

COUNTY OF HAWAI'I PLANNING DEPARTMENT RECOMMENDATION

JESSICA STEVENS USE PERMIT APPLICATION (PL-USE-2026-000042)

Upon review of the request against the guidelines for granting a Use Permit, the Planning Director recommends that this **request to allow the establishment of an outpatient medical clinic within the first floor of an existing two-story dwelling on a 5.74-acre parcel of land in the Single-Family Residential zoning district be approved by the Windward Planning Commission**. Since this recommendation is made without benefit of public testimony, the Director reserves the right to modify and/or alter this recommendation based upon additional information presented at the public hearing. The recommendation for approval is based on the following findings:

The applicant is requesting a Use Permit to establish an outpatient medical clinic within the first floor of an existing two-story dwelling located at 28-1167 Old Mamalahoa Highway, Pepe'ekeo, Hawai'i, identified as TMK: (3) 2-8-007:084. The proposed clinic would provide outpatient medical evaluation, diagnosis, treatment, and follow-up care specializing in neuromodulation services, including non-invasive Transcranial Magnetic Stimulation (TMS), for individuals with treatment-resistant depression and related conditions. The clinic is proposed to operate by scheduled appointment only, with approximately 8 to 12 patients per day and 2 to 3 on-site personnel. Proposed improvements are limited to minor interior renovations, ADA accessibility upgrades, and minor driveway and parking area improvements, with no expansion of the existing building footprint proposed. The proposed clinic would operate by scheduled appointment only, with anticipated hours of operation from 9:00 a.m. to 5:30 p.m., Monday through Friday. The second level of the dwelling would remain a residence.

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits, requires that such action conforms to the following guidelines:

- A. The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan;
- B. The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties; and
- C. The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.

The proposed use meets the guidelines for approval of a Use Permit, for the reasons listed below:

The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and Community Development Plan (CDP) and the County General Plan. The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses, as well as consistency with the goals and policies of the General Plan. According to the Zoning Code, Single-Family Residential districts *"provide for lower or low and medium density residential use, for urban and suburban family life."* The RS-10 zoning district is intended to provide for low-density residential development and compatible accessory uses. Pursuant to the County Zoning Code, medical clinics may be permitted within the district subject to approval of a Use Permit. Based upon the applicant's representations, the proposed outpatient medical clinic would operate on the first floor (ground level) of an existing developed structure with no expansion of the building footprint and would maintain a scale and operational intensity compatible with the surrounding rural residential and agricultural area. The second level of the dwelling would remain a residence.

The proposed clinic would operate by scheduled appointment only, with approximately 8 to 12 patients per day and 2 to 3 on-site personnel, which is

comparable to a small professional office use. The use is intended to provide outpatient medical evaluation, diagnosis, treatment, and follow-up care. Impacts associated with the proposed use may be appropriately addressed through the Use Permit process and associated conditions of approval.

The proposed use is also consistent with the County General Plan and the Hāmākua Community Development Plan by supporting the availability of local medical and community services while utilizing existing infrastructure and maintaining the rural character of the surrounding community.

The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The General Plan designation for this property is Low Density Urban (ldu) which allows for residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to 6 units per acre.

Goals and policies within the Economic and Public Facilities elements of the Hawai'i County General Plan encourage the development of services and facilities that improve the health, safety, and quality of life of County residents while promoting orderly growth and efficient use of existing infrastructure. The General Plan further supports the availability of community services within rural areas in a manner that maintains the island's social, cultural, and physical environment.

The Hāmākua Community Development Plan (HCDP) emphasizes the importance of improving access to health care and community services for residents of the district while preserving the rural character and lifestyle of Hāmākua communities. The HCDP includes the following objectives, policies, and actions also supports adaptive reuse of existing development and encourages services that allow residents to meet daily needs locally without requiring travel to larger urban centers:

- *Develop and improve critical community infrastructure, including utilities, healthcare, emergency services, affordable housing, educational opportunities and recreational facilities to keep our 'ohana safe, strong, and healthy.*
- *Develop new, expand, or improve existing community health centers and rural health clinics in the Hāmākua Planning Area.*
- *Establish a comprehensive network of health and wellness services.*

The proposed use is consistent with these goals as it would provide outpatient medical services within an existing structure with minimal exterior modifications and no expansion of the building footprint.

Based on the preceding, the proposed use would not be contrary to the General Plan, the Hāmākua Community Development Plan, or the intent and purpose of the Zoning Code.

The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties. The proposed use would be conducted within an existing developed structure with no expansion of the building footprint and only minor interior renovations and limited site improvements are proposed. The surrounding area is characterized by low-density residential and agricultural uses, and the proposed clinic would operate at a scale comparable to a small professional office use.

