SPECIAL PERMIT

Petition Received 4-25-77

Maps 5/27/77 amt

Action Span 4/25/77 - 6/9/77

Action Date 6/7/77

Recordation 6/24/77 amt

SP77-263 - DOMINGO NAZARA, SR. (HAWAII)

COPY

PLANNING DEPARTMENT COUNTY OF HAWAII
25 AUPUNI STREET HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

MAR 5 2 37 PM '79

March 1, 1979

Mr. Domingo Nazara, Sr.
P. O. Box 964
Kealakekua, HI 96750

Dear Mr. Nazara:

Special Permit 77-363
TMK: 8-1-01:29

This is to inform you that the time condition of Special Permit 77-363 expired as of December 2, 1977. This Special Permit was granted by the State Land Use Commission on June 2, 1977, and was to allow an existing building to be used for baking and commercial sale of Portuguese sweet bread.

Condition No. 2 of this Special Permit states:

> "That the petitioner or his authorized representative shall submit plans for plan approval within six (6) months of the effective date of the Special Permit. Operation of the proposed use shall be established within one (1) year thereafter."

For your information, the State Land Use Commission has adopted the policy of not granting time extensions for those Special Permits with expired time conditions. As such, we must regretfully inform you that Special Permit 77-363 is hereby deemed null and void.

If you still wish to utilize the existing building for baking and commercial sale of Portuguese sweet bread, you will need to reapply for a Special Permit.

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

Sincerely,

Bruce Kaneshiro

SIDNEY FUKE
Director

GH:wkm
cc: Land Use Commission

June 8, 1977

HAWAII PLANNING COMMISSION
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on June 2, 1977, the Land Use Commission voted to approve a Special Permit request by Domingo Nazara, Sr., Hawaii (SP77-263) to allow an existing building to be used for the baking and commercial sale of Portuguese sweet bread on approximately 2.73 acres within the State Land Use Agricultural District at Halekii, South Kona, Hawaii, Tax Map Key 8-1-1: 29.

Approval of this Special Permit is subject to the conditions imposed by Hawaii County Planning Commission.

A copy of the staff memorandum is enclosed for your information.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encl.
cc: Domingo Nazara, Sr.
Dept. of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Dept. of Planning & Economic Development
Property Technical Tax Assessor, Dept. of Taxation
Office of Environmental Quality Control
Division of Land Management, DLNR

June 8, 1977

Mr. Domingo Nazara, Sr.
P. O. Box 964
Kealakekua, Kona, Hawaii 96750

Dear Mr. Nazara:

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

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encl.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Senate Conference Room No. 5
2nd Floor, State Capitol
Honolulu, Hawaii

Approved
October 13, 1977

June 2, 1977 - 9:00 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
James Carras
Charles Duke
Colette Machado
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell
Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Michael Marsh, Deputy Attorney General
Daniel Yasui, Planner
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

Swearing In

All those planning to testify during today's proceedings were sworn in by Chairman Tangen.

ACTION

SP75-203 - KONA SEVENTH-DAY ADVENTIST CHURCH
APPLICATION FOR AN EXTENSION AND MODIFICATION OF TIME CONDITION FOR THE ESTABLISHMENT OF CHURCH, SCHOOL, AND ALLIED FACILITIES AT CAPT. COOK, SOUTH KONA, HAWAII

Mr. Daniel Yasui, Planner, identified the parcel under petition on the posted maps and summarized the county's recommendation and conditions.

It was moved by Commissioner Oura and seconded by Vice Chairman Sakahashi to approve the extension and modification of time condition request, subject to the county's conditions. The motion was unanimously carried.

SP77-262 - ROBERT BURITZ
APPLICATION TO ALLOW THE ESTABLISHMENT OF A FOOD/JUICE PROCESSING PLANT ON A PORTION OF A 6.4 ACRE LOT AT NORTH KONA, HAWAII

Mr. Yasui located the subject parcel on the maps and read the county's conditions and recommendations.

Commissioner Oura moved to approve the Special Permit, subject to the county's conditions. The motion was seconded by Commissioner Carras and unanimously passed.

SP77-263 - DOMINGO NAZARA, SR.
APPLICATION TO ALLOW AN EXISTING BUILDING TO BE USED FOR THE BAKING AND COMMERCIAL SALE OF PORTUGUESE SWEET BREAD AT HALEKII, SOUTH KONA, HAWAII

Mr. Yasui identified the subject parcel on the map and read the county's conditions and recommendations.

It was moved by Commissioner Carras and seconded by Commissioner Oura that the subject Special Permit be approved, subject to the conditions imposed by the Hawaii County Planning Commission. The motion was unanimously carried.

SP77-264 - CHARLES WITTIG
APPLICATION TO ALLOW THE EXPANSION OF A NONCONFORMING USE ON A 8,337 SQUARE FEET LOT AT OLAA RESERVATION LOTS, PUNA, HAWAII

Mr. Furutani, Executive Officer, explained the nature of the Special Permit request and oriented the parcel with the surrounding landmarks. It was further elaborated that the intensification of an existing non-conforming use had necessitated the Special Permit request.

It was moved by Commissioner Carras and seconded by Commissioner Oura that the Special Permit be approved, subject to the conditions imposed by the Hawaii County Planning Commission. The motion was unanimously carried.

A76-427 - MILILANI TOWN, INC.

In the matter of the boundary amendment petition by Mililani Town, Inc, Docket A76-427, on which hearings were held on March 1 and 9, 1977, the Commission discussed the following documents which had been previously distributed to the Commission members, prior to taking action on the petition:

1. Proposed Findings of Fact, Conclusions of Law and Order - By Petitioner

2. Response to Petitioner's Proposed Findings of Fact, Conclusions of Law and Order - By DPED

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP77-263 DOMINGO NAZARA, ST. DATE June 2, 1977

PLACE Senate Conf. Rm. #5, 2nd Floor State Capitol, Honolulu, HI TIME 9:00 a.m.

	NAME	YES	NO	ABSTAIN	ABSENT
	MACHADO, COLETTE	X			
	WHITESELL, CAROL	X			
	DUKE, CHARLES	X			
	MIYASATO, SHINSEI	X			
M	CARRAS, JAMES	X			
	SAKAHASHI, STANLEY	X			
S	OURA, MITSUO	X			
	YANAI, EDWARD	X			
	TANGEN, EDDIE				

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

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

May 26, 1977

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

Dear Mr. Fuke:

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

Please note that petitions
SP75-203 Kona Seventh-Day Adventist Church
SP77-262 Robert Buritz
SP77-263 Domingo Nazara, Sr.
SP77-264 Charles Wittig

will be _____ at that time.

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

Very truly yours,

GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

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

May 26, 1977

MR. DOMINGO NAZARA, SR.
P. O. Box 964
Kealakekua, Kona, Hawaii 96750

Dear Mr. Nazara:

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

Please note that petition

SP77-263 - DOMINGO NAZARA, SR.

will be acted on at that time.

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

Very truly yours,

GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

June 2, 1977 - 9:00 a.m.
Senate Conference Room No. 5
2nd Floor, State Capitol
Honolulu, Hawaii

A G E N D A

I. ACTION

1. SP75-203 - Kona Seventh-Day Adventist Church
To allow an extension and modification of time condition for the establishment of church, school, and allied facilities on 3.37 acres of land situated within the State Land Use Agricultural District at Capt. Cook, South Kona, Hawaii.

2. SP77-262 - Robert Buritz
To allow the establishment of a food/juice processing plant on a portion of a 6.4 acre lot situated within the State Land Use Agricultural District at North Kona, Hawaii.

3. SP77-263 - Domingo Nazara, Sr.
To allow an existing building on a portion of a 2.73 acre lot within the State Land Use Agricultural District to be used for the baking and commercial sale of Portuguese sweet bread at Halekii, South Kona, Hawaii.

4. SP77-264 - Charles Wittig
To allow the expansion of a nonconforming use (store) on a 8,337 square feet lot within the State Land Use Agricultural District at Olaa Reservation Lots, Puna, Hawaii.

5. A76-427 - Mililani Town, Inc.
To incorporate approximately 591 acres from the Agricultural District into the Urban District at Mililani Town, Oahu.

II. MISCELLANEOUS

1. Adoption of Minutes

2. Meeting Schedule

5/26/77 - A copy of this agenda was mailed to all persons and organizations on the attached mailing lists:

1. ALL ISLANDS 2. HAWAII 3. OAHU

SOUTH KONA
DISTRICT BOUNDARY
HALEKI'I ST.
POST OFFICE
TRUE NORTH
SCALE: 1" = 400'
SPECIAL PERMIT REQUEST
BUILDING FOR BAKING OF
PORTUGUSE SWEET BREAD
HALEKII, SOUTH KONA, HAWAII
TAX MAP KEY : 8-1-01-29
APPLICANT : DOMINGO NAZARA, JR.
MAMALAHOA HIGHWAY
Konawaena High School
KONAWAENA SCHOOL ROAD
HONAUNAU
EXHIBIT N-1
MARCH 2, 1977

SOUTH KONA
DISTRICT BOUNDARY
HALEKI'I ST.
POST OFFICE
TRUE NORTH
SCALE: 1" = 400'
SPECIAL PERMIT REQUEST
BUILDING FOR BAKING OF
PORTUGUSE SWEET BREAD
HALEKII, SOUTH KONA, HAWAII
TAX MAP KEY : 8-1-01-29
APPLICANT : DOMINGO NAZARA, JR.
MAMALAHOA HIGHWAY
Konawaena High School
KONAWAENA SCHOOL ROAD
HONAUNAU
EXHIBIT N-1
MARCH 2, 1977

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission June 2, 1977
9:00 a.m.

FROM: Staff

SUBJECT: SP77-263 - Domingo Nazara, Sr.

The petitioner, Domingo Nazara, Sr., is requesting a Special Permit to allow an existing building within the State Land Use Agricultural District to be used for the baking and commercial sale of Portuguese sweet bread. The subject property is located approximately 1,400 feet mauka (east) of the Mamalahoa Highway (Hawaii Belt Highway) and the Kona Community Federal Credit Union building in Haleki'i, South Kona, Hawaii, Tax Map Key 8-1-1:29.

The subject site is approximately 2.73 acres in size. An existing dwelling and carport are located within the makai or western portion of the subject parcel. It is the petitioner's intent to construct a kitchen for the baking of Portuguese sweet bread in the area that is presently a carport. The remainder of the parcel is principally utilized for the cultivation of macadamia nuts, bananas, avocados and guavas.

The Kona Hospital, Hawaii National Guard Armory and Kealakekua village are located in the near vicinity of the subject property. Lands surrounding the subject property are in residential, agricultural or vacant use.

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

> "This application for a Special Permit to build a kitchen is being requested due to the Department of Health's requirement that any food products to be sold to the public cannot be prepared in my own home kitchen.
>
> "...The location of the kitchen is such that it will not hinder or interfere with my neighbors or any public agencies, change the character of the land or its present use as a Macadamia Farm but will bring the value of this property up, (and) make it possible to provide for the public a desired product..."
>
> "...My house is located by the entrance of the property. The carport is adjoining the existing dwelling, so the

location of the proposed kitchen will be to the back left corner of the carport area. I intend to use it for the baking of Portuguese sweet bread for as often as I need to bake bread, as I bake according to the orders I have in advance. This might be daily if I have that many orders. At present, I intend to bake only sweet bread as I do not have the time for other projects.

