

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
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Phone (808) 323-4770
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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

September 24, 2015

Mr. Mel Macy
West Hawaii Concrete, Ltd.
P.O. Box 1390
Kailua-Kona, HI 96745

Dear Mr. Macy:

SUBJECT: Special Permit No. 833 (Docket No. 92-000001)
Applicant: WHC, Ltd.
Request: Amendment to Special Permit No. 833 to Allow a Time Extension to Condition No. 12, Allow Greenwaste Composting, and Allow the Processing and Recycling of Portland Cement Concrete and Asphalt Concrete Pavement
Tax Map Key: 6-8-001:066 (formerly portion of 6-8-001:005)

This is to acknowledge receipt of the above-referenced for an amendment to Special Permit No. 833 on September 15, 2015. Enclosed is a receipt for the filing fee.

Please be informed, that in accordance with the Planning Commission's Rule 4. Contested Case Procedure, within ten (10) days after receipt of this letter, you are required to serve notice of your application on surrounding property owners and lessees of record within 500 feet of the perimeter boundary of the building site, as required in the Hawai'i County Zoning Code, Section 25-2-4.

In addition, upon notice by our department that the hearing date has been set, you are again required to notify all owners and lessees of record within 500 feet of the perimeter boundary of the building site. This second notice shall be served within ten (10) days after receiving notice from the director of the date of the scheduled hearing but not less than ten (10) days prior to the date of the scheduled hearing.

Both notices shall include the following information:

1. Name of the applicant;

EXHIBIT
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2. Precise location of the property involved, including tax map key identification, location map and/or site plan;
3. Nature of the application and the proposed use of the property;
4. Date on which the application was filed with the director or the commission;
5. Inform the landowner or lessee 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 on the form, "Petition for Standing in Contested Case Hearing." This form shall be included in both notices to the landowners and lessees. The 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. The required information shall be submitted no later than seven (7) calendar days, prior to the Commission's first scheduled public hearing to consider the application;
6. 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;
7. Date, time and place that the public hearing will be held to consider the application (include in second notice); and
8. Contact information (name and phone number) for the applicant or representative and the Planning Department should there be any questions.

Please inform the surrounding property owner that the application is available at the Planning Department for public review.

Prior to the date of the hearing, the applicant is required to file with the Commission certified mail receipts, affidavits, declarations or other similar proof of mailing of both notices.

Please also be advised that in accordance with Chapter 25 (Zoning Code), Article 2, Division 1, Section 25-2-12, Hawai'i County Code 1983 (2005 Edition) and/or Planning Commission Rules of Practice and Procedure, within ten (10) days of being notified of the acceptance of an application, the applicant shall post a sign on the subject property notifying the public of the following:

1. The nature of the application;
2. The proposed use of the property;
3. The size of the property;
4. The tax map key(s) of the property;
5. That the public may contact the Planning Department for additional information;
and
6. The address and telephone number of the Planning Department.

The sign shall be not less than nine square feet and not more than twelve square feet in area, with letters not less than one inch high. No pictures, drawings, or promotional materials shall be permitted on the sign.

The sign shall be posted at or near the property boundary adjacent to a public road bordering the property and shall be readable from said public road. If more than one public road borders the property, the applicant shall post the sign to be visible from the more heavily traveled public road.

The sign shall, in all other respects, be in compliance with Chapter 3 (Signs), Hawai'i County Code 1983 (2005 edition).

The applicant shall file an affidavit with the Planning Department not more than five (5) days after posting the sign stating that a sign has been posted, and that the applicant will not remove the sign until the application has been granted, denied, or withdrawn. A photograph of the sign in place shall accompany the affidavit.

The sign shall remain posted until the application has been granted, denied, or withdrawn. The applicant shall remove the sign promptly after such action.

According to Planning Commission Rule 6 (Special Permits), the Commission shall conduct a public hearing on the request within a period of 90 days from the date of receipt of a properly filed application. The Commission shall act upon the application within thirty days after the close of the hearing or within a longer period as may be agreed upon by the applicant.

We will notify you as to the date of the hearing as soon as it has been determined.

Mr. Mel Macy
West Hawaii Concrete, Ltd.
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Should you have any questions regarding the above, please do not hesitate to contact Jeff Darrow of this department at 961-8288, ext. 8158.

Sincerely,


DUANE KANUHA
Planning Director

AWHCAmendSPP833mad
Enclosure

cc: Jennifer A. Lim, Esq., Carlsmith Ball LLP

RECEIPT		DATE	SEP 16 2015	No.	026747
RECEIVED FROM		Carlsmith Ball LLP		\$ 250.00	
PO Box 656, Honolulu, HI 96809		DOLLARS			
<input type="radio"/> FOR RENT		OPP FIF TRK: 080010660000			
<input checked="" type="radio"/> FOR					
ACCOUNT		<input type="radio"/> CASH	#131997		
PAYMENT	250.00	<input checked="" type="radio"/> CHECK	FROM	TO	
BAL. DUE		<input type="radio"/> MONEY ORDER			
		<input type="radio"/> CREDIT CARD	BY		