SP70-85 WAIKOLOA DEVELOPMENT CO. (Hawaii)
(2nd Amendment, Time Extension)

LUC PETITION CONTENTS AND PROCEDURES CHECKLIST
FOR SPECIAL USE PERMIT

DOCKET NO./PETITIONER: SP70-85 WAIKOLOA DEVELOPMENT COMPANY (Hawaii)
(2nd Amendment, Time Extension)

DATE FILED: January 10, 1991

Please check off your areas of concern and initial your station before passing this form to the next station.

RECEPTIONIST FL

x Time stamp
n/A Assign docket number and open file
____ Send acknowlegment letter
x Gives to Chief Clerk to prepare file
____ After Planner prepares staff report, send report and designated copies of file to LUC
____ Gives copy of report and designated copies of file to Executive Officer and Planner

PLANNER ____

X Checks for complete record and conditions
X Check for notice of public hearing
____ Sends to Drafting Technician for maps, etc.
X Prepares staff report

DRAFTING TECHNICIAN FAT

Confirms petitioner's accuracy with respect to:

X ownership
X lessees
X tax map key
____ location and size
X land use district
____ map and its accuracy w/text
____ check acreage of use

____ Gives file to Receptionist to send designated copies of file to LUC

3 SP HAWAII
G93719

M E M O

TO: FILE

FROM: FAT / January 22, 1991

SUBJECT: LUC PETITION CHECKLIST DATA FOR SPECIAL USE PERMIT

DOCKET NO./PETITIONER: SP70-85 / WAIKOLOA DEVELOPMENT COMPANY

DATE FILED: JANUARY 10, 1991

PROPERTY INTEREST OWNERSHIP:
WAIKOLOA LAND & CATTLE COMPANY &
WAIKOLOA VILLAGE ASSOCIATION

PERSONS WITH OTHER PROPERTY INTEREST:
WAIKOLOA DEVELOPMENT COMPANY; GTE HAWAIIAN TELEPHONE COMPANY, INC.(ESMT. RS-1, T-1-A, & A-1); HAWAII ELECTRIC COMPANY(ESMT. E-1, E-2, & E-7); SOLID WASTE DISPOSAL (ESMT. R-1), WATER (ESMT W-2A), UTILITIES (ESMT. U-3), ROADWAY ESMT.& DAY CARE FACILITY AND CHURCH PER PLANNING DEPT. BACKGROUND REPORT (ITEMS #11 & #20),

EXISTING CLASSIFICATION:
AGRICULTURAL

NOTIFICATION OF CONSERVATION LANDS: NOT APPLICABLE
Executive Officer X
Planner X

ACREAGE OF PETITION AREA:
PU'U HINAI QUARRY (SITE #1) - APPROX. 63.6483 ACRES
VILLAGE QUARRY (SITE #2) - APPROX. 92 ACRES

LOCATION:
WAIKOLOA, SOUTH KOHALA, HAWAII

TAX MAP KEY:
6-8-02: por. 16 (Site #1), & por. 33 (Site #2)

MAPS:
Petition area not shown on T.M.K. Map and Metes & Bounds are incomplete for both sites. Petition Areas not clear per acreage.

05/09/89
INSTR-DESC: ASSIGN OF LEASE TMB:T890028133
LIBER/PAGE: 23156/ 650 INST-NO:8900065213 INST-DATE: 04/25/89
REC-DATE: 05/09/89
AREA: 267.88900 ACRE STATE-CONV-TAX: $.00
FROM: WAIKOLOA MANAGEMENT CO
TO: WAIKOLOA DEVELOPMENT CO
LOT 3-B FP 117 267.889 AC
SUBJ/T ESMT E-7
ESMT RS-1 RADIO STATION PURPOSES 6400 SF
OWNERSHIP: NAME F TC %-OWNER TITLE-DESC
F 0011 *WAIKOLOA VILLAGE ASSN
L 0011 *WAIKOLOA DEVELOPMENT CO LE

FOR ASSESSMENT YEAR
-PITT: 500 AREA: 267.88900 A VALUE: 601100 EXEMPT:
-BLDG: 0001 CODE: 000 YB: VALUE: 96500 EXEMPT:
BLDG TOTALS--> VALUE: 96500 EXEMPT:

MAILING ADDRESS: WAIKOLOA DEVELOPMENT CO
P O BOX 3028 WVS
WAIKOLOA, HI 96743

LAND USE COMMISSION
STATE OF HAWAII
JAN 11 | 49 PM '91

05/09/89
INSTR-DESC: ASSIGN OF LEASE TMB:T890028130
LIBER/PAGE: 23156/ 640 INST-NO:8900065212 INST-DATE: 04/25/89
REC-DATE: 05/09/89
AREA: 267.88900 ACRE STATE-CONV-TAX: $.00
FROM: TRANSCONTINENTAL DEVELOPMENT CO
TO: WAIKOLOA MANAGEMENT CO
LOT 3-B FP 117 267.889 AC
SUBJ/T ESMT E-7
ESMT RS-1 RADIO STATION PURPOSES 6400 SF
OWNERSHIP: NAME F TC %-OWNER TITLE-DESC
F 0011 *WAIKOLOA VILLAGE ASSN
L 0011 *WAIKOLOA MANAGEMENT CO LE

MAILING ADDRESS: WAIKOLOA MANAGEMENT CO
1001 BISHOP ST., STE. 2610
HONOLULU, HI 96813

03/14/89
INSTR-DESC: PARTIAL CANCELLATION OF ESMT TMB:T890013336
LIBER/PAGE: 22947/ 211 INST-NO:8900034641 INST-DATE: 12/01/88
REC-DATE: 03/14/89
AREA: 267.88900 ACRE
FROM: ATPAC LAND CO. & TRANSCONTINENTAL DEVELOPMENT COMPANY
TO: GTE HAWAIIAN TELEPHONE COMPANY INC.
PARTIES DO HEREBY AGREE THAT EASEMENT 'T-1' AS SHOWN ON THE ATTACHED EXHIBIT A IS HEREBY CANCELLED AND TERMINATED, AND EACH PARTY HEREBY RELEASES THE OTHER FROM ANY AND ALL DUTIES AND OBLIGATIONS CREATED BY SAID EASEMENT.
EASEMENT "T-1" 27,674 SF DES
OWNERSHIP: NAME F TC %-OWNER TITLE-DESC

F 0011 *WAIKOLOA VILLAGE ASSN
>CANCELLATION ESMT "T-1"
L 0011 *TRANSCONTINENTAL DEV CO LE

MAILING ADDRESS: TRANSCONTINENTAL DEV CO
1001 BISHOP ST., STE. 2610
HONOLULU, HI 96813

01/05/88----------

INSTR-DESC: LEASE TMB:T880000672
LIBER/PAGE: 21500/ 442 INST-NO:8800001000 INST-DATE: 12/11/87
REC-DATE: 01/05/88

AMOUNT: $30,326
PERIOD:01/01/1986 TO 12/31/1990 TIME-PAYMENT: $600 PER MO
AREA: 267.88900 ACRE STATE-CONV-TAX: $15
FROM: WAIKOLOA VILLAGE ASSOCIATION
TO: TRANSCONTINENTAL DEVELOPMENT CO.
LOT 3-B FOR LOT 3 WAIKOLOA DEVELOPMENT (FP 1172) FOR RP 5[illegible]1 LAW
8521-B:1 267.889 AC DES

OWNERSHIP: NAME F TC %-OWNER TITLE-DESC
F 0011 *WAIKOLOA VILLAGE ASSN
L 0011 *TRANSCONTINENTAL DEV CO LE

FOR ASSESSMENT YEAR
-PITT: 500 AREA: 267.88900 A VALUE: 601100 EXEMPT:
-BLDG: 0001 CODE: 000 YB: VALUE: 96500 EXEMPT:
BLDG TOTALS--> VALUE: 96500 EXEMPT:

MAILING ADDRESS: TRANSCONTINENTAL DEV CO
1001 BISHOP ST., STE. 2610
HONOLULU, HI 96813

01/05/88----------

INSTR-DESC: DEED TMB:T880000666
LIBER/PAGE: 21500/ 400 INST-NO:8800000999 INST-DATE: 12/31/87
REC-DATE: 01/05/88

AREA: 267.88900 ACRE STATE-CONV-TAX: $.00
OTHER-TMKS: 3 6 8 002 014 0000 ETC.
FROM 6802-15 267.889 AC; LOT 3-B
LOT 3-B FOR LOT 3 WAIKOLOA DEVELOPMENT (FP 1172) 267.889 AC DES
EXCEPTING & RESERVING A NON-EXCLUSIVE EASEMENT FOR ROADWAY & UTILITY
PURPOSES OVER EASEMENT R-1-A 1.840 AC DES
EXCEPTING & RESERVING A NON-EXCLUSIVE EASEMENT FOR SOLID WASTE DISPOSAL
F/D: NEW, LOT 3-B; OWNER

OWNERSHIP: NAME F TC %-OWNER TITLE-DESC
F 0011 *WAIKOLOA VILLAGE ASSN

----------SEE PARCEL SHEETS FOR MORE INFORMATION----------

LAND USE COMMISSION STATE OF HAWAII JAN 11 '88 4:45 PM

04/26/89

INSTR-DESC: DEED TMB:T890019866
LIBER/PAGE: 23110/ 119 INST-NO:8900058236 INST-DATE: 04/25/89
REC-DATE: 04/26/89
AREA: 2443.73400 ACRE STATE-CONV-TAX: $.00
OTHER-TMKS: 3 6 7 001 005 0000 ETC.
OWNERSHIP: NAME F TC %-OWNER TITLE-DESC
F 0011 *WAIKOLOA LAND & CATTLE CO

FOR ASSESSMENT YEAR
-PITT: 500 AREA: 2443.73400 A VALUE: 29300 EXEMPT:

MAILING ADDRESS: WAIKOLOA DEVELOPMENT CO
P O BOX 3028 WVS
WAIKOLOA, HI 96743

JAN 11 1 49 PM '91
LAND USE COMMISSION
STATE OF HAWAII

04/26/89

INSTR-DESC: DEED TMB:T890019705
LIBER/PAGE: 23110/ 56 INST-NO:8900058235 INST-DATE: 04/25/89
REC-DATE: 04/26/89
AREA: 2443.73400 ACRE STATE-CONV-TAX: $.00
OTHER-TMKS: 3 6 7 001 005 0000 ETC.
OWNERSHIP: NAME F TC %-OWNER TITLE-DESC
F 0011 *CAPTA L P

MAILING ADDRESS: CAPTA L P
1001 BISHOP ST., STE. 2610
HONOLULU, HI 96813

04/26/89

INSTR-DESC: DEED TMB:T890019669
LIBER/PAGE: 23110/ 1 INST-NO:8900058233 INST-DATE: 04/25/89
REC-DATE: 04/26/89
AREA: 2443.73400 ACRE STATE-CONV-TAX: $.00
OTHER-TMKS: 3 6 8 001 026 0000 ETC.
FROM: PACTEX L. P.
TO: WAIKOLOA DEVELOPMENT CO., A HAWAII LIMITED PARTNERSHIP
4TH: LOT 2-B POR LOT 2 FP 1172 "WAIKOLOA DEVELOPMENT" GROSS AREA
2,444,423 AC. NET AREA 2,443.734 AC. EXCLUDING & DEDUCTING POR
RP 5671 LCAW 8521-8:1 30,000 SF OR 0.689 AC. DES
OWNERSHIP: NAME F TC %-OWNER TITLE-DESC
F 0011 *WAIKOLOA DEVELOPMENT CO

MAILING ADDRESS: WAIKOLOA DEVELOPMENT CO
1001 BISHOP ST., STE. 2610
HONOLULU, HI 96813

04/26/89

INSTR-DESC: DEED TMB:T890019476
LIBER/PAGE: 23109/ 528 INST-NO:8900058229 INST-DATE: 04/25/89
REC-DATE: 04/26/89
AREA: 2443.73400 ACRE STATE-CONV-TAX: $.00

OTHER-TMKS: 3 6 8 001 026 0000 ETC.

FROM: SRL ENTERPRISES
TO: PACTEX L. P., A HAWAII LIMITED PARTNERSHIP
4TH: LOT 2-B POR LOT 2 FP 1172 WAIKOLOA DEVELOPMENT GROSS AREA 2,444.423 AC. NET AREA 2,443.734 AC. EXCLUDING & DEDUCTING POR R.P. 5671 LCAW 8521-B:1 30,000 SF OR 0.689 AC. DES TK 6802-16

OWNERSHIP: NAME	F	TC	%-OWNER	TITLE-DESC
0011 *PACTEX L P				

MAILING ADDRESS: PACTEX L P
1001 BISHOP ST., STE. 2610
HONOLULU, HI 96813

JAN 11 1 49 PM '91
LAND USE COMMISSION
STATE OF HAWAII

04/26/89

INSTR-DESC: DEED TMB: T890019399
LIBER/PAGE: 23109/ 477 INST-NO:8900058228 INST-DATE: 04/25/89
REC-DATE: 04/26/89
AREA: 2443.73400 ACRE STATE-CONV-TAX: $.00
OTHER-TMKS: 3 6 8 001 026 0000 ETC.

FROM: RONALD F. BOEDDEKER
TO: PACTEX L. P., A HAWAII LIMITED PARTNERSHIP
4TH: LOT 2-B POR LOT 2 FP 1172 WAIKOLOA DEVELOPMENT GROSS AREA OF 2,444.423 AC. & A NET AREA OF 2,443.734 AC. EXCLUDING & DEDUCTING POR R.P. 5671 LCAW 8521-B:1 30,000 SF OR 0.689 AC. DES TK 6802-16

OWNERSHIP: NAME	F	TC	%-OWNER	TITLE-DESC
0011 *PACTEX L P			40.00	
0021 *SRL ENTERPRISES			60.00	

MAILING ADDRESS: PACTEX L P
1001 BISHOP ST., STE. 2610
HONOLULU, HI 96813

04/26/89

INSTR-DESC: DEED TMB: T890019365
LIBER/PAGE: 23109/ 426 INST-NO:8900058227 INST-DATE: 04/25/89
REC-DATE: 04/26/89
AREA: 2443.73400 ACRE
OTHER-TMKS: 3 6 8 001 026 0000 ETC.

FROM: TRANS WAIKOLOA, INC.
TO: PACTEX L. P., A HAWAII LIMITED PARTNERSHIP
4TH: LOT 2-B POR LOT 2 FP 1172 GROSS AREA 2,444.423 AC. & A NET AREA OF 2,443.734 AC. AFTER EXCLUDING & DEDUCTING POR LCAW 8521-B:1 30,000 SF OR 0.689 AC. DES T.K. 6802-16

OWNERSHIP: NAME	F	TC	%-OWNER	TITLE-DESC
0011 *PACTEX L P			1.00	
0021 BOEDDEKER,RONALD F			39.00	
0031 *SRL ENTERPRISES			60.00	

MAILING ADDRESS: PACTEX L P
1001 BISHOP ST., STE. 2610
HONOLULU, HI 96813

04/24/89

INSTR-DESC: DEED TMB: T890019298

TMK: 3 6 8 002 016 0000 PAGE: 3

LIBER/PAGE: 23099/ 213 INST-NO:8900056683 INST-DATE: 04/21/89
REC-DATE: 04/24/89

AREA: 2443.73400 ACRE
OTHER-TMKS: 3 6 8 001 026 0000 ETC.

FROM: ATPAC LAND CO. LIMITED PARTNERSHIP
TO: TRANS WAIKOLOA INC. - UND 1% INT; RONALD F. BOEDDEKER -UND 39% INT & SRL ENTERPRISES - UND 60% INT - ALL AS T/C
4TH: LOT 2-B POR LOT 2 FP 1172 GROSS AREA OF 2,444.423 AC. NET AREA OF 2,443.734 AC. AFTER EXCLUDING & DEDUCTING POR R.P. 5621 LCAW 8521-B 30,000 SF OR 0.689 AC. DES T.K. 6802-16

OWNERSHIP:	NAME	F	TC	%-OWNER	TITLE-DESC
F	0011 *TRANS WAIKOLOA INC			1.00	
F	0021 BOEDDEKER,RONALD F			39.00	
F	0031 *SRL ENTERPRISES			60.00	

MAILING ADDRESS: TRANS WAIKOLOA INC
1001 BISHOP ST., STE. 2610
HONOLULU, HI 96813

JAN 11 | 49 PM '91
LAND USE COMMISSION
STATE OF HAWAII

04/24/89----------

INSTR-DESC: DEED TMB:T890017349
LIBER/PAGE: 23099/ 109 INST-NO:8900056682 INST-DATE: 04/21/89
REC-DATE: 04/24/89

AREA: 2443.73400 ACRE STATE-CONV-TAX: $.00
OTHER-TMKS: 3 6 7 001 005 0000 ETC.

