

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, February 5, 2010

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: TIMOTHY & PATSY WITHERS (SPP 09-94)**
Special Permit to allow the establishment of a visitor stand for the sale of novelty gift items, fruits, smoothies and snacks on 0.66 acre of land within the State Land Use Agricultural District. The area involved is located at 27-999 Old Mamalahoa Highway, Pepekeo, South Hilo, Hawaii, TMK: 2-7-11: portion of 6.
2. **APPLICANT: T-MOBILE WEST CORPORATION (USE 09-17)**
Use Permit to allow the construction of a 150-foot telecommunication tower and related improvements on 2,500 square feet of land within the County's Single-Family Residential (RS-10) zoned district. The property is located at the northeast corner of the Kehau Road and Tutu Lane intersection, Nanawale Estates Subdivision, Unit I, Puua, Puna, Hawaii, TMK: 1-4-49:41.

NEW BUSINESS – 9:30 a.m.

3. **APPLICANT: GREGORY R. MOOERS (SPP 09-95)**
Special Permit to allow the establishment of a country market and occasional special events for non-profit agencies within an existing covered equestrian arena on approximately 2.3 acres of land situated within the State Land Use Agricultural District. 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, Hamakua, Hawaii, TMK: 4-7-7: portion of 40.
4. **APPLICANT: GREENHOUSE SPECIALISTS, INC. (SLU 09-24/REZ 09-110)**
 - a. State Land Use boundary amendment for 1.646 acres from the Agricultural to the Urban district.
 - b. Change of Zone for 1.646 acres from Agricultural – 20 acres (A-20a) to Limited Industrial – 20,000 square feet (ML-20) district.The property is located on the southeast corner of the Keaau Bypass Road and Milo Street intersection, approximately 1 mile east of the Keaau Town Center, Keaau, Puna, Hawaii, TMK: 1-6-152:18.

NEW BUSINESS – 10:00 a.m.

5. **APPLICANTS: WILLIAM & GLYNNIS DOLAN (REZ 09-111)**
Change of Zone from Agricultural 1-acre (A-1a) to Neighborhood Commercial 20,000 square feet (CN-20) for approximately 3.258 acres of land. The property is located off the south side of Ponahawai Street, approximately 700 feet east of the Komohana Street - Ponahawai Street intersection, Ponahawai, South Hilo, Hawaii, TMK: 2-3-37:14.
6. **APPLICANTS: GILLIE & JANE SILVA (REZ 09-113)**
Change of Zone from Agricultural 1-acre (A-1a) to Neighborhood Commercial – 20,000 square feet (CN-20) for approximately 5.075 acres of land. The property is located approximately 130 feet south of the Komohana Street – Ponahawai Street intersection, Ponahawai, South Hilo, Hawaii, TMK: 2-3-37:6.
7. **APPLICANT: VINCENT T.C. TAI (REZ 09-114)**
Change of Zone from a Single-Family Residential – 7,500 square feet (RS-7.5) to a Multiple-Family Residential – 2,500 square feet (RM-2.5) district for approximately 3.292 acres of land. The property is located at the end of Hualalai Street, west of the Hualalai Street – Hale Nani Street intersection, Waiakea, South Hilo, Hawaii, TMK: 2-4-28:9.

NEW BUSINESS – 11:00 a.m.

8. **APPLICANT: MICHAEL D. TUTTLE (USE 165)**
Amendment to Use Permit No. 165 by reducing the land area for the permit and also to change the location of the five bedrooms that will be used for the bed and breakfast operation. Use Permit No. 165 originally allowed the establishment of a 5-bedroom bed and breakfast operation (Hale Ohia Cottages) within an existing dwelling and a guest house on 34,163 square feet of land within the Single-Family Residential (RS-20) zoned district. The property involved is located along Hale Ohia Road approximately 65 feet south of its intersection with Highway 11 (Volcano Highway), Hale Ohia Tract Subdivision, Volcano, Puna, Hawaii, TMK: 1-1-5:19.
9. **APPLICANT: HALE OHIA LLC (USE 09-16)**
Use Permit to allow the establishment of a 5-bedroom bed and breakfast operation within an existing dwelling and a detached bedroom situated on approximately 14,961 square feet of land within the Single-Family Residential (RS-20) zoned district. The property is located along Hale Ohia Road approximately 65 feet south of its intersection with Highway 11 (Volcano Highway), Hale Ohia Tract Subdivision, Volcano, Puna, Hawaii, TMK: 1-1-5:46.
10. **INITATOR: COUNTY COUNCIL (BILL NO. 125, DRAFT 3)**
Amendment to Chapter 25 (Zoning Code), Article 2, Division 1, Section 25-2-4, Hawaii County Code, 1983 (2005 Edition, as amended), relating to notification of surrounding property owners and lessees of record for change of zone applications.

MINUTES

January 8, 2010

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. 1, 2, 3, 8 and 9 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: January 16, 2009)
(West Hawaii Today: January 16, 2009)