"I intend to deliver these orders and not to be selling here on the premises as I do not wish to have my property opened to the public. This is my macadamia nut farm and my intentions are to continue working the farm.

"The sales of bread will help me pay for this farm as I have had to buy the 2.7 acres farm lease which has unexpectedly been put up for sale.

"I am still having orders for bread but have not been able to make the bread for selling purposes due to the Board of Health's requirement for a special kitchen for that purpose and for this reasons am anxiously waiting your approval."

The subject parcel is zoned Agricultural 5-acres (A-5a). The General Plan Land Use Pattern Allocation Guide Map designates the makai (west) portion of the subject property for Medium Density Urban Uses, while the mauka (east) portion is designated Orchards. The requested use is to be situated within that portion of the property designated for Medium Density Urban Uses.

The area under consideration consists of Honuaulu extremely stony silty clay loam soils. The surface layer is very dark brown silty clay loam about 9 inches thick, with stones covering from 3 to 15 percent of the surface. The subsoil is dark-brown cobbly and stony silty clay loam between 2 to 2½ feet thick. This soil is used mostly for pasture, coffee, bananas, macadamia nuts and avocados.

The Land Study Bureau's master productivity rating for the subject site is "E", which indicates that the overall agricultural suitability of the land is very poor.

Average annual rainfall is approximately 40 inches.

Pertinent comments from governmental agencies:

1. Fire Department:

The Fire Department stated that protection is provided by the Captain Cook Fire Station located 2.5 miles away and that the nearest fire hydrant is situated near the Kona Adult Housing.

2. Department of Water Supply

While the Department of Water Supply had no objections to the Special Permit request, it did remark that water service to the subject property would be limited to an existing 5/8-inch meter.

3. Department of Health

"Mr. Nazara Sr.'s request is for a food manufacturing permit which regulates bakeries. To communicate the enormous task involved in meeting the requirements of a bakery, the following detailed comments are made.

"The Public Health Regulations, Chapter 1-A, Food Service and Food Establishment Sanitation Code require:

1. Three compartment sinks for washing, rinsing and sanitizing equipment and utensil.

2. One compartment preparation sink.

3. Handwash basin in the food preparation area.

4. Hot and cold running water.

5. Hood to cover all baking ovens with ducts to the open air.

6. Toilet facilities for foodhandlers.

7. An approved sewage disposal system.

8. Vermin proofed structure.

9. Approved floors, walls and ceiling within the bakery.

"Request is made to Mr. Nazara Sr. to contact our registered sanitarian in Kona for consultative inspection."

All other cooperating agencies, including the U. S. Soil Conservation Service, Hawaii County Police Department and Hawaii County Department of Public Works had no comments on or objections to the subject request.

At the public hearing held by the Hawaii County Planning Commission on March 23, 1977, the only person to testify on the permit request was the applicant.

On April 14, 1977, the Hawaii County Planning Commission voted to recommend approval of the Special Permit based upon the following findings:

"That approval of the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The purpose of the subject request is essentially to allow a kitchen to be constructed within an existing dwelling-carport structure. The proposed kitchen will be used by the petitioner's family to bake Portuguese sweet bread which will be sold as a commercial product. The amount of bread baked would be dependent upon orders received by the petitioner. Most of the subject property is currently in orchards, primarily macadamia nuts. The petitioner's intent is to continue the existing agricultural use of the subject property as a primary activity. The proposed use which is being requested would be secondary to the established agricultural use. It is therefore determined that approval of the subject request would not be contrary to the State Land Use Law and Regulations inasmuch as the major portion of the area under consideration will be used agriculturally, in keeping with the District Regulations. The establishment of the proposed use is not expected to detract from that agricultural use.

"Further, the proposed use will not substantially alter the essential character of the subject property and its present use, nor will it adversely affect surrounding properties. All of the facilities necessary for the establishment of the proposed use will be housed within an existing structure, namely within the petitioner's carport. Any changes will be interior ones and as such will not disrupt or interfere with other existing uses or the agricultural character of the parcel. The proposed use is also to be on a small scale, of a home occupation nature. In addition, the petitioner has stated that the baked product will be delivered to his customers, which will alleviate potential traffic and possible adverse or bothersome impacts upon surrounding properties.

"The establishment of the proposed use will also not unreasonably burden public agencies to provide additional services and facilities. The subject property is adequately served by existing services and facilities and the proposed use will not significantly increase the demand for such services and facilities."

The favorable recommendation was subject to the following conditions:

"1. That the proposed use shall conform substantially with the representations made by the petitioner.

"2. That the petitioner or his authorized representative shall submit plans for plan approval within six (6)

months of the effective date of the Special Permit. Operation of the proposed use shall be established within one (1) year thereafter.

"3. That the petitioner shall comply with the rules and regulations of the Department of Health.

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

It was further stated by the Planning Commission that: "Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void."

COUNTY OF HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

LAND USE COMMISSION
STATE OF HAWAII
APR 25 10 50 AM '77

April 18, 1977

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

Dear Mr. Furutani:

Special Permit Application
Petitioner: Domingo Nazara, Sr.

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

The special permit request was to allow the utilization of an existing building situated within the State Land Use Agricultural District for baking of Portuguese sweet bread for commercial sales at Halekii, South Kona, Hawaii, Tax Map Key 8-1-01:29.

The Planning Commission at a duly advertised public hearing held on March 23, 1977 in the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, discussed the subject request. The Commission on April 14, 1977, voted to recommend the approval of the special permit to the Land Use Commission based on the following findings:

> That approval of the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The purpose of the subject request is essentially to allow a kitchen to be constructed within an existing dwelling-carport structure. The proposed kitchen will be used by the petitioner's family to bake Portuguese sweet bread which will be sold as a commercial product. The amount of bread baked would be dependent upon orders received by the petitioner. Most of the subject property is currently in orchards, primarily macadamia nuts. The petitioner's intent is to continue the existing agricultural use of the

subject property as a primary activity. The proposed use which is being requested would be secondary to the established agricultural use. It is therefore determined that approval of the subject request would not be contrary to the State Land Use Law and Regulations inasmuch as the major portion of the area under consideration will be used agriculturally, in keeping with the District Regulations. The establishment of the proposed use is not expected to detract from that agricultural use.

Further, the proposed use will not substantially alter the essential character of the subject property and its present use, nor will it adversely affect surrounding properties. All of the facilities necessary for the establishment of the proposed use will be housed within an existing structure, namely within the petitioner's carport. Any changes will be interior ones, and as such will not disrupt or interfere with other existing uses or the agricultural character of the parcel. The proposed use is also to be on a small scale, of a home occupation nature. In addition, the petitioner has stated that the baked product will be delivered to his customers, which will alleviate potential traffic and possible adverse or bothersome impacts upon surrounding properties.

The establishment of the proposed use will also not unreasonably burden public agencies to provide additional services and facilities. The subject property is adequately served by existing services and facilities and the proposed use will not significantly increase the demand for such services and facilities.

The favorable recommendation was also subject to the following conditions:

1. That the proposed use shall conform substantially with the representations made by the petitioner.

2. That the petitioner or his authorized representative shall submit plans for plan approval within six (6) months of the effective date of the Special Permit. Operation of the proposed use shall be established within one (1) year thereafter.

3. That the petitioner shall comply with the rules and regulations of the Department of Health.

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

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

April 18, 1977

Enclosed are copies of the Exhibits from the subject docket.

Sincerely,

(MRS.) LORRAINE R. JITCHAKU
Chairman, Planning Commission

LAT:lgv
Enclosures

cc Mr. Domingo Nazara, Sr.
DPED, Land Use Division

LIST OF EXHIBITS - DOMINGO NAZARA, SR.

A. Application form

A-1. Applicant's letter (1/4/77)

A-2. Applicant's building layout (1/4/77)

A-3. Applicants location map (1/4/77)

B. Departmental acknowledgement letter (1/25/77)

C. Applicant's letter (1/29/77)

C-1. Applicant's plot plan

D. Departmental acknowledgement letter (2/10/77)

E. Letter to agencies (1/25/77)

F. Soil Conservation Service (1/31/77)

G. Fire (2/1/77)

H. Police (2/2/77)

I. Water Supply (2/2/77)

J. Health (2/3/77)

K. Public Works (2/7/77)

L. Hearing notice (3/23/77)

L-1. Hearing notice in Hawaii Tribune-Herald (3/23/77)

M. Letter to applicant (3/10/77)

N. Letter to surrounding property owners (3/11/77)

N-1. Surrounding property owners' map

N-2. Surrounding property owners' list

O. Minutes (3/23/77)

P. Public Hearing transcript (3/23/77)

Q. Letter to applicant (3/24/77)

R. Letter to applicant (3/30/77)

Con't. - Domingo Nazara, Sr.

S. Staff background

T. Staff recommendation

U. Location map - presentation (please return)

V. Plot map - presentation (please return)

W. Voting sheet

X. Minutes (4/14/77)

LUC

APPLICATION FOR SPECIAL PERMIT

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT: DOMINGO NAZARA SR.

APPLICANT'S SIGNATURE: Domingo Nazara Sr.

ADDRESS: P.O. Box 964 Kealakekua, Kona, Hawaii 96750

TELEPHONE: 323-3720

TAX MAP KEY: 8 - 1 - 01 - 29 AREA: 2.73 Acres
(Size of Parcel)

OWNER: IWAO JYO

OWNER'S SIGNATURE: Iwao Jyo

APPLICANT'S INTEREST, IF NOT OWNER:

REQUESTED USE: Bakeing Portugese Sweet Bread to be sold to the Public as required by the Department of Health.

APPLICANT'S REASON(S) FOR REQUESTING SPECIAL PERMIT: *(Please attach)*

NOTE: The applicant must show that:

(a) such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
(b) the desired use shall not adversely affect surrounding properties;
(c) such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;
(d) unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
(e) the land upon which the proposed use is sought is unsuited for the uses permitted within the district;
(f) the proposed use will not substantially alter or change the essential character of the land and the present use; and
(g) the proposed use will make the highest and best use of the land involved for the public welfare.

THIS APPLICATION MUST BE ACCOMPANIED BY:

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

For Official Use:

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

P.D. 3 2/75

EXHIBIT A-

DOMINGO NAZARA SR.
P. O. BOX 964
KEALAKEKUA, KONA
HAWAII 96750
JANUARY 4, 1977

COUNTY OF HAWAII
PLANNING DEPARTMENT

Dear Sirs:

This application for a Special Permit to build a Kitchen is being requested due to the Department of Health's requirement that any food products to be sold to the Public cannot be prepared in my own home kitchen.

I am enclosing the application form, location map, site plan, etc. as requested. The location of the Kitchen is such that it will not hinder or interfere with my neighbors or any public agencies, change the character of the land or its present use as a Macadamia Farm but will bring the value of this property up, make it possible to provide for the Public a desired product and help to increase my income to pay for this Farm and keep it in Farming.