FROM: ATPAC LAND CO.
TO: ATPAC LAND CO. LIMITED PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP
13TH: LOT 2-B FP 1172 WAIKOLOA DEVELOPMENT GROSS AREA OF 2,444.423 AC & NET AREA OF 2,444.734 AC. AFTER EXCLUDING POR LOT 2 30,000 SF OR 0.689 AC. DES T.K. 6802-16

OWNERSHIP:	NAME	F	TC	%-OWNER	TITLE-DESC
F	0011 *ATPAC LAND CO LTD PTNSHP				

MAILING ADDRESS: ATPAC LAND CO LTD PTNSHP
1001 BISHOP ST., STE. 2610
HONOLULU, HI 96813

10/07/87----------

OWNERSHIP:	NAME	F	TC	%-OWNER	TITLE-DESC
F	0011 *ATPAC LAND CO				

FOR ASSESSMENT YEAR 1989
-PITT: 500 AREA: 2443.73400 A VALUE: 29300 EXEMPT:

FOR ASSESSMENT YEAR 1988
-PITT: 500 AREA: 2443.73400 A VALUE: 28510 EXEMPT:

MAILING ADDRESS: ATPAC LAND CO
BOX 3028
KAMUELA, HI 96743
ATTN: CONTROLLER

----------SEE PARCEL SHEETS FOR MORE INFORMATION----------

TAX MAPS BRANCH HISTORY SHEET

DATE: 3/5/71

LOCATION: Waikoloa, S. Kohala

TITLE: Lot 2 WAIKOLOA DEVELOPMENT FILE PLAN 1172

DIV. Z	S	PLAT	PAR
6	8	02	16

NO.	GRANTOR, ETC.	AREA OF PARCEL	GRANTEE, ETC.
1.	TMB M-220'70-71(6801-4)HH/sy 3/5/71		
	R/S: From 6801-4(8), New, Lot 2	2,444.672 Ac	Boise Cascade Home & Land
	(Ref: Bk 6331 p 2)		Corp Trust
2.	TMB 5156'78 GS/ak 5/15/78		
	(0.249 ac, Lot 2-A) dropped into road		
	L: First Hawn Bank, Tr to County of Hawaii	2444.423 Ac	do
	Bk 12865 p 580 SCT$0 12/27/77 5/2/78 DES		
	F/D: Area, bdry; Lot 2-B		
3.	Assmt Beneficial Int: Boise Cascade Home &	do	To: First Hawaiian Bank, Trustee
	Land Corp to Atpac Land Co Bk B374 p 365		For Atpac Land Co
	SCT$788.50 12/20/78 12/27/78 (TK 6701-5 etc)		
4	TMB 20068'80 FH/mm 1/28/81	2443.735 Ac	do
	D: 6802-16por, 30,000± or 0.689 Ac dropped		
	into 6802-25(new)		
	F/D: Area & bdry		
5	D: Bk 19013 p 196 SCT$0 9/13/85 10/17/85	do	To: Atpac Land Co
	DES TK 6701-5 etc		

FORM P-18 HISTORY SHEET

NOTE: INFORMATION ON THIS SHEET IS SUBJECT TO CHANGE

LAND USE COMMISSION
STATE OF HAWAII
JAN 11 1 50 PM '91

SEE 3rd AMENDMENT FOLDER - TIME EXTENTION

PERMIT REC'D: January 10, 1991

SP70-85 - WAIKOLOA DEVELOPMENT COMPANY
(2nd Amendment, Time Extension)

PETITIONER

Ken Melrose, Director of Planning
Waikoloa Development Company
P.O. Box 3028
Waikoloa, HI 96743
PH: 885-1000

COUNTY

NORMAN K. HAYASHI, Director
Dept. of Planning
County of Hawaii
25 Aupuni Street
Hilo, HI 96720

DATE		INI
1/29/91	Agenda sent to N. Hayashi & Ken Melrose, & Planning Commission. Action set for 2/7/91.	fl
1/30/91	Agenda sent to all persons & organizations on the Statewide & Hawaii mailing lists.	fl
2/1/91	Staff Report sent to LUC, Norman Hayashi & Ken Melrose	tc
3/6/91	Served Findings of Fact, conclusions of Law and Decision and Order to Norman Hayashi & Ken Melrose.	to

October 10, 1995

LAND USE COMMISSION
STATE OF HAWAII
OCT 11 11 50 AM '95

Ms. Virginia Goldstein
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

RE: Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Co.
To Operate Two Quarry Sites and Other Uses --
Request for Extension to Life of the Permit; for a
Reduction in the Size of Quarry Site 2; and for
Amendments to Conditions of Approval
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

Dear Ms. Goldstein:

We received a copy of the September 26, 1995 letter from the State Land Use Commission. In response to their requests for clarifications (Comment #2), we offer the following:

1. It is estimated that approximately 25,000 tons of hardrock resources, including boulders for revetments, CRM walls and drainage structures and crushed rock for roadways and building construction will be needed to complete the first increment of the Highlands project. In addition, Quarry Site 2 is being considered as a source for some of the larger rock needed for the planned Kawaihae Small Boat Harbor Expansion. It is anticipated that most of the hard-rock resources can be obtained from existing stockpiled materials, boulders and fieldstone and that the majority of "active" quarrying (e.g., blasting) will be done to facilitate the restoration of the Village Quarry rather than to obtain aggregate.

2. As there are no restrictions regarding quarrying activities at Site 1, our request is only to amend the restrictions placed on Site 2.

If there are any further questions or need for clarification, please do not hesitate to contact us.

Sincerely,

Ann Cobb
Planning Coordinator

c: Ken Melrose
Thos Rohr
Esther Ueda, Land Use Commission, State of Hawaii
Russ DeRemer, Waikoloa Village Association
West Hawaii Office

150 Waikoloa Beach Drive Kamuela, Hawaii 96743 Phone (808) 885-1000 Fax (808) 885-8896

BENJAMIN J. CAYETANO
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 587-3822

September 26, 1995

Ms. Virginia Goldstein, Director
Hawaii County Planning Department
25 Aupuni Street, Room 109
Hilo, Hawaii 96720-4252

Dear Ms. Goldstein

Subject: LUC Docket No. SP70-85 (SPP 164) for Waikoloa Development Co., TMK 6-8-02: por. 16 (site 1) and 33 (site 2)

We have reviewed the proposed amendments to the conditions of approval regarding the subject special permit transmitted with your memorandum dated September 13, 1995, and have the following comments:

1) We note that by Decision and Order dated March 6, 1991, the Land Use Commission granted a second amendment to the subject special permit to 1) extend the life of the permit for quarry sites 1 and 2 from December 11, 1990, to December 11, 1995; 2) reduce the size of quarry site 1 from 69 acres to 63.6 acres; and, 3) reduce the scope of quarrying activities at site 2 by deleting rock crushing and asphalt and concrete batch plant operations and allowing only the removal of existing stockpiled materials and equipment storage and repair. Said second amendment was subject to 10 conditions.

2) Clarification as to the extent to which hardrock resources for the Highlands Golf Estates would be actively quarried at site 2 should be provided. Clarification should also be provided as to whether the request to allow active quarrying on Saturdays is for both sites.

3) It is our understanding that upon a favorable recommendation by the Hawaii County Planning Commission on the proposed amendments, the matter will be forwarded to the Land Use Commission for final action.

We have no further comments to offer at this time. We appreciate the opportunity to provide comments on this matter.

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

cc: Ann Cobb, Waikoloa Development Co.

WAIKOLOA

August 31, 1995

SEP 15 12 51 PM '95
LAND USE COMMISSION
STATE OF HAWAII

Ms. Virginia Goldstein
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

RE: Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Co.
To Operate Two Quarry Sites and Other Uses --
Request for Extension to Life of the Permit; for a Reduction in the Size of Quarry Site 2; and for Amendments to Conditions of Approval
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

Dear Ms. Goldstein:

The above-referenced Special Permit allows the operation of the Pu'u Hinai Quarry (Site 1), which is located on 63.6 acres of land, and the Village Quarry (Site 2), which is located on approximately 92 acres of land, both in the State Land Use Agricultural district.

Waikoloa Development Co., as owner of Site 1 and lessee of Site 2, hereby requests the following:

1. A five year extension, to December 11, 2000, to the life of the above-referenced Special Permit for both sites;

2. A reduction in the size of Quarry Site 2 from 92 acres to 89 acres to exclude the Waikoloa Utility Baseyard approved under Special Permit No. 908;

3. Restoration of active quarrying uses at Site 2, including rock crushing and the use of explosives, and related activities; and

4. Amendment of Condition No. 4 to clarify that only quarrying activities such as loading, hauling, rock crushing, asphalt and concrete batch operations, and the use of explosives are restricted to certain hours and days; and to allow such quarrying activities to take place between the hours of 8:00 a.m. and 3:30 p.m. on Saturdays, in addition to the existing Monday through Friday from 7:00 a.m. to 6:00 p.m.

150 Waikoloa Beach Drive Kamuela, Hawaii 96743 Phone (808) 885-1000 Fax (808) 885-8896

Enclosed are the $100 application fee and 16 copies of this request, with location and site maps.

Background

Special Permit SP70-85, to operate two quarry sites, including a screening plant, rock crusher, scales, AC batching plant, concrete batching plant, and equipment repair facilities, was approved by the State Land Use Commission on December 11, 1970.

Quarry Site 1: This site is 63.648 acres in size. It is located on the southwest face of the Pu'u Hinai cinder cone, approximately 4,600 feet south of Waikoloa Road and 1.3 miles southeast of existing Waikoloa Village development. Site 1 is located within the State Land Use Agricultural District and the County Unplanned zoned district. No permanent structures exist at the site.

Adjacent land to the northwest (makai) is zoned RA-1a and Open and is the site of the future 761 acre Highlands Golf Estates single family residential project and the Highlands Golf Course. Construction of Phase 1 of the residential project, which is located 2,000 feet makai of Site 1, is presently planned to commence by 1998. Development of the last phase of the Highlands project, which is adjacent to Quarry Site 1, is undetermined. The other adjoining lands are presently in the Unplanned district and development of these lands is also undetermined. Portions of Site 1 and the adjoining land mauka (east) of it are being leased to Parker Ranch for cattle grazing purposes. No conflicts between the grazing and quarrying uses have been encountered.

Access to Site 1 is off of Waikoloa Road by way of a gravel road within a 50-foot wide easement. To the best of our knowledge, there have not been any traffic or other problems related to the access road or its intersection with Waikoloa Road. Entry to the road is restricted by a locked gate.

Quarry Site 2: Site 2 is located approximately 2,500 feet south and east of existing development at Waikoloa Village and is 600 feet south of Waikoloa Road. This 92-acre site is located within a 267.889-acre parcel which the applicant transferred to the Waikoloa Village Association in 1985 and leased back through the year 2000. Site 2 is within the State Land Use Agricultural District and the County Open-zoned district. It is designated industrial on the County General Plan. Various equipment maintenance and storage buildings are located on the site.

The land to the northeast of Site 2 is designated as a portion of the Highlands Golf Course and for future residential development. Timing of the residential development is undetermined at this time. A portion of the adjoining property approximately 1,500 feet to the northeast is being leased to the Hawaii Baptist Convention for use by the Waikoloa Baptist Church and Keikiland. The lease currently expires on December 15, 1995. The Waikoloa Baptist Church and Keikiland is in the process of constructing its own facilities within Waikoloa Village, with completion expected in 1996. The applicant will likely extend its lease to the Baptist Convention to allow for an orderly transition. Every care will be taken to ensure that the proposed activities at Site 2 do not conflict with the activities of the Waikoloa Baptist Church and Keikiland. The Waikolca Utility Baseyard is located within Site 2. No conflicts between the quarrying and baseyard uses have occurred in the previous 20± years that a baseyard has been at this site. The other adjoining lands are zoned Open and are not planned to be put into any kind of use other than as open space.

Access to Site 2 is off of Waikoloa Road by way of an existing ±10-foot wide paved road within a 12-foot wide easement. As with Site 1, we know of no traffic or other problems related to the access road or its intersection with Waikoloa Road.

Special Permit No. 71-117 (SPP 197) was approved to allow quarrying activities on 309 acres of land located approximately 3 miles makai of Site 2. This permit will expire on December 17, 1997. Operations are winding down and site restoration is nearly complete in preparation for the closure of that quarry. Special Permit No. 92-381 (SPP 833) was approved effective January 19, 1993 to allow quarrying activities on 219.990 acres of land located approximately 1.5 miles makai, or southwest, of Site 2 and this new quarry is expected to be in operation by December 1997. Operation of Site 2 is not expected to conflict with or duplicate operations at the new quarry, as Site 2 operations will be largely geared towards quarrying the old rock faces to restore natural contours and safe slopes, clearing out the existing loose aggregate and boulders, and renaturalizing the site as required by the permit.

Compliance with Conditions

All conditions of approval have been and will continue to be complied with.

The map and metes and bounds description required by Condition No. 2 was submitted to the Planning Department on February 5, 1991 and to the Land Use Commission on February 13, 1991. Restrictions

on activities at the two quarry sites as set forth in Conditions 3 and 4 have been met.

Reasons for Request

The cinder and topsoil that is quarried at Site 1 continue to be valuable resources at Waikoloa. Most recently, cinder from Site 1 was used to build a temporary construction access road to the State's exploratory water well at Pu'uanahulu and topsoil has been used for golf course maintenance and other landscaping purposes. Both of these resources will be much needed during the construction of the planned Highlands Golf Estates and Highlands Golf Course projects, as well as for other projects in the region.

Because of the slow down in construction in the area, only small amounts of stockpiled material has been removed from Site 2 over the last five years. However, it has been the plan that the hardrock resources needed for the Highlands Golf Estates, which is anticipated to begin construction during the extended life of this permit, and for other projects in the area, would come from this source.

A reduction in size for Site 2 is being requested to delete the 3.000 acre Utility Baseyard, the Special Permit for which was approved by the Planning Commission on August 9, 1995 (SPP 908), from the area of Site 2. The baseyard will be surrounded on all sides by Site 2, however, it would no longer be subject to Special Permit No. 164.

Deletion of Condition No. 3 of the permit to allow for active quarrying at Site 2 is necessary to allow the applicant to economically complete the final phases of restoring the quarry area, as required by Condition No. 7 of the permit. Any noise-generating activity would not occur before 7:30 a.m. or after 6:00 p.m. As the site is surrounded on three sides by open space lands and development of the adjacent parcels of land to the east is expected to occur in conjunction with the Highlands Golf Estates project, the minimal amount of such activities is not expected to generate a negative impact.

Lastly, we are requesting that Condition No. 4 be amended to clarify that equipment repair and maintenance and other such unobtrusive activities are not limited to certain days and hours of the week and to allow active quarrying to take place on Saturdays, from 8:00 a.m. to 3:30 p.m., so that the quarry hours will coincide with the normal construction work week.

Conclusion

Continued quarry operations at both sites will neither unreasonably burden public agencies nor adversely affect public health or welfare or adjoining properties. We have received no complaints relative to the impact on surrounding properties from quarrying activities at either site. Blasting and rock crushing activities at Site 2 would be conducted during normal business hours and the applicant would work closely with its tenant on the adjoining property to ensure that there are no adverse impacts from such activities. The conditions of the Special Permit have been and will continue to be complied with throughout the life of the permit.

We hereby respectfully request your favorable consideration of this petition for an extension of the life of the Special Permit for both sites, until December 11, 2000; to reduce the size of Quarry Site 2 to 89 acres; to delete Condition No. 3 to restore active quarrying as a permitted use at Site 2 to facilitate renaturalization of the site; and to amend Condition No. 4 for clarification purposes and to allow quarrying activities on Saturday, all subject to the other conditions of the present permit.

Respectfully submitted,

Ann Cobb
Planning Coordinator

Enclosures

c: Mr. Ken Melrose
Mr. Thos Rohr
Planning Department - West Hawaii Office
Waikoloa Village Association

