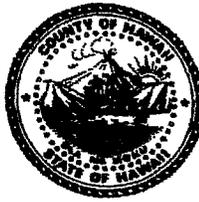


William P. Kenoi  
Mayor



Duane Kanuha  
Director

Bobby Command  
Deputy Director

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

**County of Hawai'i**  
**PLANNING DEPARTMENT**

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

June 12, 2014

Mr. Byron Fujimoto  
Jas W. Glover, Ltd.  
890 Leilani Street  
Hilo, HI 96720-4529

Dear Mr. Fujimoto:

Special Permit (SPP 14-000162)  
Applicant: Jas W. Glover, Ltd.  
Request: To Establish a New Quarry  
Tax Map Key: 2-1-013:004

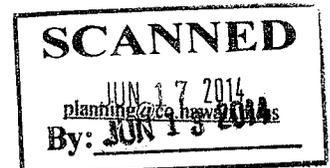
This is to inform you that the above Special Permit application is scheduled for a public hearing by the Windward Planning Commission. Said hearing, among others, will be held beginning at **9:00 a.m. on Thursday, July 3, 2014, in the County of Hawai'i Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i**. Your presence or the presence of an authorized representative will be appreciated in order that all questions relative to the request may be clarified. A copy of the public notice is attached for your information.

In accordance with the Planning Commission Rule 6 (Special Permits) and pursuant to Rule 4 (Contested Case Procedure), you are required to notify the surrounding property owners and lessees of record within 500 feet of the perimeter boundary of the property of the hearing.

The notice shall include the following information:

1. Name of the applicant;
2. Precise location of the property involved, including tax map key identification, location map and site plan;
3. Nature of the application and the proposed use of the property;
4. Date on which the application was filed with the commission;
5. The date, time and place of the public hearing will be held to consider the application.

**EXHIBIT**  
**34**



Mr. Byron Fujimoto  
Page 2  
June 12, 2014

6. Inform the landowners and lessees of record that they have a right to submit a written request for a contested case procedure. Should they seek to intervene as a party, they shall file a written request no later than seven (7) calendar days, prior to the Commission's first scheduled public hearing to consider the application. Such written request shall be in conformity with the Planning Commission's Rules of Practice and Procedure, Rule 4, relating to Contested Case Procedure, in a form as provided in Rule 4, Appendix A, "Petition for Standing in a Contested Case Hearing." The written request shall be filed with the Planning Commission at 101 Pauahi Street, Suite 3, Hilo, Hawai'i 96720, and accompanied by a filing fee of \$200 payable to the Director of Finance.
7. Inform the landowner or lessee that should they choose not to submit a written request for a contested case procedure, they may express their support/opposition in writing or by oral testimony at the Planning Commission public hearing to be scheduled;
8. Contact name and phone number should there be any questions.

The notice shall be served within ten days after receiving notice from the director of the date, time and place of the scheduled hearing but not less than ten days prior to the date of the scheduled hearing.

Data available from the real property tax office shall be utilized in determining the names and addresses of the affected owners and lessees of record. The applicant shall also provide notice to such other owners and lessees of record when the applicant has actual knowledge of such names or as informed by the Planning Director or Planning Commission.

Proof of service to surrounding property owners shall be submitted to the Planning Commission prior to the date of public hearing. Proof may consist of certified mail receipts, affidavits, declarations or the like. The list of names, addresses and tax map keys of those individuals notified shall also be submitted.

Should you have any questions, please contact Maija Cottle of the Planning Department at 961-8288, ext. 8159.

Sincerely,

  
DUANE KANUHA  
Planning Director

Att.  
cc/att: Roy Vitousek, III, Esq.

## AGENDA

### WINDWARD PLANNING COMMISSION COUNTY OF HAWAI'I

NOTICE IS HEREBY GIVEN of the following matters to be considered by the Windward Planning Commission of the County of Hawai'i in accordance with the provisions of Chapters 91 and 92, Hawai'i Revised Statutes, Section 6-7.5(a) of the Charter of the County of Hawai'i, and the Planning Commission's Rules of Practice and Procedure.

