

Camero, Tracie-Lee

PLANNING DEPARTMENT
COUNTY OF HAWAII

From: Maija Cottle [mcottle@co.hawaii.hi.us]
Sent: Monday, June 30, 2014 1:14 PM
To: Camero, Tracie-Lee
Subject: FW: Glover SPP 14-000162
Attachments: Glover 2014 0630 Transmittal and Declaration (re. mailing of notices) (2).PDF
2014 JUN 30 PM 1:54

Tracie- Please log attachment and email into Eden as first and second notice for SPP 14-162. Thanks.

From: Barbara Huitt [mailto:bhuitt@cades.com]
Sent: Monday, June 30, 2014 12:42 PM
To: Maija Cottle
Cc: Randy Vitousek
Subject: Glover SPP 14-000162

Maija,

Attached for your information and file is a copy of the Declaration of Roy A. Vitousek III and Exhibits A – C. This is going out in today's mail.

Let us know if you have questions.

Barbara A. Huitt
Legal Secretary to Roy A. Vitousek III
Cades Schutte LLP
75-170 Hualalai Road, B-303
Kailua-Kona, Hawaii 96740
Ph.: 808-329-5811
Fax: 808-326-1175
E-mail: bhuitt@cades.com

Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) is not intended, or written to be used, and cannot be used for the purpose of avoiding tax-related penalties under the Internal Revenue Code.

This message is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, any dissemination, distribution or copying of this communication

is strictly prohibited. If you think you have received this communication in error, please notify us immediately by reply e-mail or by telephone (808)521-9200, and delete the original message.

EXHIBIT
37

SCANNED
JUL - 1 2014
By: 092713

2014 JUL -1 PM 2: 08

Transmittal Memorandum

TO : Planning Department
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720
Attention: Maija Cottle

FROM : Roy A. Vitousek III

DATE : June 30, 2014

RE : TMK (3) 2-1-013 (004)
Jas. W. Glover, Ltd.
SPP 14-000162

We are sending you the following:

ORIG.	COPIES	DATED	DESCRIPTION
1	1	06/30/14	Declaration of Roy A. Vitousek III; Exhibits A – C [Re: Mailing of Notices]

- | | |
|--|--|
| <input type="checkbox"/> For your information | <input type="checkbox"/> For signature and return |
| <input checked="" type="checkbox"/> For your files | <input type="checkbox"/> For signature, forwarding,
as noted below & return |
| <input type="checkbox"/> Per your request | <input type="checkbox"/> For review & comment |
| <input type="checkbox"/> Per our conversation | <input type="checkbox"/> For distribution |
| <input type="checkbox"/> For necessary action | <input type="checkbox"/> For recording/filing |
| <input type="checkbox"/> Are returned herewith | |

REMARKS: Please call us at 329-5811 if you have questions.

C S

Cades Schutte Building
1000 Bishop Street, Suite 1200
Honolulu, Hawaii 96813
Tel: 808.521-9200
Fax: 808.521-9210
www.cades.com

Kona Office
75-170 Hualalai Road, Suite B-303
Kailua Kona, Hawaii 96740
Tel: 808.329-5811
Fax: 808.326-1175

Maui Office
444 Hana Highway, Suite 204
Kahului, Hawaii 96732
Tel: 808.871.6016
Fax: 808.871.6017

Special Permit Application: (SPP 14-000162)
Applicant: Jas W. Glover, Ltd.
Request: To Establish New Quarry Site on a
85.338-Acre Portion of a 140.368 Acre Parcel
TMK: 2-1-013: 004 (“Subject Property”)

DECLARATION OF ROY A. VITOUSEK III

I ROY A. VITOUSEK, III, declare as follows:

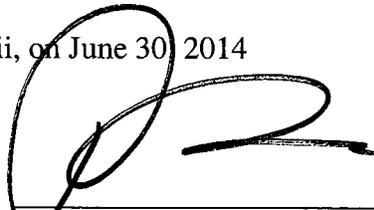
1. I am an attorney with Cades Schutte LLP, attorneys for Jas W. Glover, Ltd., Applicant in Special Permit Application No. SPP 14-000162 (“Application”). I make this declaration based on personal knowledge.
2. The Application was filed on March 5, 2014. The Planning Department accepted the Application on March 18, 2014.
3. On March 28, 2014, a Notification of Filing Application was mailed to the property owners within 500’ of the Subject Property whose names and addresses were obtained from County of Hawaii Real Property Tax Office website (“Surrounding Property Owners”).
4. Attached hereto as Exhibit “A” is a copy of the Notification of Filing Application that was mailed to the Surrounding Property Owners.
5. By letter dated June 12, 2014, received by undersigned on June 16, 2014, the Planning Department advised that the Application was scheduled for a public hearing by the Windward Planning Commission on July 3, 2014.
6. On June 20, 2014, a Notification of Hearing on Application before the Windward Planning Commission was mailed to the Surrounding Property Owners.
7. Attached hereto as Exhibit “B” is a copy of the Notification of Hearing on Application before the Windward Planning Commission that was mailed to the Surrounding Property Owners.

8. Attached hereto as Exhibit "C" is the list of Surrounding Property Owners upon whom the Notices were served.

9. This Declaration is submitted in accordance with Section 25-2-4 of the County of Hawaii Zoning Code, Rule 6-6 (c) of the County of Hawaii Planning Commission Rules of Practice and Procedure, and as set forth in the Planning Department's letters dated March 18, 2014, and June 12, 2014.

I declare, verify, and certify that the foregoing is true and correct.

Executed at Kailua-Kona, Hawaii, on June 30, 2014



ROY A. VITOUSEK III

DATE: March 28, 2014

TO: Surrounding Property Owners Within 500' of Subject Property

FROM: Roy A. Vitousek III, Attorney for Jas. W. Glover, Ltd. ("Applicant")

PURPOSE: **NOTIFICATION OF FILING APPLICATION:**
SPP 14-000162. Application for Special Permit Application pursuant to Rule 6 (Special Permits) of the County of Hawaii Planning Commission Rules of Practice and Procedure for operation of a quarrying.

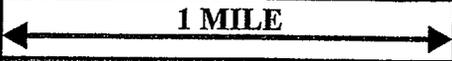
PROPERTY: TMK (3) 2-1-013: 004 (por.)
Total Acreage: 140.368
Quarry Project Site: 85.338 acres

On March 5, 2014, Applicant filed a Special Permit Application with the County of Hawaii Planning Department requesting approval to establish a quarry, support facilities, and accessory uses on approximately 85.338 acres of land (being a portion of a 140.368-acre parcel whereupon quarrying operations have previously been approved and conducted). The County of Hawaii Planning Director accepted the Application on March 18, 2014.

In accordance with Rule 4 (Contested Case Procedure) and Rule 6 (Special Permits) of the County of Hawaii Planning Commission Rules of Practice and Procedure, and Section 25-2-4 of the Hawaii County Zoning Code, **we hereby notify you of the following:**

1. Name of the Applicant: Jas. W. Glover, Ltd., c/o Roy A. Vitousek III, Cades Schutte LLP (attorney for Applicant), 75-170 Hualalai Rd., Ste. B-303, Kailua-Kona, Hawaii 96740; phone no.: 808-329-5811; fax: 808-326-1175.
2. The location of the property: The Project Site is located on property owned by Kamehameha Schools, east of the Hawaii National Guard site and Hilo International Airport, approximately 3,800 feet west of the County's Sewer Treatment Plant at Honohononui, South Hilo, Hawaii (see attached map).
3. Nature of use sought and proposed accompanying structures, if any: The Applicant requests to use the 85-338-acre site for quarrying operations, including support facilities and accessory uses.
4. Date Application was filed with the Planning Department/Planning Commission: March 5, 2014, at the West Hawaii Planning Department. The Application was accepted by the Planning Department on March 18, 2014.

5. You have a right to submit a written request for a contested case procedure.
Should you seek to intervene as a party, you shall file a written request on the form, "Petition for Standing in Contested Case Hearing." A copy of this form is attached hereto. The request shall be filed with the Planning Commission at 101 Pauahi Street, Suite 3, Hilo, Hawaii 96720-3043, or at the Planning Commission, West Hawaii Office, 74-5044 Ane Keohokalole Highway, Kailua-Kona, Hawaii 96740, and shall be accompanied by a filing fee of \$200.00 payable to the Director of Finance. The request with the required information shall be submitted no later than seven (7) calendar days prior to the Planning Commission's first scheduled public hearing to consider the Application.
6. If you choose not to submit a written request for a contested case procedure, you may express your support or opposition in writing or by oral testimony at the Planning Commission public hearing to be scheduled.
7. You will be notified of the date, time, and place of the public hearing held to consider the Application.
8. If you have questions or require additional information concerning this application, please call our office at (808) 329-5811 or the Planning Department (Hilo: (808) 961-8288; Kona: (808) 323-4770).