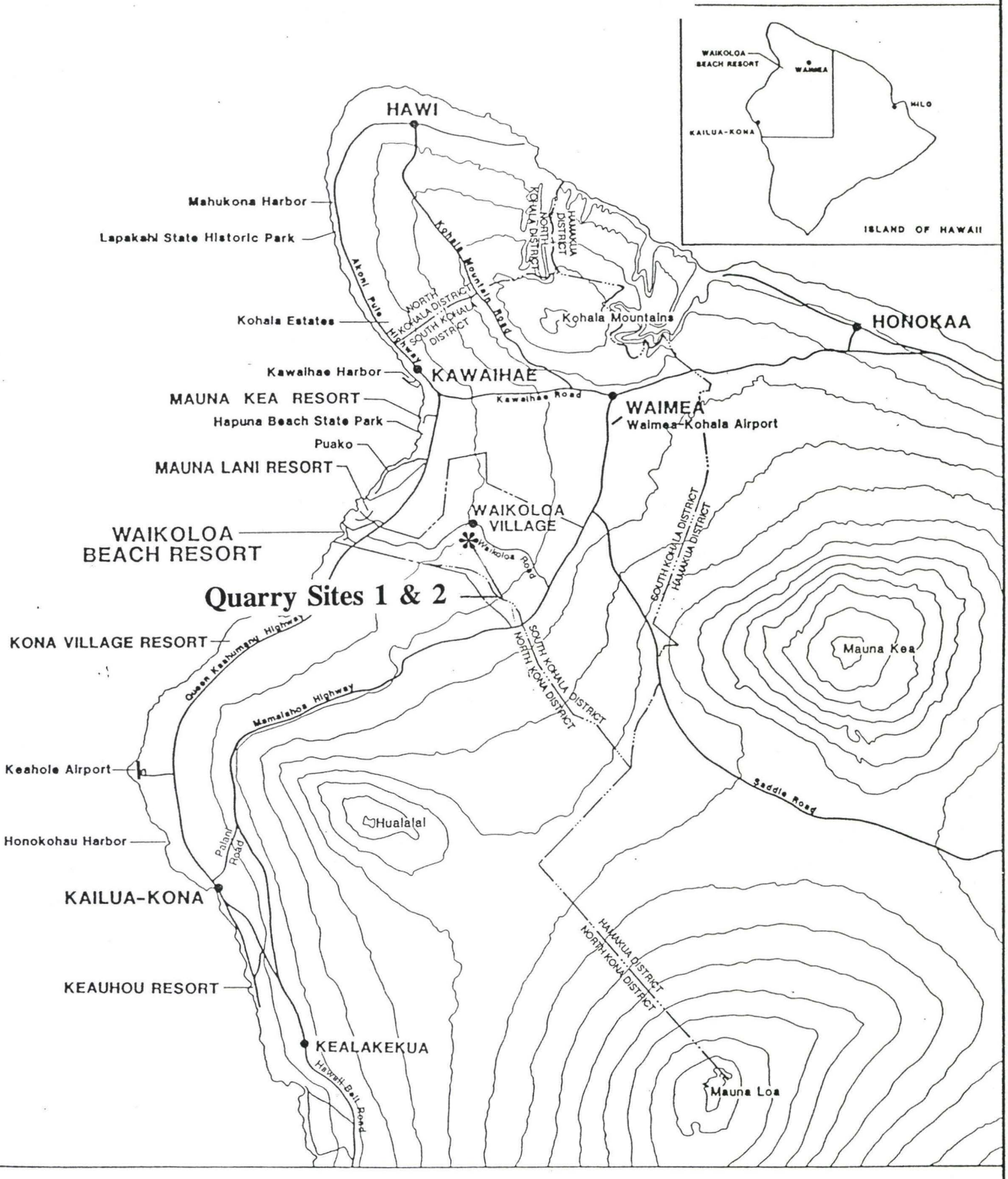
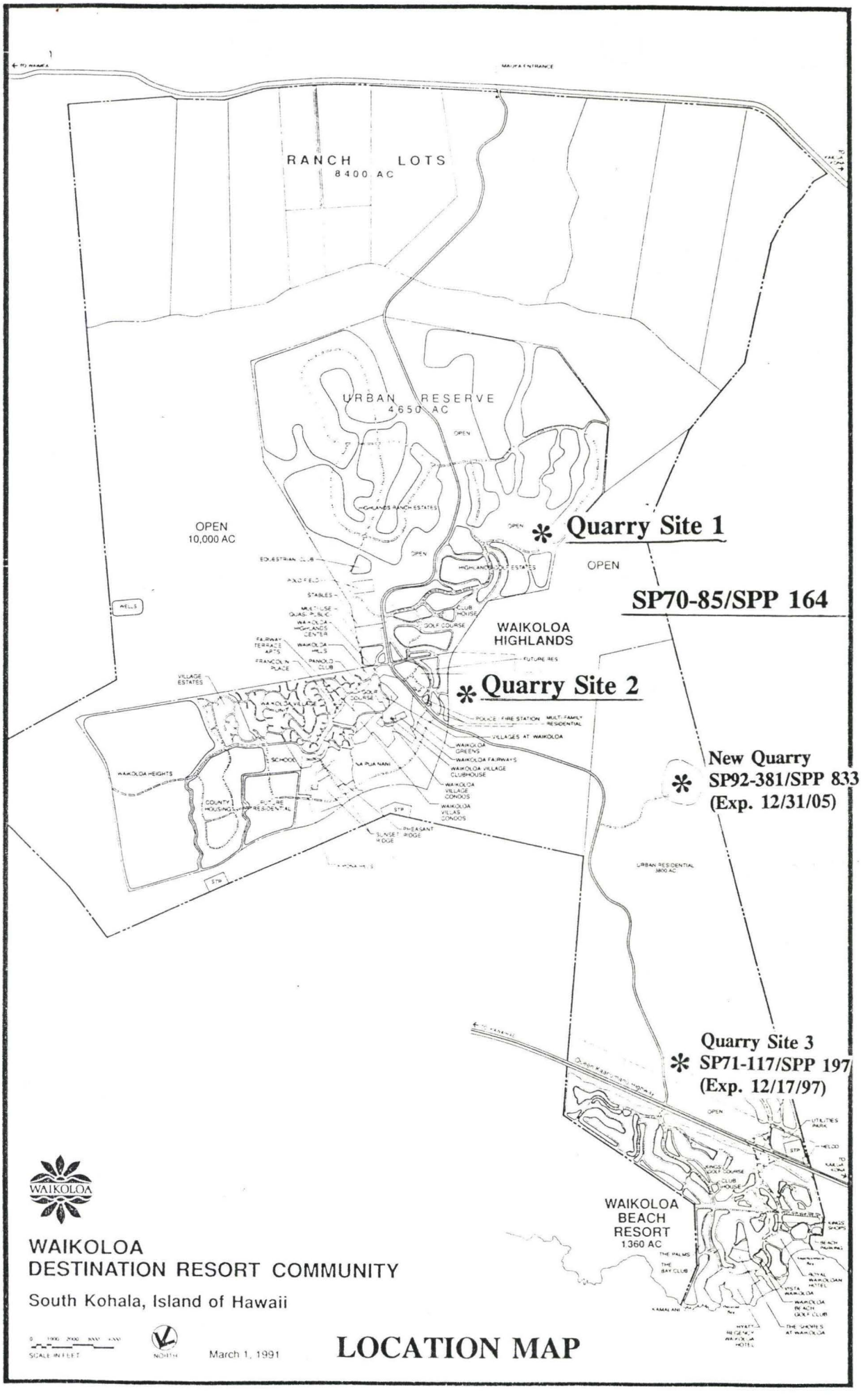


Figure 1

LOCATION MAP



WAIKOLOA

WAIKOLOA
DESTINATION RESORT COMMUNITY

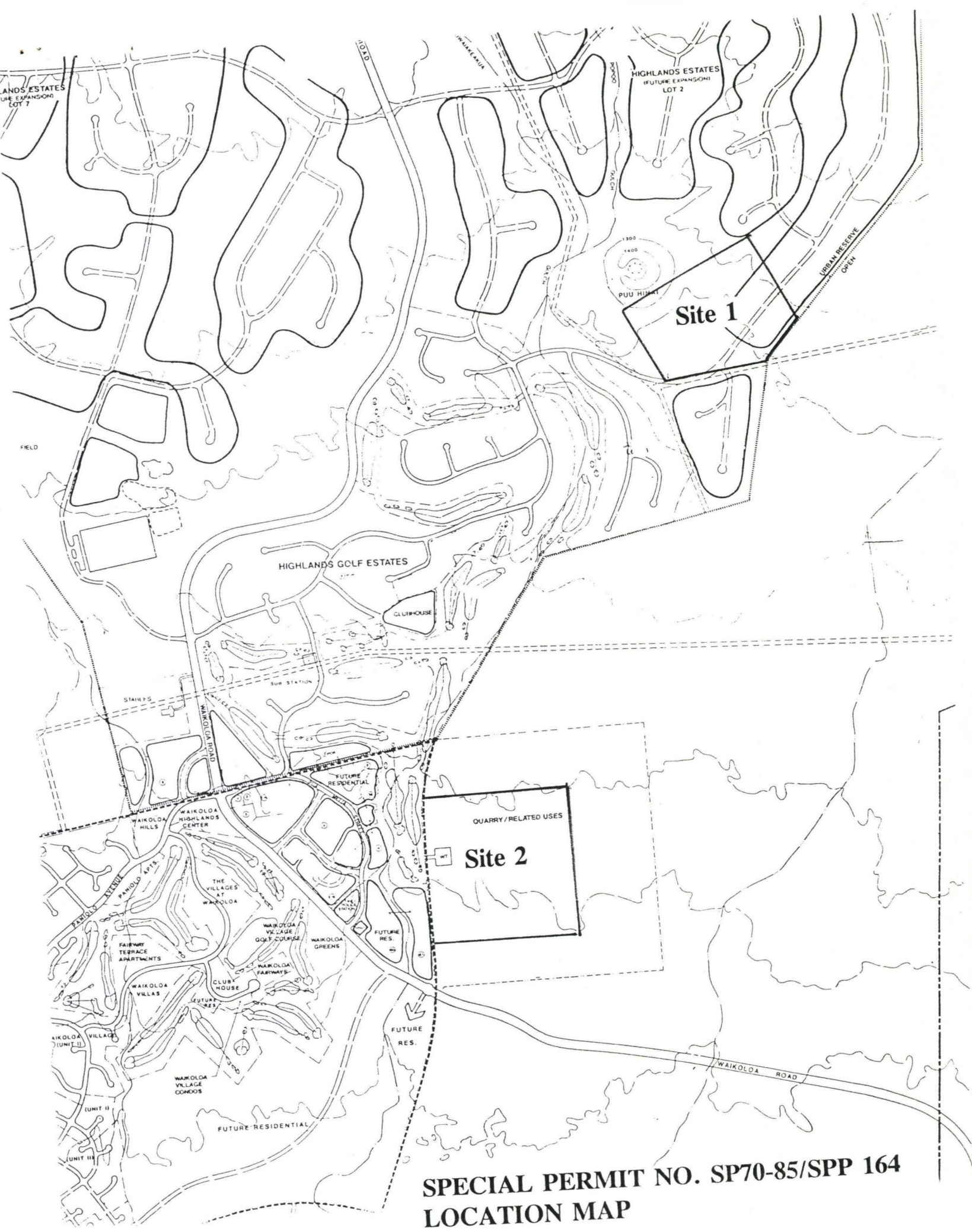
South Kohala, Island of Hawaii

SCALE IN FEET

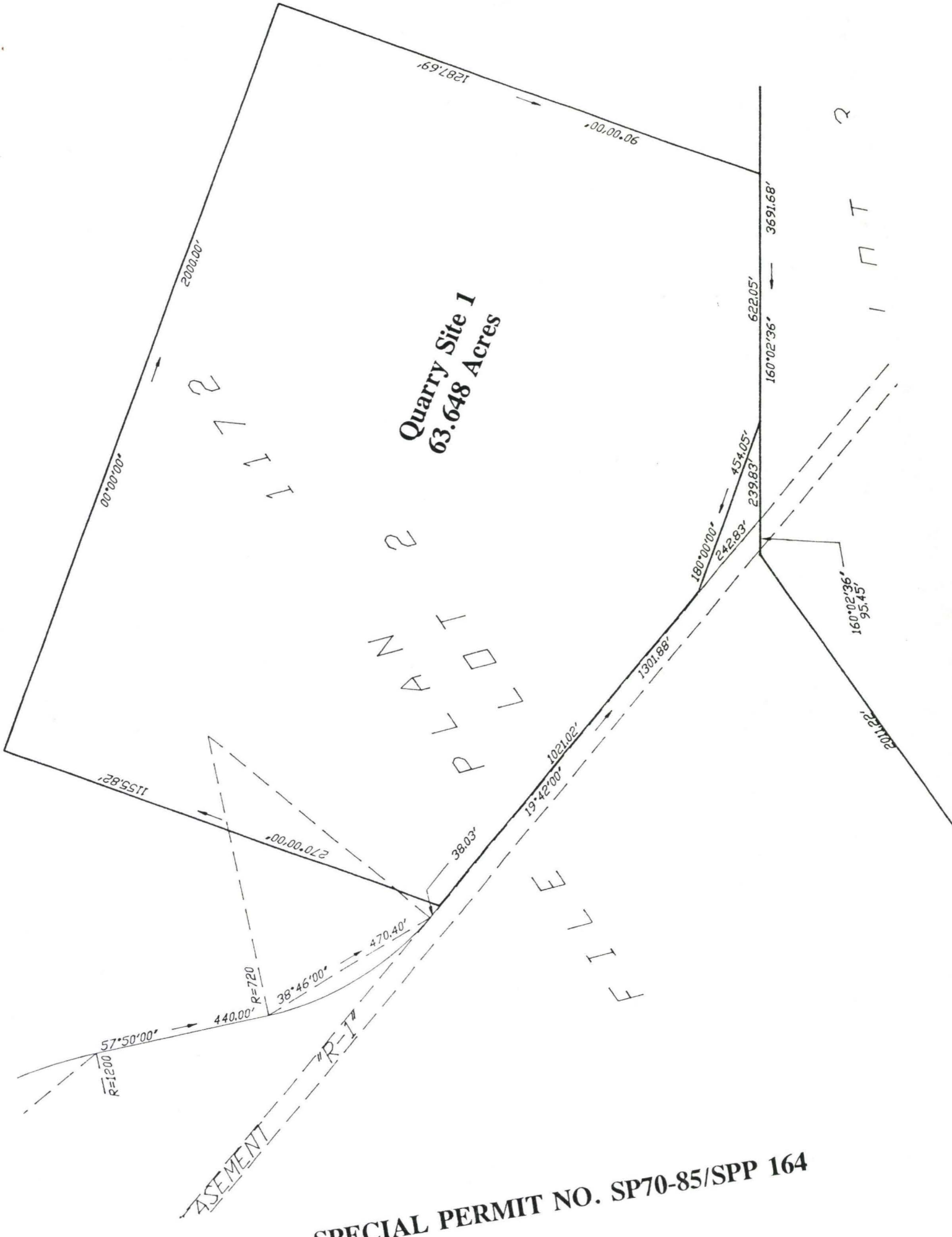
NORTH

March 1, 1991

LOCATION MAP

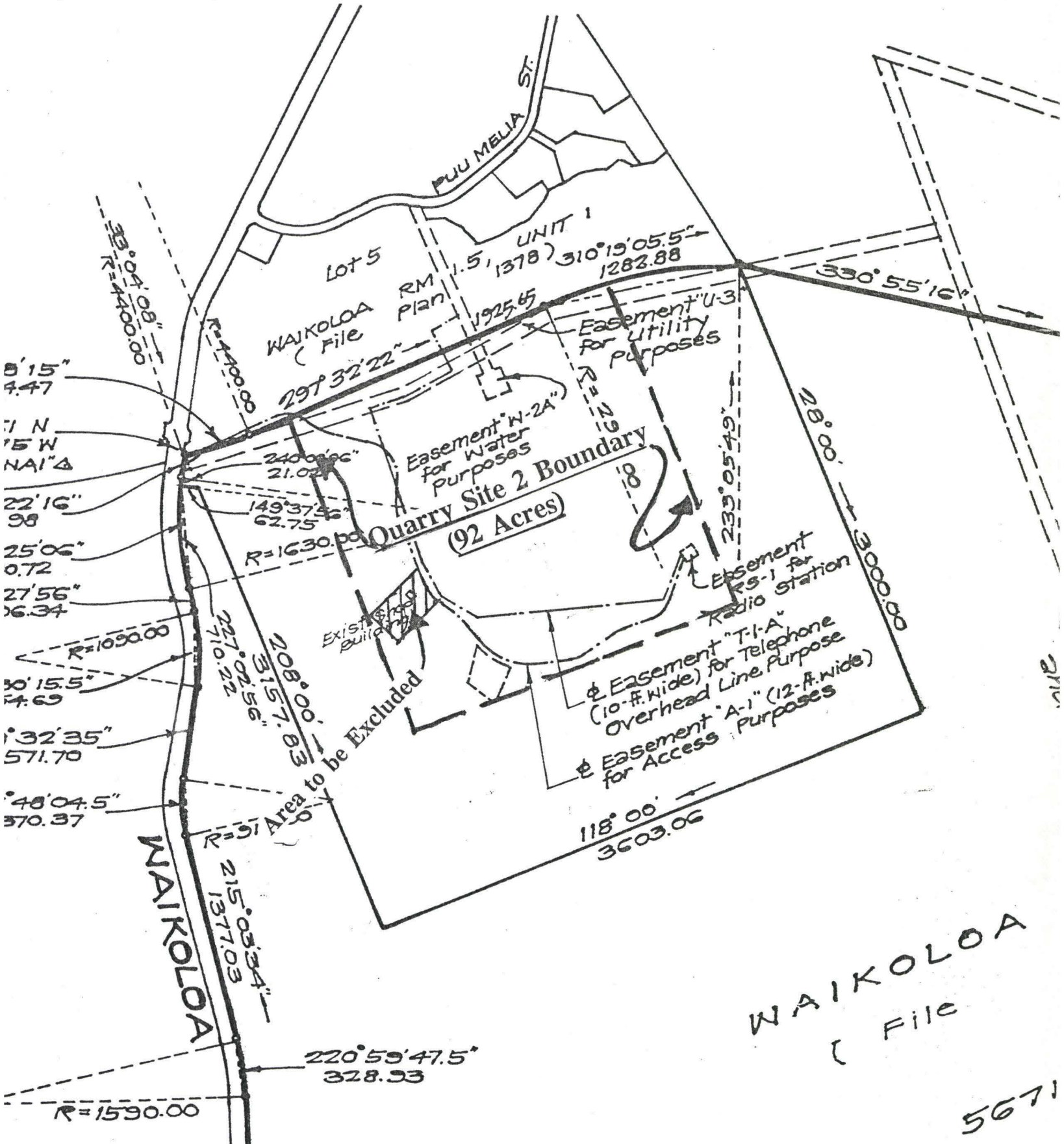


SPECIAL PERMIT NO. SP70-85/SPP 164
LOCATION MAP



SPECIAL PERMIT NO. SP70-85/SPP 164

SPECIAL PERMIT NO. SP70-85/SPP 164
SITE MAP
QUARRY SITE 2
(Not to Scale)



SP164

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of WAIKOLOA DEVELOPMENT COMPANY For a Second Amendment to Special Permit No. SP70-85 Which Allowed the Establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and Allied Uses on Approximately 161 Acres of Land Situated Within the State Land Use Agricultural District at Waikoloa Village, Waikoloa, South Kohala, Tax Map Key Number: 6-8-02: 16 por. and 33 por.	DOCKET NO. SP70-85 WAIKOLOA DEVELOPMENT COMPANY

This is to certify that this is a true and correct copy of the Decision and Order on file in the office of the State Land Use Commission, Honolulu Hawaii.

MAR - 6 1991 by _____
Date Executive Officer

LAND USE COMMISSION
STATE OF HAWAII
MAR 6 10 19 AM '91

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER

LAND USE COMMISSION
STATE OF HAWAII
SEP 15 12 55 PM '95

documentation which demonstrates compliance with this condition shall be submitted to the Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

"8. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

"9. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the quarry use will have an adverse impact on surrounding properties.

"10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

CONCLUSIONS OF LAW

The proposed Amendments, subject to the conditions in the Order, constitute an "unusual and reasonable" use as defined in Chapter 205-6, Hawaii Revised Statutes and are not contrary to the objectives sought to be accomplished by the State Land Use Law to preserve, protect and encourage development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare.

ORDER

IT IS HEREBY ORDERED that the amendments to Special Permit Docket Number SP70-85 to (1) extend the life of the permit for Quarry Sites 1 and 2 from December 11, 1990 to

December 11, 1995, (2) reduce the size of Quarry Site 1 from 69 acres to 63.6 acres, and (3) reduce the scope of quarrying activities at Site 2 by deleting rock crushing and asphalt and concrete batch plant operations and allowing only the removal of existing stockpiled materials and equipment storage and repair, on land designated within the State Land Use Agricultural District, Hawaii Tax Map Key No.: 6-8-02: portion of parcel 16 and portion of parcel 33, and approximately identified on Exhibit "A" attached hereto and incorporated by reference herein, are hereby approved, subject to the following conditions which shall replace the original conditions of approval:

1. The Petitioner, its successors or assigns shall be responsible for complying with all stated conditions of approval.

2. A map and metes and bounds description of Site 1 shall be filed with the Planning Department and the Land Use Commission within one year from the effective date of this order.

