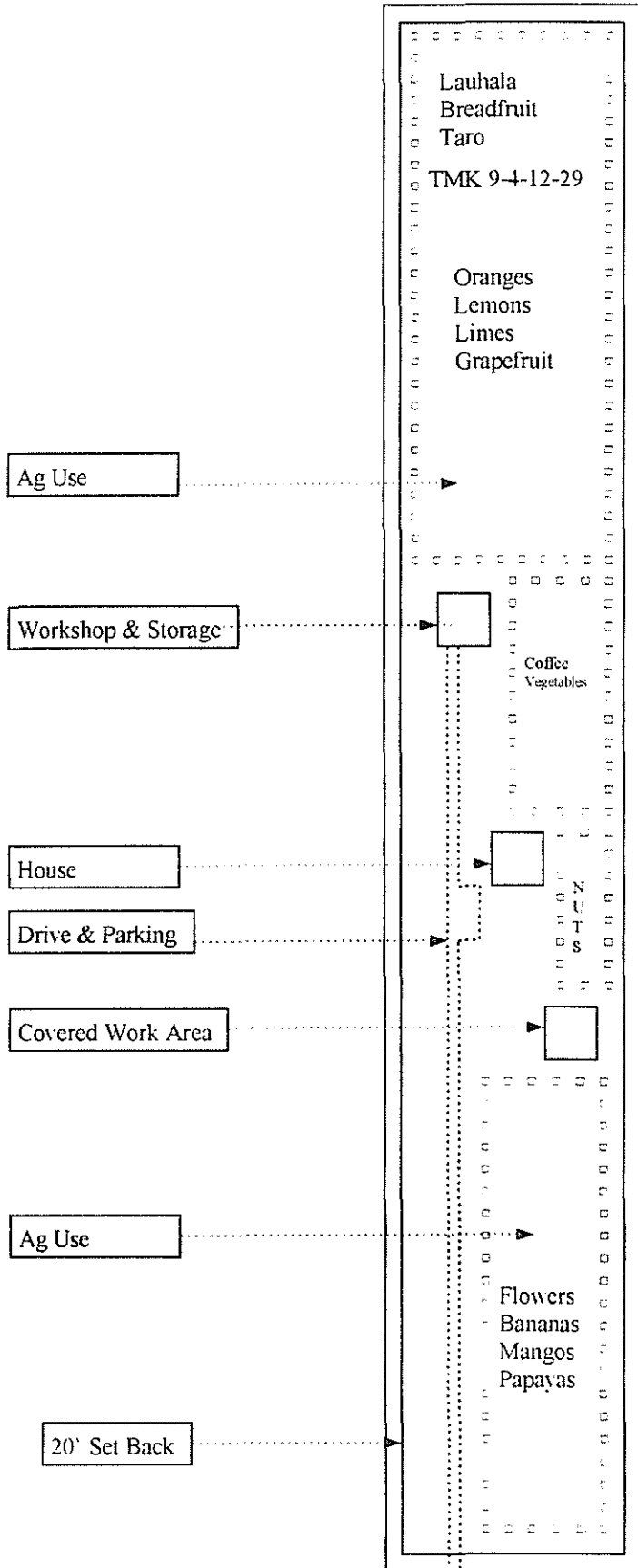


Exhibit A-2

South Point Road

140

To South Point →

2000 SEP 27 PM 4 53

PLANNING DEPARTMENT  
COUNTY OF HAWAII

Sept 27<sup>TH</sup>, 2000

TO: Planning Dept.

Addendum to page 4, Section C, #7

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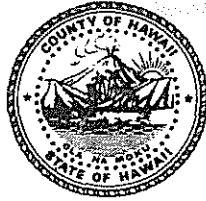
Additional activities, such as agricultural processing, preparing food for fundraisers, or for delivery to a retail site for resale within the guidelines established by the Department of Health. It is not anticipated that these activities shall have any impact on traffic, noise, or other environmental concerns.



KENNY JOYCE

009437

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA, LEED™ AP  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

March 2, 2006

Mr. Kenny Joyce  
P.O. Box 6287  
Ocean View, HI 96737

Dear Mr. Joyce:

Special Permit No. 1097

Applicant: Kenny Joyce

Request: Allow a 4-Bedroom Bed & Breakfast Establishment and Certified Kitchen

Subject: Administrative Time Extension Request to Comply with Condition No. 2

Tax Map Key: 9-4-12:29

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This is to acknowledge receipt of your letter dated February 14, 2006 requesting a time extension to comply with Condition No. 2 which states:

2. The bed and breakfast accommodation facility and certified kitchen shall be established within five (5) years from the effective date of this permit.