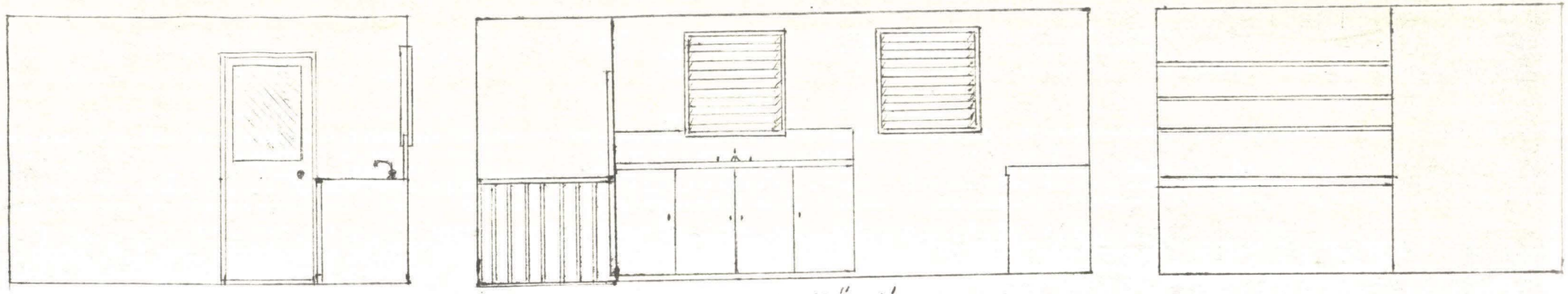
Your approval will be greatly appreciated.

Sincerely,

Domingo Nazara Sr.

EXHIBIT A-1

EXHIBIT A-2



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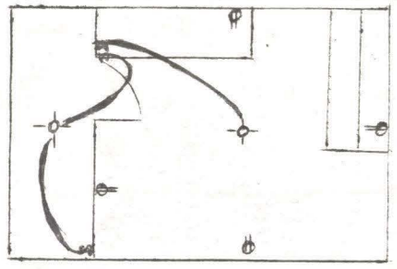
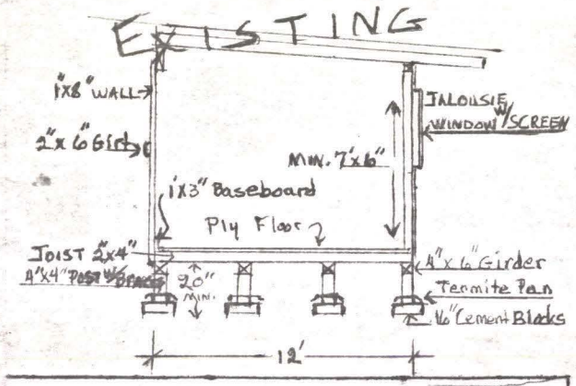
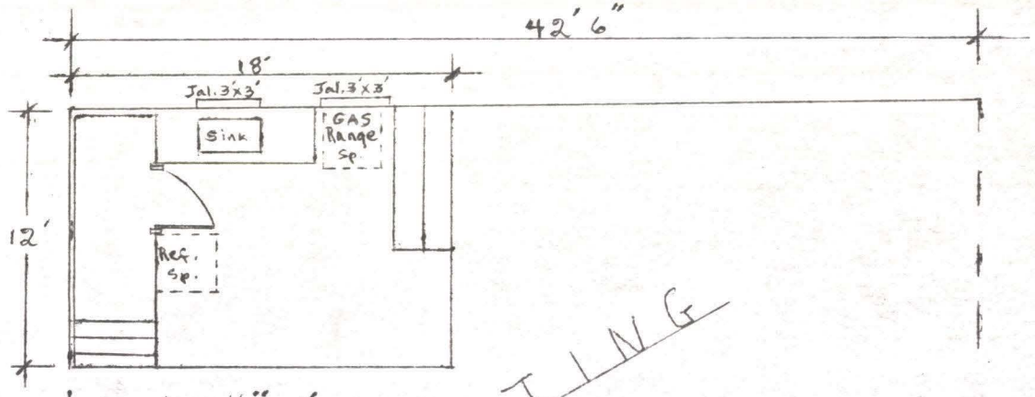


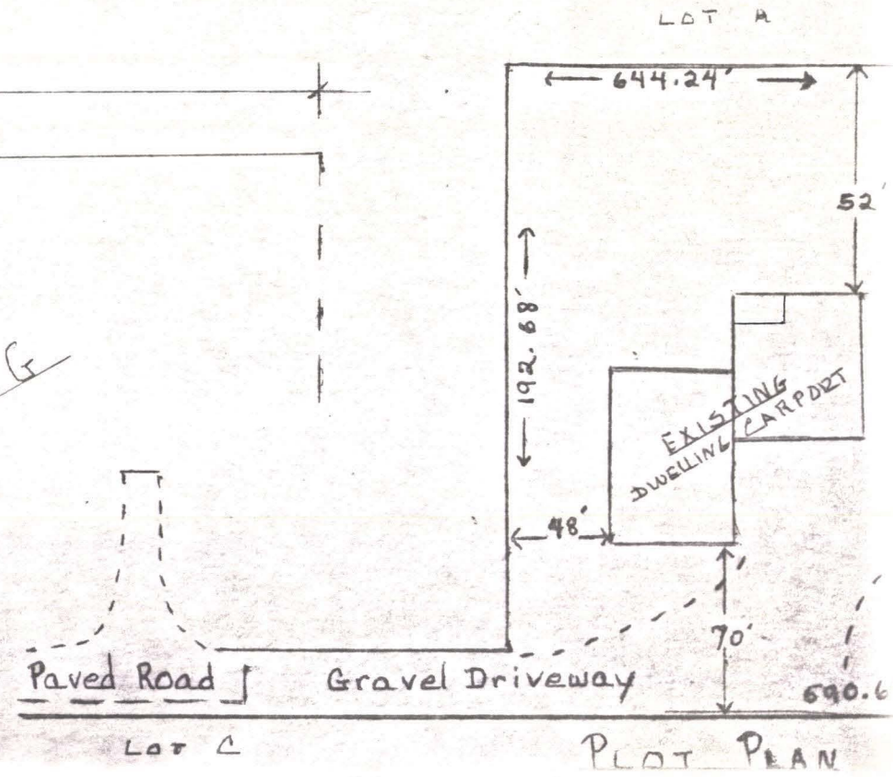


DOMINGO NAZARA SR.
P.O. Box 964 Kealakekua, Kona
HAWAII 96750
TAX MAP KEY: 8-1-01-29
ZONE AG.5 2.73 ACRES



Scale 1/8" = 1'

FLOOR PLAN



PLOT PLAN

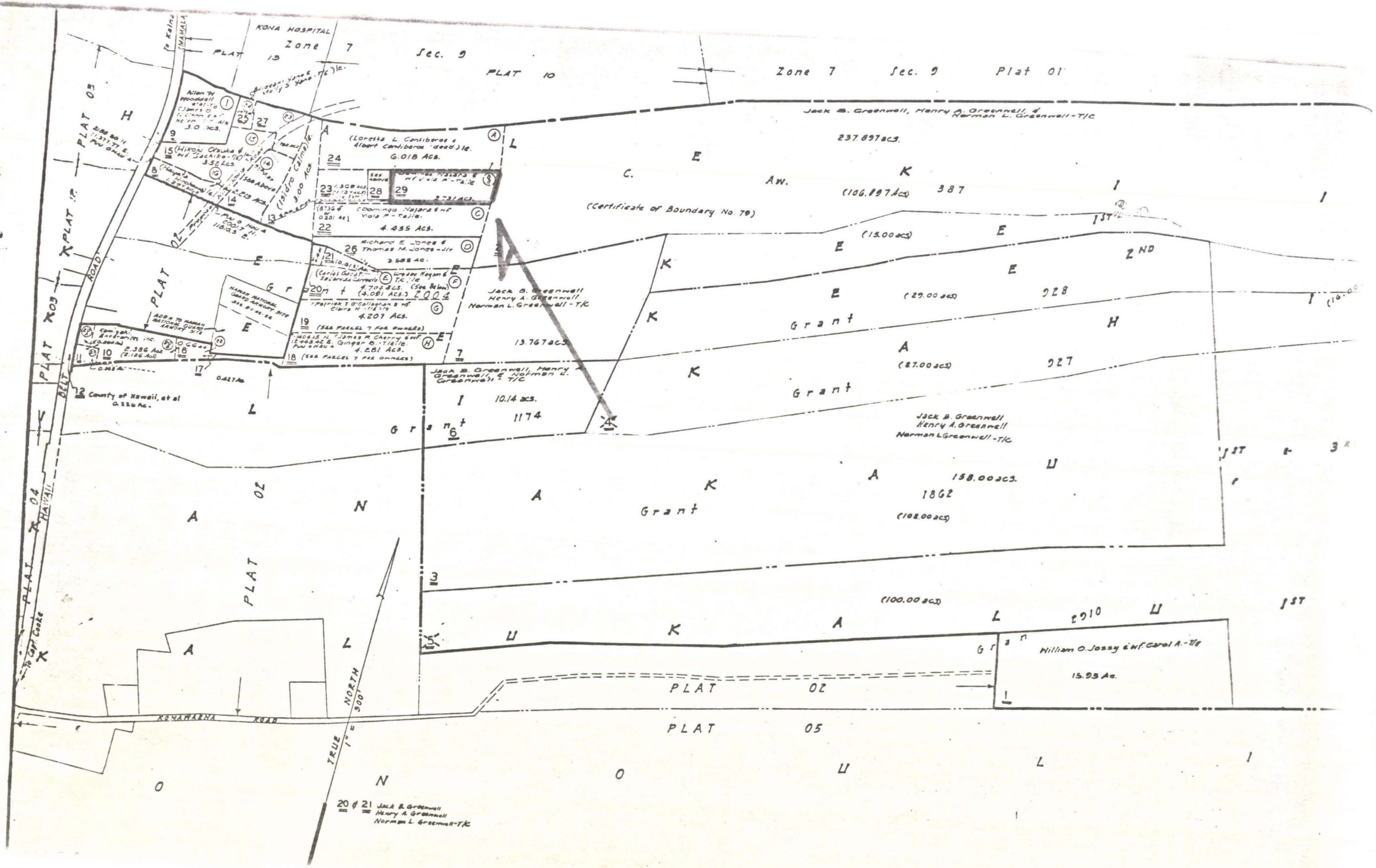


EXHIBIT A-3

D.L.E. E.K.V. June 1986

January 25, 1977

Mr. Domingo Nazara, Sr
P. O. Box 964
Kealakekua, HI 96750

Re: Special Permit - Building for Baking
Portuguese Sweet Bread
TMK: 8-1-01:29

This is to acknowledge receipt of the above-described special permit application on January 5, 1977. Prior to our scheduling this request for a public hearing, however, we shall require the following data:

1. Will the use be established in the dwelling or carport area?
2. How often will the activity be conducted?
3. Will the building be used only for the baking of bread?
4. Will the products be sold on the premises?
5. What is or will the remainder of the 2.7-acre lot be used for? Please submit a plot plan for the entire lot, showing the location of the existing building, uses, and other structures.

We would appreciate having the above information within two weeks.

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

The Planning Commission may deny the request if it deems that the proposed use does not meet with the special permit guidelines. In such a circumstance, its decision will be considered final. However, in accordance with the provisions of Chapter 205-6, Hawaii Revised Statutes, a Planning Commission denial may be appealed to the circuit court of the circuit in which the land is situated, in this case, the Third Circuit Court.