3. Activities permitted at Site 2 shall include only the removal of stockpiled materials, boulders and fieldstone and equipment storage and repair. Rock crushing, asphalt and concrete batch operations, and the use of explosives shall not be permitted.

4. The activities at Site 2, including loading and hauling, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

5. Quarrying operations at Site 1 shall be terminated by December 11, 1995, or prior to final subdivision approval of

the increment of adjacent RA zoned lands which abut the quarry boundaries, or prior abandonment, whichever occurs first.

6. Activities at Site 2 shall be terminated by December 11, 1995, or prior abandonment, whichever occurs first.

7. Upon termination of the operations or abandonment of any portion of the affected sites, the land shall be graded to blend with the surrounding areas and re-vegetated. Further, the sites shall be left in a non-hazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Hawaii County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

8. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

9. An annual monitoring report shall be submitted to the Hawaii County Planning Director and the State Land Use Commission prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the County of Hawaii Planning Commission that the quarry use will have an adverse impact on surrounding properties.

10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Hawaii County Planning Director shall initiate procedures to revoke the permit.

DOCKET NO. SP70-85 - WAIKOLOA DEVELOPMENT COMPANY

Done at Honolulu, Hawaii, this 6th day of March 1991, per motions on February 7, 1991 and March 1, 1991.

LAND USE COMMISSION
STATE OF HAWAII

By _____
RENTON L. K. NIP
Chairman and Commissioner

By _____
ALLEN K. HOE
Vice Chairman and Commissioner

By _____
ALLEN Y. KAJIOKA
Vice Chairman and Commissioner

By _____
KAREN S. AHN
Commissioner

By (absent)
EUSEBIO LAPENIA, JR.
Commissioner

By _____
JOANN N. MATTSON
Commissioner

Filed and effective on
March 6, 1991

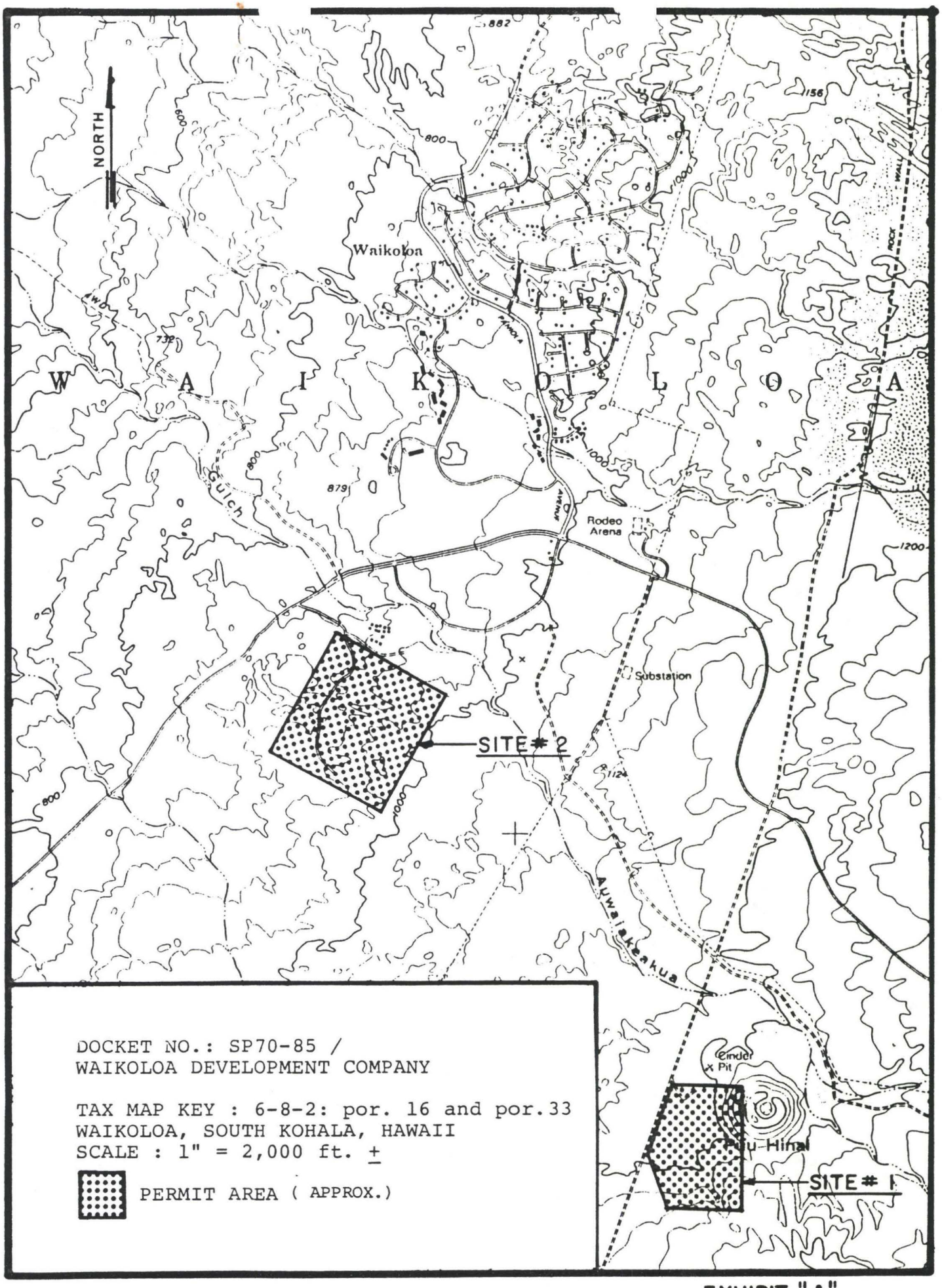
Certified by:

_____
Executive Officer

By (absent)
JAMES M. SHINNO
Commissioner

By _____
ELTON WADA
Commissioner

By _____
DELMOND J. H. WON
Commissioner



DOCKET NO.: SP70-85 /
WAIKOLOA DEVELOPMENT COMPANY

TAX MAP KEY : 6-8-2: por. 16 and por.33
WAIKOLOA, SOUTH KOHALA, HAWAII
SCALE : 1" = 2,000 ft. ±

PERMIT AREA (APPROX.)

EXHIBIT "A"

Stephen K. Yamashiro
Mayor

Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii
PLANNING DEPARTMENT
25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

LAND USE COMMISSION
STATE OF HAWAII
SEP 15 AM 8:45

MEMORANDUM

September 13, 1995

TO: Public Works-Kona
Water Supply
Fire Department
DLNR
Health Department
State LUC
Soil Conservation
West Hawaii Office

FROM: Virginia Goldstein
Planning Director

SUBJECT: Special Permit No. 70-85 (SPP 164)
Applicant: Waikoloa Development Co.
Permitted Use: Establishment of Two Quarry Sites and Allied Uses
Request: Amendment to Conditions No. 4 (Extend days and hours), No. 5 and 6 (Extend the life of the permit); Deletion of Condition No. 3 (Allow active quarrying at Site 2); and Reduce the size of Quarry Site 2
Tax Map Key: 6-8-2:Pors of 16 (Site 1) and 33 (Site 2)

The enclosed request for amendments to conditions of approval to Special Permit No. 70-85 (SPP 164) is being forwarded for your review. We would appreciate your written comments by October 6, 1995 directly to this office, with a copy to the applicant. Otherwise, we will assume that you have no comments or objections on the request.

Thank you very much.

AK:mjs
MSP16401.AGK
Enclosure

BENJAMIN J. CAYETANO
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 587-3822

March 14, 1995

Ms. Ann Cobb
Planning Coordinator
Waikoloa Development Company
150 Waikoloa Beach Drive
Kamuela, Hawaii 96743

Dear Ms. Cobb:

Subject: Filing of 1995 Annual Report for LUC Docket No. SP70-85/Waikoloa Development Company

This letter is to acknowledge receipt of the 1995 annual report for the subject docket as transmitted by your letter dated March 3, 1995. The copies that were provided have been forwarded to the Commission members for their information.

In regards to Condition No. 3, it is our understanding that the Petitioner will be requesting a modification of the condition in order to allow blasting and rock crushing within Site 2 of the quarry area.

It is also our understanding that the Petitioner will also be requesting an amendment to Conditions No. 5 and 6, to allow for a time extension regarding the termination of quarrying operations at Sites 1 and 2, respectively.

We suggest that the requests for amendments of the above conditions be made in a timely manner as to allow a sufficient period for review and approval of the amendments by the County of Hawaii Planning Commission and Land Use Commission prior to the termination dates as noted in the conditions.

Thank you for your cooperation in this annual reporting requirement to the Commission.

If you have any questions in regards to this matter, please feel free to contact me or Leo Asuncion of my staff at 587-3822.

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

March 3, 1995

LAND USE COMMISSION
STATE OF HAWAII
MAR 7 12 51 PM '95

Land Use Commission, State of Hawaii
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

RE: Annual Report for Special Permit Docket No. SP70-85 (No. 164)
Pu'u Hinai Quarry (Site 1) and Village Quarry (Site 2)
Waikoloa Village, Waikoloa, South Kohala, Island of Hawaii
TMK: 6-8-02:portions 16 and 33

To Whom It May Concern:

As required by Condition 9 of the Decision and Order in the above-referenced docket, please let this letter serve as the annual report to the State Land Use Commission and the Hawaii County Planning Department.

General:

Approximately 11,000 cubic yards of cinder was quarried from Site 1 in the past year for various uses, including for construction of a temporary access road to the State's Pu'uanahulu exploratory water well and for golf course maintenance purposes. None of the stockpiled material was removed from Site 2. No public complaints have been received and there have been no problems encountered at either site.

Conditions and Compliance:

- " 1. The Petitioner, its successors or assigns shall be responsible for complying with all stated conditions of approval."

Compliance. All conditions of approval have been and will continue to be complied with.

- " 2. A map and metes and bounds description of Site 1 shall be filed with the Planning Department and the Land Use Commission within one year from the effective date of this order."

150 Waikoloa Beach Drive Kamuela, Hawaii 96743 Phone (808) 885-1000 Fax (808) 885-8896

Compliance. A map and a metes and bounds description of Site 1 were filed with the Planning Department and the Land Use Commission on February 5, 1991 and February 13, 1991, respectively, with acknowledgement of compliance with this condition subsequently received from both agencies. This condition has been satisfied.

• " 3. Activities permitted at Site 2 shall include only the removal of stockpiled materials, boulders and fieldstone and equipment storage and repair. Rock crushing, asphalt and concrete batch operations, and the use of explosives shall not be permitted."

Compliance. This condition has been and will continue to be met. In order to economically complete the final phases of restoring the quarry area, some amounts of blasting and rock crushing will be necessary. The applicant will be requesting a modification of this condition.

• " 4. The activities at Site 2, including loading and hauling, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday."

Compliance. This condition has been and will continue to be met.

• " 5. Quarrying operations at Site 1 shall be terminated by December 11, 1995, or prior to final subdivision approval of the increment of adjacent RA zoned lands which abut the quarry boundaries, or prior abandonment, which occurs first."

Compliance. A subdivision application for the final increment of adjacent RA zoned lands has not been initiated at this time. This site continues to be an important source of cinder for the Waikoloa area, and will become more so as the economy begins its recovery and construction of approved projects in the area becomes more financially feasible. Applicant will be requesting an extension of time to this condition.

• " 6. Activities at Site 2 shall be terminated by December 11, 1995, or prior abandonment, which occurs first."

Compliance. As stated above, the material from this site will be of great value to future development in the area as the pace of construction in Waikoloa escalates with the turn around in the economy. For this reason, Applicant will be requesting an extension of time to this condition, also.

• " 7. Upon termination of the operations or abandonment of any portion of the affected sites, the land shall be graded to blend

with the surrounding areas and re-vegetated. Further, the sites shall be left in a non-hazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Hawaii County Planning Director for review and approval within ninety (90) days from the termination or abandonment date."

Compliance. Upon termination of activity, this condition will be met.

• " 8. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with."

Compliance. This condition has been and will continue to be met.

• " 9. An annual monitoring report shall be submitted to the Hawaii County Planning Director and the State Land Use Commission prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the County of Hawaii Planning Commission that the quarry use will have an adverse impact on surrounding properties."

Compliance. This letter serves as the fourth annual report.

• "10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Hawaii County Planning Director shall initiate procedures to revoke the permit."

Compliance. Conditions are being met in a timely fashion.

Should you require any further information or have any questions concerning this report, please do not hesitate to contact me.

Sincerely,

Ann Cobb
Planning Coordinator

cc: Land Use Commission (15 copies)
Mr. Ken Melrose, Vice President, Development,
Waikoloa Land Company

JOHN WAIHEE
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 587-3822

March 8, 1994

Ms. Ann Cobb
Planning Coordinator
Waikoloa Land Company
HC02 Box 5050
Waikoloa, Hawaii 96743

Dear Ms. Cobb:

Subject: Filing of 1994 Annual Report for LUC Docket No. SP70-85/Waikoloa Development Company

This is to acknowledge receipt of the 1994 annual report for the subject docket. Copies of the annual report have been forwarded to the Commission members for their information.

Thank you for your cooperation in this annual reporting requirement.

Should have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

cc: County of Hawaii Planning Dept.

WAIKOLOA

ORIGINAL

March 2, 1994

LAND USE COMMISSION
STATE OF HAWAII
MAR 3 10 11 AM '94

Land Use Commission, State of Hawaii
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

RE: Annual Report for Special Permit Docket No. SP70-85 (No. 164)
Pu'u Hinai Quarry (Site 1) and Village Quarry (Site 2)
Waikoloa Village, Waikoloa, South Kohala, Island of Hawaii
TMK: 6-8-02:portions 16 and 33

To Whom It May Concern:

As required by Condition 9 of the Decision and Order in the above-referenced docket, please let this letter serve as the annual report to the State Land Use Commission and the Hawaii County Planning Department.

General:

Approximately 1,000 cubic yards of cinder was quarried from Site 1 in 1993, for golf course maintenance purposes. Only small amounts of stockpiled material was removed from Site 2. No public complaints have been received and there have been no problems encountered at either site.

Conditions and Compliance:

- " 1. The Petitioner, its successors or assigns shall be responsible for complying with all stated conditions of approval."

Compliance. All conditions of approval have been and will continue to be complied with.

HC02 Box 5050 Waikoloa, Hawaii 96743 Phone (808) 885-1000 Fax (808) 885-8896

• " 2. A map and metes and bounds description of Site 1 shall be filed with the Planning Department and the Land Use Commission within one year from the effective date of this order."

Compliance. A map and a metes and bounds description of Site 1 were filed with the Planning Department and the Land Use Commission on February 5, 1991 and February 13, 1991, respectively, with acknowledgement of compliance with this condition subsequently received from both agencies. This condition has been satisfied.

• " 3. Activities permitted at Site 2 shall include only the removal of stockpiled materials, boulders and fieldstone and equipment storage and repair. Rock crushing, asphalt and concrete batch operations, and the use of explosives shall not be permitted."

Compliance. This condition has been and will continue to be met.

• " 4. The activities at Site 2, including loading and hauling, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday."

Compliance. This condition has been and will continue to be met.

• " 5. Quarrying operations at Site 1 shall be terminated by December 11, 1995, or prior to final subdivision approval of the increment of adjacent RA zoned lands which abut the quarry boundaries, or prior abandonment, which occurs first."

Compliance. This condition will be met. A subdivision application for the final increment of adjacent RA zoned lands has not been initiated at this time.

• " 6. Activities at Site 2 shall be terminated by December 11, 1995, or prior abandonment, which occurs first."

Compliance. This condition will be met.

• " 7. Upon termination of the operations or abandonment of any portion of the affected sites, the land shall be graded to blend with the surrounding areas and re-vegetated. Further, the sites shall be left in a non-hazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Hawaii County Planning Director for review and approval within ninety (90) days from the termination or abandonment date."

Compliance. Upon termination of activity, this condition will be met.

- " 8. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with."

Compliance. This condition has been and will continue to be met.

- " 9. An annual monitoring report shall be submitted to the Hawaii County Planning Director and the State Land Use Commission prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the County of Hawaii Planning Commission that the quarry use will have an adverse impact on surrounding properties."

Compliance. This letter serves as the third annual report.

- "10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Hawaii County Planning Director shall initiate procedures to revoke the permit."

Compliance. Conditions are being met in a timely fashion.

Should you require any further information or have any questions concerning this report, please do not hesitate to contact me.

Sincerely,

Ann Cobb
Planning Coordinator

cc: Land Use Commission (15 copies)
Mr. Ken Melrose, Vice President, Development & Planning,
Waikoloa Land Company

JOHN WAIHEE
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 587-3822

March 9, 1993

Ms. Ann Cobb
Planning Coordinator
Waikoloa Land Company
HC02 Box 5100
Waikoloa, Hawaii 96743

Dear Ms. Cobb:

Subject: Filing of 1993 Annual Report to LUC Docket No. SP70-85/Waikoloa Development Company

This is to acknowledge receipt of the 1993 annual report for the subject docket. Copies of the annual report that you have provided have been forwarded to the Commissioners for their information.

Thank you for your cooperation in this annual reporting requirement to the Commission.

If you should have any questions in regards to this matter, please feel free to contact me or Leo Asuncion of my staff at 587-3822.

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

March 3, 1993

LAND USE COMMISSION
STATE OF HAWAII
MAR 4 1 17 PM '93

Land Use Commission, State of Hawaii
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

RE: Annual Report for Special Permit Docket No. SP70-85 (No. 164)
Pu'u Hinai Quarry (Site 1) and Village Quarry (Site 2)
Waikoloa Village, Waikoloa, South Kohala, Island of Hawaii
TMK: 6-8-02:portions 16 and 33

To Whom It May Concern:

As required by Condition 9 of the Decision and Order in the above-referenced docket, please let this letter serve as the annual report to the State Land Use Commission and the Hawaii County Planning Department.

