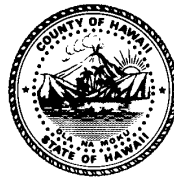


Mitchell D. Roth
Mayor



Barbara DeFranco, Chair
Mahina Paishon-Duarte, Vice Chair
Dean Au
Michael Dela Cruz
Clement "CJ" Kanuha III
Donna Kinuko Noborikawa
Armando Rodriguez

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 Planning Commission Rules of Practice and Procedure.

DATE: Thursday, July 18, 2024

TIME: 9:30 a.m.

LOCATION: West Hawai'i Civic Center, Council Chambers, Building A
74-5044 Ane Keohokālole Highway, Kailua-Kona, Hawai'i

Public Participation: This is an in-person meeting, and the Leeward Planning Commissioners will participate in person. The primary way to view or testify at this meeting is in-person; however, as a courtesy to the public, the Commission provides the following additional ways to view or testify remotely at this meeting.

Optional Alternative to Provide Remote Oral Testimony: The public has the option to provide verbal testimony at the meeting by joining Zoom. To provide verbal testimony via Zoom, please use the link below to register by noon on the day prior to the meeting:
<https://www.zoomgov.com/meeting/register/vJlftuGoqD4sHa7JospYH9P8s3MQd7i-wcQ>

Optional Alternative to View Meeting:
https://www.youtube.com/channel/UCAFoRMb3rfWLQMPd6TAkEGA?view_as=subscriber

Please note, as this is an in-person meeting, the hearing will proceed if the Zoom and/or YouTube connections fail.

Submitting Written Testimony: To ensure timely delivery to Commissioners prior to the meeting, written testimony must be submitted no later than 4:30 p.m. on Monday July 15, 2024, by: (1) email to LPCtestimony@hawaiicounty.gov; (2) mail to the Leeward Planning Commission at 101 Pauahi Street, Suite 3, Hilo, Hawai'i or (3) drop-off at the Planning Department offices in Hilo at the address above or Kona at 74-5044 Ane Keohokālole Highway, Building E, 2nd Floor, Kailua-Kona, Hawai'i. All written testimony, regardless of time of receipt, will be made part of the permanent record. Please submit separate testimony for each item.

Meeting Materials/Board Packet: Pursuant to Hawai‘i Revised Statutes Section 92-7.5, the meeting materials provided to members of this commission for this meeting is available for public inspection forty-eight (48) hours before the meeting date during regular business hours at the Planning Department offices in Hilo and Kona and by clicking ‘Board Packets’ at the following Planning Department website link: www.planning.hawaiicounty.gov/about-us/boards-committees/planning-commission-applications. This information can also be requested by sending an email to LPCtestimony@hawaiicounty.gov or by calling (808) 961-8288.

CALL TO ORDER

APPROVAL OF MINUTES

Review and Approval of the June 20, 2024, Leeward Planning Commission Minutes.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

Members of the public may provide public testimony regarding any agenda item now or at the time the agenda item is called to order.

UNFINISHED BUSINESS

1. APPLICANT: MARGARET ILIEV (PL-SPP-2023-000051)

Application for a Special Permit to establish a one (1)-bedroom bed and breakfast establishment within an existing dwelling on a 26,761-square foot parcel of land in the State Land Use Rural District. The subject property is located at 78-6935 Māmalahoa Hwy, approximately 580 feet south of its intersection with Kalelei Street, Keauhou 2nd (Mauka), North Kona, Hawai‘i, TMK: (3) 7-8-004:041.

2. INITIATOR: COUNTY COUNCIL (PL-CCI-2024-000007)

Bill 134, Draft 2, an ordinance amending Chapter 25 (Zoning), Article 2, Section 25-2-42, of the Hawai‘i County Code 1983 (2016 Edition, as amended), relating to amendments initiated by property owners and other persons. Establishes the requirement for the Planning Director to prepare a report identifying all buildings, excluding existing buildings, that are legally permitted to be constructed on surrounding properties within a one-quarter mile radius of a subject property that is seeking a change of zoning district.

3. APPLICANT: KAUPULEHU LAND LLC (PL-SLU-2022-000008)

Application for a State Land Use Boundary Amendment from Agricultural to Rural for 2.653 acres of land. The subject property is located at 64-983 Māmalahoa Highway, approximately one mile east of its intersection with Kawaihae Road, Pu‘ukapu Homesteads, South Kohala, Hawai‘i, TMK: (3) 6-4-024:027.

