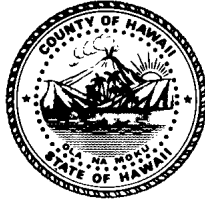


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Mayor

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Managing Director



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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

June 08, 2022

Roy and Stephanie Bath
P. O. Box 457
Kea'au, HI 96749
VIA EMAIL

Dear M/M Bath:

SUBJECT: Special Permit Application (PL-SPP-2022-000010)
Applicant: Roy Bath and Stephanie Bath
Request: To Allow a Home Occupation for a Massage Therapy
Establishment
Tax Map Key: (3) 1-6-045:007, Puna, Hawai'i

The Windward Planning Commission, at its duly held public hearing on June 2, 2022, voted to approve the above-referenced request to allow a home occupation for a massage therapy establishment on a 3.0-acre property in the State Land Use Agricultural District. The property is located at 16-2059 Moho Road, approximately 0.37 miles from its intersection with Ale Road, Hawaiian Acres, Kea'au, Puna, Hawai'i.

Approval of this permit is subject to the following conditions:

1. The applicants, their successor(s) or assign(s) ("Applicant") shall be responsible for complying with all stated conditions of approval.
2. Commencement of the proposed home occupation shall begin within five (5) years from the effective date of this permit. Prior to commencement of the proposed use, the Applicant shall secure and finalize all required building permits from the Department of Public Works Building Division (DPW), including the building permit for the existing dwelling and any additional building permits required by DPW to convert one bedroom of the existing dwelling into the proposed massage therapy establishment.

3. The applicant shall comply with Hawai'i County Code, Zoning Code Section 25-4-13 (Home Occupations), with an exception for signage.
4. Signage posted on the subject property shall be limited to one sign, not to exceed the dimensions of eighteen (18) inches in height by twenty-four (24) inches in width, with an additional three (3) inches for a border on all sides. The sign shall be located no closer to Moho Road than the existing entry gate to the subject property.
5. Visitors to the massage therapy establishment shall be by appointment only.
6. The hours of operation for the business shall be limited from 7:00 AM to 7:00 PM, Monday through Friday, with occasional appointments on Saturdays, limited to the hours of 7:00 AM to 7:00 PM.
7. Any action that would interfere with or restrain farming operations on adjacent or contiguous properties shall be prohibited under Hawai'i Revised Statutes Chapter 165, the Hawai'i Right to Farm Act; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the Agricultural District.
8. All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties.
9. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
10. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
11. The Applicant shall comply with all applicable County, State and Federal laws, rules, regulations, and requirements.

12. An initial extension of time for the performance of conditions 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 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).
 - E. If the Applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

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

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.

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Jessica Andrews of the Planning Department at 961-8155.

Sincerely,


Michelle Galimba (Jun 8, 2022 15:38 HST)

Michelle Galimba, Vice-Chair
Windward Planning Commission

Roy and Stephanie Bath
June 08, 2022
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Enclosure: PC Findings

cc w/enclosure via email: Department of Public Works
Department of Water Supply
County Real Property Tax Division
GIS Section