General:

In 1992, as construction of the Highlands Golf Course project has not yet begun, only about 1,000 cubic yards of cinder was quarried from Site 1. Only small amounts of the stockpiled material at Site 2 were removed. No public complaints have been received and there have been no problems encountered at either site. A general clean-up of the equipment storage area in Site 2 was conducted in 1992.

Conditions and Compliance:

- " 1. The Petitioner, its successors or assigns shall be responsible for complying with all stated conditions of approval."

Compliance. All conditions of approval have been and will continue to be complied with.

PLANNING OFFICE
HC02 Box 5100 Waikoloa, Hawaii 96743 Phone (808) 885-0023 Fax (808) 885-8565

• " 2. A map and metes and bounds description of Site 1 shall be filed with the Planning Department and the Land Use Commission within one year from the effective date of this order."

Compliance. A map and a metes and bounds description of Site 1 were filed with the Planning Department and the Land Use Commission on February 5, 1991 and February 13, 1991, respectively, with acknowledgement of compliance with this condition subsequently received from both agencies. This condition has been satisfied.

• " 3. Activities permitted at Site 2 shall include only the removal of stockpiled materials, boulders and fieldstone and equipment storage and repair. Rock crushing, asphalt and concrete batch operations, and the use of explosives shall not be permitted."

Compliance. This condition has been and will continue to be met.

• " 4. The activities at Site 2, including loading and hauling, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday."

Compliance. This condition has been and will continue to be met.

• " 5. Quarrying operations at Site 1 shall be terminated by December 11, 1995, or prior to final subdivision approval of the increment of adjacent RA zoned lands which abut the quarry boundaries, or prior abandonment, which occurs first."

Compliance. This condition will be met. A subdivision application for the increment of adjacent RA zoned lands has not been initiated at this time.

• " 6. Activities at Site 2 shall be terminated by December 11, 1995, or prior abandonment, which occurs first."

Compliance. This condition will be met.

• " 7. Upon termination of the operations or abandonment of any portion of the affected sites, the land shall be graded to blend with the surrounding areas and re-vegetated. Further, the sites shall be left in a non-hazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Hawaii County Planning Director for review and approval within ninety (90) days from the termination or abandonment date."

Compliance. Upon termination of activity, this condition will be met.

- " 8. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with."

Compliance. This condition has been and will continue to be met.

- " 9. An annual monitoring report shall be submitted to the Hawaii County Planning Director and the State Land Use Commission prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the County of Hawaii Planning Commission that the quarry use will have an adverse impact on surrounding properties."

Compliance. This letter serves as the second annual report.

- "10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Hawaii County Planning Director shall initiate procedures to revoke the permit."

Compliance. Conditions are being met in a timely fashion.

Should you require any further information or have any questions concerning this report, please do not hesitate to contact me.

Sincerely,

Ann Cobb
Planning Coordinator

cc: Land Use Commission (15 copies)
Mr. Ken Melrose, Vice President-Planning
and Development, Waikoloa Land Company

JOHN WAIHEE
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 587-3822

March 24, 1992

Mr. Ken Melrose
Vice President/Planning
Waikoloa Development Company
P.O. Box 383028
Waikoloa, Hawaii 96738

Dear Mr. Melrose:

Subject: Filing of Annual Report for SP70-85/Waikoloa Development Company, TMK Nos. 6-8-02: por. 16, por. 33

This is to acknowledge receipt of your annual report dated March 6, 1992 for the subject special permit. The information you have provided has been transmitted to the Commission.

We request that future annual reports for this Special Permit follow the same format that is used for annual reporting on Land Use Boundary Amendments.

Please note also, that annual reports filed with the Commission should include one original and fifteen copies.

Thank you for your cooperation on this annual reporting requirement.

If you have any questions, please call me or Steve Tagawa of my staff at 587-3822.

Sincerely,

ESTHER UEDA
Executive Officer

EU:fl

cc: County of Hawaii Planning Dept.

March 5, 1992

LAND USE COMMISSION
STATE OF HAWAII
MAR 6 12 58 PM '92

Land Use Commission, State of Hawaii
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

RE: Annual Report for Special Permit Docket No. SP70-85 (No. 164)
Pu'u Hinai Quarry (Site 1) and Village Quarry (Site 2)
Waikoloa Village, Waikoloa, South Kohala, Island of Hawaii
TMK: 6-8-02:portions 16 and 33

To Whom It May Concern:

As required by Condition 9 of the Decision and Order in the above-referenced docket, please let this letter serve as the annual report to the State Land Use Commission and the Hawaii County Planning Department.

General:

During 1991, approximately 5,000 cubic yards of cinder was quarried from Site 1. None of the stockpiled material at Site 2 has been removed. No public complaints have been received and there have been no problems encountered at either site.

Compliance with Conditions:

Condition 1. All stated conditions of approval will be complied with.

Condition 2. A map and a metes and bounds description of Site 1 were filed with the Planning Department and the Land Use Commission on February 5, 1991 and February 13, 1991, respectively, with acknowledgement of compliance with this condition subsequently received from both agencies. This condition has been satisfied.

HIGHLANDS OFFICE
Post Office Box 383028 Waikoloa, Hawaii 96738 Phone (808) 883-1000 Fax (808) 883-1404

Condition 3. Only permitted activities will take place at Site 2.

Condition 4. Permitted activities at Site 2 will take place only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

Condition 5. This condition regarding termination of activities at Site 1 will be complied with. No subdivision application for the increment of adjacent lands has been submitted at this time.

Condition 6. This condition regarding termination of activities at Site 2 will be complied with.

Condition 7. Upon termination of activity, this condition regarding re-naturalization will be complied with.

Condition 8. All applicable laws, requirements, rules and regulations will be complied with.

Condition 9. This letter serves as the first annual report.

Condition 10. Conditions are being met in a timely fashion.

Should you require any further information or have any questions concerning this report, please do not hesitate to contact me.

Sincerely,

Ken Melrose
Vice President/Planning

ac

JOHN WAIHEE
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 548-4611

March 8, 1991

NOTIFICATION OF BOUNDARY AMENDMENT AND SPECIAL PERMIT DECISIONS FILED BY THE STATE LAND USE COMMISSION

To all concerned agencies:

The Findings of Fact, Conclusions of Law and Decision and Order for the following boundary amendment and special permit petitions have been filed by the Land Use Commission:

Petition Docket No.	Boundary Amendment Requested	LUC Action on February 7, 1991	Date of Decision and Order
A90-655 WEST BEACH ESTATES, A HAWAII GENERAL PARTNERSHIP	To reclassify approximately 372.6 acres from Agricultural to Urban at Honouliuli, Ewa, Oahu	Approved approximately 372.6 acres at Honouliuli, Ewa, Oahu, TMK: 9-1-15: 18 and portion of 4, and 9-1-56: portion of 11 and portion of 12 (see map attached)	February 14, 1991
	Special Permit Requested	**LUC Action on February 7, 1991**	
SP70-85 WAIKOLOA DEVELOPMENT COMPANY	For a Second Amendment Which Allowed the Establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and Allied Uses on Approximately 161 Acres of Land Within the Agricultural District at Waikoloa Village, Waikoloa, South Kohala	Approved Second Amendment at Waikoloa Village, Waikoloa, South Kohala, TMK: 6-8-02: portion of 16 and portion of 33 (see map attached)	March 6, 1991

Should you have any questions, please do not hesitate to contact this office.

Sincerely,

ESTHER UEDA
Executive Officer

EU:to
Att.

NOTIFICATION OF BOUNDARY AMENDMENT DECISIONS BY LUC

Concerned Agencies

State (all petitions)

1. Office of State Planning - (1) Harold Masumoto
   (2) LUD-Abe Mitsuda
2. Dept.of Transportation - Office of the Director
3. Board of Land & Natural Resources - Office of the Chairman
4. Dept. of Education - Facilities & Auxiliary Services Branch
5. Office of Environmental Quality Control
6. USDA Soil Conservation Service - Attention: Nicole Simmons
7. Board of Agriculture - Office of the Chairman
8. C&C, Dept. of Finance - Mapping Section
9. Deputy Attorney General - Rick Eichor, Esq.

City & County of Honolulu (Oahu petitions only)

1. Dept. of General Planning - Chief Planning Officer
2. Dept. of general Planning - Division Head,
   Policy Analysis Division
3. Dept. of Land Utilization - Director
4. Planning Commission - Executive Secretary
5. Board of Water Supply - Manager and Chief Engineer
6. Dept. of Public Works - Director
7. C&C, Dept. of Finance - Property Assessment Section
8. C&C, Dept. of Finance - Property Technical Office

Hawaii County (Hawaii petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Tax Office

Maui County (Maui petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Tax Division

Kauai County (Kauai petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Division

c:forms/corresp/6

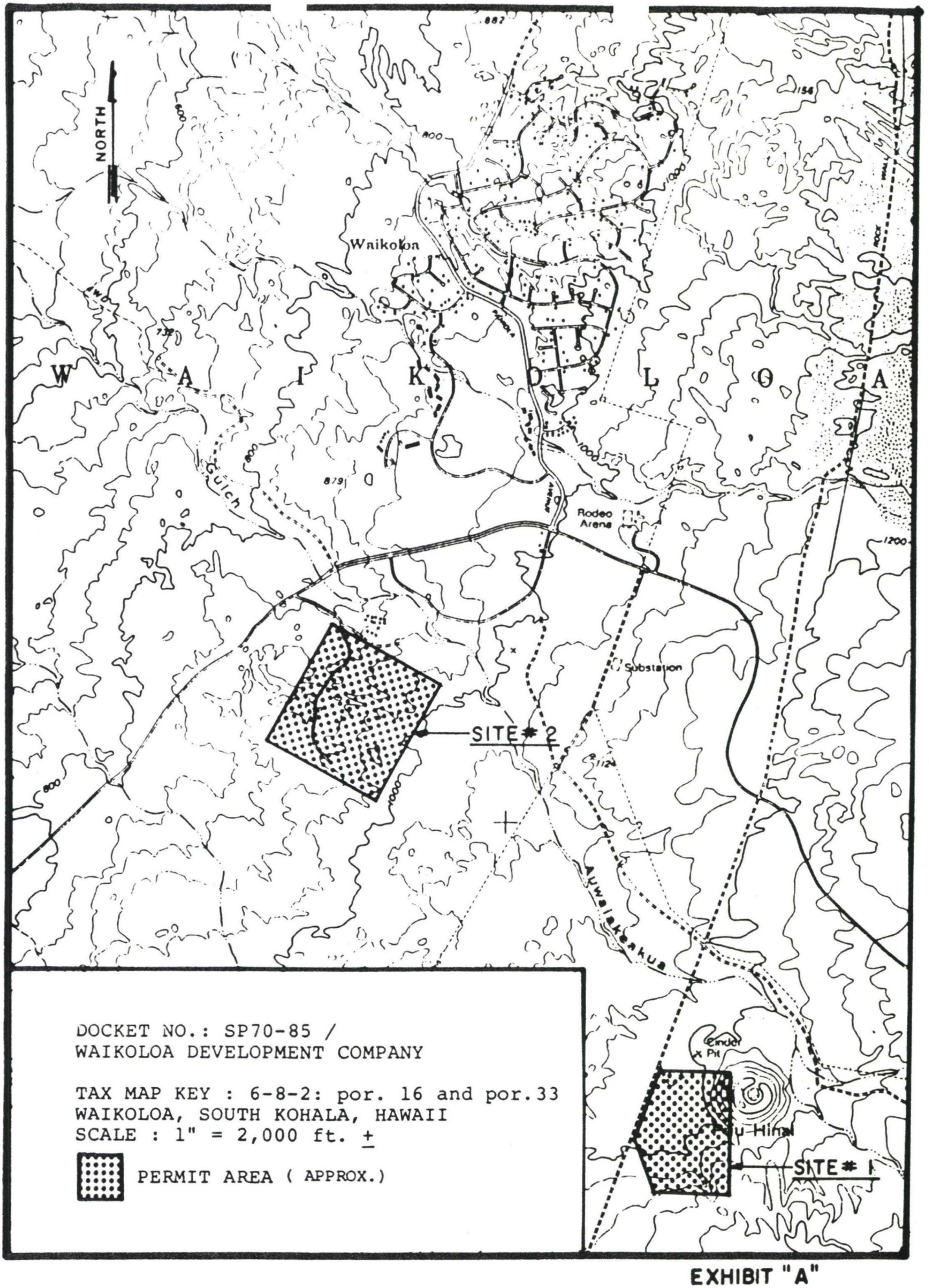

NORTH
Waikoloa
W A I K O L O A
Gulch
Rodeo Arena
Substation
SITE # 2
SITE # 1
Cinder Pit
u-Hina
Alwaiakeakua
DOCKET NO.: SP70-85 /
WAIKOLOA DEVELOPMENT COMPANY
TAX MAP KEY : 6-8-2: por. 16 and por.33
WAIKOLOA, SOUTH KOHALA, HAWAII
SCALE : 1" = 2,000 ft. ±
PERMIT AREA (APPROX.)

EXHIBIT "A"

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of WAIKOLOA DEVELOPMENT COMPANY For a Second Amendment to Special Permit No. SP70-85 Which Allowed the Establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and Allied Uses on Approximately 161 Acres of Land Situated Within the State Land Use Agricultural District at Waikoloa Village, Waikoloa, South Kohala, Tax Map Key Number: 6-8-02: 16 por. and 33 por.	DOCKET NO. SP70-85 WAIKOLOA DEVELOPMENT COMPANY

This is to certify that this is a true and correct copy of the Decision and Order on file in the office of the State Land Use Commission, Honolulu Hawaii.

MAR - 6 1991 by _____
Date Executive Officer

LAND USE COMMISSION
STATE OF HAWAII
MAR 6 10 19 AM '91

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION AND ORDER

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of WAIKOLOA DEVELOPMENT COMPANY For a Second Amendment to Special Permit No. SP70-85 Which Allowed the Establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and Allied Uses on Approximately 161 Acres of Land Situated Within the State Land Use Agricultural District at Waikoloa Village, Waikoloa, South Kohala, Tax Map Key Number: 6-8-02: 16 por. and 33 por.	DOCKET NO. SP70-85 WAIKOLOA DEVELOPMENT COMPANY

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER

Waikoloa Development Company (hereinafter "Petitioner") initiated this proceeding pursuant to Section 205-6, Hawaii Revised Statutes, as amended, and subchapter 12 of chapter 15, of the Hawaii Land Use Commission Rules. The Land Use Commission (hereinafter the "Commission"), having considered the entire record on this matter, hereby makes the following findings of fact, conclusions of law and decision and order:

FINDINGS OF FACT

Procedural Matters

1. The application for a second amendment to special permit (hereinafter "Amendment") was filed by Waikoloa Development Company (hereinafter "Petitioner") with the County of Hawaii Planning Department on September 5, 1990. On

November 8, 1990, Petitioner filed a letter requesting an amendment to their Special Permit.

2. The County of Hawaii Planning Commission conducted public hearings on November 8, 1990 and December 20, 1990. No written public testimonies were received in response to the request.

3. On December 20, 1990 the County of Hawaii Planning Commission recommended approval of the Amendment subject to 10 conditions. A copy of the record of the proceedings before the County of Hawaii Planning Commission was received by the Land Use Commission (hereinafter "LUC") on January 10, 1991.

Description of the Property

4. The subject property (hereinafter "Property") is located in the South Kohala area of the island of Hawaii, approximately 4.5 miles mauka of the Waikoloa Resort area. The Property consists of two non-contiguous quarry parcels approximately 1-1/4 miles apart and are identified as island of Hawaii, Tax Map Key Number 6-8-02: portion 16 and portion 33.

5. Quarry Site number 1, the Pu'u Hinai quarry (hereinafter Site 1), is approximately 69 acres in size. Quarry Site number 2, the Village Quarry (hereinafter Site 2), is approximately 92 acres in size.

Site 1

6. Site 1 is located on the southwest face of a cinder cone, which reaches an elevation of 1,439 feet above sea level. Site 1 is located approximately 4,600 feet south of the

Waikoloa Road and 4.5 miles mauka of the Queen Ka'ahumanu Highway. A gravel road on a 50 foot-wide easement provides access to Site 1 from Waikoloa Road. Site 1 is owned by Petitioner.

7. In this area, the Petitioner is proposing development of the Waikoloa Highlands Golf Estates, a 400± one and two acre lot and golf course development.

8. As a part of this effort, Petitioner is in the process of rezoning the lands neighboring Site 1. On September 28, 1990, the Planning Commission recommended that 761 acres immediately to the north be rezoned from the Unplanned and the Multiple- Family Residential-1,500 square foot (RM-1.5) district to the Residential and Agricultural-1 acre (RA-1a) and Open zoned district. The RA-1a zoning allows for residential and agricultural uses with a minimum lot size of 1 acre. This rezoning proposal is under consideration by the Hawaii County Council.

9. On December 19, 1990, Petitioner obtained a County Use Permit to begin construction of the Waikoloa Highlands Golf Course on land to the northwest of the quarry. County Use Permit No. 71 allows for golf course and related improvements on lands that abut the quarry's northern boundary.

10. The conditions of Use Permit No. 71 require that Final Plan approval for that golf course be secured within one year of the effective date of the Use Permit, and that

construction begin within one year of the Final Plan approval. Construction is to be completed within three years thereafter.

11. Petitioner has also submitted an application for the subdivision of nearby land on TMK: 6-8-02: 16 and 6-8-3: 32, which includes the golf course area, into sixty-two +5-acre lots.

12. The roadway easement that provides access to Site 1 passes through the proposed golf course and residential-agricultural development.