HILLO SOUTH

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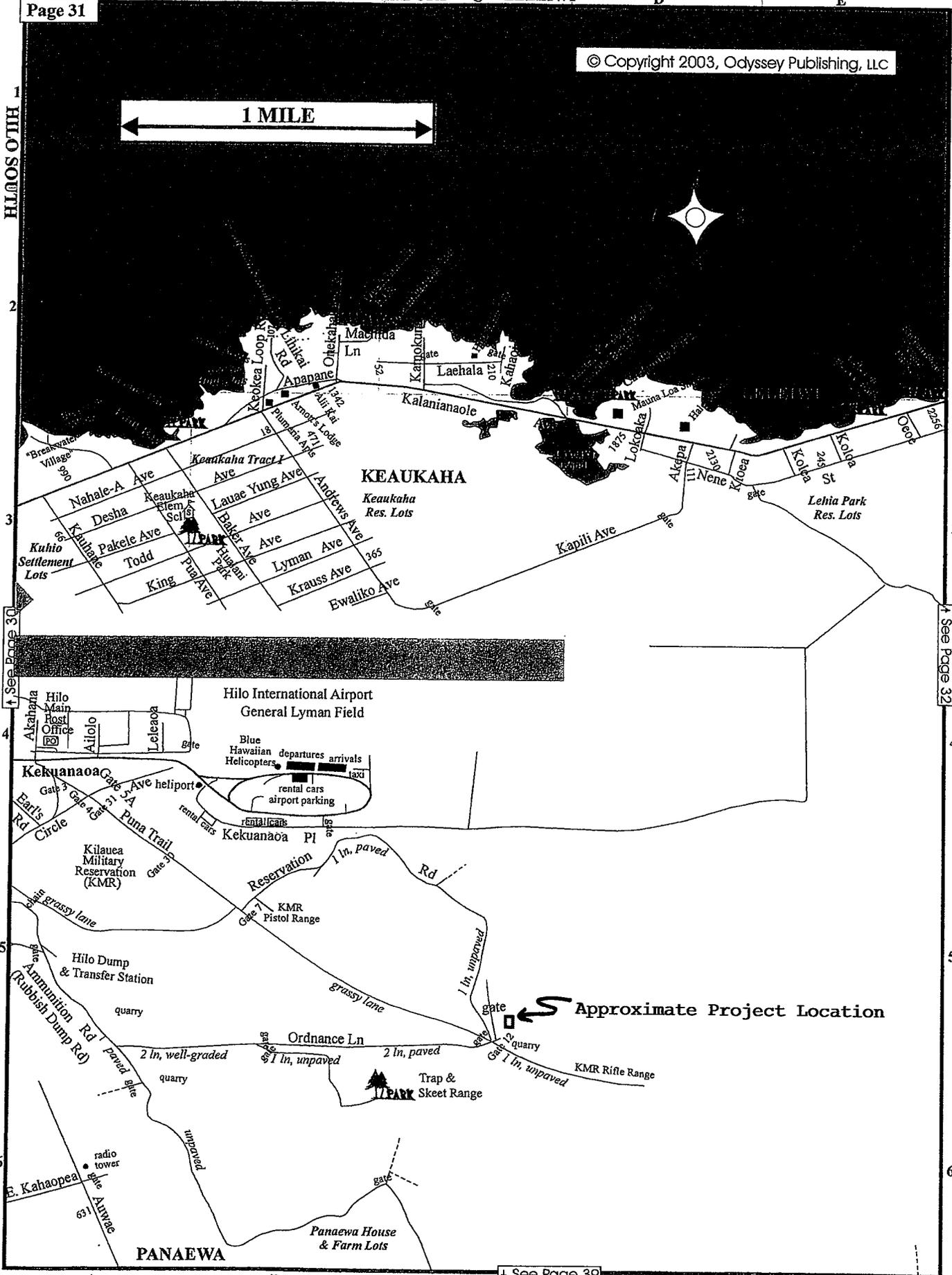
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↑ See Page 30

↑ See Page 32



Approximate Project Location

↑ See Page 39

A

B

C

D

E

PANAWEA

Panaewa House & Farm Lots

Trap & Skeet Range

KMR Rifle Range

Ordnance Ln

Hilo Dump & Transfer Station

Kilauea Military Reservation (KMR)

Hilo International Airport
General Lyman Field

Kekuanāōa Pl

KMR Pistol Range

Reservation

1 in, paved Rd

rental cars

rental cars

Blue Hawaiian Helicopters

departures arrivals

taxi

airport parking

Gate 3

Gate 4

Gate 5

Gate 6

Gate 7

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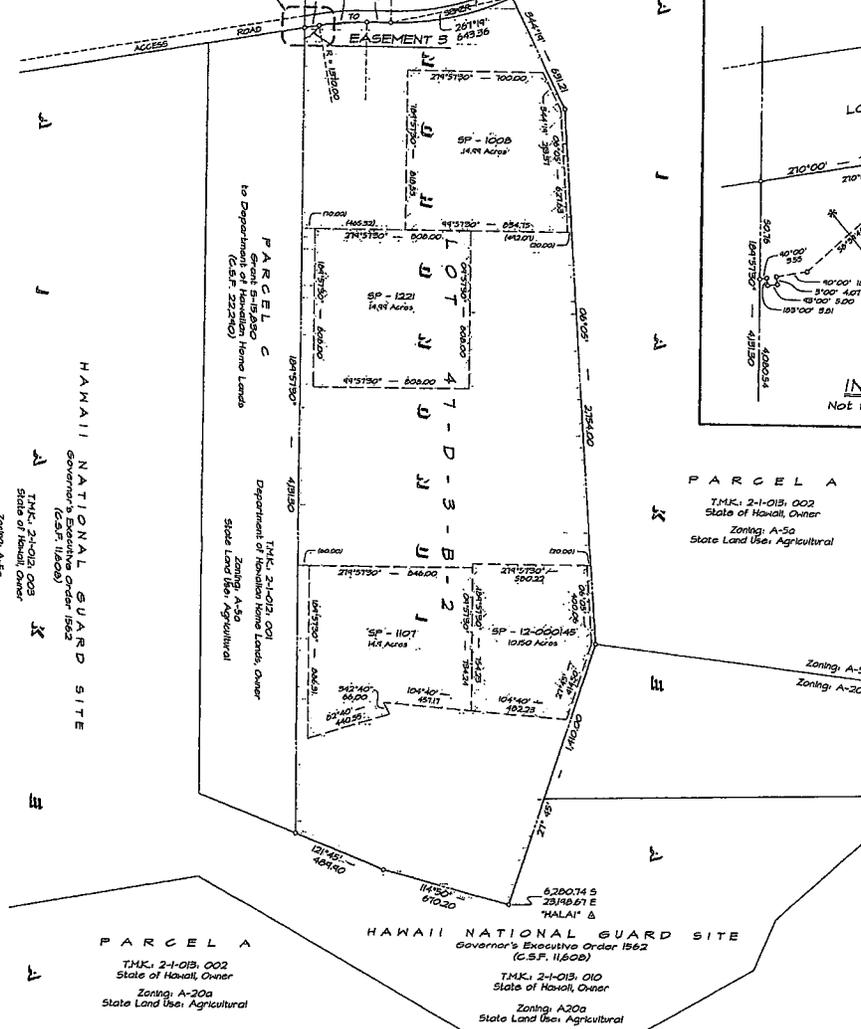
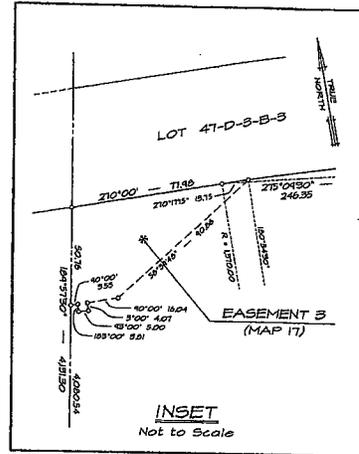
GENERAL LYMAN FIELD
 Governor's Executive Order 2685
 (C.S.F. 16,140)

TMK: 2-1-012, 004
 State of Hawaii (DOT AD), Owner
 Zoning: ML-20
 State Land Use: Urban

SEE INSET

CLEAR ZONE EASEMENT
 (C.S.F. 10,223)
 TMK: 2-1-012, 710
 State of Hawaii, Owner
 Zoning: A-5a
 State Land Use: Agricultural

LOT 47-D-3-B-3
 TMK: 2-1-013, 166
 B.P. Bishop Estate, Owner
 Zoning: A-5a
 State Land Use: Agricultural



HAWAII NATIONAL GUARD SITE
 Governor's Executive Order 1523
 (C.S.F. 14,600)
 TMK: 2-1-012, 003
 State of Hawaii, Owner
 Zoning: A-5a
 State Land Use: Agricultural

PARCEL A
 TMK: 2-1-013, 002
 State of Hawaii, Owner
 Zoning: A-20a
 State Land Use: Agricultural

HAWAII NATIONAL GUARD SITE
 Governor's Executive Order 1562
 (C.S.F. 14,600)
 TMK: 2-1-013, 010
 State of Hawaii, Owner
 Zoning: A20a
 State Land Use: Agricultural

PARCEL A
 TMK: 2-1-013, 002
 State of Hawaii, Owner
 Zoning: A-5a
 State Land Use: Agricultural

NOTES:

1. Adjacent property ownership shown is from County of Hawaii Real Property Tax Office Site.
2. Zoning designation and state land use designation obtained from County of Hawaii Arc Reader.
3. Land Use Pattern Allocation Guide (LUPAG) designation obtained from County of Hawaii Arc Reader. Designation is Extensive Agricultural (ea) and Important Ag. Lands (Ial).
4. Site is within Zone X areas determined to be outside of the 0.2% annual chance floodplain. No base flood elevations or depths are shown within this zone. Site is on Flood Insurance Rate Map, Community Panel Number 155166-0205-C. Map Revised: September 16, 1988.