EXHIBIT B

JAN 25 1977

Notice of the time and place of the public hearing will be forwarded to you as soon as your application is placed on its agenda for Commission action. Should any questions arise in the meantime, please contact Norman Hayashi or Ilima Piianaia of this Department, at phone 961-8288.

Raymond Suefuji

RAYMOND SUEFUJI
Director

NH:rfd

COUNTY OF HAWAII
PLANNING DEPARTMENT
Hilo, Hawaii

RECEIPT

Date January 25 1977

3138

Received From Domingo Nazana

Address

One hundred and no/100 Dollars $ 100.00

For Special Permit

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK	100	00
BALANCE DUE			MONEY ORDER		

By Laura Viveiros

8K808 Rediform

Lue

DOMINGO NAZARA SR.
P. O. Bos 964
Kealakekua, Kona
Hawaii 96750
January 29, 1977

COUNTY OF HAWAII
PLANNING DEPARTMENT
25 Aupuni Street
Hilo, Hawaii 96720

Dear Sirs:

This is in answer to your letter dated January 25, 1977. I would like to apologize for not making myself clear when applying for a Special Building Permit for the Baking of Portuguese Sweet Bread.

Enclosed is a Plot Plan of the Lot B 2 Tax Map Key No. 8 - 1 - 01 - 29. My house is located by the entrance of the property. The carport is adjoining the existing dwelling, so the location of the proposed Kitchen will be to the back left corner of the Carport area. I intend to use it for the baking of Portuguese Sweet Bread for as often as I need to bake bread, as I bake according to the orders I have in advance. This might be daily if I have that many orders. At present, I intend to bake only Sweet Bread as I do not have the time for other projects.

I intend to deliver these orders and not to be selling here on the premises as I do not wish to have my property opened to the public. This is my Macadamia Nut Farm and my intentions are to continue working the farm.

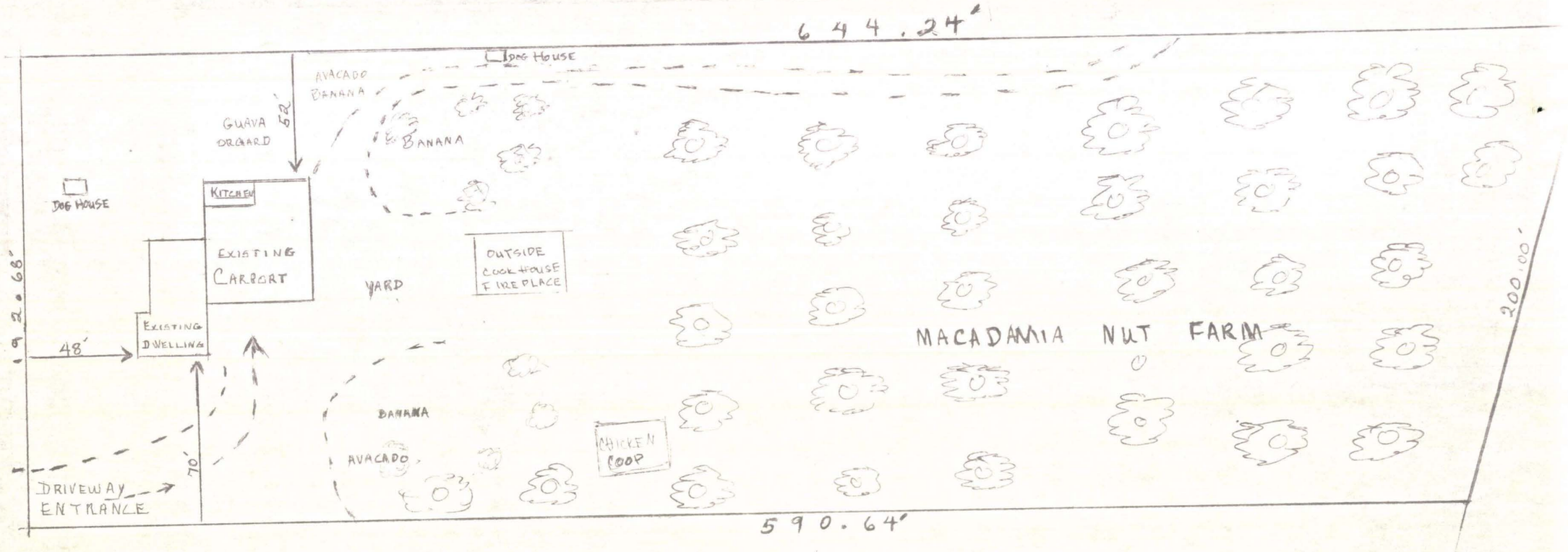
The sales of Bread will help me pay for this Farm as I have had to buy the 2.7 Acres Farm Lease which has unexpectedly been put up for sale.

I am still having orders for Bread but have not been able to make the bread for selling purposes due to the Board of Health's requirement for a Special Kitchen for that purpose and for this reason am anxiously waiting your approval.

Sincerely,

Domingo Nazara Sr.

EXHIBIT C



DOMINGO NAZARA
P.O. BOX 964
KEALAKEKUA, KONA
HAWAII 96750
TAX MAP KEY: 8-1-01-29

EXHIBIT C-1

February 10, 1977

Domingo Nazara Sr.
P. O. Box 964
Kealakekua, Kona
Hawaii 96750

Re: Special Permit - Building for Baking Portuguese Sweet Bread
TMK: 8-1-01:29

This is to acknowledge receipt on February 4, of the additional information requested of you in our letter of January 25, 1977.

With the submission of the additional information, we are now able to commence our review of the Special Permit request. We will inform you as to the time and place of the public hearing on this application as soon as they have been determined.

Should you have any questions in the meantime, please feel free to contact Norman Hayashi or Ilima Piianaia of this office.

Raymond Suefuji

RAYMOND SUEFUJI
Director

NH:ml

FEB 10 1977

EXHIBIT D

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, R&D, Police, Fire, Soil Conserv., Dept. of Ag.

Date: January 25, 1977

From: Planning Director

Subject: Special Permit application
DOMINGO NAZARA, SR.
TMK: 8-1-01:29

The attached application for a special permit is being forwarded for your review and comment. May we have your response within two (2) weeks from the above date. Thank you.

Raymond Suefuji

RAYMOND SUEFUJI
Director

lgv

atch

EXHIBIT E

JAN 25 1977

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
P. O. Box 636, Kealakekua, Hawaii 96750
January 31, 1977

Mr. Raymond Suefuji, Director
County Planning Department
Hilo, Hawaii 96720

Dear Mr. Suefuji,

Subject: Special Permit Application
Domingo Nazara, Sr.
TMK: 8-1-01:29

We have reviewed the above mentioned documents and have no comments to offer at this time.

Thank you for the opportunity to review this document.

Sincerely,

O. M. Mabry
District Conserviationist

gba

EXHIBIT F

HAWAII COUNTY FIRE DEPARTMENT

TO: Planning

DATE: February 1, 1977

FROM: Fire

SUBJECT: Special Permit Application
Domingo Nazara, Sr.
TMK: 8-1-01:29

Fire protection provided by Captain Cook Fire Station located 2.5 miles distant. Nearest fire hydrant located near the Kona Adult Housing.

Francis W Kokash
Fire Inspector

HFD-30
11/29/74 - 1M

EXHIBIT G

POLICE DEPARTMENT
COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720

OUR REFERENCE

YOUR REFERENCE

GUY A. PAUL
CHIEF OF POLICE

February 2, 1977

TO : RAYMOND SUEFUJI, PLANNING DIRECTOR

FROM : GUY A. PAUL, CHIEF OF POLICE

SUBJECT: SPECIAL PERMIT APPLICATION - DOMINGO NAZARA, SR.
TMK: 8-1-01:29

The special permit application submitted by Domingo Nazara, Sr. has been reviewed and from the police standpoint, we can foresee no adverse effects from the requested land use.

GUY A. PAUL
CHIEF OF POLICE

RG/RLP/k

EXHIBIT H

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820 • HILO, HAWAII 96720 • 25 AUPUNI STREET

February 2, 1977

TO: Planning Department

FROM: Department of Water Supply

SUBJECT: SPECIAL PERMIT APPLICATION
DOMINGO NAZARA, SR.
TMK: 8-1-01:29

We have no objections to the applicant's special permit request. However, the applicant should be advised that water service will be limited to an existing 5/8-inch meter.

Akira Fujimoto
Manager

QA

cc: Domingo Nazara, Sr.

... Water brings progress...

EXHIBIT I

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, R&D, Police, Fire, Soil Conserv., Dept. of Ag.

Date: January 25, 1977

From: Planning Director

Subject: Special Permit application
DOMINGO NAZARA, SR.
TMK: 8-1-01:29

The attached application for a special permit is being forwarded for your review and comment. May we have your response within two (2) weeks from the above date. Thank you.

Raymond Suefuji

RAYMOND SUEFUJI
Director

lgv

atch

February 3, 1977
Department of Health, Hilo

Mr. Nazara Sr.'s request is for a food manufacturing permit which regulates bakeries. To communicate the enormous task involved in meeting the requirements of a bakeny the following detailed comments are made.

The Public Health Regulations, Chapter 1-A, Food Service and Food Establishment Sanitation Code require:

1. Three compartment sinks for washing, rinsing and sanitizing equipment and utensils.
2. One compartment preparation sink.
3. Handwash basin in the food preparation area.
4. Hot and cold running water.
5. Hood to cover all baking ovens with ducts to the open air.
6. Toilet facilities for foodhandlers.
7. An approved sewage disposal system.
8. Vermin proofed structure.
9. Approved floors, walls and ceilings within the bakery.

Request is made to Mr. Nazara Sr. to contact our Registered Sanitarian in Kona for consultative inspection.

Harold Matsuura
HAROLD MATSUURA, Chief Sanitarian, HI

EXHIBIT J

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

Date February 7, 1977

MEMORANDUM

TO: Planning Department

FROM: Chief Engineer

SUBJECT: Application for Special Permit
Applicant: Domingo Nazara, Sr.
Location: South Kona, Hi
TMK: 8-1-01:29

We have reviewed the subject application and we have no comments to offer.

EDWARD HARADA, Chief Engineer

EXHIBIT K

PUBLIC HEARING

PLANNING COMMISSION
COUNTY OF HAWAII

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

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

DATE: Wednesday, March 23, 1977

TIME: 3:30 p.m. (items 1 through 4)
7:00 p.m. (item 5)

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

1. PETITIONER: ROBERT BURITZ

   LOCATION: Along the north side of Mokuaikaua Road within the Keauhou-Kahalu'u Farm Lots Subdivision, approximately 350 feet mauka of the Old Mamalahoa Highway-Mokuaikaua Road intersection, in the land divisions of Kahalu'u and Keauhou, North Kona.

   TMK: 7-8-16:portion of 39

   PURPOSE: Special Permit request to allow the establishment of a Food/Juice Processing Plant on portion of a 6.4-acre lot situated within the State Land Use Agricultural District.

2. PETITIONER: LEE TAN, ET AL

   LOCATION: Off the northeast side of Tomi Tomi Road, approximately 1,000 feet east of Palani Road, Kealakehe Homesteads, North Kona.

