

NOTICE OF PUBLIC MEETING AND HEARINGS

WINDWARD PLANNING COMMISSION COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of the following matters to be considered by the Windward Planning Commission of the County of Hawaii in accordance with the provisions of Chapters 91 and 92, Hawaii Revised Statutes, Section 6-4.3 of the Charter of the County of Hawaii, and the Planning Commission's Rules of Practice and Procedure.

DATE: Friday, October 2, 2009

TIME: 9:00 a.m.

PLACE: County of Hawaii Aupuni Center Conference Room
101 Pauahi Street, Hilo, HI 96720

NEW BUSINESS – 9:00 a.m.

1. **APPLICANT: JANICE OSHIRO (REZ 09-100)**
Change of Zone from Single-Family Residential – 10,000 square feet (RS-10) to General Commercial 20,000 square feet (CG-20) district for 20,314 square feet of land. The property is located on the northeast corner of the Kinoole Street – Kamana Street intersection, Waiakea Houselots 2nd Series, Waiakea, South Hilo, Hawaii, TMK: 2-2-22:8.
2. **APPLICANT: AMERICAN TRADING CO., LTD. (REZ 09-102/SMA 09-35)**
 - a. Change of Zone from Limited Industrial 20,000 square feet (ML-20) to Industrial-Commercial Mixed (MCX-20) district for 52,457 square feet of land.
 - b. Special Management Area Use Permit to allow the conversion of portions of the existing buildings for a mixture of warehouse, office and retail-related uses.
The property is located at the northeastern corner of the Kalanikoa Street – Kuawa Street intersection, Waiakea, South Hilo, Hawaii, TMK: 2-2-32:24.

NEW BUSINESS – 9:30 a.m.

3. **APPLICANT: HARA LAND DEVELOPMENT (REZ 716)**
Amendment to Condition C (secure Final Plan Approval) and Condition D (construction timeline) and related conditions of Ordinance No. 92 70, which rezoned 1.625 acres of land from a Single-Family Residential – 15,000 square feet (RS-15) to a Village Commercial -10,000 square feet (CV-10) district. The property is located on the northeast side of Pahoia Village Road approximately 920 feet northwest of the Pahoia Village Road and Post Office Road intersection, Nanawale Homesteads, Puna, Hawai'i, TMK: 1-5-14:7.

4. **APPLICANT: BRIAN SUGAI (09-101)**
Change of Zone from Agricultural 1-acre (A-1a) to Neighborhood Commercial 20,000 square feet (CN-20) district for 1 acre of land. The property is located along the east side of Komohana Street, approximately 700 feet south of the Komohana Street – Ponahawai Street intersection, Ponahawai, South Hilo, Hawaii, TMK: 2-3-37:19.

NEW BUSINESS – 10:00 a.m.

5. **APPLICANT: GIAMPAOLO BOSCHETTI (REZ 09-103)**
Change of Zone from Single-Family Residential 7,500 square feet (RS-7.5) and Multiple-Family Residential 1,000 square feet (RM-1) to Multiple-Family Residential 1,500 square feet (RM-1.5) district. The property is located mauka of Kapiolani Street and the County of Hawaii Police complex, Kukuau 1st, South Hilo, Hawaii, TMK: 2-4-25:48, 53 and 80.
6. **APPLICANT: JOHNSON LUM (SPP 09-87)**
Special Permit to allow the operation of an educational hobby garden and play facility on 1 acre of land situated within the State Land Use Agricultural District. The property is located along the makai side of 12th Avenue, approximately 1,200 feet north of the 12th Avenue – Paradise Drive intersection, Hawaiian Paradise Park Subdivision, Keaau, Puna, Hawaii, TMK: 1-5-48:80.
7. **APPLICANT: MICHAEL TUTTLE (USE 165)**
Request to nullify Use Permit No. 165, which allowed a 5-bedroom bed and breakfast operation within an existing dwelling and guest house. The property is located within the Hale Ohia Tract Subdivision on Hale Ohia Road, approximately 65 feet to the south of its intersection with Volcano Road (Highway 11), Volcano, Puna, Hawaii, TMK: 1-1-5:19.

NEW BUSINESS – 10:30 a.m.

8. **INITIATOR: PLANNING DIRECTOR**
Amendment to Chapter 25 (Zoning Code), Hawaii County Code 1983 (2005 Edition, as amended) allowing solar energy facilities within the County’s Agricultural zoned district provided that the property is within the Land Study Bureau’s class D or E soils category.

MINUTES

September 4, 2009

ADMINISTRATIVE MATTERS

ANNOUNCEMENTS

ADJOURNMENT

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

Pursuant to Rule 4, Contested Case Procedure, of the County of Hawaii Planning Commission Rules of Practice and Procedure, any person seeking to intervene as a party to a

contested case hearing on the item nos. 2b and 6 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 in Rule 4 Appendix A "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, Hawaii 96720, and accompanied by a filing fee of \$100 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 Hawaii website (<http://www.co.hawaii.hi.us>).

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.

Notice to Lobbyists: If you are a lobbyist, you must register with the Hawaii County Clerk within five days of becoming a lobbyist {Article 15, Section 2-91.3(b), Hawaii 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), Hawaii County Code} Registration forms and expenditure report documents are available at the Office of the County Clerk, 333 Kilauea Avenue, 2nd Floor, Hilo, Hawaii 96720.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file and open to inspection during office hours at the Planning Department, Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, Hawaii and at the Kona office of the Planning Department, 75-5706 Kuakini Highway, Suite 109, Kailua-Kona, Hawaii.

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 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
Rell Woodward, Chair

(Hawaii Tribune Herald: September 12, 2009)
(West Hawaii Today: September 12, 2009)