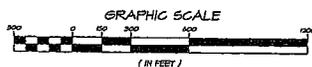
AREA SUMMARY	
Lot 47-D-3-B-2	140.368 Acres
SP - 100B	14.99 Acres
SP - 1221	14.99 Acres
SP - 1107	14.9 Acres
SP - 12-000145	10.150 Acres
Remainder Lot 47-D-3-B-2	85.838 Acres

PROJECT SITE

**REMAINDER OF LOT 47-D-3-B-2
 OF LAND COURT APPLICATION 433
 AS SHOWN ON MAP 16
 IN THE 'ILI OF HONOHONUI
 SOUTH HILO, ISLAND OF HAWAII, HAWAII
 Tax Map Key: 3rd DIV. 2-1-013, 004**

PREPARED FOR:
 Jas. H. Glover, Ltd.
 240 Leilani Street
 Hilo, Hawaii 96720

OWNER:
 B. P. Bishop Estate
 507 South King Street, Suite 200
 Honolulu, Hawaii 96813



INABA ENGINEERING, INC.
 273 Kalaheo Ave.
 Hilo, Hawaii 96720



This work was prepared by me or under my supervision.
 Alan Z. Inaba
 Licensed Professional Land Surveyor
 Certificate Number 5626
 License Expires April 30, 2015
 Land Court Survey Number 249
 February 21, 2013
 Revised: February 20, 2014
 IEI 18003

18003-18003.dwg

PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 1 of 2)

NAME: _____

ADDRESS: _____

PHONE NO.: _____

APPLICANT/ _____

DOCKET NO.: _____

A. Is your interest in this matter clearly distinguishable from that of the general public?

Yes _____ No _____

If the answer is "yes", please explain:

If the answer is "no", please explain how the proposed action will nevertheless cause you actual or threatened injury:

B. Are you a government agency whose jurisdiction includes the land involved in the subject request?

Yes _____ No _____

If the answer is "yes", please explain the nature of the agency's jurisdiction:

C. Do you lawfully reside on or have some property interest in the land involved in the subject request?

Yes _____ No _____

If the answer is "yes", please explain:

PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 2 of 2)

D. Are you a person or persons descended from native Hawaiians who inhabited the Hawaiian Islands prior to 1778, who practiced those rights which were customarily and traditionally exercised for subsistence, cultural, or religious purposes?

Yes _____ No _____

If the answer is "yes", please submit any genealogical evidence and historical evidence showing the exercise of those rights to support your statement:

Petitioner's Signature

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this _____ day of _____, 20____, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Notary Public, State of Hawaii

My commission expires: _____

DATE: June 20, 2014

TO: Surrounding Property Owners Within 500' of TMK (3) 2-1-013: 004 (por.)

FROM: Roy A. Vitousek III, Attorney for Jas. W. Glover, Ltd. ("Applicant")

PURPOSE: **NOTIFICATION OF HEARING before the Windward Planning Commission (SPP 14-000162)** on an Application for Special Permit filed pursuant to Rule 6 (Special Permits) of the County of Hawaii Planning Commission Rules of Practice and Procedure to establish a new quarry site.

PROPERTY: TMK (3) 2-1-013: 004 (por.)
Total Acreage: 140.368
Quarry Project Site: 85.338 acres

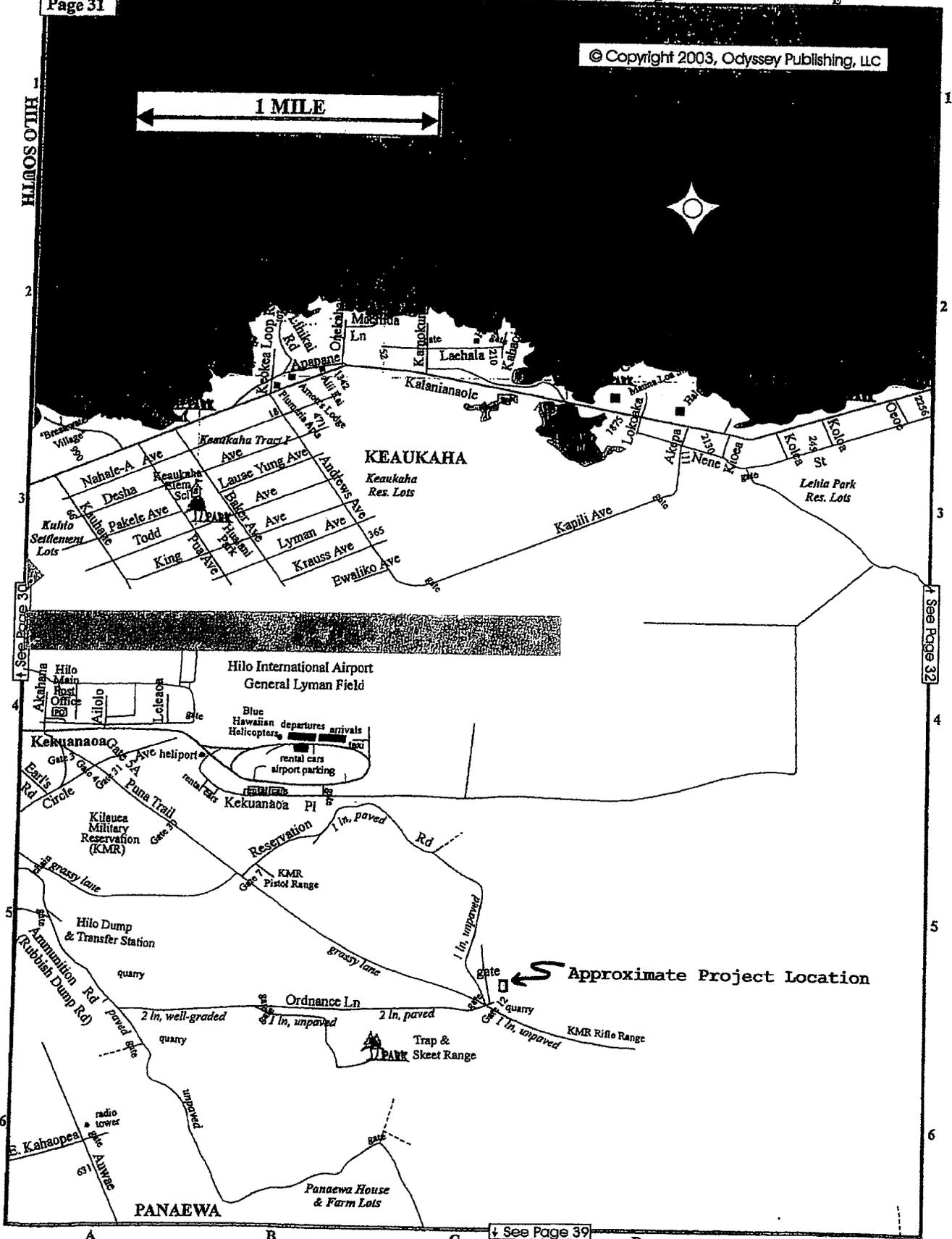
On March 5, 2014, Applicant filed a Special Permit Application with the County of Hawaii Planning Department requesting approval to establish a quarry site, support facilities, and accessory uses on approximately 85.338 acres of land (being a portion of a 140.368-acre parcel whereupon quarrying operations have previously been approved and conducted). The County of Hawaii Planning Director accepted the Application on March 18, 2014.