EXHIBIT L

TMK: 7-4-04:44

PURPOSE: Change of Zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 5.2 acres of land from an Unplanned (U) to an Agricultural 1-acre (A-1a) zoned district.

3. PETITIONER: HENRY CLARK, JR.

LOCATION: Along the north side of Hoku'ula Road, approximately 350 feet of the Hoku'ula Road-Lindsey Road intersection, Waimea Homesteads, South Kohala.

TMK: 6-5-07:Portion of 29

PURPOSE: Change of Zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 30,000 square feet of land from an Agricultural 1-acre (A-1a) to a Single Family Residential - 15,000 square foot (RS-15) zoned district.

4. PETITIONER: FRED SWEARINGEN/ROBERT JACKSON

LOCATION: Along the makai side of the Hawaii Belt Highway, approximately 150 feet north of the Hawaii Belt Highway-Mamalahoa Highway intersection, O'oma 1st, North Kona.

TMK: 7-3-05:17

PURPOSE: Change of Zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 2.4 acres of land from an Unplanned (U) to an Agricultural 1-acre (A-1a) zoned district.

5. PETITIONER: DOMINGO NAZARA, SR.

LOCATION: Approximately 1,400 feet mauka of the Hawaii Belt Highway and the Kona Community Federal Credit Union Building, Halekii, South Kona.

TMK: 8-1-01:29

PURPOSE: Special Permit request to allow the utilization of an existing building situated within the State Land Use Agricultural District for baking of Portuguese sweet bread for commercial sales.

6. PETITIONER: INTER-ISLAND ENGINEERING, INC.

LOCATION: Along the south side of Napo'opo'o Road, approximately 1,200 feet mauka of the Sunset Coffee Co-op of Kona processing plant complex.

TMK: 8-3-04:12

PURPOSE: Special Permit request to allow the establishment of a macadamia nut processing plant, which would include a new butler building and five (5) storage bins, within the State Land Use Agricultural District.

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

PLANNING COMMISSION
(MRS.) LORRAINE R. JITCHAKU, Chairman
By SIDNEY M. FUKE
Acting Planning Director

(Hawaii Tribune-Herald: March 13 and March 21, 1977)

PUBLIC HEARING

PLANNING COMMISSION
COUNTY OF HAWAII

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

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

DATE: Wednesday, March 23, 1977

TIME: 3:30 p.m. (items 1 through 4)
7:00 p.m. 7:00 p.m. (items 5 and 6)

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

1. PETITIONER: ROBERT BURITZ
   LOCATION: Along the north side of Mokuaikaua Road within the Keauhou-Kahalu'u Farm Lots Subdivision, approximately 350 feet mauka of the Old Mamalahoa Highway-Mokuaikaua Road intersection, in the land divisions of Kahalu'u and Keauhou, North Kona.
   TMK: 7-8-16:portion of 39
   PURPOSE: Special Permit request to allow the establishment of a Food/Juice Processing Plant on portion of a 6.4-acre lot situated within the State Land Use Agricultural District.

2. PETITIONER: LEE TAN, ET AL
   LOCATION: Off the northeast side of Tomi Tomi Road, approximately 1,000 feet east of Palani Road, Kealakehe Homesteads, North Kona.
   TMK: 7-4-04:44
   PURPOSE: Change of Zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 5.2 acres of land from an Unplanned (U) to an Agricultural 1-acre (A-1a) zoned district.

3. PETITIONER: HENRY CLARK, JR.
   LOCATION: Along the north side of Hoku'ula Road, approximately 350 feet of the Hoku'ula Road-Lindsey Road intersection, Waimea Homesteads, South Kohala.
   TMK: 6-5-07:Portion of 29
   PURPOSE: Change of Zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 30,000 square feet of land from an Agricultural 1-acre (A-1a) to a Single Family Residential—15,000 square foot (RS-15) zoned district.

4. PETITIONER: FRED SWEARINGEN/ROBERT JACKSON
   LOCATION: Along the makai side of the Hawaii Belt Highway, approximately 150 feet north of Hawaii Belt Highway-Mamalahoa Highway intersection, O'oma 1st, North Kona.
   TMK: 7-3-05:17
   PURPOSE: Change of Zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 2.4 acres of land from an Unplanned (U) to an Agricultural 1-acre (A-1a) zoned district.

5. PETITIONER: DOMINGO NAZARA, SR.
   LOCATION: Approximately 1,400 feet mauka of the Hawaii Belt Highway and the Kona Community Federal Credit Union Building, Halekii, South Kona.
   TMK: 8-1-01:29
   PURPOSE: Special Permit request to allow the utilization of an existing building situated within the State Land Use Agricultural District for baking of Portuguese sweet bread for commercial sales.

6. PETITIONER: INTER-ISLAND ENGINEERING, INC.
   LOCATION: Along the south side of Napo'opo'o Road, approximately 1,200 feet mauka of the Sunset Coffee Co-op of Kona processing plant complex, Keei 1st, South Kona.
   TMK: 8-3-04:12
   PURPOSE: Special Permit request to allow the establishment of a macadamia nut processing plant, which would include a new butler building and five (5) storage bins, within the State Land Use Agricultural District.

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

PLANNING COMMISSION
(MRS.) LORRAINE R. JITCHAKU, Chairman
By SIDNEY M. FUKE
Acting Planning Director

(932 — Hawaii Tribune-Herald: March 13, March 21, 1977)

EXHIBIT L-1

March 10, 1977

Mr. Domingo Nazara, Sr.
P. O. Box 964
Kealakekua, HI 96750

Re: Notice of a Public Hearing
Special Permit Application
Tax Map Key 8-1-01:29

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 3:30 p.m. on Wednesday, March 23, 1977 at Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii.

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

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

Sidney M Fuke

Sidney M. Fuke
Acting Director

lat:lgv

Enclosure

cc State Land Use Commission
DPED, Land Use Division

EXHIBIT A

MAR 1 1 1977

COUNTY OF HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

March 11, 1977

Dear Property Owner: (TMK:

Re: Special Permit Application
Halekii, South Kona, Hawaii
Tax Map Key 8-1-01:29

You are hereby notified that a request for a special permit to allow the utilization of an existing building situated within the State Land Use Agricultural District for baking of Portuguese sweet bread for commercial sales has been submitted by the petitioner, Domingo Nazara, Sr.

The property involved is located approximately 1,400 feet mauka of the Hawaii Belt Highway and the Kona Community Federal Credit Union Building, Halekii, South Kona, Hawaii.

A public hearing on the subject among others will be held beginning at 7:00 p.m. on Wednesday, March 23, 1977 at the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii.

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

Sid Fuke

Sidney Fuke
Acting Director

lat

Enclosure

EXHIBIT N

BUILDING SITE
2.731 ACRES
To Kailua
NORTH KONA -
SOUTH KONA
DISTRICT BOUNDARY
HALEKI'I ST.
POST OFFICE
TRUE NORTH
SCALE: 1" = 400'
SPECIAL PERMIT REQUEST
BUILDING FOR BAKING OF
PORTUGUSE SWEET BREAD
HALEKII, SOUTH KONA, HAWAII
TAX MAP KEY : 8-1-01-29
APPLICANT : DOMINGO NAZARA, JR.
MAMALAHOA HIGHWAY
Konawaena High School
KONAWAENA SCHOOL ROAD
HONAUNAU
EXHIBIT N-1
MARCH 2, 1977

SPECIAL PERMIT
DOMINGO NAZARA, JR - SWEET
(BLDG. FOR BAKING PORTUGUESE BREAD)
8-1-01:29 (2.731 ACRES)

8-1-01: 2 13 & 23 Greenwell, Jack B et al
P O Box 238
Kealakekua, HI 96750

13 same as #2

22 Greenwell, Jack B et al
Nazara, Domingo
P.O Box 238
Kealakekua, HI 96750

23 same as #2

24 Greenwell, Jack B et al
Cantiberos, Loretta et al
P.O. Box 238
Kealakekua, HI 96750

28 County of Hawaii - Chief Eng. DPW

EXHIBIT N-2

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
March 23, 1977

The Planning Commission met in regular session at 2:05 p.m. in the Cafetorium of the Kealakehe Elementary School, Kealakehe, North Kona with Chairman Jitchaku presiding.

PRESENT: Lorraine R. Jitchaku
Scott H. Asai
Shigeru Fujimoto
J. Walsh Hanley
Arthur W. Martin (afternoon session only)
William F. Mielcke (evening session only)
Haruo Murakami
Charles H. Sakamoto, Jr.

ABSENT: Akira Fujimoto, Ex-officio Member

Sidney M. Fuke, Acting Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

David Murakami, representing Ex-officio Member Edward Harada

and about 3 people in attendance at 2:00 p.m., about 11 people at 3:30 p.m. and about 24 people at 7:00 p.m.

EXHIBIT

LAND USE COMMISSION
SPECIAL PERMIT
DOMINGO NAZARA, SR.
HALEKII, SOUTH KONA

A duly advertised public hearing was held for a Special Permit request to allow the utilization of an existing building situated within the State Land Use Agricultural District for baking of Portuguese sweet bread for commercial sales. The property involved is located approximately 1,400 feet mauka of the Hawaii Belt Highway and the Kona Community Federal Credit Union Building, Halekii, South Kona, TMK: 8-1-01:29.

Staff presented background information on file.

Mr. Domingo Nazara stated that for the present he will be making only sweet bread if the permit is granted. His wife makes about 60 breads in one night. The selling price will be $1.50 per bread. He explained that this is a family operation involving his wife and himself. It will not be like a regular bakery on a day to day basis; and they will bake only when the orders come in.

Mr. Murakami moved to close the public hearing; seconded by Mr. Fujimoto; carried.

No action was taken on the Special Permit in accordance with the SLUC's regulation since decisions on such petitions cannot be made earlier than 15 days after close of the public hearing.

RECESS

Chairman called for a recess at 5:09 p.m. until the next scheduled public hearing at 7:00 p.m.

(Mr. Martin was excused at this time to attend another meeting.)

RECONVENED FOR
PUBLIC HEARINGS

Meeting was reconvened at 7:06 p.m. to continue with the following public hearings.

(Mr. Mielcke arrived at this time to sit in for the remainder of the session.)

All those testifying were duly sworn in.

SMA USE PERMIT
NATURAL ENERGY LABORATORY
OF HAWAII
KE-AHOLE, NORTH KONA

A duly advertised public hearing was held for a Special Management Area (SMA) Use Permit request to allow the establishment of ocean research and baseline data collection facilities for alternate energy sources. The properties involved are located along the shoreline at Ke-ahole Point, Ke-ahole, North Kona, TMK: 7-3-43:4 and 5.

Staff presented background information and recommended that the request be approved based on the findings and with the conditions, on file.

Mr. Bill Heaman, staff engineer with the NELH Research Corporation of the University of Hawaii, stated that they are agreeable to the conditions as stipulated by the staff. He pointed out that a temporary power and water lines will be connected from the airport and placed underground in conformance with the airport regulations. Their highest structure would be about 10 feet and it would be located outside of the airport restrictions.

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
March 23, 1977

A regularly advertised public hearing, on the application of Domingo Nazara,Sr., was called to order at 4:56 p.m., in the Cafetorium of the Kealakehe Elementary School, Kealakehe, North Kona, by Chairman Jitchaku.

