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County of Hawai'i PLANNING DEPARTMENT

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March 31, 2022

Ms. Shellbylynn Yamada
Yamada and Sons, Inc.
733 Kanoielehua Ave.
Hilo, HI 96720

Dear Ms. Yamada:

SUBJECT: Special Permit Application (PL-SPP-2022-000012)
Applicant: Yamada and Sons, Inc.
Request: To Establish a Quarry and Related Activities
Tax Map Key: (3) 2-1-013:002 (por.), South Hilo, Hawai'i

This is to acknowledge receipt of the above-referenced Special Permit Application on March 11, 2022.

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;
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 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 on the form titled "Petition for Standing in a Contested Case Hearing" no later than seven (7) calendar days prior to the Commission's first scheduled public hearing to consider the application. Such request shall be in conformity with the Planning Commission Rule 4-6(a), relating to Prehearing Procedure. The notarized petition form and a filing fee of \$200 shall be submitted online via County of Hawai'i Electronic Processing and Information Center (EPIC) [https://hawaiicountyhi-energovpub.tylerhost.net/Apps/SelfService#/home](https://hawaiicountyhi-energovpub.tylerhost.net/Apps/SelfService#/home;);
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 (2016 Edition, as amended) 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.

Ms. Shellbylynn Yamada
Yamada and Sons, Inc.
March 31, 2022
Page 3

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 (2016 Edition, as amended).

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 acceptance of a properly filed application. The Commission shall act upon the application within sixty 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.

Special Permits for areas greater than 15 acres require approval of both the Windward Planning Commission and the State Land Use Commission. Thus, the permit will be processed following the procedures in County of Hawai'i Planning Commission Rule 6, HRS 205-6 and HAR Title 15, Chapter 15, Subchapter 12.

Should you have any questions regarding the above, please do not hesitate to contact Christian Kay of this department at (808) 961-8136.

Sincerely,


Maija Jackson for (Mar 31, 2022 10:33 HST)

ZENDO KERN
Planning Director

Ack_Yamada&SonsInc_PL-SPP2022-012_jaa

Cc (via email): Mr. Daryn Arai, Land Use Planning Consultant