In accordance with Rule 4 (Contested Case Procedure) and Rule 6 (Special Permits) of the County of Hawaii Planning Commission Rules of Practice and Procedure, and Section 25-2-4 of the Hawaii County Zoning Code, **we hereby notify you of the following:**

1. Name of the Applicant: Jas. W. Glover, Ltd., c/o Roy A. Vitousek III, Cades Schutte LLP (attorney for Applicant), 75-170 Hualalai Rd., Ste. B-303, Kailua-Kona, Hawaii 96740; phone no.: 808-329-5811; fax: 808-326-1175.
2. The location of the property: The Project Site is located on property owned by Kamehameha Schools, east of the Hawaii National Guard site and Hilo International Airport, approximately 3,800 feet west of the County's Sewer Treatment Plant at Honohononui, South Hilo, Hawaii (see attached map).
3. Nature of use sought and proposed accompanying structures, if any: The Applicant requests to use the 85.338-acre site for quarrying operations, including support facilities and accessory uses.
4. Date Application was filed with the Planning Department/Planning Commission: March 5, 2014, at the West Hawaii Planning Department. The Application was accepted by the Planning Department on March 18, 2014.

Surrounding Property Owners Within 500' of:
TMK (3) 2-1-013: 004 (por.)
June 20, 2014
Page 2

5. Date, time and place that the public hearing will be held to consider the Application. **A hearing in this matter will be held on Thursday, July 3, 2014, at 9:00 a.m. in the County of Hawai'i Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i 96720.** A copy of the Windward Planning Commission's Agenda is attached for your reference.
6. You have a right to submit a written request for a contested case procedure. Should you seek to intervene as a party, you should file a written request no later than seven (7) calendar days, prior to the Planning 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." A copy of this form is attached hereto as "Appendix A." This written request shall be filed with the Planning Commission at 101 Pauahi Street, Suite 3, Hilo, Hawaii 96720-3043, and accompanied by a filing fee of \$200.00 payable to the Director of Finance.
7. If you choose not to submit a written request for a contested case procedure, you may express your support or opposition in writing or by oral testimony at the Windward Planning Commission public hearing.
8. If you have questions or require additional information concerning this application, please call our office at (808) 329-5811 or the Planning Department (Hilo: (808) 961-8288; Kona: (808) 323-4770).



HILLO SOUTH

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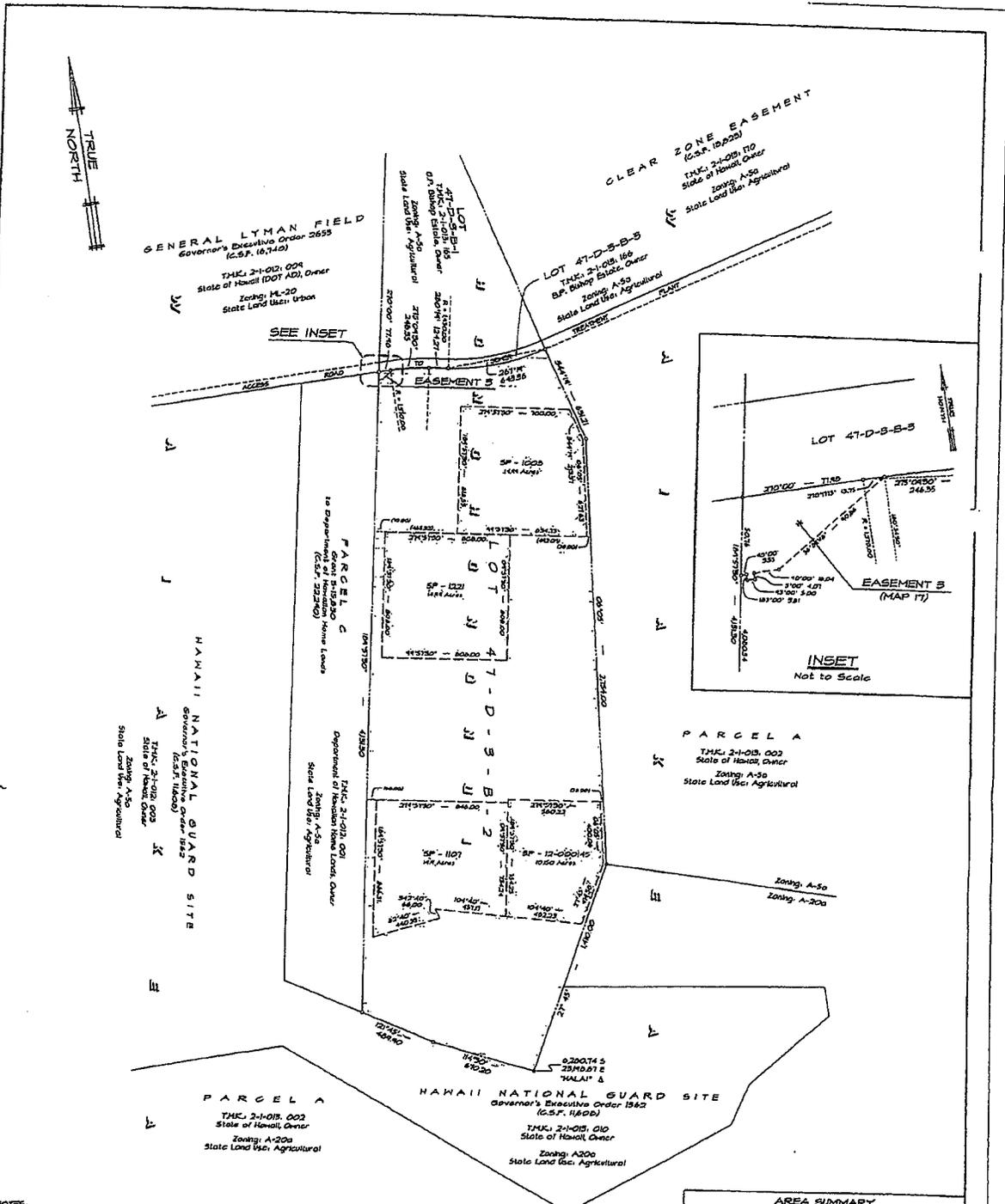
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↑ See Page 30

↑ See Page 32

↑ See Page 39

Approximate Project Location



- NOTES:**
1. Adjacent property ownership shown is from County of Hawaii Real Property Tax Office Site.
 2. Zoning designation and state land use designation obtained from County of Hawaii Arc Reader.
 3. Land Use Pattern Allocation Guide (LUPAG) designation obtained from County of Hawaii Arc Reader. Designation is Extensive Agricultural (EAL) and Important Ag. Lands (IAL).
 4. Site is within Zone X, areas determined to be outside of the 0.2% annual chance floodplain. No base flood elevations or depths are shown within this zone. Site is on Flood Insurance Rate Map, Community-Panel Number 15566 0285 C.
Map Revised: September 16, 1993.

AREA SUMMARY	
Lot 47-D-3-B-2	140,360 Acres
SP - 1000	14.94 Acres
SP - 1221	14.94 Acres
SP - 1107	14.94 Acres
SP - 12-002145	10,150 Acres
Remainder Lot 47-D-3-B-2	85,300 Acres

PROJECT SITE
REMAINDER OF LOT 47-D-3-B-2
OF LAND COURT APPLICATION 435
AS SHOWN ON MAP 16
IN THE 'ILI OF HONOHONUI
SOUTH HILO, ISLAND OF HAWAII, HAWAII
Tax Map Key: 3rd DIV. 2-1-013: 004

PREPARED FOR:
 Jas. W. Glover, Ltd.
 807 South King Street
 Hilo, Hawaii 96720

OWNER:
 B. P. Bishop Estate
 807 South King Street, Suite 200
 Honolulu, Hawaii 96813

INABA ENGINEERING, INC.
 275 Mahanui Ave.
 Hilo, Hawaii 96720



This work was prepared by
 Alan Z. Inaba
 Licensed Professional Land Surveyor
 Certificate Number 5626
 License Expires April 30, 2014
 Land Court Survey Number 244
 February 21, 2013
 Revised February 20, 2014



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 Hinano 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)

PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 1 of 2)

NAME: _____

ADDRESS: _____

PHONE NO.: _____

APPLICANT/ _____

DOCKET NO.: _____

A. Is your interest in this matter clearly distinguishable from that of the general public?

Yes _____ No _____

If the answer is "yes", please explain:

If the answer is "no", please explain how the proposed action will nevertheless cause you actual or threatened injury:

B. Are you a government agency whose jurisdiction includes the land involved in the subject request?

Yes _____ No _____

If the answer is "yes", please explain the nature of the agency's jurisdiction:

C. Do you lawfully reside on or have some property interest in the land involved in the subject request?

Yes _____ No _____

If the answer is "yes", please explain:

PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 2 of 2)

D. Are you a person or persons descended from native Hawaiians who inhabited the Hawaiian Islands prior to 1778, who practiced those rights which were customarily and traditionally exercised for subsistence, cultural, or religious purposes?