PRESENT: Lorraine R. Jitchaku
Scott H. Asai
Shigeru Fujimoto
J. Walsh Hanley
Arthur W. Martin
Haruo Murakami
Charles H. Sakamoto, Jr.

ABSENT: Akira Fujimoto, Ex-officio Member

Sidney M. Fuke, Acting Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

David Murakami, representing Ex-officio Member Edward Harada

and about 11 people in attendance

CHAIRMAN: We will go on to Item 5, last of the public hearings for this afternoon. Public hearing on the application of Domingo Nazara, Sr., for a Special Permit request to allow the utilization of an existing building situated within the State Land Use Agricultural District for baking of Portuguese sweet bread for commercial sales. The property involved is located approximately 1,400 feet mauka of the Hawaii Belt Highway and the Kona Community Federal Credit Union Building, Halekii, South Kona, TMK: 8-1-01:29. Staff.

PIIANAIA: (Staff presented background information on file.)

CHAIRMAN: Thank you. Are there any questions to the staff's report? If not, at this time, the Chair would like to call upon the representative or the applicant forward, please.

I'd like to swear you in at this time, sir. Will you swear to tell the truth and nothing but the truth on this matter now before the Hawaii County Planning Commission.

TESTIFIER: I do.

CHAIRMAN: Thank you. Will you state your name, please, into the microphone.

DOMINGO NAZARA: My name is Domingo Nazara.

CHAIRMAN: You've heard the staff's report and there were some questions in regards to the recommendation. Actually it's recommendation in regards to Public Health Service. Do you have any questions in regards to that?

EXHIBIT P

NAZARA: No.

CHAIRMAN: You've already been told about the regulations and the rules?

NAZARA: Yah.

PIIANAIA: Madam Chairman. Just for clarification, I think, the reason Mr. Nazara is applying is because of the Department of Health's regulations. He has to have a second kitchen to be able to sell the products.

CHAIRMAN: Are there any questions of Mr. Nazara? Commissioner Murakami.

MURAKAMI: Mr. Nazara, when you say sweet bread, you just gonna conform to making only sweet bread or you're gonna in type of a bakery or some other varieties of pastries that you going make?

NAZARA: Just sweet bread right now. Yah. Just sweet bread.

MURAKAMI: Yah, but in type to come in, you intend to ....

NAZARA: I don't know, maybe, I guess. Whatever the requirements that they give me, see.

MURAKAMI: I see. Right now, you think more or less about how much bread per day you have to make in order to go into commercial?

NAZARA: Oh, I would say around.... Let's see, my wife made about sixty, one night, I think. About sixty.

MURAKAMI: Sixty?

NAZARA: Yah.

MURAKAMI: What's the selling price on a bread?

NAZARA: Ah, dollar half.

MURAKAMI: Thank you.

CHAIRMAN: Commissioner Asai.

ASAI: Domingo, how your sweet bread? Ono?

NAZARA: Oh, real good! Everybody like.

CHAIRMAN: Any other questions of Mr. Nazara?

PIIANAIA: I have a question, Madam Chairman.

CHAIRMAN: Staff, Ilima.

PIIANAIA: Mr. Nazara, how many people are involved in baking the sweet bread?

NAZARA: Just my wife and the family.

PIIANAIA: So, it's purely a family operation. It's purely your wife.

NAZARA: Yeh, right.

CHAIRMAN: I have a question. Has she been doing this for quite some time now? When she started?

NAZARA: Ah, well, yes. She made that when we were living in Honolulu, she used to make bread, you know, and give to the family.

CHAIRMAN: What is the name of.... What is going to be your label on the package, so, we will know what to look for?

NAZARA: As of right now, I don't think we have a name for it.

CHAIRMAN: You gonna package later on?

NAZARA: Nazara Sweet Bread, I guess.

CHAIRMAN: yes.

PIIANAIA: Mr. Nazara, just for clarification, you only bake sweet bread when orders come in. Say, for like if Boy Scouts want to sell sweet bread.

NAZARA: Right. Yeh.

PIIANAIA: You do not do it on a day-to-day commercial basis.

NAZARA: No, no. Just, we do it for the family and, you know....

PIIANAIA: But, to sell, I mean you're not operating as a regular bakery, are you?

NAZARA: Ah, no. No, I guess.

CHAIRMAN: Thank you. Commissioner Asai has a question.

ASAI: Mr. Nazara, according to the staff report that right now, you leasing the land right now. And, you planning to buy that land.

NAZARA: Yeh.

ASAI: Who owns that land, right now?

NAZARA: Well, right now, I just bought it.

ASAI: Oh, you bought it already?

NAZARA: Right.

ASAI: Who was the previous owner.

NAZARA: Greenwell.

ASAI: Greenwell. Oh, thank you.

CHAIRMAN: Commissioner Hanley.

HANLEY: I think, my question should be directed to the Health Department. You know when they say that you have to provide a separate rest-room facilities for the help, can that be in the house or does it have to be separate from the house?

HAYASHI: I think it was separate.

HANLEY: In other words, even though the help is just your wife and family, they can't use the toilet facilities in the house? You gotta build another toilet facility?

NAZARA: No, we can use the regular.

HANLEY: Oh, you can use the one in the house.

NAZARA: Right, that's right.

HANLEY: The other one is, is the sweet bread baked in regular commercial type ovens? It is not baked in stone ovens or anything?

NAZARA: Ah, no, no.

HANLEY: Thank you.

CHAIRMAN: Thank you. Any other questions? You have anything to add?

NAZARA: No.

CHAIRMAN: Nothing to add. Thank you very much for coming. Is there anyone present here who would like to make any comments now before the Planning Commission on ths matter? If not, you have two alternatives. Either to close the public hearing at this time or a motion to continue the public hearing. You've heard the staff's report.

MURAKAMI: Madam Chairman.

CHAIRMAN: Commissioner Murakami.

MURAKAMI: I move that the public hearing be closed.

CHAIRMAN: Is there a second?

FUJIMOTO: Second the motion.

CHAIRMAN: It has been moved by Commissioner Murakami and seconded by Commissioner Fujimoto that the public hearing be closed. All those in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN: Opposed, same sign. Carried. This is a special permit, so, we can't vote on it. It takes 15 days for action meeting.

The public hearing was adjourned at 5:08 p.m.

Respectfully submitted,

Lei A. Tsuji

Lei A. Tsuji, Secretary

A T T E S T :

Lorraine R. Jitchaku

(Mrs.) Lorraine R. Jitchaku
Chairman, Planning Commission

March 24, 1977

Mr. Domingo Nazara, Sr.
P. O. Box 964
Kealakekua, HI 96750

Dear Mr. Nazara:

Special Permit Application
Tax Map Key 8-1-01:29

The Planning Commission at its meeting of March 23, 1977, held a duly advertised public hearing on your application for a special permit to allow the utilization of an existing building situated within the State Land Use Agricultural District for baking of Portuguese sweet bread for commercial sales at Halekii, South Kona, Hawaii.

In accordance with the provisions of Section 205-6, Hawaii Revised Statutes, the Commission shall act on such petition not earlier than fifteen (15) days after the said public hearing.

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

Sincerely,

Lorraine R. Jitchaku

(Mrs.) Lorraine R. Jitchaku
Chairman, Planning Commission

lat:lgv

cc State Land Use Commission
DPED, Land Use Division

EXHIBIT Q

MAR 2 4 197

March 30, 1977

Mr. Domingo Nazara, Sr.
P. O. Box 964
Kealakekua, HI 96750

Dear Mr. Nazara:

Special Permit Application
Tax Map Key 8-1-01:29

Your application will again be discussed on April 14, 1977 by the Planning Commission. The meeting will be held in the Council-room, County Building, South Hilo, Hawaii and is scheduled to begin at 2:00 p.m..

You will be notified of the Commission's decision.

A copy of the agenda is enclosed for your information.

Sincerely,

Sidney M Fuke

Sidney Fuke
Acting Director

lat:lgv
Enclosure

cc State Land Use Commission
DPED, Land Use Division

EXHIBIT R

MAR 3 0 1977

SPECIAL PERMIT: DOMINGO NAZARA, SR.

An application has been submitted by Domingo Nazara, Sr., for a Special Permit to allow an existing building within the State Land Use Agricultural District to be used for the baking of Portuguese sweet bread for commercial sales. The area under consideration is located approximately 1,400 feet mauka of the Hawai'i Belt Highway and the Kona Community Federal Credit Union building in Haleki'i, South Kona (TMK: 8-1-01:29).

The subject property consists of 2.73 acres and is being purchased by the petitioner, who had previously leased it. Most of the property is in macadamia nut cultivation. The petitioner also grows guavas, bananas and avocados. Located on the subject parcel is a building used as a dwelling and carport. It is the petitioner's intent to construct a kitchen to be used for baking bread in the carport portion of the structure.

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

> "This application for a Special Permit to build a kitchen is being requested due to the Department of Health's requirement that any food products to be sold to the Public cannot be prepared in my own home kitchen.
>
> "... The location of the Kitchen is such that it will not hinder or interfere with my neighbors or any public agencies, change the character of the land or its present use as a Macadamia Farm but will bring the value of this property up, (and) make it

EXHIBIT R S

possible to provide for the Public a desired product...."

"...My house is located by the entrance of the property. The carport is adjoining the existing dwelling, so the location of the proposed Kitchen will be to the back left corner of the Carport area. I intend to use it for the baking of Portuguese Sweet Bread for as often as I need to bake bread, as I bake according to the orders I have in advance. This might be daily if I have that many orders. At present, I intend to bake only Sweet Bread as I do not have the time for other projects.

"I intend to deliver these orders and not to be selling here on the premises as I do not wish to have my property opened to the public. This is my Macadamia Nut Farm and my intentions are to continue working the farm.

"The Sales of Bread will help me pay for this Farm as I have had to buy the 2.7 Acres Farm Lease which has unexpectedly been put up for sale.

"I am still having orders for Bread but have not been able to make the bread for selling purposes due to the Board of Health's requirement for a Special Kitchen for that purpose and for this reasons am anxiously waiting your approval."

Upon reviewing of the subject request, the Department of Health provided the following comments:

"Mr. Nazara Sr.'s request is for a food manufacturing permit

which regulates bakeries. To communicate the enormous task involved in meeting the requirements of a bakery, the following detailed comments are made.

"The Public Health Regulations, Chapter 1-A, Food Service and Food Establishment Sanitation Code require:

1. Three compartment sinks for washing, rinsing and sanitizing equipment and utensil.
2. One compartment preparation sink.
3. Handwash basin in the food preparation area.
4. Hot and cold running water.
5. Hood to cover all baking ovens with ducts to the open air.
6. Toilet facilities for foodhandlers.
7. An approved sewage disposal system.
8. Vermin proofed structure.
9. Approved floors, walls and ceiling within the bakery.

"Request is made to Mr. Nazara Sr. to contact our registered sanitarian in Kona for consultative inspection."

The Department of Water Supply had no objections to the subject request but noted that the petitioner should be advised that water service will be limited to the existing 5/8-inch meter.

Noneof the other cooperating agencies had any objections to or comments on the subject request.

The area under consideration is zoned Agricultural with a 5-acre

minimum lot size (A-5a). The General Plan Land Use Pattern Allocation Guide Map designates the makai portion of the subject property for medium density urban uses, while the mauka portion is designated orchards.