The clinic would operate by scheduled appointment only during normal business hours, from 9:00 a.m. to 5:30 p.m., Monday through Friday, with approximately 8 to 12 patients per day and 2 to 3 on-site personnel. Due to the limited patient volume and staggered scheduling, traffic generation, parking demand, noise, and overall activity levels are anticipated to remain low. No emergency room services, overnight care, outdoor operations, amplified sound, or other high-intensity activities are proposed.

Parking would be accommodated on-site within the proposed parking area utilizing the existing driveway access from Old Mamalahoa Highway. Existing

and/or upgraded utility infrastructure would continue to serve the property, including water, electricity, wastewater disposal, and solid waste service. In addition, the proposed use would provide medical services to the Hāmākua community while maintaining compatibility with the rural character of the surrounding area. Based on the foregoing, the proposed use is not anticipated to adversely affect the public welfare or materially alter the character of the surrounding community.

The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, school improvements, police and fire protection and other related infrastructure.

The proposed outpatient medical clinic is not anticipated to unreasonably burden public agencies or infrastructure systems, as the project would utilize an existing developed structure, existing access, and some existing utility connections. Access to the property is provided via an existing driveway from Old Mamalahoa Highway. Due to the limited operational scale and low anticipated traffic generation, the proposed use is not expected to create substantial impacts to the surrounding roadway network or require roadway improvements beyond the proposed minor driveway and parking area improvements. The property is currently served by existing utility infrastructure, including electricity, and limited water service. The applicant has acknowledged comments from the Department of Water Supply (DWS) and Department of Environmental Management (DEM) regarding water usage, fire flow requirements, and wastewater considerations, and has retained a licensed Professional Engineer to evaluate estimated water demand, peak flow, meter capacity requirements, and fire protection considerations in coordination with applicable agency standards. The applicant has stated that a stamped engineering report and supporting calculations will be submitted for agency review upon completion.

With respect to wastewater infrastructure, the Hawai'i State Department of Health (DOH) identified that the existing structure is currently served by an approved cesspool and indicated that conversion of the cesspool system would be

required due to the proposed change in use from residential to medical clinic use. The applicant acknowledged these comments and stated that wastewater treatment plans would be developed and submitted to the DOH and DEM for review and approval as required. The project would not require expansion of schools, public parks, or other major public facilities, and police and fire protection services would continue to be provided through existing County services currently serving the surrounding community. Based on the limited scale of the proposed operation, use of existing infrastructure, and ongoing coordination with reviewing agencies, the proposed use is not anticipated to unreasonably burden public agencies or related infrastructure systems.

In addition to the criteria for granting a Use Permit, the request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area. Although the subject property is not located within the Special Management Area (SMA), the project remains subject to the objectives and policies of Chapter 205A, Hawai'i Revised Statutes, relating to the Coastal Zone Management (CZM) Program. The proposed outpatient medical clinic would utilize an existing developed structure with no expansion of the building footprint and only minor interior renovations and limited site improvements proposed. The proposed use is not anticipated to adversely affect coastal resources and is generally consistent with the objectives and policies of Chapter 205A, HRS. Specifically, the project is consistent with the CZM objectives and policies relating to recreational resources, historic resources, scenic and open space resources, coastal ecosystems, economic uses, and public participation, as the proposed use would occur within an existing developed area, would not obstruct or reduce public shoreline access, and would not involve substantial alteration of natural landforms or coastal resources. The project is also consistent with the CZM objectives concerning economic uses under Section 205A-2(c)(8), HRS, by supporting the availability of community-serving medical services within the Hāmākua region while utilizing existing infrastructure and maintaining compatibility with the surrounding rural residential and agricultural character. In addition, the proposed

use would not result in significant increases in traffic, drainage impacts, wastewater demands, or public infrastructure burdens beyond those addressed through agency review and permitting processes.

The request will not have a significant adverse impact to traditional and customary Hawaiian Rights. In view of the Hawai'i State Supreme Court's "PASH" and "Ka Pa'akai O Ka'Aina" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site.

Investigation of valued resources: Investigation of valued cultural, historical, archaeological, and natural resources was conducted through review of the applicant's submitted project materials, agency consultation, and review by the State Historic Preservation Division (SHPD). The application materials identified that the project site consists of an existing developed residential property with surrounding agricultural land and stated that no known historic or archaeological resources are located within the developed portion of the property. The applicant further indicated that no known traditional or customary Native Hawaiian rights are exercised on the developed portion of the property and that no access to cultural or historic resources would be affected by the proposed use.

In addition, SHPD conducted review of the project pursuant to Chapter 6E, Hawai'i Revised Statutes, and concluded in correspondence dated April 16, 2026, that "no historic properties will be affected" and that the permit issuance may proceed. No archaeological inventory survey, cultural impact assessment, or biological resource survey was submitted as part of the application materials, however, according to the applicant no specific cultural practices, gathering rights, or valued traditional resources were identified within the project area.