The effective date of the above listed Special Permit is February 2, 2001. As requested, and based on the reasons stated within your letter, we will grant a 2-year administrative time extension until **February 2, 2008** to comply with Condition No. 2.

Please be informed, however, should you need an additional extension of time to comply with Condition 2, your request and reasons, along with 20 copies of that request shall be forwarded to the Planning Commission with a \$100 filing fee. A public hearing will be held by the Planning Commission.

The final status report should be submitted upon compliance of all conditions of approval. When submitting, please address each condition separately informing the Planning Department how the condition was complied with.

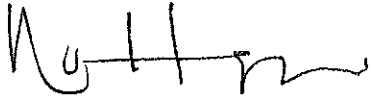
Hawai'i County is an Equal Opportunity Provider and Employer

MAR 2 2006

Mr. Kenny Joyce  
Page 2  
March 2, 2006

If you have any questions, please feel free to contact Jeff Darrow at 961-8288, ext 259.

Sincerely,



6 CHRISTOPHER J. YUEN  
Planning Director

JWD:smn

P:\WPWIN60\JEFF\Letters\Time Ext\LJoyce-TER-Cond2-SPP1097.doc

cc w/copy of letter: Planning Commission  
Planning Department-Kona

2006 FEB 17 PM 1 54

PLANNING DEPARTMENT  
COUNTY OF HAWAII

2-14-06

Christopher Yuen  
County Planning Director  
101 Pauahi Street Suite #3  
Hilo, Hawaii 96720


Kenny Joyce  
PO BOX 6287  
Ocean View, Hi. 96737

Re: Special Use Permit 00-044  
Final Status Report  
Request for Extension of Time for Certain Conditions

Dear Mr. Yuen:

This is to notify you that we have substantially complied with all of the conditions as stated in the special use permit granted to us excepting that the certified kitchen is not yet in use. Financial circumstances have made it difficult to complete the wastewater requirements that would allow proper compliance by the prescribed date. However, every other aspect of the bed and breakfast is functional and working. We hope to complete the needed improvements for the certified kitchen as soon as possible. I would greatly appreciate an administrative extension of time of 2 years to allow us to afford the upgrades needed for the certified kitchen.

I can be contacted at 939-8052

Respectfully,  
Kenny Joyce   
Owner  
Kalaekilohana Bed and Breakfast

011111

SP 1097



## County of Hawai'i

### WINDWARD PLANNING COMMISSION

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

✿ JUN '19 2012

Kenny Joyce and  
S. Kilohana Domingo  
P.O. Box 1125  
Nā'ālehu, HI 96772

Dear Kenny Joyce and S. Kilohana Domingo:

Special Permit No. 1097 (Docket No. 00-000044)  
Applicant: Kenny Joyce and S. Kilohana Domingo  
Request: Amendment to SPP No. 1097 to Change From a 4-Bedroom Bed and Breakfast Establishment to a 5-Bedroom Lodge With a Certified Kitchen to Offer Breakfast, Lunch, And Dinner to Registered Guests, and Allow Small Community & Private Events Once a Month  
Tax Map Key: 9-4-012:029

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The Windward Planning Commission, at its duly held public hearing on June 7, 2012, voted to approve the above-referenced request for an amendment to Special Permit No. 1097 (00-000044), which currently allows a 4-bedroom bed and breakfast establishment and certified kitchen facility, to expand to a 5-bedroom lodge with a certified kitchen that will also offer meals to registered guests and accommodate small community and private events once a month. The property is located in Kamaoa Haven Subdivision on the east side of South Point Road, approximately one mile west (makai) of the Māmalahoa Highway, Pu'u'eo, Ka'u, Hawai'i.

Approval of the request is based on the following:

The applicants are requesting an amendment to Special Permit No. 1097 to expand into to a 5-bedroom lodge with a certified kitchen that will also offer meals to registered guests and accommodate small community and private events once a month. Lastly, they are requesting a 5-year time extension to comply with Condition No. 2 to establish the certified kitchen.

Special Permit No. 1097 was approved on February 2, 2001 to allow the establishment of a four (4) - bedroom bed and breakfast establishment and a certified kitchen within a proposed dwelling on land situated in the State Land Use Agricultural District on the subject property.

The reason for changing the use from a bed and breakfast operation to a lodge is that a bed and breakfast operation is limited to the service of breakfast only. The lodge will allow the applicants to serve breakfast, lunch and dinner to registered guests so the guests can avoid long travel times and driving at night on unfamiliar roads.

