

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

121 WAIANUENUE AVENUE
P.O. BOX 686
HILO, HAWAII 96721-0686
TELEPHONE 808.935.6644 FAX 808.935.7975
WWW.CARLSMITH.COM

KGARSON@CARLSMITH.COM

May 31, 2018

2018 MAY 31 PM 2 43
PLANNING DEPARTMENT
COUNTY OF HAWAII

Mr. Michael Yee
Planning Director
Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

Re: Affidavit of Mailing
Applicant: PR Mauna Kea LLC
Request: Amendment to Condition No. 7 (life of the permit) of
Land Use Commission Docket No. SP90-374 / County of Hawai'i Planning
Commission Special Permit No. 724 ("SP 724")
Waikoloa, District of South Kohala, Hawai'i
Tax Map Key No.: (3) 6-7-001:034 [formerly (3) 6-7-01: portion 25]

Dear Mr. Yee:

Enclosed please find an Affidavit of Mailing attesting to the Applicant's mailing of the Notice of Hearing to the property owners within the 500-foot perimeter boundary of the Property.

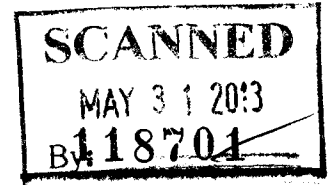
Please feel free to contact me should you have any questions concerning this submittal. Thank you for your consideration in this matter.

Very truly yours,



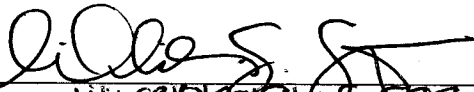
Katherine A. Garson

Enclosure
xc: with enclosure: Client
4811-4502-9735.1

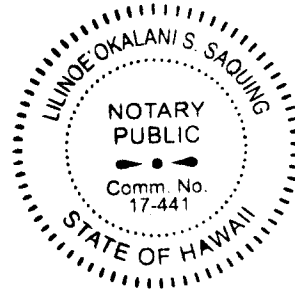


STATE OF HAWAII)
)
COUNTY OF HAWAII) ss.

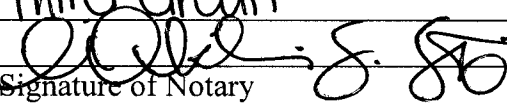
Subscribed and sworn (or affirmed) before me this 31st day of May 2018.

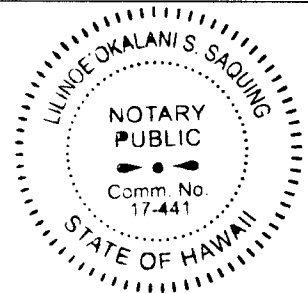

Name: Lilinoe Okalani S. Saquing
Notary Public, State of Hawaii'i

My commission expires: 10.29.2021



(Notary Stamp or Seal)

<u>NOTARY CERTIFICATION STATEMENT</u>	
Document Identification or Description:	<u>Affidavit of Mailing</u>
Document Date:	<u>May 31, 2018</u>
No. of Pages:	<u>12 (twelve)</u>
Jurisdiction (in which notarial act is performed):	<u>Third Circuit</u>
	<u>05.31.18</u>
Signature of Notary	Date of Notarization and Certification Statement
<u>Lilinoe Okalani S. Saquing</u>	
Printed Name of Notary	



(Notary Stamp or Seal)

PR MAUNA KEA LLC
Surrounding Property Owner Within 500'
of
TMK: (3) 6-7-001:034

<u>TMK</u>	<u>Owner Name and Address</u>
6-7-001:025	PR Mauna Kea LLC 66-1304 Mamalahoa Highway Kamuela, HI 96743

EXHIBIT A

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

121 WAIANUENUE AVENUE

P.O. BOX 686

HILO, HAWAII 96721-0686

TELEPHONE 808.935.6644 FAX 808.935.7975

WWW.CARLSMITH.COM

KGARSON@CARLSMITH.COM

May 16, 2018

Notice of Hearing

Applicant: PR Mauna Kea, LLC

Location: Approximately 3.7 miles northeast of the Mamalahoa Highway / Waikii Road intersection, at Waikoloa, District of South Kohala, Island, County and State of Hawaii

Request: An amendment to Special Permit No. 724, which was originally approved to allow for the operation of a quarry and related uses on approximately 143.48 acres of the land situated within the State Land Use Agricultural District. The applicant is requesting an amendment to Condition No. 7 (Life of the Permit) to allow a time extension to run coterminous with the current lease between the applicant and WHC, Ltd., dba West Hawai'i Concrete, which expires on September 3, 2037.