The valued cultural, historical, and natural resources found in the area: The application information and agency reviews did not identify any specific valued cultural, historical, archaeological, or natural resources located on the project site. The subject property consists primarily of an existing developed residential site

and surrounding agricultural land in Pepe'ekeo, Hawai'i. The applicant stated that no known historic or archaeological resources are located within the developed portion of the property and that no known traditional or customary Native Hawaiian rights are exercised on the developed area of the parcel.

The surrounding area is characterized by rural residential and agricultural land uses with open agricultural lands and scattered residential development. No cultural sites, historic properties, gathering areas, trails, shoreline resources, or natural features associated with traditional or customary Native Hawaiian practices were identified within the project area. In addition, the State Historic Preservation Division (SHPD) concluded its review pursuant to Chapter 6E, Hawai'i Revised Statutes, and determined that "no historic properties will be affected" by the proposed project.

Possible adverse effect or impairment of valued resources: The proposed project would utilize an existing developed structure and developed portion of the property, with improvements limited primarily to minor interior renovations and limited surface improvements associated with the existing driveway and parking area. No expansion of the building footprint or substantial ground disturbance is proposed. No valued cultural practices, gathering areas, access routes, or natural resources were identified that would be adversely affected or impaired by the proposed use.

Feasible actions to protect native Hawaiian rights: Feasible actions available to the applicant to protect traditional and customary Native Hawaiian rights include limiting project activities to the existing developed area of the property, minimizing ground disturbance, and complying with all applicable State and County regulations relating to historic and cultural resources. The applicant has proposed utilizing an existing structure with no expansion of the building footprint and only limited site improvements associated with existing access and parking areas, thereby reducing the potential for disturbance to unidentified cultural or archaeological resources.

In addition, the applicant will be required to comply with Chapter 6E, Hawai'i Revised Statutes, and applicable inadvertent discovery procedures should any previously unidentified iwi kūpuna or archaeological resources be encountered during future construction or ground-disturbing activities. Continued coordination with the State Historic Preservation Division (SHPD) and adherence to all applicable permit conditions would further help ensure protection of any potential Native Hawaiian cultural resources or practices associated with the property.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved water systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the preceding findings, it is recommended that the request for a Use Permit to allow the establishment of an outpatient medical clinic within the first floor of an existing two-story dwelling be approved by the Windward Planning Commission. Approval of this request is subject to the following conditions:

1. The applicant(s), its successor(s) or assign(s) ("Applicant") shall be responsible for complying with stated conditions of approval.
2. The operation of the medical clinic shall be conducted in a manner that is substantially representative of plans and details as contained within the Use Permit application received by the Planning Department, dated February 27, 2026, and representations made to the Windward Planning

Commission. Any expansion or use beyond what is represented in these documents shall require an amendment to this permit.

3. The Applicant shall comply with all applicable County, State and Federal laws, rules, regulations, and requirements.
4. Prior to the issuance of a water commitment by the Department of Water Supply (DWS), the Applicant shall submit the anticipated maximum daily water usage calculations as prepared by a professional engineer licensed in the State of Hawai'i to the DWS. A water commitment deposit shall be paid to the DWS in accordance with Rule 5 of the Department of Water Supply's Rules and Regulations. The Applicant is responsible for maintaining valid water commitments to support the proposed use until such time that required water facilities charges are paid in full.
5. The Applicant shall construct and/or install all necessary water system improvements as required by the Department of Water Supply, which may include, but not be limited to, submission of water usage and peak flow calculations prepared by a licensed professional engineer, installation of reduced pressure type backflow prevention assemblies, meter upgrades or additional water meters, if required.
6. The Applicant shall implement any improvements required by the Fire Department and/or Department of Water Supply to ensure that fire protection requirements can be met for the medical clinic.
7. Prior to use of the existing structure as a medical clinic, the Applicant shall secure Final Plan Approval for the medical clinic from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structure(s), paved driveway access and parking stalls associated with the proposed development. Landscaping shall be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17

(Landscaping Requirements) and Chapter 25 (Zoning Code), Hawai'i County Code.

8. Prior to use of the existing structure as a medical clinic, the Applicant shall acquire and complete the necessary Non-Residential Building Permit(s) to convert/alter the existing 2-story single-family dwelling unit to a mixed-use commercial structure as required per Hawai'i County Code – Chapter 5 Construction Administration Code, Section 5-3-1.
9. The method of sewage disposal shall meet with the requirements of the Department of Health, including, but not limited to, the conversion of the existing cesspool to a DOH-approved individual wastewater system (IWS).
10. All driveway connections to Old Mamalahoa Highway shall conform to Chapter 22, County Streets, of the Hawai'i County Code.
11. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
12. 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 Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) 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.
13. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this permit.