The medium density urban designation may allow village and neighborhood commercial uses, and multiple family and single family residential uses. The orchard designation refers to those agricultural lands which though rocky in character and content can support productive macadamia nuts, papaya, citrus and other similar agricultural products.

The area under consideration consists of Honuaulu extremely stony silty clay loam soils. The Honuaulu series formed in volcanic ash and are gently sloping to moderately steep soils on uplands. The surface layer is very dark brown silty clay loam about 9 inches thick with stones covering from 3 to 15 percent of the surface. The subsoil is dark-brown cobbly and stony silty clay loam between 2 to 2½ feet thick. This soil is used mostly for pasture and coffee. Small areas are used for macadamia nuts, bananas, citrus and avocados. The U. S. Department of Agriculture Soil Conservation Service's capability class for the subject area is VI. The Land Study Bureau's master productivity rating is "E", which indicates that the overall agricultural suitability of the land is very poor.

Average annual rainfall is about 40 inches.

Surrounding land uses include residences, some agriculture and vacant lands. Kealakekua village is makai of the subject property.

RECOMMENDATION: DOMINGO NAZARA, SR.

It is recommended that favorable action be taken on the subject request for a Special Permit to allow an existing building to be used for the baking of Portuguese sweet bread for commercial sale, based on the following considerations:

That approval of the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The purpose of the subject request is essentially to allow a kitchen to be constructed within an existing dwelling-carport structure. The proposed kitchen will be used by the petitioner's family to bake Portuguese sweet bread which will be sold as a commercial product. The amount of bread baked would be dependent upon orders received by the petitioner. Most of the subject property is currently in orchards, primarily macadamia nuts. The petitioner's intent is to continue the existing agricultural use of the subject property as a primary activity. The proposed use which is being requested would be secondary to the established agricultural use. It is therefore determined that approval of the subject request would not be contrary to the State Land Use Law and Regulations inasmuch as the major portion of the area

EXHIBIT "T"

under consideration will be used agriculturally, in keeping with the District Regulations. The establishment of the proposed use is not expected to detract from that agricultural use.

Further, the proposed use will not substantially alter the essential character of the subject property and its present use, nor will it adversely affect surrounding properties. All of the facilities necessary for the establishment of the proposed use will be housed within an existing structure, namely within the petitioner's carport. Any changes will be interior ones, and as such will not disrupt or interfere with other existing uses or the agricultural character of the parcel. The proposed use is also to be on a small scale, of a home occupation nature. In addition, the petitioner has stated that the baked product will be delivered to his customers, which will alleviate potential traffic and possible adverse or bothersome impacts upon surrounding properties.

The establishment of the proposed use will also not unreasonably burden public agencies to provide additional services and facilities. The subject property is adequately served by existing services and

facilities and the proposed use will not significantly increase the demand for such services and facilities.

It is further recommended that the request be approved subject to the following conditions:

1. That the proposed use shall conform substantially with the representations made by the petitioner.
2. That the petitioner or his authorized representative shall submit plans for plan approval within six (6) months of the effective date of the Special Permit. Operation of the proposed use shall be established w/in one(1) year thereafter.
3. That the petitioner shall comply with the rules and regulations of the Department of Health.
4. That all other applicable rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date April 14, 1977

Petitioner DOMINGO NAZARA, SR. - Special Permit

_____ Preliminary hearing _____ Public hearing _____ Request

ACTION: ✓ Approve

_____ Deny

_____ Defer

_____ Continue

_____ Schedule for public hearing

Other: _____

Commissioners	Aye	No	Absent	Abstain
ASAI, Scott H.	✓			
FUJIMOTO, Shigeru			✓	
HANLEY, J. Walsh	✓			
MARTIN, Arthur W.			✓	
MIELCKE, William F. Moved	✓			
MURAKAMI, Haruo Seconded	✓			
SAKAMOTO, Charles	✓			
JITCHAKU, Lorraine R.	✓			
Paris				✓

EXHIBIT T to W

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
April 14, 1977

The Planning Commission met in regular session at 12:30 p.m. at the North Hilo Courthouse, Laupahoehoe, North Hilo with Chairman Jitchaku presiding.

PRESENT: Lorraine R. Jitchaku
Scott H. Asai
Shigeru Fujimoto (Laupahoehoe hearing only)
J. Walsh Hanley
Arthur W. Martin
William F. Mielcke (attended from 2:00 p.m.)
Haruo Murakami
William J. Paris, Jr. (attended from 2:00 p.m.)
Charles H. Sakamoto, Jr.

ABSENT: Akira Fujimoto, Ex-officio Member

Sidney M. Fuke, Acting Planning Director (attended from 2:00 p.m.)
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

Stephen G. Bess, Acting Corporation Counsel (from 2:00 p.m.)
David Murakami, representing Ex-officio Member Edward Harada

and 2 people in attendance at 12:30 p.m., about 7 people at 2:00 p.m. about 30 people at 3:30 p.m. and about 100 people at 7:00 p.m.

EXHIBIT

side of Mokuaikaua Road within the Keauhou-Kahalu'u Farm Lots Subdivision, approximately 350 feet mauka of the Old Mamalahoa Highway-Mokuaikaua Road intersection, in the land division of Kahalu'u and Keauhou, North Kona, TMK: 7-8-16:portion of 39.

Staff recommended favorable consideration based on the findings and with the conditions, on file.

On the question of whether the structure was completed, staff replied that the Planning Department did receive word of the completion.

Mr. Mielcke moved to send a favorable recommendation to the SLUC on the bases and conditions as outlined by the staff; seconded by Mr. Sakamoto; carried with six aye votes, two absentees and one abstention by the new member.

LAND USE COMMISSION
SPECIAL PERMIT
DOMINGO NAZARA, SR.
HALEKII, SOUTH KONA

Special Permit request to allow the utilization of an existing building situated within the State Land Use Agricultural District for baking of Portuguese sweet bread for commercial sales. The property involved is located approximately 1,400 feet mauka of the Hawaii Belt Highway and the Kona Community Federal Credit Union Building, Halekii, South Kona, TMK: 8-1-01:29.

Staff recommended favorable consideration based on the findings and with the conditions, on file.

A question was raised as to whether the State agencies have any restrictions concerning conversion to a bakery and sale on the premises. Staff considered this particular use as basically for baking. In considering the conditions, staff explained that it was very difficult to restrict sale on the premises since the petitioner did say that he will be delivering his products and that the operation will conform substantially to the representation made.

Mr. Mielcke moved to send a favorable recommendation to the SLUC for the reasons and with the conditions as stipulated by the staff; seconded by Mr. Murakami; carried with six aye votes, two absentees and one abstention by the new member.

LAND USE COMMISSION
SPECIAL PERMIT
TIME EXTENSION
KONA SEVENTH-DAY
ADVENTIST CHURCH
CAPT. COOK, S. KONA

Request for a time extension to a Special Permit which was granted by the State Land Use Commission, for the construction of a proposed church and school. The property involved is located mauka of Greenwell Park and the Sgt. Yano Memorial Hall, Captain Cook, South Kona, TMK: 8-2-13:15.

Staff preaented background information and recommended favorable consideration on the extension and modification of the time condition stipulated in the original special permit based on the findings and with the conditions, on file.

Pastor Ben Meier clarified that the financing from the sale of the church would not be all the income to be derived. They are also trying to sell a property located about a quarter of a mile north from the church site. The total financing required was quoted as $220,000. He stated that they are not worried about getting financing for the project.

SPT7-263

NAZARA

LUC

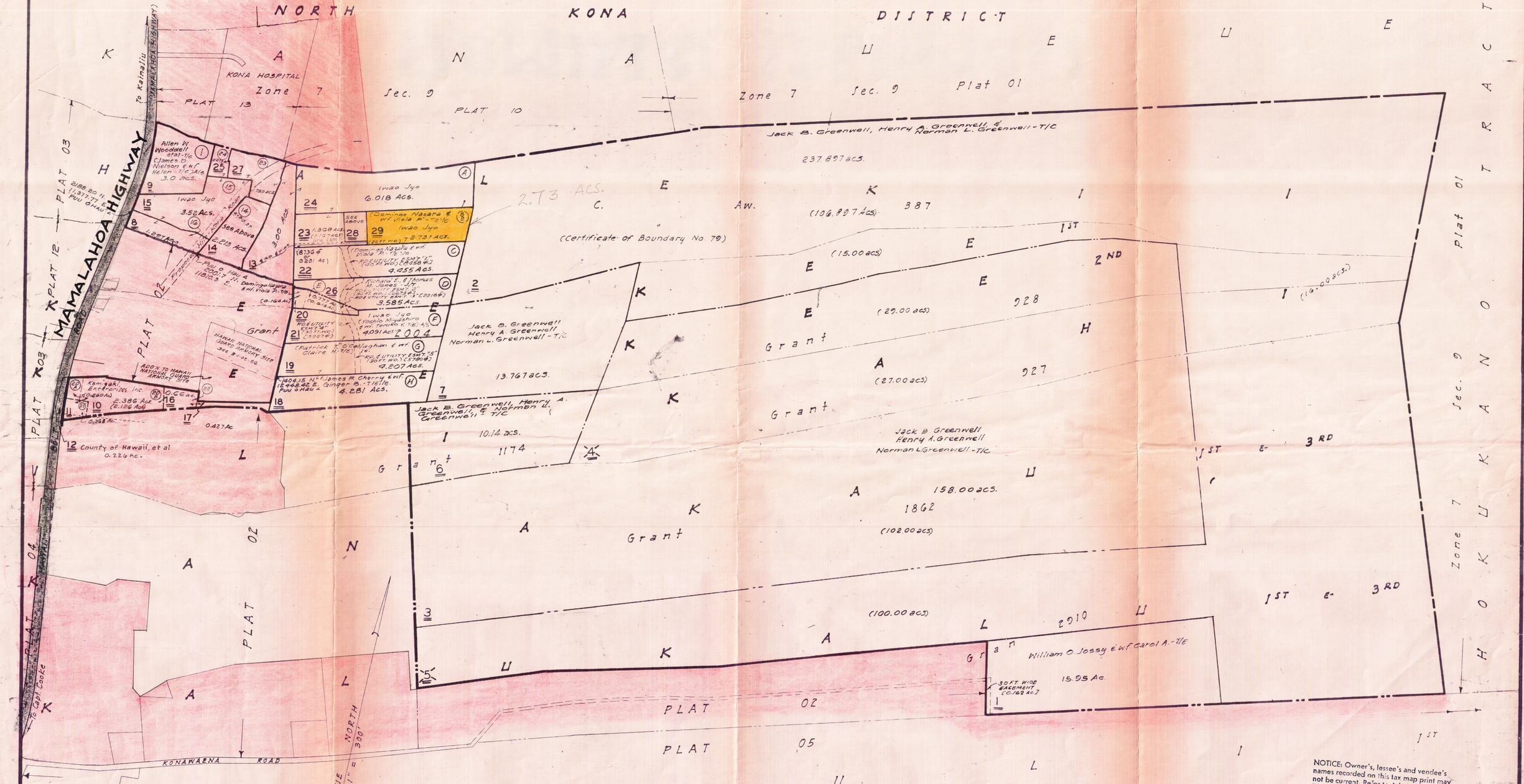
MAPS

COLUMBIAN NATURAL CLASP NO. 93N
®
UNITED STATES ENVELOPE COMPANY
9½ X 12½

8 1 01

Parcel 14:
Jack B., Henry A. & Norman L. Greenwell - T/C (Pentecostal Church of God of America) le.