Tax Map Key: (3) 6-7-001:portion of 034 (formerly 6-7-001:portion of 025).

Dear Surrounding Property Owners:

On April 11, 2018, Applicant PR Mauna Kea, LLC, filed with the Planning Department of the County of Hawaii, a request for an amendment to Special Permit No. 724 (Docket No. SPP 89-000024) seeking approval for an amendment to Condition No. 7 (Life of the Permit) to allow a time extension to run coterminous with the current lease between the applicant and WHC, Ltd., dba West Hawai'i Concrete, which expires on September 3, 2017, affecting approximately 143.48 acres of the land situated within the State Land Use Agricultural District.

In accordance Section 25-2-4 of the Hawaii County Zoning Code, we are notifying owners with interests in properties located within 500 feet of the perimeter boundary of the Property of the Leeward Planning Commission's hearing in this matter, to be held on **Thursday, June 21, 2018 at 9:30 a.m. at the West Hawaii Civic Center, Community Center, Building G, located at 74-5044 Ane Keohokalole Highway, Kailua-Kona, Hawaii**. Copies of the Leeward Planning Commission's agenda for the aforementioned hearing, location map, and site plan are attached for your reference.

HONOLULU

HILO

KONA

MAUI

LOS ANGELES

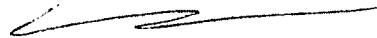
EXHIBIT B

In accordance with Rule 4 of the Planning Commission Rules of Practice and Procedure, you have the right to submit a written request for a contested case procedure in this matter. Should you seek to intervene as a party, a written request on the attached form, "Petition for Standing in Contested Case Hearing" should be filed with the Planning Commission, 101 Pauahi Street, Suite 3, Hilo, Hawaii 96720, accompanied by a filing fee of \$200.00 payable to the Director of Finance, no later than seven (7) calendar days prior to the Leeward Planning Commission's first scheduled public hearing to consider the application. In the event that you choose not to submit a written request for a contested case procedure, you may express your support/opposition in writing or by oral testimony at the Leeward Planning Commission public hearing.

Maps showing the general location and boundary of the area under consideration are on file in the offices of the Planning Department in the Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, Hawaii 96720 (telephone no. 808.961.8288) or at the Planning Department's West Hawaii Office, 74-5044 Ane Keohokalole Highway, Building E, 2nd Floor, Kailua-Kona, Hawaii 96740 (telephone no. 808.323.4770), and are open to inspection during office hours.

Should you have any additional questions concerning this matter, please do not hesitate to call me at 808.935-6644. Thank you for your kind attention to this matter.

Very truly yours,

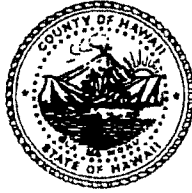


Katherine A. Garson

KAG:KYL

Enclosures: Leeward Planning Commission Agenda; Location Map; Site Plan; Petition for Standing in Contested Case Hearing Appendix A

Harry Kim
Mayor



Keith F. Unger, Chair
Oliver "Sonny" Shimaoka, Vice Chair
Nancy Carr Smith
Scott Church
Perry Kealoha
Barbara Nobriga

County of Hawai'i

LEEWARD PLANNING COMMISSION

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

AGENDA

NOTICE IS HEREBY GIVEN of the following matters to be considered by the Leeward 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 Commission's Rules of Practice and Procedure.

DATE: Thursday, June 21, 2018

TIME: 9:30 a.m.

PLACE: West Hawai'i Civic Center, Community Center, Building G,
74-5044 Ane Keohokālole Highway, Kailua-Kona, Hawai'i

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 – 9:30 a.m.