**DATE:** Thursday, July 3, 2014

**TIME:** 9:00 a.m.

**PLACE:** County of Hawai'i Aupuni Center Conference Room  
101 Pauahi Street, Hilo, HI 96720

**STATEMENTS FROM THE PUBLIC – Note that statements from the public regarding any particular item on this agenda will be taken at the time the particular item is called to order.**

#### **NEW BUSINESS – 9:00 a.m.**

**1. APPLICANT: LK & RR ENTERPRISES, LLC (REZ 14-174)**

Application for a Change of Zone from Single-Family Residential-10,000 square feet (RS-10) to Neighborhood Commercial-10,000 square feet (CN-10) for approximately 22,500 square feet of land. The property is located on the east side of Hīnano Street, approximately 100 feet south of its intersection with Hualani Street, Waiākea House Lots, Waiākea, South Hilo, Hawai'i, TMK: 2-2-034: 072.

**2. APPLICANT: JAS W. GLOVER, LTD. (SPP 14-162)**

Application for a Special Permit to allow the establishment of a new quarry site on approximately 85.338 acres of a 140.368-acre property situated within the State Land Use Agricultural District. The project site is located southeast of the Hawai'i National Guard Site and Hilo International Airport and approximately 3,000 feet southwest of the County's Sewer Treatment Plant Site at Honohononui, South Hilo, Hawai'i, TMK: (3) 2-1-013: Portion of 004.

**3. APPLICANT: ASIA PACIFIC GROUP, LLC (FORMERLY POLOKE FARMS LLC)  
(AMENDMENT TO SPP 09-095)**

Amendments to Special Permit No. 09-000095, including a 1-year time extension to comply with Condition 2 (Secure Final Plan Approval); the deletion of all references for a weekly country market in Conditions 3, 4 & 8; reduce special events from 20 to 6 events (Condition 5); and rewrite Condition 6 (Definition of special events). The property is located along the north (makai) side of Highway 19 and east of the Waimea Country Club golf course near the 51-mile marker, Waikoekoe, Hāmākua, Hawai'i, TMK: 4-7-007: 040.

**NEW BUSINESS – 9:30 a.m.**

**4. APPLICANT: AT&T MOBILITY (USE 14-048)**

Application for a Use Permit to allow the construction of a new telecommunication facility, including a 185-foot tall steel monopole with 8-foot tall panel antennas and related facilities within a 5,625 square-foot portion of a 2-acre parcel situated in the State Land Use Agricultural district and the County's Agricultural 3-acre (A-3a) zoned district. The property is located on the northwest corner of the Rose Street and Hibiscus Street intersection, Crescent (Fern) Acres, Kea'au, Puna, Hawai'i, TMK: 1-1-038: Portion of 002.

**5. APPLICANT: SCOTT WATSON (Amend SMA 450)**

The applicant has submitted an application to amend Condition 11 of Special Management Area (SMA) Use Permit No. 450, which originally allowed the development of an 11-lot subdivision known today as the Pepe'ekeō Point Subdivision. Condition 11 currently does not allow a house or other substantial structure to be built closer than 40 feet from the top of the sea cliff fronting the ocean. The amendment request is to change this building setback point of reference from the top of the sea cliff to the March 4, 2010 certified shoreline which is located makai, or seaward, of the sea cliff, and applicable to the applicant's lot only (Lot 23). The subject property (Lot 23) is located at the end of Sugar Mill Road, just east of the Sugar Mill Road/Beach Road intersection, Pepe'ekeō Point Subdivision, South Hilo, Hawai'i, TMK: 2-8-008:151.

**6. APPLICANT: HAWAIIAN ACRES COMMUNITY ASSOCIATION (SPP 845)**

Amendment to Special Permit No. 845 to allow additional uses within the community center, including a farmers market, and a one-year time extension to comply with Condition No. 4 (construction timeline of the community center and volunteer fire station). Special Permit No. 845 was originally approved to allow the establishment of a volunteer fire station, community center and related improvements situated on three (3) acres of land within the State Land Use Agricultural District. The property is located at the northeast corner of the intersection of Road 8 and Road C within the Hawaiian Acres Subdivision, Kea'au, Puna, Hawai'i, TMK: 1-6-052:002.

- Hearing will include discussion and further action, if necessary, on the Planning Director's request, on behalf of the Commission, for an informal opinion from the Board of Ethics regarding the legal representation by a former County employee of a potential intervenor in proceedings involving this amendment request.