**Approval of this amendment request would not be contrary to the original reasons for the granting of the Special Permit.** The amendment request is not contrary to the original reasons for granting the Special Permit. The request continues to be an unusual but reasonable use of land in the State Land Use Agricultural District. The use will continue to be located within the existing farm dwelling and will not diminish the agricultural potential of the property or surrounding area.

It is anticipated that the proposed request will not adversely affect the surrounding properties. The Planning Department has not received any complaints regarding the bed and breakfast operation since it was originally approved in 2001.

The proposed request will not unreasonably burden public agencies to provide for infrastructure and utilities to the project site. Electricity, water, wastewater disposal facilities and other essential services are available for the proposed use.

Lastly, the use will not substantially alter or change the essential character of the land and its present use. The 5-room lodge will operate in the existing farm dwelling, just as the bed and breakfast operation. A bed and breakfast operation only allows up to five (5) bedrooms to be rented and only allows breakfast to be served. The requested amendment differs from a bed and breakfast operation in that they are requesting to serve breakfast, lunch and dinner, which will be available only to registered guests. The small community and private events will be limited to once a month with a maximum of seventy five (75) persons allowed to attend.

**Approval of this amendment request would not be contrary to the General Plan or the Zoning Code.** There have not been any significant changes to the General Plan for this area since this request was originally approved that would affect this project. The proposed amendment request continues to complement the goals, policies and standards of the Land Use and Economic Elements of the General Plan.

Bed and breakfast establishments and/or lodges are not listed among the permitted uses in the County Agricultural district unless permitted by a Special Permit. Through



the issuance of a Special Permit, a community may establish various "non-agricultural" services that may not be available or allowed by zoning for its residents.

Based on the above information, this amendment request is approved with the following conditions (material to be deleted is bracketed and struck through and material to be added is underlined):

- ~~1. The applicant, successors or assigns shall be responsible for complying with all stated conditions of approval.~~
- ~~2. The bed and breakfast accommodation facility and] certified kitchen shall be established within five (5) years from the effective date of this permit.~~
- ~~3. The bed and breakfast operation shall be limited to the use of four (4) bedrooms.~~
- ~~4. The bed and breakfast operation and the certified kitchen shall be established and conducted in a manner as substantially represented within Exhibit A of the Planning Department Background Report dated January 24, 2001 regarding Special Permit Application No. 00-044.~~
- ~~5. Operation of the bed and breakfast establishment and the use of the certified kitchen shall be limited to those persons residing on the subject property.~~
- ~~6. Parking stalls shall be constructed in accordance with the requirements of Section 25-4-7 of the Hawaii County Zoning Code, relating to bed and breakfast establishment.~~
- ~~7. Driveway access to the property shall meet with the approval of the Department of Public Works, prior to the establishment of the bed and breakfast operation and certified kitchen.~~
- ~~8. A written final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.~~
- ~~9. Comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Health, for approval of the proposed use.~~
- ~~10. 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 applicant, successors, or assigns and that are not the result of their fault or negligence.~~
  - ~~B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.~~
  - ~~C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.~~
  - ~~D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).]~~~~

1. The applicants, successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The certified kitchen shall be established within five (5) years from the effective date of this amendment.
3. The lodge shall be limited to the use of five (5) bedrooms and a maximum of fifteen (15) guests.
4. Operation of the lodge and the use of the certified kitchen shall be limited to those persons residing on the subject property.
5. The community and private events, including weddings and workshops, will be limited to once a month with a maximum of seventy five (75) persons, exclusive of staff.
6. The events shall end no later than 10:00 p.m. and amplified music shall cease no later than 9:00 p.m.
7. A written final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.
8. Comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Health, for approval of the proposed use.
9. If the applicant fails to comply with the conditions of approval or causes complaint(s) relating to any interference or nuisance and is unable to resolve them with the surrounding community, the Planning Director shall investigate and, if necessary, suspend the permit. The Planning Director shall then refer the matter to the Planning Commission to revoke the permit. Upon appropriate findings by the Planning Commission, if the applicant fails to comply with the conditions of approval or has caused any unreasonable interference or nuisance on the surrounding community, the permit may be revoked.
10. If the applicants should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.
11. Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this permit.

Kenny Joyce and S. Kilohana Domingo  
Page 5

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Zendo Kern, Chairman  
Windward Planning Commission

Ljoyce&domingospp00-000044wpc

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
State Department of Health  
Mr. Gilbert Bailado ✓