1. **APPLICANT: WEST HAWAII BUSINESS PARK, LLC (AMEND REZ 1049)**
Application to amend Condition K (Roadway Improvements) of Ordinance No. 04-110, which reclassified approximately 196.634 acres of land from an Open (O) to an Industrial-Commercial Mixed-20,000 square feet (MCX-20) zoning district and reclassified approximately 85.733 acres of land from an Open (O) to a General Industrial-1-acre (MG-1a) zoning district. The property is located along the east (mauka) side of Queen Ka'ahumanu Highway (State Highway 19), Honokōhau 1st and 2nd, North Kona, Hawai'i, TMKs (3) 7-4-008:013, 030, 074, 076-78 inclusive, 084 and 085.
2. **APPLICANT: SUNSTONE KONA, LLC (AMEND SMA 05-005)**
Application for a 10-year time extension to comply with Condition No. 9 (Completion of First Phase of Block D) of SMA Permit No. 05-005, which was issued in 2007 to allow the development of approximately 289 multiple-family residential units, commercial improvements and related parking and landscaping improvements on about 46.3 acres of land, and road improvements on about 1.089 acres of land. The subject property is located east of Ali'i Drive and west of Kuakini Highway, about 1,100 feet south of the Ali'i Drive – Lunapule Road intersection, Kahului 1st and 2nd, North Kona, Hawai'i, TMKs: (3) 7-5-019:049, 050, 054 and por. 7-5-020:001.

3. **APPLICANT: PR MAUNA KEA, LLC (AMEND SPP 724/LUC SP 90-374)**
Request for amendment to Special Permit No. 724, which was originally approved to allow for the operation of a quarry and related uses on approximately 143.48 acres of land situated within the State Land Use Agricultural District. The applicant is requesting an amendment to Condition No. 7 (Life of the Permit) to allow a time extension to run coterminous with the current lease between the applicant and WHC, Ltd., dba West Hawai'i Concrete, which expires on September 3, 2037. The affected property is located approximately 3.7 miles north east of the Māmalahoa Highway/Waiki'i Road intersection, Waikoloa, South Kohala, Hawai'i, TMK: 6-7-001:portion of 034 (formerly 6-7-001:portion of 025).

MINUTES

Approval of the Minutes of the February 15, 2018 Leeward Planning Commission meeting.

ADMINISTRATIVE MATTERS

Discussion of recent Special Management Area (SMA) determinations and minor permits issued by the Planning Director.

ANNOUNCEMENTS

ADJOURNMENT

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

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 No. 2 and 3 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 Planning Department website under Resources and References (<http://www.hiplanningdept.com>)

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; 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 fifteen 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.

Notice to Lobbyists: If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist {Article 15, Section 2-91.3(b), Hawai'i County Code}. A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." {Article 15, Section 2-91.3(a)(6), Hawai'i County Code} Registration forms and expenditure report documents are available at the Office of the County Clerk, 25 Aupuni Street, Room 1402, Hilo, Hawai'i 96720.

Copies of the applications are on file and open to inspection during office hours at the Planning Department, Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, Hawai'i and at the Kona office of the Planning Department, West Hawai'i Civic Center, 74-5044 Ane Keohokālole Highway, Building E, 2nd Floor, Kailua-Kona, Hawai'i.