4. APPLICANT: KAUPULEHU LAND LLC (PL-REZ-2022-000039)

Application for a Change of Zone from an Agricultural-5 acre (A-5a) zoning district to a Neighborhood Commercial-10,000 square feet (CN-10) zoning district for 2.325 acres of land and from an Agricultural-5 acre (A-5a) zoning district to a Residential Agricultural-0.5 acre (RA-0.5a) zoning district for 3.024 acres of land. The subject property is located at 64-983 Māmalahoa Highway, approximately one mile east of its

intersection with Kawaihae Road, Pu‘ukapu Homesteads, South Kohala, Hawai‘i, TMK: (3) 6-4-024:027.

NEW BUSINESS

5. **INITIATOR: PLANNING DIRECTOR (EDWARD & RHONDALL RAPOZA - FORMERLY HU-KO-PA, LLC) (PL-PDI-2024-000006/AMEND REZ 2009-000096)**
The Planning Director has initiated the repeal of Change of Zone Ordinance No. 10-2 and amendment to Section 25-8-3 (North Kona Zone Map), Chapter 25, Article 8, of the Hawai‘i County Code 1983 (2016 Edition, as amended), by reverting the current zoning of the subject property from Single-Family Residential-10,000 square feet (RS-10) to its original Agricultural-5 acre (A-5a) zoning district for approximately 14.437 acres of land. The subject parcel is located on the south side of Hualālai Road, approximately 0.6 miles east of its intersection with Queen Ka‘ahumanu Highway, Kahului 2nd, North Kona, Hawai‘i, TMK: (3) 7-5-017:042.
6. **INITIATOR: PLANNING DIRECTOR (EDWARD & RHONDALL RAPOZA - FORMERLY HU-KO-PA, LLC) (PL-PDI-2024-000007/AMEND SLU 2009-000022)**
The Planning Director has initiated the repeal of State Land Use District Boundary Ordinance No. 10-1 and the State Land Use District Boundary Map, by reverting the State Land Use Boundary District from Urban to its original designation of Agricultural, for approximately 14.437 acres of land. The subject parcel is located on the south side of Hualālai Road, approximately 0.6 miles east of its intersection with Queen Ka‘ahumanu Highway, Kahului 2nd, North Kona, Hawai‘i, TMK: (3) 7-5-017:042.
7. **PLANNING COMMISSION TRAINING**
Training for the Leeward Planning Commission’s members by Commission’s Attorney regarding the Commission’s powers, duties, privileges, immunities, and liabilities as it relates to Sunshine Law (Chapter 92, Hawai‘i Revised Statutes), Robert’s Rules of Order, and Planning Commission Rules of Practice and Procedure. This training is expected to occur in executive session in accordance with Chapter 92-5(a)(4), Hawai‘i Revised Statutes, as amended, and is being delivered in response to requests for legal guidance from Commissioners.

EXECUTIVE SESSION

With reference to the agenda items listed, one or more executive meetings may be anticipated. The Commission may convene an executive meeting pursuant to Chapter 92-5(a)(4), Hawai‘i Revised Statutes, as amended, for the purpose of consulting with the Commission’s attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities. Pursuant to Chapter 92-4, Hawai‘i Revised Statutes, as amended, and Rule 1-5(e), Planning Commission Rules of Practice and Procedure, an affirmative 2/3rds vote of the members present is necessary to hold an executive meeting.

PLANNING DIRECTOR'S REPORT

Report on Special Management Area (SMA) determinations and minor permits issued by the Planning Director for June 2024.

AGENDA ITEMS FOR NEXT MEETING

The Commissioners will comment on matters not on the current agenda, for consideration for the Commission's next meeting.

ANNOUNCEMENTS

The Leeward Planning Commission's next regular meeting is scheduled for Thursday, August 15, 2024, at the County Council Chambers in Kona and the public can also testify via Zoom. The date and venue of the meeting are subject to change.

ADJOURNMENT

Contested Case Procedure: Pursuant to PC 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. 1 above is required to file a written request which must be received by 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 conform with the PC Rule 4-6(a), relating to Prehearing Procedure on a form as provided by the Planning Department entitled "Petition for Standing in a Contested Case Hearing." 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) at the following website:

<https://hawaiicountyhi-energovpub.tylerhost.net/Apps/SelfService#/home>.

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.

Anyone who requires an auxiliary aid or service, or other accommodation due to a disability, please contact the Planning Department at (808) 961-8288 or LPCTestimony@hawaiicounty.gov as soon as possible. If a request is received later than five working days prior to the meeting date, we will try to obtain the auxiliary aid/service or other accommodation, but we cannot guarantee that the request will be fulfilled.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Hawai‘i County is an Equal Opportunity Provider and Employer

LEEWARD PLANNING COMMISSION
Barbara DeFranco, Chair

(Hawai‘i Tribune Herald: Friday, June 28, 2024 and Monday, July 8 (Items # 3 & 4))
(West Hawai‘i Today: Friday, June 28, 2024 and Monday, July 8 (Items # 3 & 4))