Site 2

13. Site 2 is adjacent to the southern boundary of the Waikoloa Village Urban District. Site 2 is a 92-acre portion of the 267.889-acre lot 3-B, and is approximately 600 feet south of Waikoloa Road and 3 miles mauka of Queen Ka'ahumanu Highway. This quarry has been sporadically used to provide blue rock aggregate and base course material for roadway construction. There are also storage and maintenance buildings at this quarry. Site 2 was conveyed to the Waikoloa Village Association via a settlement agreement in 1987 from, and subsequently leased back to Petitioner.

14. Access to Site 2 from Waikoloa Road is provided by an existing ±10 foot-wide paved road within a 12 foot-wide easement. This access road enters the Property at its northern boundary.

15. Hawaiian Telephone Company operates a microwave radio station on an adjoining property to the north. The

nearest residence is the 24-unit Waikoloa Gardens Apartments located approximately 650 feet north of Site 2. The 66-unit Kipona Hills condominium development and the Pheasant Ridge single-family residential subdivision are located approximately 700 feet to the northwest of the Property. The 197-unit Greens at Waikoloa Condominium development is located 1,100 feet north of Site 2.

16. Quarry Site 2 is immediately south of the proposed Waikoloa Highlands golf course.

17. A day care facility and church have been established on adjacent lands to the north of Site 2 pursuant to a Use Permit granted by the Planning Commission. The duration of that Use Permit runs concurrently with the terms of a lease agreement between the the permit holder and Waikoloa Development Company. This lease extends to December 14, 1991.

18. Makai of the subject quarries, near the Queen Ka'ahumanu Highway/Waikoloa Road intersection, is another quarry operation of approximately 309 acres. This quarry was the subject of LUC Special Permit No. 71-117 which was approved on May 15, 1981. This permit expires on December 1991.

Permit Background

19. On December 11, 1970, the LUC approved Special Permit SP70-85 to Boise Cascade Properties to operate two quarry sites on Tax Map Key No. 6-8-02: 4 portion, including a screening plant, rock crusher, scales, AC batching plant, concrete batching plant, and equipment repair facilities.

20. This Special Permit was subject to the following Conditions:

"1. That all State and County standards and appropriate safety measures be taken by the applicant to safeguard vehicular traffic during the entire operation, 24 hours per day. (See Exhibit Z, pp. 1-3)

2. That the applicant shall take every precaution not to create any inconvenience from noise and dust problems during the operation.

3. Upon completion of the operations, all temporary support facilities i.e. rock crushers, A.C. batching plant, steel repair facility, and concrete batching plant, along with all allied equipment, will be removed. A grading plan will be done, natural contours will be restored, and the area will be seeded with the hydromulcher. At the end of construction activities, the quarry site shall appear as natural as open space, and not as a scar on the landscape.

4. That this permit shall expire within 5 years from the date of approval by the State Land Use Commission should that agency approve this request.

5. That the operation be confined within the metes and bounds description as submitted."

Description of Proposed Amendments

Site 1

21. Petitioner has requested that the quarry area at this Site 1 be reduced from 69 acres to 63.648 acres. The reason for the reduction is to exclude the portion of the site proposed for rezoning to the Residential-Agricultural zoned district. Site 1 is to be quarried for cinder and topsoil for the construction of golf courses and landscaping elements in Waikoloa, primarily the Highlands Golf Course. Since the

Special Permit was first issued, the Tax Map Key designation for this site was changed from TMK: 6-8-01: 4 por., to 6-8-02: 16 por.

Site 2

22. At Site 2, Petitioner is requesting that active elements of the quarry operation, the rock crushing and asphalt and concrete batch operations, be deleted from the permitted use.

23. Remaining operations would only involve the removal of existing stockpiled materials, boulders, and fieldstones as well as equipment storage and repair. The proposed activity will not involve the use of explosives. Stockpiled rock material and boulders will be removed from the existing excavated area in the southeast portion of the Property. Fieldstones will be removed by hand from the remainder of the Property. The Tax Map Key designation of this site has been changed from TMK: 6-8-02: 4 portion to 6-8-02: 33 portion.

24. Petitioner is requesting an extension of the life of the permit for both Quarry Sites 1 and 2 from December 11, 1990 to December 11, 1995.

State and County Plans and Programs

25. Both quarry sites are designated within the State Land Use Agricultural District.

26. The nearest State Land Use Urban District situated near Site 1 is approximately 1 mile to the southeast. Site 2 is less than a 1/4 mile south of the Waikoloa Highlands Urban area.

27. County zoning at Site 1 and adjacent lands is Unplanned. County zoning at Site 2 and its surrounding area is designated Open and RM 1.5.

28. The County of Hawaii General Plan designates Site 1 Extensive Agriculture and Site 2 as Industrial.

29. Neither site is within the County of Hawaii Special Management Area (SMA).

Summary of Agency Comments

30. The County of Hawaii Department of Water Supply stated:

> "The water system in the area is privately owned and operated. The private water purveyor should be contacted for water availability."

31. The Mauna Kea Soil and Water Conservation District stated the following concerns:

> "Dust Control; through the time of excavation a water truck should be available and the Ground should be kept wet to prevent dust pollution.
>
> Revegetation of Quarry Site; the excavated area should be stripped of all existing vegetation along with the first 12" of top soil and stockpiled in wind-rows to be used to dress over the area when the excavation is completed. The County Extension Service should be contacted for suggested grasses, fertilizer and timing recommendations for the revegetation of the quarry sites. Only 25% of the quarry site should be exposed at one time and revegetation of the exposed site should be completed before starting quarry operations on the next 25%. This process should be followed for each quarter of the quarry site. The site must be equal to or better than the condition prior to the quarry operation.
>
> Land Smoothing; after excavation is completed the quarry site should be shaped having 3 to 1 slopes (maximum) to help eliminate deep holes in the quarry site.

Test Boring; should be required within the area to be quarried, 1 per acre minimum, location marked on resource map. The total depth and quality of soil, depth and quality of topsoil, amount and type of soil to be removed from the site will be noted along with other pertinent information.

Natural Drainage Pattern; should not be changed, storm water velocity, quality of water, and exit location will not be changed as result of quarrying."

32. The County Public Works, Parks and Recreation, and Police Departments had no comments or objections to the Special Permit. The County's Real Property Tax Division also had no comment to offer. The County Fire Department did not provide comments. The County Department of Water Supply stated that water is provided by a private water purveyor.

33. The Hawaii Electric Light Company had no comments or objections to the Special Permit.

34. The Departments of Education and Transportation, Highways Division had no comments or objections to the Special Permit. The Health Department stated that there are no environmental health concerns raised by this Special Permit. The State Department of Land and Natural Resources and the Department of Agriculture did not provide comments.

Conformance With Special Permit Tests

35. In support of the request, the County of Hawaii Planning Department provided, in part, the following:

"The Land Use Commission found in 1970 that the quarry activity was an unusual and reasonable use of the land in the State Land Use Agricultural District and that it was a necessary and integral part of the applicant's overall development. In

view of the significant growth experienced within Waikoloa Village since approval of the permit, the continued use of the quarry sites must be evaluated against existing and future developments in the vicinity.

"The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The quarry sites were approved in 1970 and have been in use since then. Continued use of the sites will not affect the agricultural capacity of the subject property or of surrounding lands.

"A five-year time extension will not adversely affect surrounding properties. The applicant states that materials will be needed from Quarry Site 1 for the construction of the Highlands Golf Course and landscaping elements within Waikoloa. Quarry activities at Site 1 involve the removal of topsoil and cinder, much of which will be used for constructing the adjacent Highlands Golf Course. The quarry activities is not anticipated to negatively impact the golf course development. The proposed Residential-Agricultural zoned lands adjacent to the quarry site are scheduled to be developed incrementally as a part of a +400-lot subdivision. If the adjacent RA zoned lots are subdivided prior to expiration of the five-year term of the permit, continued quarry use with the associated impacts of noise, visual, dust, and traffic would not be compatible with the residential-agricultural use. It is, therefore, recommended that the life of the permit be extended for five years or until final subdivision approval for the RA zoned lands adjacent to Site 1, whichever occurs first.

"The Village Quarry Site 2 was established prior to substantial residential development within Waikoloa Village and has been only sporadically quarried. Residential development within the Waikoloa Village has increased significantly in recent years. However, it is determined that removal of stockpiled materials and field stones will not significantly impact surrounding properties. The excavated portion of the quarry site from which stockpiled material and boulders would be removed is situated over 500 feet to the south of the State Land Use Urban district boundary. Prevailing winds are to the Southeast. Noise and dust from loading activities in this area would not negatively affect surrounding properties. Fieldstone will be collected by hand from the remainder of the site. This activity is not anticipated to generate negative impacts. The five-year time extension would allow the applicant to remove materials needed for current development and to secure alternate quarry sites.

"Considering the proximity of the Village Quarry to existing residential areas and the church/day care center, the hours and days of operation of Site 2 shall be limited to between 7:00 a.m. and 6:00 p.m., Monday through Friday. It is also recommended that a condition be included to allow the Planning Commission to revoke the Special Permit should a conflict with neighboring uses arise which cannot be mitigated or mediated."

Planning Commission Recommendation

36. At its meeting of December 28, 1990, the County of Hawaii Planning Commission recommended approval of the Special Permit to the LUC subject to the following conditions:

"1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.

"2. A map and metes and bounds description of Site 1 shall be filed with the Planning Department within one year from the effective date of the amendment.

"3. Activities permitted at Site 2 shall include only the removal of stockpiled materials, boulders and fieldstone and equipment storage and repair. Rock crushing, asphalt and concrete batch operations, and the use of explosives shall not be permitted.

"4. The activities at Site 2, including loading and hauling, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

"5. Quarrying operations at Site 1 shall be terminated by December 11, 1995, or prior to final subdivision approval of the increment of adjacent RA zoned lands which abut the quarry boundaries, or prior abandonment, whichever occurs first.

"6. Activities at Site 2 shall be terminated by December 11, 1995, or prior abandonment, whichever occurs first.

"7. Upon termination of the operations or abandonment of any portion of the affected sites, the land shall be graded to blend with the surrounding areas and re-vegetated. Further, the sites shall be left in a non-hazardous condition. Appropriate

documentation which demonstrates compliance with this condition shall be submitted to the Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

"8. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

"9. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the quarry use will have an adverse impact on surrounding properties.

"10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

CONCLUSIONS OF LAW

The proposed Amendments, subject to the conditions in the Order, constitute an "unusual and reasonable" use as defined in Chapter 205-6, Hawaii Revised Statutes and are not contrary to the objectives sought to be accomplished by the State Land Use Law to preserve, protect and encourage development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare.

ORDER

IT IS HEREBY ORDERED that the amendments to Special Permit Docket Number SP70-85 to (1) extend the life of the permit for Quarry Sites 1 and 2 from December 11, 1990 to

December 11, 1995, (2) reduce the size of Quarry Site 1 from 69 acres to 63.6 acres, and (3) reduce the scope of quarrying activities at Site 2 by deleting rock crushing and asphalt and concrete batch plant operations and allowing only the removal of existing stockpiled materials and equipment storage and repair, on land designated within the State Land Use Agricultural District, Hawaii Tax Map Key No.: 6-8-02: portion of parcel 16 and portion of parcel 33, and approximately identified on Exhibit "A" attached hereto and incorporated by reference herein, are hereby approved, subject to the following conditions which shall replace the original conditions of approval:

1. The Petitioner, its successors or assigns shall be responsible for complying with all stated conditions of approval.

2. A map and metes and bounds description of Site 1 shall be filed with the Planning Department and the Land Use Commission within one year from the effective date of this order.

3. Activities permitted at Site 2 shall include only the removal of stockpiled materials, boulders and fieldstone and equipment storage and repair. Rock crushing, asphalt and concrete batch operations, and the use of explosives shall not be permitted.

4. The activities at Site 2, including loading and hauling, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

5. Quarrying operations at Site 1 shall be terminated by December 11, 1995, or prior to final subdivision approval of

the increment of adjacent RA zoned lands which abut the quarry boundaries, or prior abandonment, whichever occurs first.

6. Activities at Site 2 shall be terminated by December 11, 1995, or prior abandonment, whichever occurs first.

7. Upon termination of the operations or abandonment of any portion of the affected sites, the land shall be graded to blend with the surrounding areas and re-vegetated. Further, the sites shall be left in a non-hazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Hawaii County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

8. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

9. An annual monitoring report shall be submitted to the Hawaii County Planning Director and the State Land Use Commission prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the County of Hawaii Planning Commission that the quarry use will have an adverse impact on surrounding properties.

10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Hawaii County Planning Director shall initiate procedures to revoke the permit.

Done at Honolulu, Hawaii, this 6th day of March 1991, per motions on February 7, 1991 and March 1, 1991.

LAND USE COMMISSION
STATE OF HAWAII

By _____
RENTON L. K. NIP
Chairman and Commissioner

By _____
ALLEN K. HOE
Vice Chairman and Commissioner

By _____
ALLEN Y. KAJIOKA
Vice Chairman and Commissioner

By _____
KAREN S. AHN
Commissioner

By (absent)
EUSEBIO LAPENIA, JR.
Commissioner

By _____
JOANN N. MATTSON
Commissioner

By (absent)
JAMES M. SHINNO
Commissioner

By _____
ELTON WADA
Commissioner

By _____
DELMOND J. H. WON
Commissioner

Filed and effective on
March 6, 1991

Certified by:

_____
Executive Officer

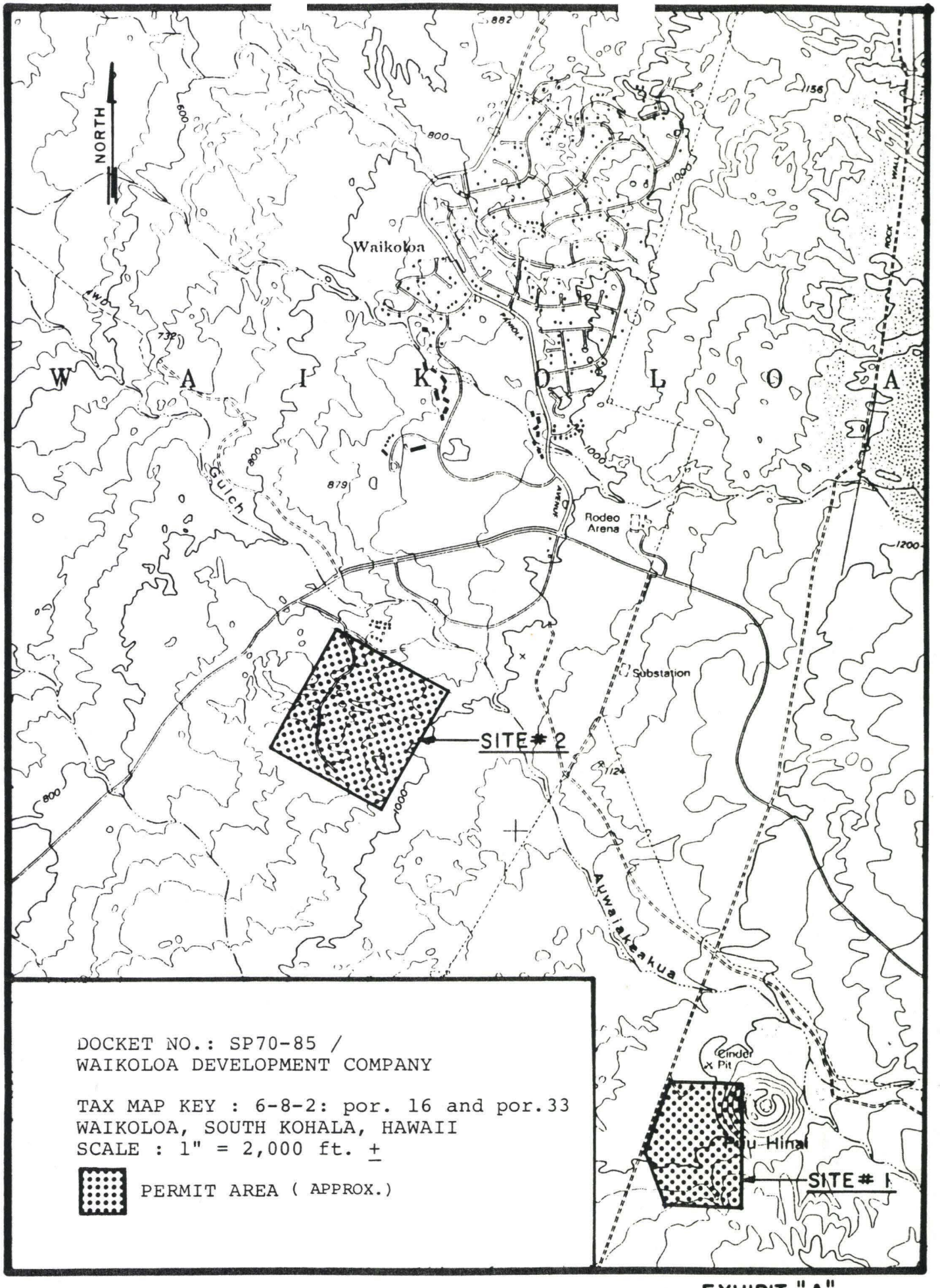

NORTH
Waikoloa
W A I K O L O A
Gulch
Rodeo Arena
Substation
SITE # 2
Auwaiakeakua
Cinder Pit
Puu Hinai
SITE # 1
DOCKET NO.: SP70-85 /
WAIKOLOA DEVELOPMENT COMPANY
TAX MAP KEY : 6-8-2: por. 16 and por.33
WAIKOLOA, SOUTH KOHALA, HAWAII
SCALE : 1" = 2,000 ft. ±
PERMIT AREA (APPROX.)