Yes _____ No _____

If the answer is "yes", please submit any genealogical evidence and historical evidence showing the exercise of those rights to support your statement:

Petitioner's Signature

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this _____ day of _____, 20____, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Notary Public, State of Hawaii

My commission expires: _____

Applicant: Jas. W. Glover, Ltd.
Request for New Quarry Site (85.338 ac.)
TMK: (3) 2-1-013: 004(por.) (“Subject Property”)

PROPERTY OWNERS WITHIN 500 FEET OF SUBJECT PROPERTY

<u>Tax Map Key No.</u>	<u>Owner/Lessee and Address</u>
(3) 2-1-012: 001	Department of Hawaiian Home Lands P. O. Box 1879 Honolulu HI 96805
(3) 2-1-012: 003	State of Hawaii c/o Office of the Attorney General 425 Queen Street Honolulu, HI 96813
(3) 2-1-012: 009	State of Hawaii Department of Transportation c/o Office of the Attorney General, Land/Transportation Division Kekuanao`a Building, Room 300 465 South King Street Honolulu, HI 96813
(3) 2-1-013: 002	State of Hawaii United States Department of Transportation Federal Aviation Administration P. O. Box 50109 Honolulu, HI 96850
(3) 2-1-013: 010, 170	State of Hawaii c/o Office of the Attorney General 425 Queen Street Honolulu, Hawaii 96813
(3) 2-1-013: 165, 166	B. P. Bishop Trust Estate Kamehameha Schools P. O. Box 3466 Honolulu HI 96801

Special Permit Application: (SPP 14-000162)
Applicant: Jas W. Glover, Ltd.
Request: To Establish New Quarry Site on a
85.338-Acre Portion of a 140.368 Acre Parcel
TMK: 2-1-013: 004 (“Subject Property”)

DECLARATION OF ROY A. VITOUSEK III

I ROY A. VITOUSEK, III, declare as follows:

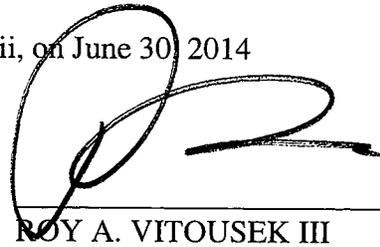
1. I am an attorney with Cades Schutte LLP, attorneys for Jas W. Glover, Ltd., Applicant in Special Permit Application No. SPP 14-000162 (“Application”). I make this declaration based on personal knowledge.
2. The Application was filed on March 5, 2014. The Planning Department accepted the Application on March 18, 2014.
3. On March 28, 2014, a Notification of Filing Application was mailed to the property owners within 500’ of the Subject Property whose names and addresses were obtained from County of Hawaii Real Property Tax Office website (“Surrounding Property Owners”).
4. Attached hereto as Exhibit “A” is a copy of the Notification of Filing Application that was mailed to the Surrounding Property Owners.
5. By letter dated June 12, 2014, received by undersigned on June 16, 2014, the Planning Department advised that the Application was scheduled for a public hearing by the Windward Planning Commission on July 3, 2014.
6. On June 20, 2014, a Notification of Hearing on Application before the Windward Planning Commission was mailed to the Surrounding Property Owners.
7. Attached hereto as Exhibit “B” is a copy of the Notification of Hearing on Application before the Windward Planning Commission that was mailed to the Surrounding Property Owners.

8. Attached hereto as Exhibit "C" is the list of Surrounding Property Owners upon whom the Notices were served.

9. This Declaration is submitted in accordance with Section 25-2-4 of the County of Hawaii Zoning Code, Rule 6-6 (c) of the County of Hawaii Planning Commission Rules of Practice and Procedure, and as set forth in the Planning Department's letters dated March 18, 2014, and June 12, 2014.

I declare, verify, and certify that the foregoing is true and correct.

Executed at Kailua-Kona, Hawaii, on June 30, 2014



ROY A. VITOUSEK III

DATE: March 28, 2014

TO: Surrounding Property Owners Within 500' of Subject Property

FROM: Roy A. Vitousek III, Attorney for Jas. W. Glover, Ltd. ("Applicant")

PURPOSE: **NOTIFICATION OF FILING APPLICATION:**
SPP 14-000162. Application for Special Permit Application pursuant to Rule 6 (Special Permits) of the County of Hawaii Planning Commission Rules of Practice and Procedure for operation of a quarrying.

PROPERTY: TMK (3) 2-1-013: 004 (por.)
Total Acreage: 140.368
Quarry Project Site: 85.338 acres

On March 5, 2014, Applicant filed a Special Permit Application with the County of Hawaii Planning Department requesting approval to establish a quarry, support facilities, and accessory uses on approximately 85.338 acres of land (being a portion of a 140.368-acre parcel whereupon quarrying operations have previously been approved and conducted). The County of Hawaii Planning Director accepted the Application on March 18, 2014.

In accordance with Rule 4 (Contested Case Procedure) and Rule 6 (Special Permits) of the County of Hawaii Planning Commission Rules of Practice and Procedure, and Section 25-2-4 of the Hawaii County Zoning Code, **we hereby notify you of the following:**

1. Name of the Applicant: Jas. W. Glover, Ltd., c/o Roy A. Vitousek III, Cades Schutte LLP (attorney for Applicant), 75-170 Hualalai Rd., Ste. B-303, Kailua-Kona, Hawaii 96740; phone no.: 808-329-5811; fax: 808-326-1175.
2. The location of the property: The Project Site is located on property owned by Kamehameha Schools, east of the Hawaii National Guard site and Hilo International Airport, approximately 3,800 feet west of the County's Sewer Treatment Plant at Honohononui, South Hilo, Hawaii (see attached map).
3. Nature of use sought and proposed accompanying structures, if any: The Applicant requests to use the 85-338-acre site for quarrying operations, including support facilities and accessory uses.
4. Date Application was filed with the Planning Department/Planning Commission: March 5, 2014, at the West Hawaii Planning Department. The Application was accepted by the Planning Department on March 18, 2014.

Surrounding Property Owners Within 500' of:

TMK (3) 2-1-013: 004 (por.)

March 28, 2014

Page 2

5. You have a right to submit a written request for a contested case procedure. Should you seek to intervene as a party, you shall file a written request on the form, "Petition for Standing in Contested Case Hearing." A copy of this form is attached hereto. The request shall be filed with the Planning Commission at 101 Pauahi Street, Suite 3, Hilo, Hawaii 96720-3043, or at the Planning Commission, West Hawaii Office, 74-5044 Ane Keohokalole Highway, Kailua-Kona, Hawaii 96740, and shall be accompanied by a filing fee of \$200.00 payable to the Director of Finance. The request with the required information shall be submitted no later than seven (7) calendar days prior to the Planning Commission's first scheduled public hearing to consider the Application.
6. If you choose not to submit a written request for a contested case procedure, you may express your support or opposition in writing or by oral testimony at the Planning Commission public hearing to be scheduled.
7. You will be notified of the date, time, and place of the public hearing held to consider the Application.
8. If you have questions or require additional information concerning this application, please call our office at (808) 329-5811 or the Planning Department (Hilo: (808) 961-8288; Kona: (808) 323-4770).

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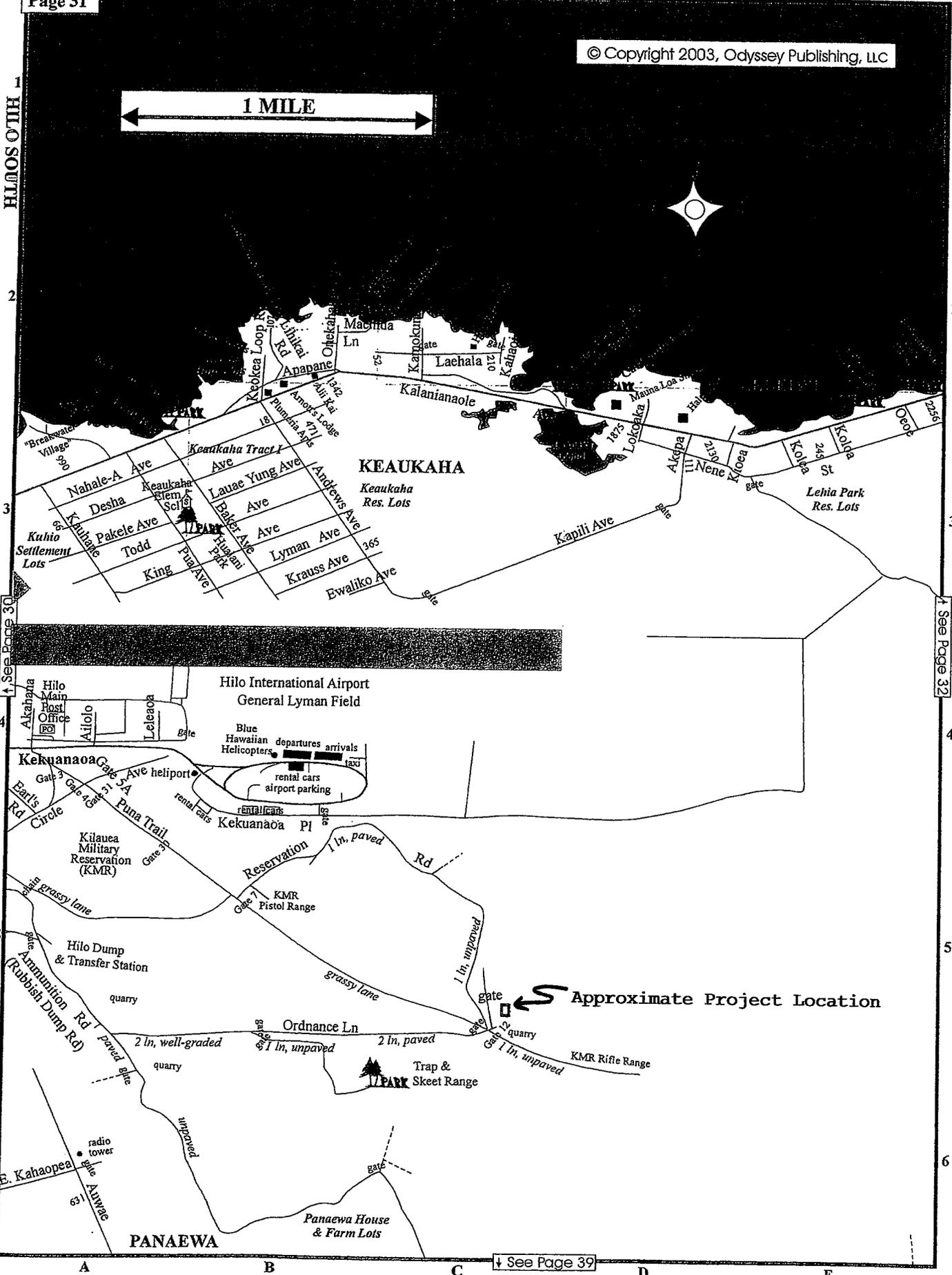
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See Page 30