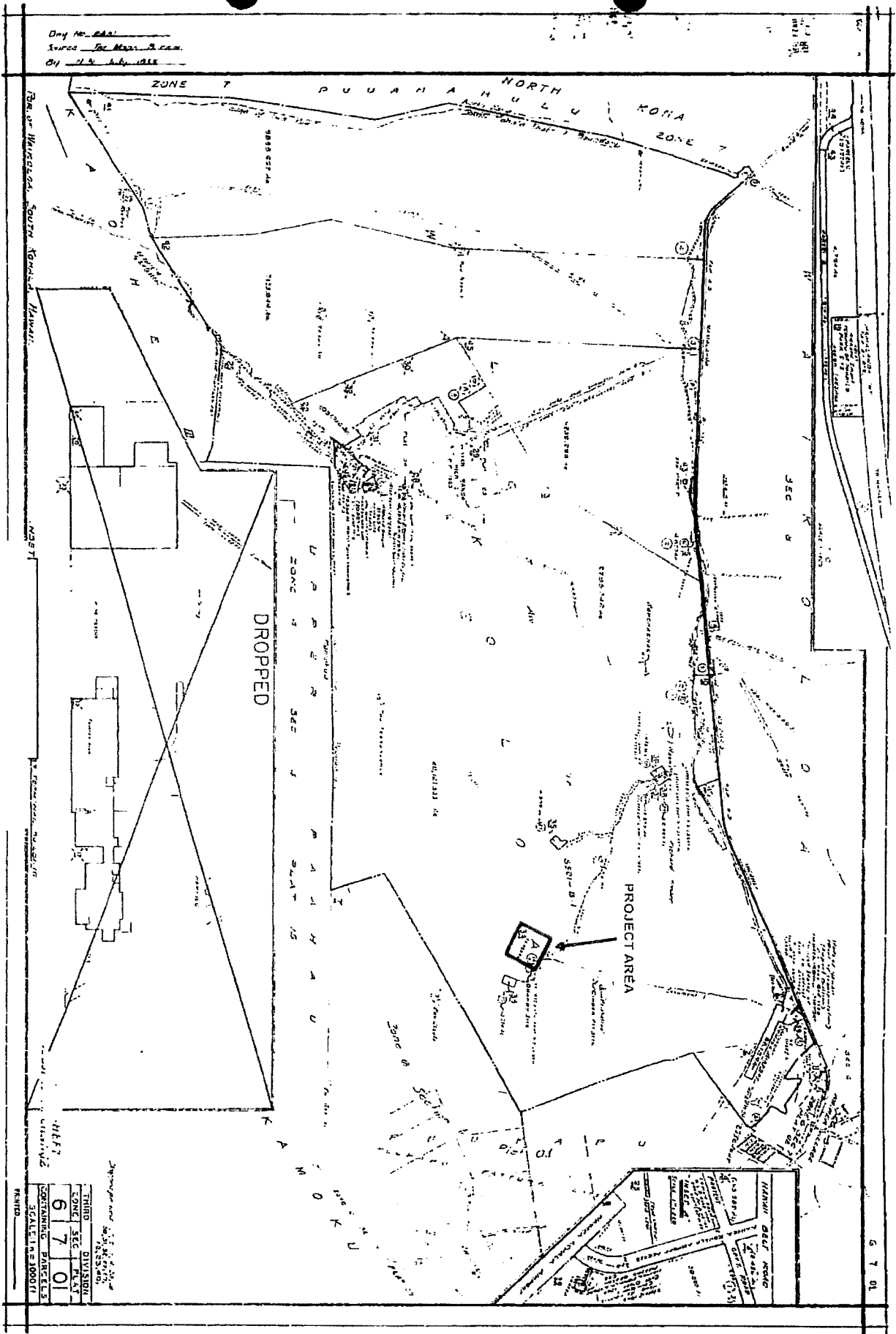
Anyone who requires an auxiliary aid or service, other reasonable modification, or language interpretation to access this meeting, please contact the Planning Department at 961-8288 as soon as possible, but no later than five working days prior to the meeting date, to arrange for accommodations. "Other 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

LEEWARD PLANNING COMMISSION
Keith F. Unger, Chair

(Hawai'i Tribune Herald: Friday, May 11, 2018)
(West Hawai'i Today: Friday, May 11, 2018)

Dwg No. 2222
 Surveyed by Mr. B. C. ...
 On 22. 4. 1933



HAWAII	
COUNTY OF KONA	
SECTION 23	
TOWN OF PUUAHULU	
BLOCK 10	
PROJECT AREA	
SCALE 1" = 1000 FT.	
6	7
0	1
CONTAINING PARCELS	
THIRD DIVISION	
ZONE SEC. PLAT	

5 7 01

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: _____

Appendix A