EXHIBIT "A"

P 436 244 746

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Mr. Ken Melrose	
Street and No. P. O. Box 3028	
P.O., State and ZIP Code Waikoloa 96743	
Postage	$ .98
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	1.00
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$ 2.98
Postmark or Date	

MAR 6 1991 HONOLULU, HI USPO

PS Form 3800, June 1985

☆U.S.G.P.O. 1989-234-555

SP70-85/Waikoloa Development Company

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

☆U.S.G.P.O. 1989-234-555

SP70-85/Waikoloa Development Company

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

Mr. Ken Melrose
Director of Planning
Waikoloa Development Company
P. O. Box 3028
Waikoloa, HI 96743

4. Article Number

P 436 244 746

Type of Service:

- ☐ Registered
- ☐ Insured
- XX Certified
- ☐ COD
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X Rudy Bartolome

7. Date of Delivery

3/7/91

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form **3811**, Apr. 1989 ★U.S.G.P.O. 1989-238-815 **DOMESTIC RETURN RECEIPT**

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

HONOLULU HI 968
PM
7 MAR
1991

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

State of Hawaii
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

P 436 244 747

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Mr. Norman Hayashi	
Street and No. 25 Aupuni Street	
P.O. State and ZIP Code Hilo 96720	
Postage	$ .98
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	1.00
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$ 2.98
Postmark or Date	

HONOLULU, HI PORT STA MAR 6 1991 USPO

PS Form 3800, June 1985

☆U.S.G.P.O. 1989-234-555

SP70-85/Waikoloa Development Company

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

☆U.S.G.P.O. 1989-234-555

5270-85/Waikoloa Development Company

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

Mr. Norman K. Hayashi
Planning Director
Hawaii County Planning Dept.
25 Aupuni Street
Hilo, HI 96720

4. Article Number
P 436 244 747

Type of Service:
- ☐ Registered
- ☐ Insured
- XX Certified
- ☐ COD
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X A. Hayashi

7. Date of Delivery
3/1/94

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Apr. 1989 ★U.S.G.P.O. 1989-238-815 **DOMESTIC RETURN RECEIPT**

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

HONOLULU HI 968
PM
7 MAR
1991

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

State of Hawaii
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of WAIKOLOA DEVELOPMENT COMPANY For a Second Amendment to Special Permit No. SP70-85 Which Allowed the Establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and Allied Uses on Approximately 161 Acres of Land Situated Within the State Land Use Agricultural District at Waikoloa Village, Waikoloa, South Kohala, Tax Map Key Number: 6-8-02: 16 por. and 33 por.	DOCKET NO. SP70-85 WAIKOLOA DEVELOPMENT COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

CERT. NORMAN K. HAYASHI, Planning Director
Planning Department, County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

CERT. KEN MELROSE, Director of Planning
Waikoloa Development Company
P. O. Box 3028
Waikoloa, Hawaii 96743

DATED: Honolulu, Hawaii, this 6th day of March 1991.

ESTHER UEDA
Executive Officer

JOHN WAIHEE
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 548-4611

February 27, 1991

Ms. Elizabeth Stone
General Delivery
Naalehu, HI 96772

Dear Ms Stone:

Subject: DOCKET NOS.: SP70-85 - Waikoloa Development Co.
A88-630 - Palace Development Corp. and Hawaii Kau Aina
A89-643 - Robert S. McClean as Trustee of the Robert S. McClean Trust
A89-646 - Liliuokalani Trust
A89-649 - Lanai Resort Partners (Manele)
A90-655 - West Beach Estates
A90-659 - Dept. of Transportation
A90-662 - Lanai Resort Partners (Koele)

This will acknowledge receipt of your letter dated February 13, 1991 regarding the above petitions.

Please be advised that your letter as it relates to Docket Nos. A90-662, A89-646, and A90-659 will be considered by the Land Use Commission at a later date.

Relative to your comments on Docket Nos. A88-630, A89-643, A89-649, A90-655, and SP70-85, the hearing on these petitions are closed, therefore, your letter cannot be included in the official records on these petitions.

If you have any questions, please contact me or my staff at 548-4611.

Very truly yours,

ESTHER UEDA
Executive Officer

EU:dyk

February 13, 9

LAND USE COMMISSION
STATE OF HAWAII
FEB 19 1 02 PM '91

To: Land Use Commission

Dear People;

This is to confirm my telephone message February 7, 1991 1:30 p.m., stating less than 10 days notice for the hearings and requesting you to extend the hearings. Also, requesting that my transportation expense money be used for my filing fee for all of the above Petitions for Intervention on the agenda. and that I not be denied due to transportation expense difficulty !!!!

Also, requesting Environmental Impact Statements on all of the Items on the Agenda AND the FACT that A88-630 and A89-646 are over 40% slope and should therefore BE DENIED anyway. The area need the water and it is a healing sanctuary area.

Mahalo,

Elizabeth Ann Stone, children and endangered species of extinct plants, animals & marine life for FOOD & WATER

P.S. This is also to request an EIS on A89-643. P.S. (over)

P.S. This is also to request extended hearings and Environmental Impact Statements for A88-649, A90-662, A90-659 - State of Hawaii Dept of Transportation 509.282 acres.

Sincerely,
Elizabeth Stone

JOHN WAIHEE
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 548-4611

February 26, 1991

Mr. Norman Hayashi, Planning Director
County of Hawaii, Planning Department
25 Aupuni Street
Hilo, HI 96720

Dear Mr. Hayashi:

Enclosed are copies of the transcripts of the Land Use Commission meeting held on February 7 and 8, 1991 in the matter of the petitions A88-630 - PALACE DEVELOPMENT CORPORATION AND HAWAII KA'U AINA, A89-646 - LILIUOKALANI TRUST, and SP70-85 - WAIKOLOA DEVELOPMENT COMPANY.

Very truly yours,

Darlene Y. Kinoshita
DARLENE Y. KINOSHITA
Chief Clerk

Enclosure

JOHN WAIHEE
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 548-4611

February 19, 1991

Mr. Ken Melrose
Director of Planning
Waikoloa Development Company
Highlands Office
P. O. Box 3028
Waikoloa, Hawaii 96743

Dear Mr. Melrose:

Subject: LUC Special Permit No. 70-85/Waikoloa Development Company

We have received copies of your metes and bounds description and the metes and bounds map for quarry Site 1. We have also received a copy of the metes and bounds description for the quarry Site 2 and a copy of a map depicting the quarry site. It is our understanding that the information received for quarry Site 1 was submitted in compliance with condition 2 of the amended Special Permit No. 70-85 approved by the Commission at its action meeting on February 7, 1991.

Thank you for your cooperation on this matter. If you have any questions, feel free to call me or my staff at 548-8101.

Sincerely,

ESTHER UEDA
Executive Officer

EU:to

cc: Hawaii County Planning Dept.

WAIKOLOA

LAND USE COMMISSION
STATE OF HAWAII
FEB 14 12 47 PM '91

February 13, 1991

Mr. Steve Tagawa
State Land Use Commission
State of Hawaii
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

RE: Special Permit No. 70-85
Mauka Quarries

Dear Mr. Tagawa:

As requested, enclosed please find copies of the maps and descriptions for both Sites 1 and 2 for your files. Site 1 was reconfigured as part of the recent action. Site 2 remains as approved in 1970.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Ken Melrose
Director of Planning

ac

Enclosures

cc: Mr. Norman Hayashi, Planning Director
Planning Department, County of Hawaii

HIGHLANDS OFFICE
Post Office Box 3028 Waikoloa, Hawaii 96743 Phone (808) 883-1000 Fax (808) 883-1404

ORIGINAL

FILE PLAN

ASEMENT

"P-17

R=1200

57°50'00"

440.00'

38°46'00"

R=720

470.40'

38.03'

270°00'00"

1155.82'

19°42'00"

1021.02'

1301.88'

180°00'00"

242.83'

239.83'

454.05'

160°20'36"

622.05'

3691.68'

90°00'00"

1287.69'

200.00'

90°00'00"

160°02'36"

95.45'

201.22'

LOT 2 1172

LOT 3

QUARRY SITE
63.648 ACRES

QUARRY SITE #1

LAND SITUATED AT WAIKOLOA, SOUTH KOHALA, HAWAII

BEING A PORTION OF ROYAL PATENT 5671,
LAND COMMISSION AWARD 8521-B, APANA 1 TO G.D. HUEU

BEING ALSO A PORTION OF LOT 2, WAIKOLOA DEVELOPMENT, FILE PLAN 1172

LAND USE COMMISSION
STATE OF HAWAII
FEB 14 12 47 PM '91

Beginning at the Northeasterly corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "Puu Hinai", being 250.17 feet North and 165.58 feet West and running by azimuth measured clockwise from true South:

1.	0° 00'	2,000	feet along remainder of Lot 2, Waikoloa Development, File Plan 1172;
2.	90° 00'	1,287.69	feet along remainder of Lot 2, Waikoloa Development, File Plan 1172;
3.	160° 02' 36"	622.05	feet along Lot 3 of Waikoloa Development, File Plan 1172;
4.	180° 00'	454.05	feet along remainder of Lot 2, Waikoloa Development, File Plan 1172;
5.	199° 42'	1,021.02	feet along remainder of Lot 2, Waikoloa Development, File Plan 1172, (along Easement R-1 (50 feet wide) for access road purposes);
6.	270° 00'	1,155.82	feet along remainder of Lot 2, Waikoloa Development, File Plan 1172;

to the point of beginning and an area of 63.6483 acres.

GEORGE S. YOSHIMURA
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 2927
HAWAII, U.S.A.

R.M. TOWILL CORPORATION

Description Prepared by:

George S. Yoshimura
Registered Professional Surveyor
Certificate Number 2927

420 Waiakamilo Rd., #411
Honolulu, Hawaii 96817-4941
September 5, 1990

EXHIBIT "C"

QUARRY SITE #2

ASPHALT CONCRETE PLANT, CONCRETE BATCH PLANT

And

EQUIPMENT MAINTENANCE SITE

FEB 14 12 47 PM '91
LAND USE COMMISSION
STATE OF HAWAII

LAND SITUATED AT WAIKOLOA

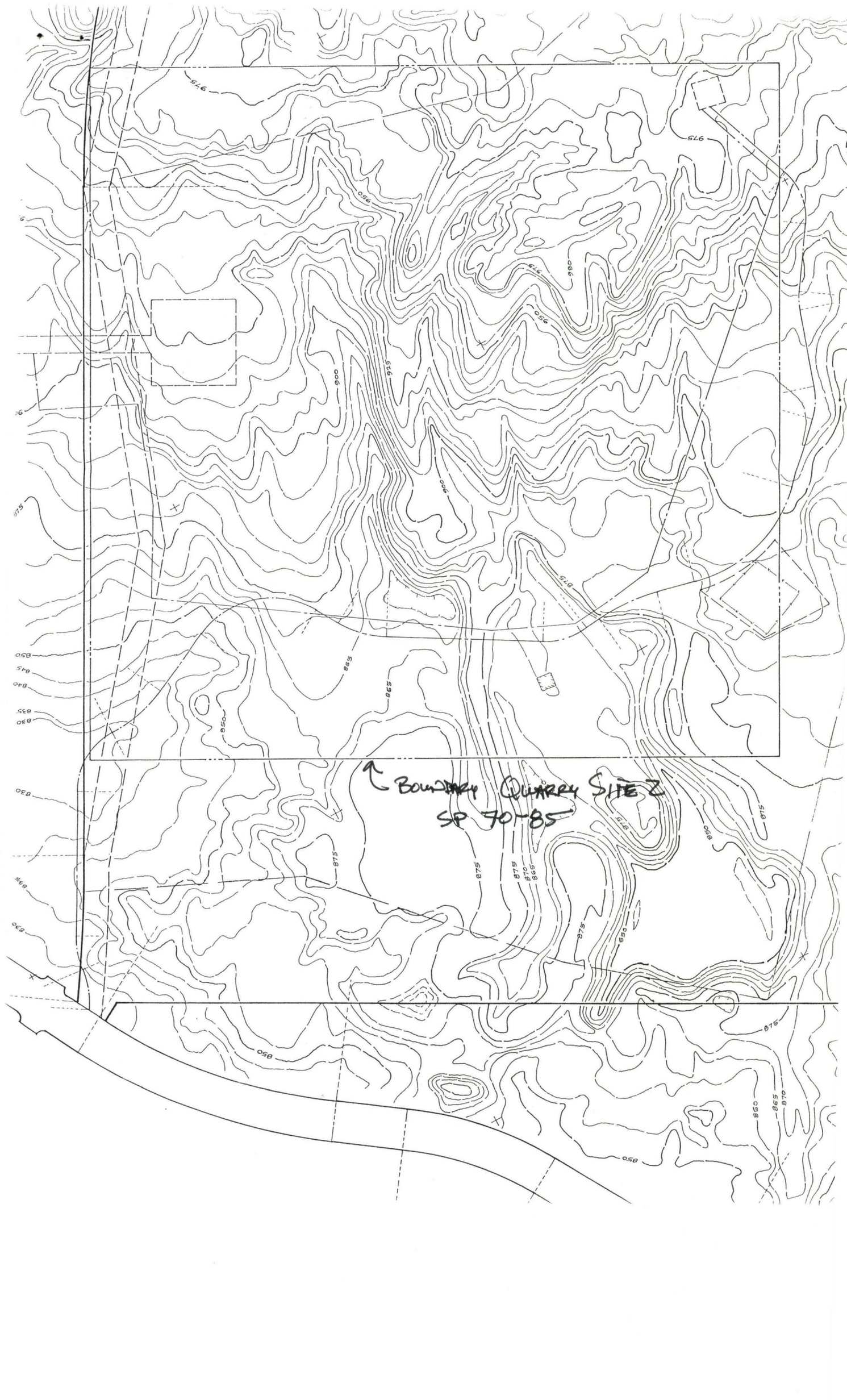
SOUTH KOHALA, HAWAII

Being a Portion of Royal Patent 5671

Land Commission Award 8521, Ap 1 to G. D. Hueu

Beginning at the most easterly corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "PUU HINAI" being 6,620.000 North and 4,760.000 West and running by azimuths measured clockwise from true South:

1.	27° 32' 00"	2,000 feet;
2.	117° 32' 00"	2,000 feet;
3.	207° 32' 00"	2,000 feet;
4.	297° 32' 00"	2,000 feet to point of beginning.


Boundary Quarry Site 2
SP 70-85

JOHN WAIHEE
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 548-4611

February 1, 1991

Mr. Ken Melrose
Director of Planning
Waikoloa Development Company
P. O. Box 3028
Waikoloa, Hawaii 96743

Dear Mr. Melrose:

Subject: Special Permit No. 70-85/Waikoloa Development Company

Attached for your information is a copy of the LUC staff summary for the subject special permit which is being transmitted to the Commission members.

If you have any questions, please feel free to contact me or my staff at 548-4611.

Sincerely,

ESTHER UEDA
Executive Officer

EU:to

JOHN WAIHEE
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 548-4611

February 1, 1991

Mr. Norman K. Hayashi
Planning Director
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Hayashi:

Subject: Special Permit No. 70-85/Waikoloa Development Company

Attached for your information is a copy of the LUC staff summary for the subject special permit which is being transmitted to the Commission members.

If you have any questions, please feel free to contact me or my staff at 548-4611.

Sincerely,

ESTHER UEDA
Executive Officer

EU:to

JOHN WAIHEE
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 548-4611

February 7, 1991

MEMORANDUM

TO: Land Use Commission

FROM: Staff

SUBJECT: Second Amendment to Special Permit 70-85 Waikoloa Development Company

PROCEDURAL MATTERS

The Special Permit Amendment application (hereinafter "Amendment") was filed by Waikoloa Development Company (hereinafter "Petitioner") with the County of Hawaii Planning Department on September 5, 1990. On November 8, 1990, Petitioner filed a letter requesting an amendment to their application to reduce time extension for the permit from 10 years to 5 years, and to reduce the area of the permit, and scope of permitted activities.

The County of Hawaii Planning Commission conducted two public hearings, the first on November 8, 1990, the second on December 20, 1990. No written public testimonies were received in response to the request.

On December 20, 1990 the County of Hawaii Planning Commission recommended approval of the Amendment subject to 10 conditions. A copy of the record of the proceedings before the County of Hawaii Planning Commission was received by the Land Use Commission (hereinafter "LUC") on January 10, 1991.

DESCRIPTION OF THE PROPERTY

The subject property (hereinafter "Property") is located in the South Kohala area of the island of Hawaii approximately 4.5 miles mauka of the Waikoloa Resort area. The Property consists of two non-contiguous quarry parcels approximately 1 and 1/4 miles apart and are identified as island of Hawaii, Tax Map Key Number 6-8-02: portion 16 and portion 33.

Quarry Site #1, the Pu'u Hinai quarry (Site 1), is approximately 69 acres in size. Quarry Site #2, the Village Quarry (Site 2), is 92 acres in size.

Site 1

The Pu'u Hinai quarry (Site 1), is located on the south west face of a cinder cone, which reaches an elevation of 1,439 feet above sea level. Site 1 is located approximately 4,600 feet south of the Waikoloa Road and 4.5 miles mauka of the Queen Ka'ahumanu Highway. A gravel road on a 50 foot-wide easement provides access to Site 1 from Waikoloa Road. Site 1 is owned by Petitioner.

In this area, the Petitioner is proposing development of the Waikoloa Highlands Golf Estates, a 400± one and two acre lot development with a golf course.

As a part of this effort, Petitioner is in the process of rezoning the lands neighboring Site 1. On September 28, 1990, the Planning Commission recommended that 761 acres immediately to the north be rezoned from the Unplanned and the Multiple-Family Residential-1,500 square foot (RM-1.5) zoned district to the Residential and Agricultural-1 acre (RA-1a) and Open zoned district. The RA-1a zoning allows for residential and agricultural uses with a minimum lot size of 1 acre. This rezoning proposal is currently under consideration by the Hawaii County Council.