**NEW BUSINESS – 10:00 a.m.**

**7. INITIATOR: PLANNING DIRECTOR**

An ordinance amending Chapter 25 (Zoning Code), Article 2, Division 7, Section 25-2-71 (Applicability-Plan Approval required), Section 25-2-73 (Reserved), Section 25-2-76 (Action of Plan Approval application), Section 25-2-77 (Review Criteria and conditions of approval); and Article 6, Division 1, Section 25-6-3 (Application for P.U.D. permit requirements), Section 25-6-7 (Reserved), and Section 25-6-10 (Criteria for granting a P.U.D. permit) of the Hawai'i County Code 1983 (2005 Edition, as amended). These amendments would create a process within the Zoning Code that requires the Planning Director to review and consult

with a local design review committee for certain land use permit applications situated within a special district to promote consistency with applicable adopted design guidelines and/or standards.

**8. INITIATOR: PLANNING DIRECTOR**

An ordinance amending Chapter 25 (Zoning Code), Article 3, Section 25-3-2 (Designation of Special Districts); Article 4, Division 5, Section 25-4-59.2 (Exceptions to Off-Street Parking & Loading Requirements); and Article 7 (Special District Regulations) of the Hawai'i County Code 1983 (2005 Edition, as amended), relating to the establishment of a special district to be known as the Pāhoa Village Design ("PVD") District that includes a process for community review of project applications and plans, and to provide distinct requirements for Off-Street Parking and Loading in the PVD district.

**9. INITIATOR: PLANNING DIRECTOR**

An ordinance amending Chapter 25 (Zoning Code), Article 5 of the Hawai'i County Code 1983 (2005 Edition, as amended), relating to zoning district regulations for dwellings within the Industrial-Commercial Mixed (MCX) zoning district. The purpose of this amendment is to allow multiple family residential dwelling units within the MCX zoning district.

The Commission anticipates convening an executive meeting regarding Item Nos. 5 and 6 above, pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes, for the purpose of consulting with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities. A 2/3 vote pursuant to Hawai'i Revised Statutes, Section 92-4 and Planning Commission Rule 1-5(e) is necessary to hold an executive meeting.

MINUTES

Approval of Minutes of the June 5, 2014 meeting

ADMINISTRATIVE MATTERS

1. Status of applications heard by Windward Planning Commission that are pending before County Council.

ANNOUNCEMENTS

ADJOURNMENT

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the above matters.

Submitting Testimony: According to Rule 1 (General Rules) of the Planning Commission, a person desiring to submit oral or written testimony shall indicate her/his name; residence address; and whether the testimony is on her/his behalf or as a representative of an organization or individual. If testimony is being submitted on behalf of an organization, documentation showing membership ratification should accompany the testimony. Written

testimony shall be submitted with an original and nine copies prior to testifying. The Commission would appreciate timely submittal to the Planning Department at least one week prior to the hearing date to allow for mailing and thorough Commission review. Testimony that is irrelevant or unduly repetitious may be limited by the Chairperson pursuant to Rule 1.

Pursuant to Rule 4, Contested Case Procedure, of the County of Hawai'i Planning Commission Rules of Practice and Procedure, any person seeking to intervene as a party to a contested case hearing on Agenda Item Nos. 2 thru 5 above is required to file a written request which must be received in the office of the Planning Department no later than seven (7) calendar days prior to the Planning Commission's first public meeting on the matter. Such written request shall be in conformity with Rule 4, in a form as provided by the Planning Department entitled "Petition for Standing in a Contested Case Hearing." The written petition/request shall be filed with the Planning Commission at Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, Hawai'i 96720, and accompanied by a filing fee of \$200 payable to the Director of Finance. Any party may retain counsel if that person so desires. Rule 4 may be inspected or purchased (\$2.50) at the above-cited location. Rule 4 may also be viewed at the County of Hawai'i website (<http://www.co.Hawaii.hi.us>).

Anyone who requires an auxiliary aid or service, other reasonable modification, or language interpretation to access this meeting please contact Sarah Hata-Finley (961-8157) or Daryn Arai (961-8142) of the Planning Department as soon as possible, but no later than five days prior to the meeting date, to arrange for accommodations. "Other reasonable modification" refers to communication methods or devices for people with disabilities who are mentally and/or physically challenged.

*Hawai'i County is an Equal Opportunity Provider and Employer.*

WINDWARD PLANNING COMMISSION  
MYLES MIYASATO, Vice-Chairman

(Hawaii Tribune Herald: Sunday, June 15, 2014)  
(West Hawaii Today: Sunday, June 15, 2014)