PARCEL 28:
State of Hawaii (Bd. of Water Supply -County of Hawaii)
Exec. Orde. 3220
HALEKII TANK SITE
23,312 sf or 0.535 ac



NOTICE: Owner's, lessee's and vendee's names recorded on this tax map print may not be current. Refer to Administrative Directive 24-68 (Rev.) dated November 21, 1968, as amended by RPP Procedure 4-76, dated July 2, 1976.

SP77-263 DOMINGO NAZARA, SR.

Parcels Dropped: 4, 5

THIRD		DIVISION
ZONE	SEC.	PLAT
8	1	01
CONTAINING		PARCELS
SCALE: 1in.=300ft		
PRINTED MAY 13 1977		

Dwg. No : 277
Source : Tax Map Bureau - Field Survey
By : D.J.C. & E.K.V. June 1976

HALEKII-KALUKALU (Mauka), SOUTH KONA, HAWAII

5445

ADVANCE SHEET SUBJECT TO CHANGE

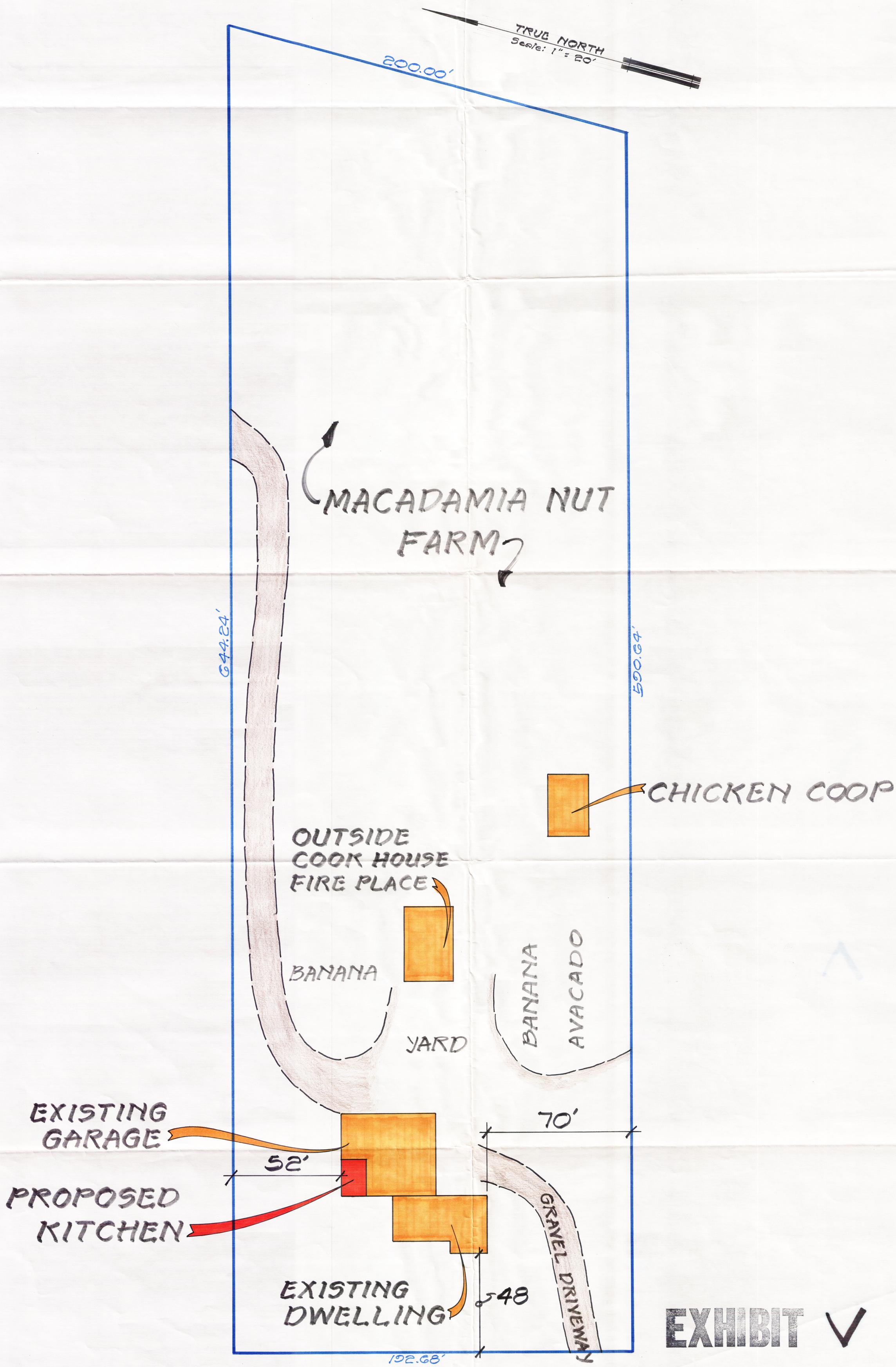
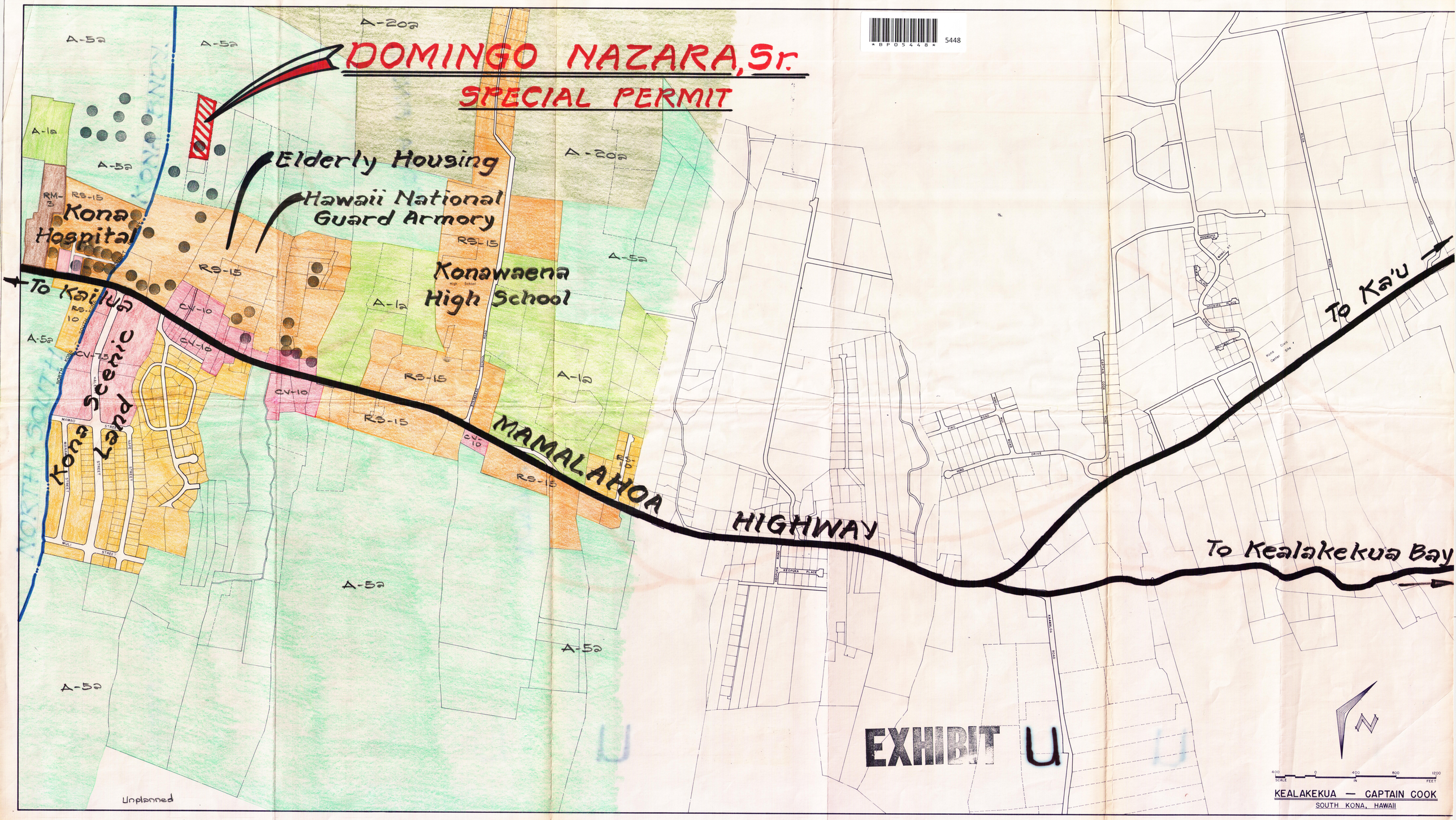


EXHIBIT V

BP05446
5446

LAND USE DISTRICT BOUNDARIES
DISTRICT MAP H-2
STATE OF HAWAII
LAND USE COMMISSION
DEPT. OF PLANNING & ECONOMIC DEVELOPMENT
EFFECTIVE DATE: DEC 20 1974
DISTRICTS
U = URBAN
R = RURAL
A = AGRICULTURAL
C = CONSERVATION
KEAHOLE POINT QUADRANGLE
HAWAII-HAWAII CO.
ISLAND OF HAWAII-NORTH KONA DISTRICT
7.5 MINUTE SERIES (TOPOGRAPHIC)
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
LAND USE DISTRICT BOUNDARIES
DISTRICT MAP H-7
STATE OF HAWAII
LAND USE COMMISSION
DEPT. OF PLANNING & ECONOMIC DEVELOPMENT
EFFECTIVE DATE: DEC 20 1974
DISTRICTS
U = URBAN
R = RURAL
A = AGRICULTURAL
C = CONSERVATION
KAILUA QUADRANGLE
HAWAII-HAWAII CO.
ISLAND OF HAWAII-NORTH KONA DISTRICT
7.5 MINUTE SERIES (TOPOGRAPHIC)
SP77-263 DOMINGO NAZARA, SR.
HONOKOHAU BAY
KONA AIRPORT
KAILUA
KAILUA BAY
PALANI ROAD
MAMALAHOA HIGHWAY
HOLUALOA
KUAKINI HIGHWAY
KAHALUU
KEAUHOU BAY
KEAUHOU
HONALO
KAINALIU
KONA HOSPITAL
KEALAKEKUA
CAPTAIN COOK
KEALAKEKUA BAY
MAMALAHOA HIGHWAY
5447


DOMINGO NAZARA, Sr.
SPECIAL PERMIT
Elderly Housing
Hawaii National Guard Armory
Konawaena High School
Kona Hospital
Kona Scenic Land
To Kailua
MAMALAHOA HIGHWAY
To Ka'u
To Kealakekua Bay
A-5a
A-20a
A-1a
RM-3
RS-15
RS-10
CV-10
CV-7.5
RS-5
Unplanned
EXHIBIT U
KEALAKEKUA — CAPTAIN COOK
SOUTH KONA, HAWAII