See Page 32

See Page 39



Approximate Project Location

PANAWEA

Panaewa House & Farm Lots

Trap & Skeet Range

KMR Rifle Range

KMR Pistol Range

Kilauea Military Reservation (KMR)

Hilo International Airport General Lyman Field

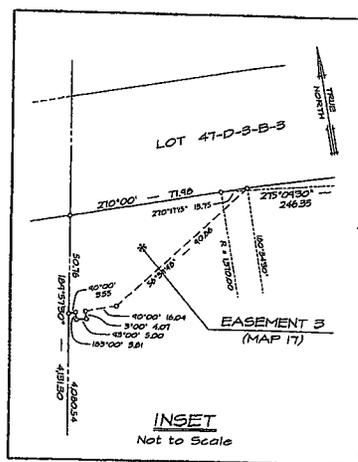
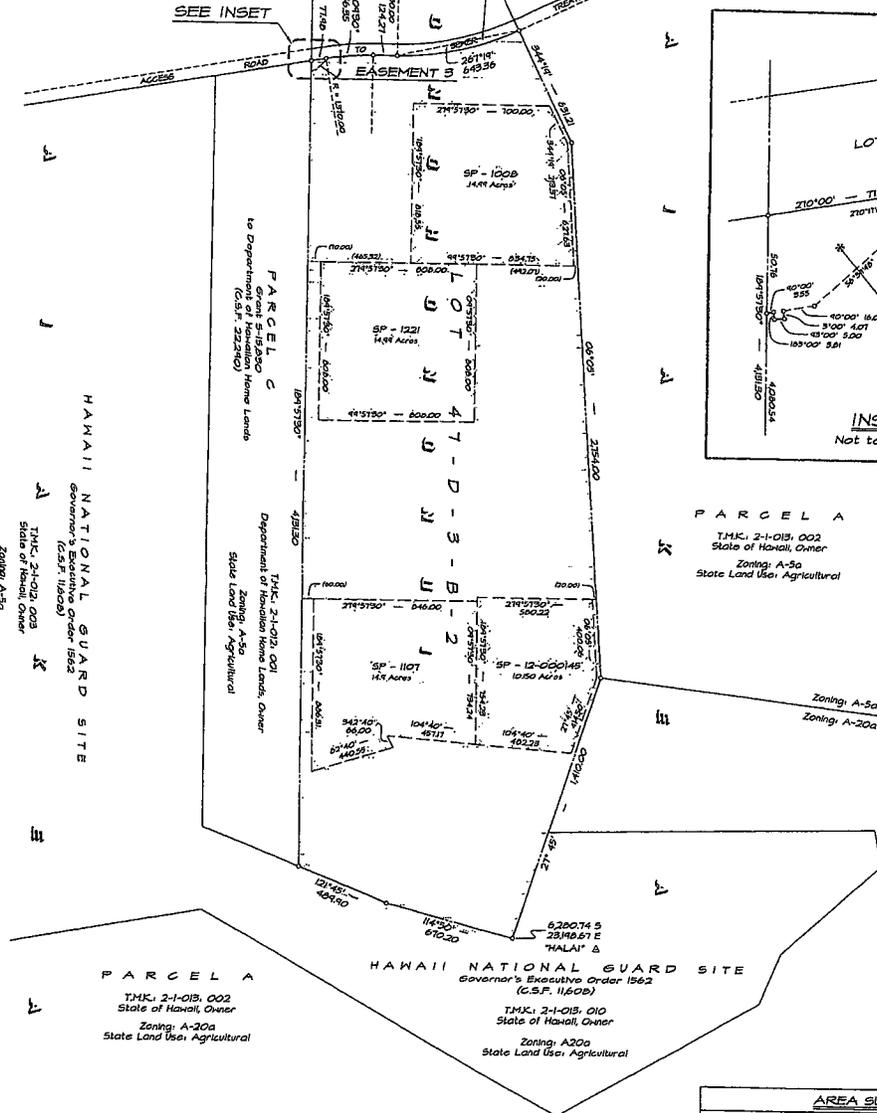
KEAUKAHA Keaukaha Res. Lots

Lehia Park Res. Lots



GENERAL LYMAN FIELD
 Governor's Executive Order 2653
 (C.S.F. 16-740)
 T.M.C. 2-1-012, 004
 State of Hawaii (DOT AD), Owner
 Zoning: M-20
 State Land Use: Urban

CLEAR ZONE EASEMENT
 (C.S.F. 16-825)
 T.M.C. 2-1-018, 170
 State of Hawaii, Owner
 Zoning: A-5a
 State Land Use: Agricultural



PARCEL A
 T.M.C. 2-1-018, 002
 State of Hawaii, Owner
 Zoning: A-5a
 State Land Use: Agricultural

PARCEL A
 T.M.C. 2-1-013, 002
 State of Hawaii, Owner
 Zoning: A-20a
 State Land Use: Agricultural

HAWAII NATIONAL GUARD SITE
 Governor's Executive Order 1562
 (C.S.F. 1160B)
 T.M.C. 2-1-013, 010
 State of Hawaii, Owner
 Zoning: A30a
 State Land Use: Agricultural

NOTES:

1. Adjacent property ownership shown is from County of Hawaii Real Property Tax Office Site.
2. Zoning designation and state land use designation obtained from County of Hawaii Arc Reader.
3. Land Use Pattern Allocation Guide (LUPAG) designation obtained from County of Hawaii Arc Reader. Designation is Extensive Agricultural (ea) and Important Ag. Lands (ia).
4. Site is with in Zone X areas determined to be outside of the 0.2% annual chance floodplain. No base/flood elevations or depths are shown within this zone. Site is on Flood Insurance Rate Map, Community-Plan Number 15166 0865 C, Map Revised, September 16, 1988.

AREA SUMMARY	
Lot 47-D-3-B-2	140.368 Acres
SP - 100B	14.99 Acres
SP - 1221	14.99 Acres
SP - 1107	14.9 Acres
SP - 12-000145	10.150 Acres
Remainder Lot 47-D-3-B-2	85.338 Acres

PROJECT SITE
REMAINDER OF LOT 47-D-3-B-2
OF LAND COURT APPLICATION 433
AS SHOWN ON MAP 16
IN THE 'ILI OF HONOHONUI
SOUTH HILO, ISLAND OF HAWAII, HAWAII
 Tax Map Key: 3rd DIV. 2-1-013: 004

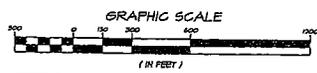
PREPARED FOR:
 Jas. H. Glover, Ltd.
 590 Lelian Street
 Hilo, Hawaii 96720

OWNER:
 B. P. Bishop Estate
 597 South King Street, Suite 200
 Honolulu, Hawaii 96813

INABA ENGINEERING, INC.
 215 Holomanu Ave.
 Hilo, Hawaii 96720



This work was prepared by me or under my supervision.
 Alan Z. Inaba
 Licensed Professional Land Surveyor
 Certificate Number 5626
 License Expires April 30, 2014
 Land Court Surveyor Number 249
 February 20, 2015
 Revised: February 20, 2014



PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 1 of 2)

NAME: _____

ADDRESS: _____

PHONE NO.: _____

APPLICANT/ _____

DOCKET NO.: _____

A. Is your interest in this matter clearly distinguishable from that of the general public?

Yes _____ No _____

If the answer is "yes", please explain:

If the answer is "no", please explain how the proposed action will nevertheless cause you actual or threatened injury:

B. Are you a government agency whose jurisdiction includes the land involved in the subject request?

Yes _____ No _____

If the answer is "yes", please explain the nature of the agency's jurisdiction:

C. Do you lawfully reside on or have some property interest in the land involved in the subject request?

Yes _____ No _____

If the answer is "yes", please explain:

PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 2 of 2)

D. Are you a person or persons descended from native Hawaiians who inhabited the Hawaiian Islands prior to 1778, who practiced those rights which were customarily and traditionally exercised for subsistence, cultural, or religious purposes?

Yes _____ No _____

If the answer is "yes", please submit any genealogical evidence and historical evidence showing the exercise of those rights to support your statement:

Petitioner's Signature

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this _____ day of _____, 20____, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Notary Public, State of Hawaii

My commission expires: _____

DATE: June 20, 2014

TO: Surrounding Property Owners Within 500' of TMK (3) 2-1-013: 004 (por.)

FROM: Roy A. Vitousek III, Attorney for Jas. W. Glover, Ltd. ("Applicant")

PURPOSE: **NOTIFICATION OF HEARING before the Windward Planning Commission (SPP 14-000162)** on an Application for Special Permit filed pursuant to Rule 6 (Special Permits) of the County of Hawaii Planning Commission Rules of Practice and Procedure to establish a new quarry site.

PROPERTY: TMK (3) 2-1-013: 004 (por.)
Total Acreage: 140.368
Quarry Project Site: 85.338 acres

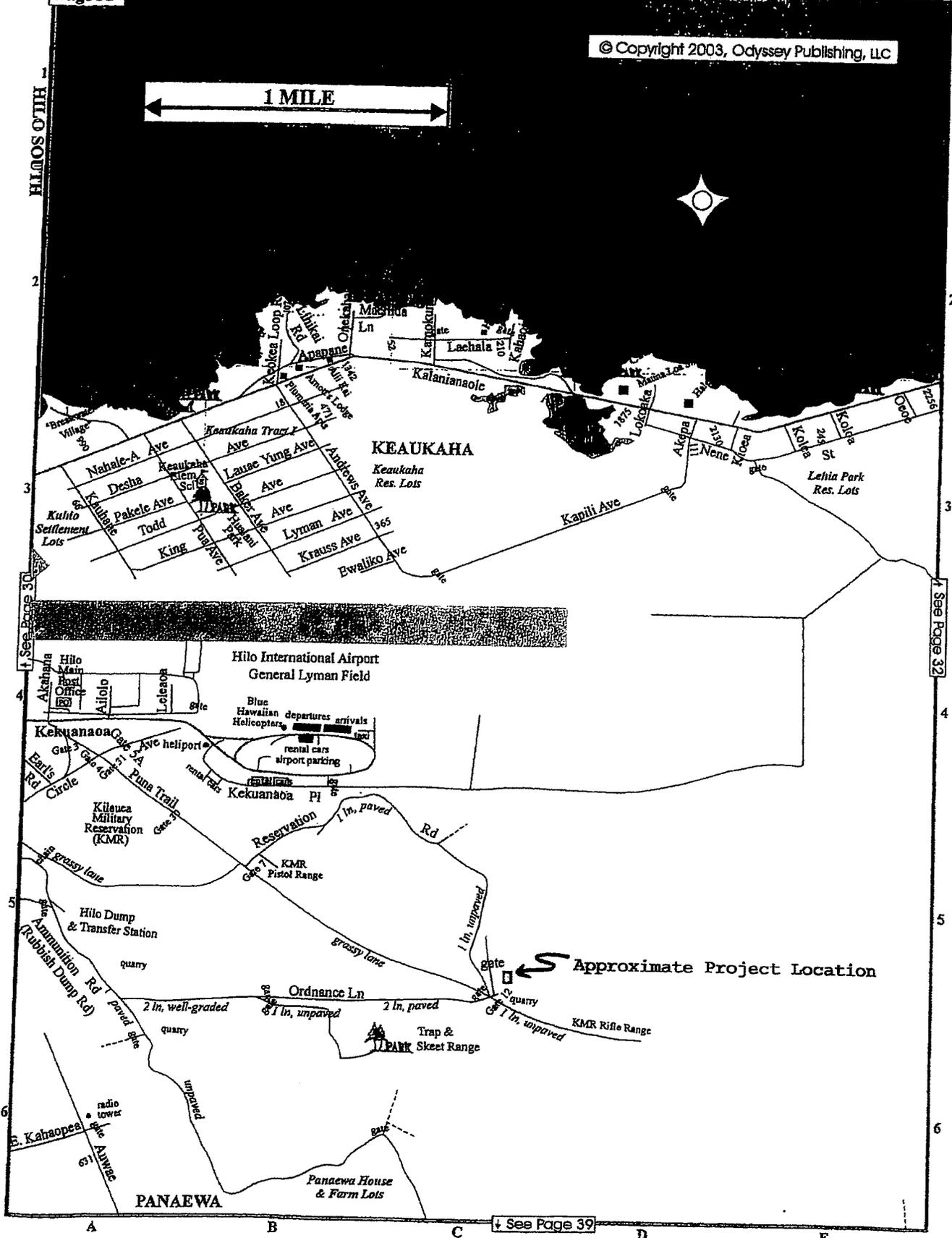
On March 5, 2014, Applicant filed a Special Permit Application with the County of Hawaii Planning Department requesting approval to establish a quarry site, support facilities, and accessory uses on approximately 85.338 acres of land (being a portion of a 140.368-acre parcel whereupon quarrying operations have previously been approved and conducted). The County of Hawaii Planning Director accepted the Application on March 18, 2014.

In accordance with Rule 4 (Contested Case Procedure) and Rule 6 (Special Permits) of the County of Hawaii Planning Commission Rules of Practice and Procedure, and Section 25-2-4 of the Hawaii County Zoning Code, **we hereby notify you of the following:**

1. Name of the Applicant: Jas. W. Glover, Ltd., c/o Roy A. Vitousek III, Cades Schutte LLP (attorney for Applicant), 75-170 Hualalai Rd., Ste. B-303, Kailua-Kona, Hawaii 96740; phone no.: 808-329-5811; fax: 808-326-1175.
2. The location of the property: The Project Site is located on property owned by Kamehameha Schools, east of the Hawaii National Guard site and Hilo International Airport, approximately 3,800 feet west of the County's Sewer Treatment Plant at Honohononui, South Hilo, Hawaii (see attached map).
3. Nature of use sought and proposed accompanying structures, if any: The Applicant requests to use the 85.338-acre site for quarrying operations, including support facilities and accessory uses.
4. Date Application was filed with the Planning Department/Planning Commission: March 5, 2014, at the West Hawaii Planning Department. The Application was accepted by the Planning Department on March 18, 2014.

5. Date, time and place that the public hearing will be held to consider the Application. **A hearing in this matter will be held on Thursday, July 3, 2014, at 9:00 a.m. in the County of Hawai'i Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i 96720.** A copy of the Windward Planning Commission's Agenda is attached for your reference.
6. You have a right to submit a written request for a contested case procedure. Should you seek to intervene as a party, you should file a written request no later than seven (7) calendar days, prior to the Planning 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." A copy of this form is attached hereto as "Appendix A." This written request shall be filed with the Planning Commission at 101 Pauahi Street, Suite 3, Hilo, Hawaii 96720-3043, and accompanied by a filing fee of \$200.00 payable to the Director of Finance.
7. If you choose not to submit a written request for a contested case procedure, you may express your support or opposition in writing or by oral testimony at the Windward Planning Commission public hearing.
8. If you have questions or require additional information concerning this application, please call our office at (808) 329-5811 or the Planning Department (Hilo: (808) 961-8288; Kona: (808) 323-4770).

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HILLO SOUTH

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See Page 30

See Page 32

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See Page 39

A

B

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D

E

Approximate Project Location

PANAWEA

KEAUKAHA

Hilo International Airport

General Lyman Field

Kilauea Military Reservation (KMR)

Hilo Dump & Transfer Station

Trap & Skeet Range

KMR Rifle Range

E. Kahaopea

Panaewa House & Farm Lots

Nahale-A Ave

Desha

Pakele Ave

Todd

King

Keaukaha Trwy

Lause Yung Ave

Blair Ave

Lyman Ave

Krauss Ave

Keaukaha Res. Lots

Andrews Ave

365

Ewaliko Ave

Kapili Ave

365

365

365

Kalaniana'ole

185

185

185

Alkapa

2150

2150

2150

Nene

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Leleia

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Leleia Park Res. Lots

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245

245

Kulu Settlement Lots

Keaukaha Elem Sch

Keaukaha Trwy

Lause Yung Ave

Blair Ave

Lyman Ave

Krauss Ave

Ewaliko Ave

Kapili Ave

365

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Keaukaha Trwy

Lause Yung Ave

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Lyman Ave

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Leleia Park Res. Lots

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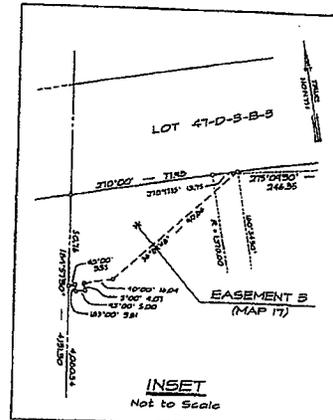
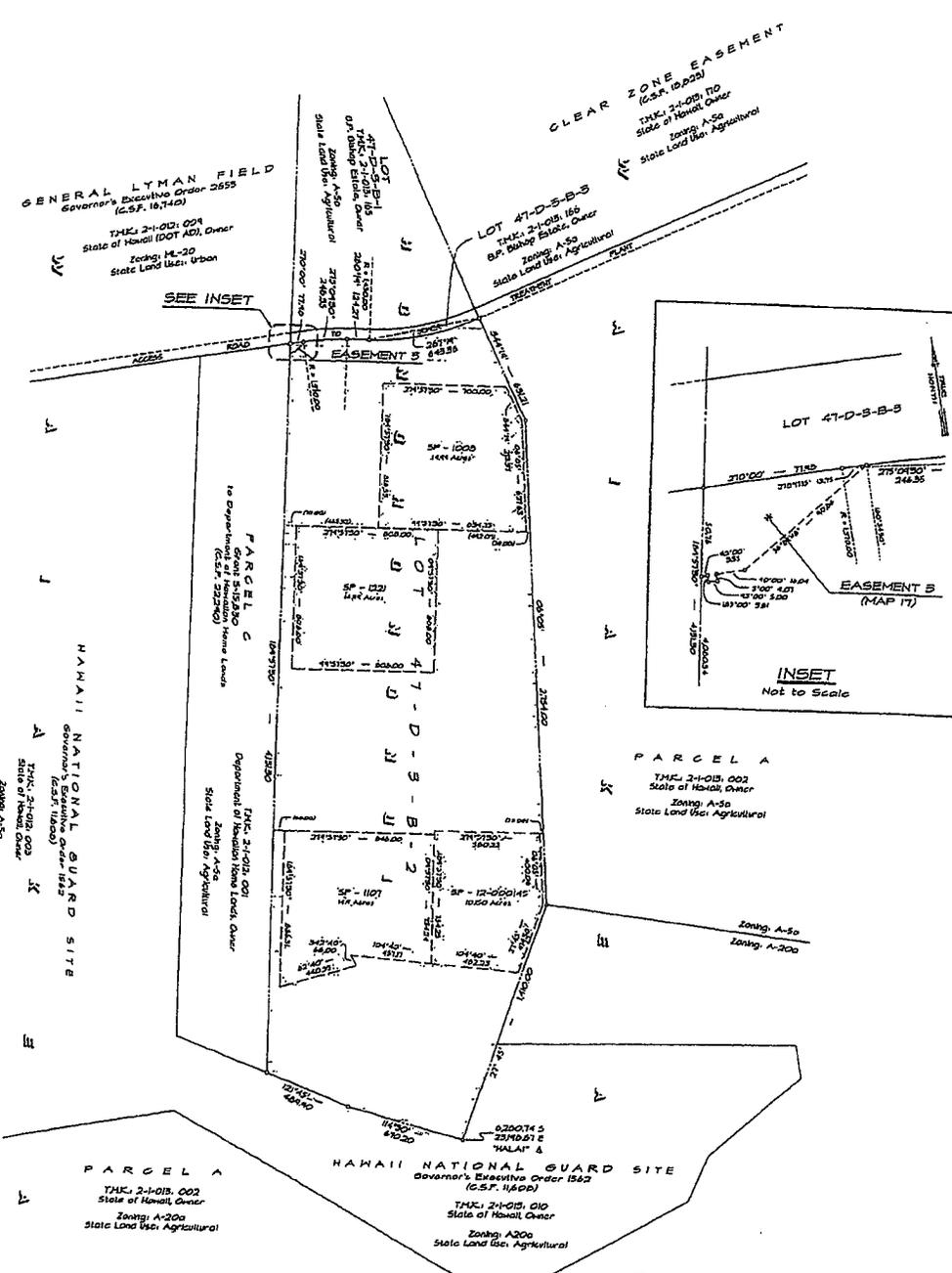
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AREA SUMMARY	
Lot 47-D-3-B-2	140.365 ACRES
SP - 100B	14.99 ACRES
SP - 122	14.99 ACRES
SP - 117	14.9 ACRES
SP - 12-0004S	10.150 ACRES
Remainder Lot 47-D-3-B-2	85.538 ACRES

- NOTES:**
1. Adjacent property ownership shown is from County of Hawaii Real Property Tax Office Site.
 2. Zoning designation and state land use designation obtained from County of Hawaii Arc Reader.
 3. Land Use Pattern Allocation Guide (LUPAG) designation obtained from County of Hawaii Arc Reader. Designation is Extensive Agricultural (ea) and Important Ag. Lands (ia).
 4. Site is within Zone K areas determined to be outside of the 0.2% crest slope threshold. No basement elevations or depths are shown within the zone. Site is on Flood Insurance Rate Map, Community Panel Number 15356 0585 C. Map Revised: September 16, 1989.

PROJECT SITE
REMAINDER OF LOT 47-D-3-B-2
OF LAND COURT APPLICATION 433
AS SHOWN ON MAP 16
IN THE 'ILI OF HONOHONUI
SOUTH HILO, ISLAND OF HAWAII, HAWAII
Tax Map Key: 3rd DIV. 2-1-015: 004

PREPARED FOR:
 Jas. W. Glover, Ltd.
 840 Lullani Street
 Hilo, Hawaii 96720

OWNER:
 B. P. Bishop Estate
 367 South King Street, Suite 200
 Honolulu, Hawaii 96813



INABA ENGINEERING, INC.
 375 Pololu Avenue
 Hilo, Hawaii 96720



The work was prepared by
 Alan Z. Inaba
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 License Expires: April 30, 2014
 Land Court Surveyor Number 244
 February 21, 2013
 Revised: February 20, 2014

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 Pāhoā 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)

PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 1 of 2)

NAME: _____

ADDRESS: _____

PHONE NO.: _____

APPLICANT/ _____

DOCKET NO.: _____

A. Is your interest in this matter clearly distinguishable from that of the general public?

Yes _____ No _____

If the answer is "yes", please explain:

If the answer is "no", please explain how the proposed action will nevertheless cause you actual or threatened injury:

B. Are you a government agency whose jurisdiction includes the land involved in the subject request?

Yes _____ No _____

If the answer is "yes", please explain the nature of the agency's jurisdiction:

C. Do you lawfully reside on or have some property interest in the land involved in the subject request?

Yes _____ No _____

If the answer is "yes", please explain:

PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 2 of 2)

D. Are you a person or persons descended from native Hawaiians who inhabited the Hawaiian Islands prior to 1778, who practiced those rights which were customarily and traditionally exercised for subsistence, cultural, or religious purposes?

Yes _____ No _____

If the answer is "yes", please submit any genealogical evidence and historical evidence showing the exercise of those rights to support your statement:

Petitioner's Signature

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this _____ day of _____, 20____, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Notary Public, State of Hawaii

My commission expires: _____

Applicant: Jas. W. Glover, Ltd.
Request for New Quarry Site (85.338 ac.)
TMK: (3) 2-1-013: 004(por.) ("Subject Property")

PROPERTY OWNERS WITHIN 500 FEET OF SUBJECT PROPERTY

<u>Tax Map Key No.</u>	<u>Owner/Lessee and Address</u>
(3) 2-1-012: 001	Department of Hawaiian Home Lands P. O. Box 1879 Honolulu HI 96805
(3) 2-1-012: 003	State of Hawaii c/o Office of the Attorney General 425 Queen Street Honolulu, HI 96813
(3) 2-1-012: 009	State of Hawaii Department of Transportation c/o Office of the Attorney General, Land/Transportation Division Kekuanao`a Building, Room 300 465 South King Street Honolulu, HI 96813
(3) 2-1-013: 002	State of Hawaii United States Department of Transportation Federal Aviation Administration P. O. Box 50109 Honolulu, HI 96850
(3) 2-1-013: 010, 170	State of Hawaii c/o Office of the Attorney General 425 Queen Street Honolulu, Hawaii 96813
(3) 2-1-013: 165, 166	B. P. Bishop Trust Estate Kamehameha Schools P. O. Box 3466 Honolulu HI 96801