On December 19, 1990, Petitioner obtained a County Use Permit to begin construction of the Waikoloa Highlands Golf Course on land to the northwest of the quarry. County Use Permit No. 71 allows for golf course and related improvements on lands that abut the quarry's northern boundary. (See Exhibit Z, and R Development Plan)

The conditions of Use Permit No. 71 require that Final Plan approval for that golf course be secured within one year of the effective date of Use Permit, and that construction begin within one year of the Final Plan approval with construction to be completed within three years thereafter. (See Exhibit Z, pp. 5-6)

Petitioner has also submitted an application for the subdivision of land on TMK: 6-8-02: 16 and 6-8-3: 32, including the golf course area, into sixty-two +5-acre lots.

The roadway easement that provides access to this quarry Site 1 passes through the proposed golf course and residential-agricultural development.

Site 2

The Village Quarry (Site 2), is adjacent to the southern boundary of the Waikoloa Village Urban District. Site 2 is a 92-acre portion of the 267.889-acre lot 3-B (See Exhibit A), and is approximately 600 feet south of Waikoloa Road and 3 miles mauka of Queen Ka'ahumanu Highway. This quarry has been sporadically used to provide blue rock aggregate and base course material for roadway construction. There are also storage and maintenance buildings at this quarry. Site 2 was conveyed to the Waikoloa Village Association via a settlement agreement in 1987 from, and subsequently leased back to Petitioner.

Access to Site 2 from Waikoloa Road is provided by an existing ±10 foot-wide paved road within a 12 foot-wide easement. This access road enters the Property at its northern boundary.

Hawaiian Telephone Company operates a microwave radio station on an adjoining property to the north. The nearest residence is the 24-unit Waikoloa Gardens Apartments located approximately 650 feet north of Site 2. The 66-unit Kipona Hills condominium development and the Pheasant Ridge single-family residential subdivision are located approximately 700 feet to the northwest of the Property. The 197-unit Greens at Waikoloa Condominium development is located 1,100 feet north of Site 2.

Quarry Site 2 is immediately south of the proposed Waikoloa Highlands golf course. As mentioned previously, a portion of the RM-1.5 zoned lands to the north has been proposed for a change of zoning to the Open district.

A day care facility and church have been established on adjacent lands to the north of Site 2 pursuant to a Use Permit granted by the Planning Commission. The duration of that Use Permit runs concurrently with the terms of a lease agreement between the the permit holder and Waikoloa Development Company. This lease extends to December 14, 1991.

Makai of the subject quarries, near the Queen Ka'ahumanu Highway/Waikoloa Road intersection, is another quarry operation of approximately 309 acres. This quarry was the subject of Land Use Commission Special Permit No. 71-117 which was approved May 15, 1981. This permit expires on December 1991.

Permit Background

On December 11, 1970, the State Land Use Commission approved Special Permit SP70-85 to Boise Cascade Properties to

operate two quarry sites on Tax Map Key No. 6-8-02: 4 portion, including a screening plant, rock crusher, scales, AC batching plant, concrete batching plant, and equipment repair facilities.

This Special Permit was subject to the following Conditions:

"1. That all State and County standards and appropriate safety measures be taken by the applicant to safeguard vehicular traffic during the entire operation, 24 hours per day. (See Exhibit Z, pp. 1-3)

2. That the applicant shall take every precaution not to create any inconvenience from noise and dust problems during the operation.

3. Upon completion of the operations, all temporary support facilities i.e. rock crushers, A.C. batching plant, steel repair facility, and concrete batching plant, along with all allied equipment, will be removed. A grading plan will be done, natural contours will be restored, and the area will be seeded with the hydromulcher. At the end of construction activities, the quarry site shall appear as natural as open space, and not as a scar on the landscape.

4. That this permit shall expire within 5 years from the date of approval by the State Land Use Commission should that agency approve this request.

5. That the operation be confined within the metes and bounds description as submitted."

SUMMARY OF PROPOSED AMENDMENTS

Site 1

Petitioner has requested that the quarry area at this Site 1 be reduced from 69 acres to 63.648 acres. The reason for the reduction is to exclude the portion of the site proposed for rezoning to the Residential-Agricultural zoned district. Site 1 is to be quarried for cinder and topsoil for the construction of golf courses and landscaping elements in Waikoloa, primarily the Highlands Golf Club. Since the Special Permit was first issued, the Tax Map Key designation for this site was changed from TMK: 6-8-01: 4 por., to 6-8-02: 16 por.

Site 2

At Site 2, Petitioner is requesting that active elements of the quarry operation, such as rock crushing and asphalt and concrete batch operations, be deleted from the permitted use.

Instead, operations would only involve the removal of existing stockpiled materials, boulders, and fieldstones as well as equipment storage and repair. The proposed activity will not involve the use of explosives. Stockpiled rock material and boulders will be removed from the existing excavated area in the southeast portion of the Property. Field stones will be removed by hand from the remainder of the Property. The Tax Map Key designation of this site has been changed from TMK: 6-8-02: 4 portion to 6-8-02: 33 portion.

Petitioner is requesting an extension of the life of the permit for both Quarry Sites 1 and 2 from December 11, 1990 to December 11, 1995.

STATE AND COUNTY PLANS AND PROGRAMS

Both quarry sites are designated within the State Land Use Agricultural District.

The nearest State Land Use Urban district situated near Site 1 is approximately 1 mile to the southeast. Site 2 is less than a 1/4 mile south of the Waikoloa Highlands Urban area.

The County zoning at Site 1 and adjacent lands is Unplanned. County zoning at Site 2 and its surrounding area is designated Open with the exception of an area on the northern boundary of the quarry that is zoned RM 1.5.

The County of Hawaii General Plan designates Site 1 Extensive Agriculture and Site 2 as Industrial.

Neither site is within the Special Management Area (SMA) of the County of Hawaii.

SUMMARY OF AGENCY COMMENTS

The County of Hawaii Department of Water Supply stated:

"The water system in the area is privately owned and operated. The private water purveyor should be contacted for water availability."

The Mauna Kea Soil and Water Conservation District stated the following concerns:

"Dust Control; through the time of excavation a water truck should be available and the Ground should be kept wet to prevent dust pollution.

Revegetation of Quarry Site; the excavated area should be stripped of all existing vegetation along with the first 12" of top soil and stockpiled in wind-rows to be used to dress over the area when the excavation is completed. The County Extension Service should be contacted for suggested grasses, fertilizer and timing recommendations for the revegetation of the quarry sites. Only 25% of the quarry site should be exposed at one time and revegetation of the exposed site should be completed before starting quarry operations on the next 25%. This process should be followed for each quarter of the quarry site. The site must be equal to or better than the condition prior to the quarry operation.

Land Smoothing; after excavation is completed the quarry site should be shaped having 3 to 1 slopes (maximum) to help eliminate deep holes in the quarry site.

Test Boring; should be required within the area to be quarried, 1 per acre minimum, location marked on resource map. The total depth and quality of soil, depth and quality of topsoil, amount and type of soil to be removed from the site will be noted along with other pertinent information.

Natural Drainage Pattern; should not be changed, storm water velocity, quality of water, and exit location will not be changed as result of quarrying."

The County Public Works, Parks and Recreation and Police Departments had no comments or objections to the Special Permit. The County's Real Property Tax Division also had no comment to offer and the County Fire Department did not provide comments. The County Department of Water Supply stated that water is provided by a private water purveyor.

The Hawaii Electric Light Company had no comments or objections to the Special Permit.

The Department of Education and Transportation-Highways Division had no comments or objections to the Special Permit. The Health Department expressed that there are no environmental health concerns raised by this Special Permit. The State Department of Land and Natural Resources and the Department of Agriculture did not provide comments.

CONFORMANCE WITH SPECIAL PERMIT TESTS

In support of the request, the County of Hawaii Planning Department provided, in part, the following:

"The Land Use Commission found in 1970 that the quarry activity was an unusual and reasonable use of the land in the State Land Use Agricultural District and that it was a necessary and integral part of the applicant's overall development. In view of the significant growth experienced within Waikoloa Village since approval of the permit, the continued use of the quarry sites must be evaluated against existing and future developments in the vicinity.

The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The quarry sites were approved in 1970 and have been in use since then. Continued use of the sites will not affect the agricultural capacity of the subject property or of surrounding lands.

A five-year time extension will not adversely affect surrounding properties. The applicant states that materials will be needed from Quarry Site 1 for the construction of the Highlands Golf Course and landscaping elements within Waikoloa. Quarry activities at Site 1 involve the removal of topsoil and cinder, much of which will be used for constructing the adjacent Highlands Golf Course. The quarry activities is not anticipated to negatively impact the golf course development. The proposed Residential-Agricultural zoned lands adjacent to the quarry site are scheduled to be developed incrementally as a part of a + 400-lot subdivision. If the adjacent RA zoned lots are subdivided prior to expiration of the five-year term of the permit, continued quarry use with the associated impacts of noise, visual, dust, and traffic would not be compatible with the residential-agricultural use. It is, therefore, recommended that the life of the permit be extended for five years or until final subdivision approval for the RA zoned lands adjacent to Site 1, whichever occurs first.

The Village Quarry Site 2 was established prior to substantial residential development within Waikoloa Village and has been only sporadically quarried. Residential development within the Waikoloa Village has increased significantly in recent years. However, it is determined that removal of stockpiled materials and field stones will not significantly impact surrounding properties. The excavated portion of the quarry site from which stockpiled material and boulders would be removed is situated over 500 feet to the south of the State Land Use Urban district boundary. Prevailing winds are to the Southeast. Noise and dust from loading activities in this area would not negatively affect surrounding properties. Fieldstone will be collected by hand from the remainder of the site. This

activity is not anticipated to generate negative impacts. The five-year time extension would allow the applicant to remove materials needed for current development and to secure alternate quarry sites.

Considering the proximity of the Village Quarry to existing residential areas and the church/day care center, the hours and days of operation of Site 2 shall be limited to between 7:00 a.m. and 6:00 p.m., Monday through Friday. It is also recommended that a condition be included to allow the Planning Commission to revoke the Special Permit should a conflict with neighboring uses arise which cannot be mitigated or mediated."

PLANNING COMMISSION RECOMMENDATION

At its meeting of December 28, 1990, the County of Hawaii Planning Commission recommended approval of the Special Permit to the LUC subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.

2. A map and metes and bounds description of Site 1 shall be filed with the Planning Department within one year from the effective date of the amendment.

3. Activities permitted at Site 2 shall include only the removal of stockpiled materials, boulders and fieldstone and equipment storage and repair. Rock crushing, asphalt and concrete batch operations, and the use of explosives shall not be permitted.

4. The activities at Site 2, including loading and hauling, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

5. Quarrying operations at Site 1 shall be terminated by December 11, 1995, or prior to final subdivision approval of the increment of adjacent RA zoned lands which abut the quarry boundaries, or prior abandonment, whichever occurs first.

6. Activities at Site 2 shall be terminated by December 11, 1995, or prior abandonment, whichever occurs first.

7. Upon termination of the operations or abandonment of any portion of the affected sites, the land shall be graded to blend with the surrounding areas and

re-vegetated. Further, the sites shall be left in a non-hazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

8. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

9. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the quarry use will have an adverse impact on surrounding properties.

10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kamehameha Ballrooms
Kona Surf Resort and Country Club
78-128 Ehukai Street
Kailua-Kona, Hawaii

approved
3/1/91

February 7, 1991

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman
Allen K. Hoe, Vice-Chairman
Karen S. Ahn
JoAnn N. Mattson
Elton Wada
Delmond J.H. Won
Allen Y. Kajioka (Portion of Proceeding)

COMMISSIONERS ABSENT: James M. Shinno
Eusebio Lapenia, Jr.

STAFF PRESENT: Esther Ueda, Executive Officer
Russell Suzuki, Esq, Deputy Attorney General
Steven Tagawa, Staff Planner
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Holly Hackett, Court Reporter

Chairman Nip called the meeting to order.

ACTION

A90-662 - LANAI RESORT PARTNERS (Koele)

Chairman Nip announced that the Commission would take action to determine whether the anticipated effects discussed in the petition's Environmental Assessment to reclassify approximately 63.526 acres of land currently in the Agricultural District into the Urban District, approximately 4.382 acres of land currently in the Conservation District into the Urban District, and approximately 10.885 acres of land currently in the Agricultural District into the Conservation District at Koele, Lanai for residential use constitute a "significant effect" pursuant to Chapter 343, H.R.S.

Commissioner Kajioka was excused from this proceeding due to a previously declared conflict of interest.

Appearances

James Funaki, Esq., Attorney for Petitioner

Thomas Leppert, for Petitioner

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

The Planning Department, County of Maui, was not present to the proceeding at this time.

Additional arguments were heard from Mr. Funaki. At this time, Mr. Funaki requested a continuance of this action so that the Commission may review Exhibit 8, Draft EIS of Manele, Lanai.

There were no objections by the Office of State Planning.

Commissioner Hoe moved to accept Exhibit 8 and moved to continue action on the motion at this time. The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

A90-656 - WEST BEACH ESTATES (Oahu)

Chairman Nip announced that the Commission would take action to consider reclassifying approximately 372.6 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii, for an 18-hole golf course and accessory buildings; multi-family residential and commercial uses; and a transit station site.

Commissioner Kajioka was also excused from this proceeding due to a previously declared conflict of interest.

Appearances

David Arakawa, Esq., Attorney for Petitioner

Roy Takeyama, Esq., Attorney for Petitioner

Bill Blaisdell, for Petitioner

Ken Williams, for Petitioner

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Louise Peterson, Land Use Division, Office of State Planning

Myra Immings, Intervenor, Department of the Navy.

The Department of General Planning, City and County of Honolulu was not present to the proceeding at this time.

Arguments were heard from Mr. Arakawa, Mr. Eichor, and Ms. Immings. After hearing arguments, questions were asked by the Commissioners.

Chairman Nip determined that all of the Commissioners present were eligible to participate in the action on this petition.

Commissioner Hoe moved to approve the petition by West Beach Estates subject to twenty-one conditions. The motion was seconded by Commissioner Won and polled as follows:

Ayes: Commissioner Hoe, Mattson, Wada, Won, Ahn, and Chairman Nip.

Commissioner Kajioka joined the proceeding at this time.

✳ SP70-85 - WAIKOLOA DEVELOPMENT COMPANY (Second Amendment)
(Hawaii)

Chairman Nip announced that the Commission would take action to consider a Second Amendment to Special Permit No. 70-85 which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on approximately 155.6 acres of land situated within the State Land Use Agricultural District at Waikoloa Village, Waikoloa, South Kohala.

Appearances

Ronald Lum, Esq., Attorney for Petitioner

Ken Melrose, for Petitioner

Norman Hayashi, Director, Department of Planning, County of Hawaii

Steven Tagawa, Staff Planner, oriented the Commission to the area being considered on the Land Use District Boundaries and tax maps and gave a summary report of the special use permit.

Arguments were heard from Mr. Melrose and Mr. Hayashi. After hearing arguments, questions were asked by the Commissioners.

Commissioner Kajioka moved for the adoption of the Second Amendment of SP70-85 - Waikoloa Development Company subject to ten conditions recommended by the County of Hawaii, Planning Commission with amendments. Conditions 2 and 9 are amended to read as follows:

Condition #2 - A map and metes and bounds description of Site 1 shall be filed with the Planning Department and the Land Use Commission within one year from the effective date of the amendment.

Condition #9 - An annual monitoring report shall be submitted to the Planning Director and the Land Use Commission prior to the anniversary date of the approval of this amendment. The report shall include, but not limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the quarry use will have an adverse impact on surrounding properties.

The motion was seconded by Commissioner Mattson and polled as follows:

Ayes: Commissioner Kajioka, Wada, Won, Ahn, Hoe, Mattson, and Chairman Nip.

CONTINUED HEARING

A88-630 - PALACE DEVELOPMENT CORPORATION AND HAWAII KA'U AINA (Hawaii)

Chairman Nip announced that the present matter before the Commission is a continuation of the hearing which had begun on January 27, 1989, March 10, 1989, March 22, 1989, March 23, 1989, April 6, 1989, April 7, 1989, July 13, 1989, July 14, 1989, September 7, 1989, September 8, 1989, February 23, 1990, May 21, 1990, May 22, 1990, July 26, 1990, July 27, 1990, October 11, 1990, October 12, 1990, and November 28, 1990.

Commissioner Lapenia was excused from this proceeding due to a previously declared conflict of interest.

Appearances

R. Ben Tsukazaki, Esq., Attorney for Petitioner

Steven Lim, Esq., Attorney for Petitioner

William Yuen, Esq., Co-Counsel for Petitioner

Cynthia Charlton, Esq., Co-Counsel for Petitioner

Norman Hayashi, Director, Planning Department, County of Hawaii

Keith Kato, Planning Department, County of Hawaii

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Jean Nishida Souza, Land Use Division, Office of State Planning

Alan Murakami, Esq., Attorney for Intervenor, Pa'a Pono Milolii

Paul Lucas, Esq., Attorney for Intervenor, Pa'a Pono Milolii

Glen Winterbottom, Intervenor

EXHIBITS

1. All untimely public witness statements received by the Commission were admitted into evidence by the Land Use Commission.

2. Pa'a Pono Milolii's Exhibit I-2 was admitted into evidence by the Land Use Commission. Exhibits A and B were withdrawn at this time. Exhibits I-2 through I-5 (not received by the Commission) were withdrawn at this time.

3. OSP's Exhibit No. 43 was admitted into evidence by the Land Use Commission.

PA'A PONO MILOLII'S WITNESSES

1. Dr. John Harrison

2. Lawrence Terlip

3. Richard Brock

4. Wilfred Kaupiko

The meeting was adjourned at 6:45 p.m.

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

February 7, 1991 and
February 8, 1991

Kamehameha Ballrooms
Kona Surf Resort and Country Club
78-128 Ehukai Street
Kailua-Kona, Hawaii

JAN 29 10 25 AM '91
LIEUTENANT GOVERNOR'S OFFICE

A G E N D A

FEBRUARY 7, 1991 - 2:00 p.m.

I. ACTION

1. A90-662 - LANAI RESORT PARTNERS (Koele)

To determine whether the anticipated effects discussed in the petition's Environmental Assessment to reclassify approximately 63.526 acres of land currently in the Agricultural District into the Urban District, approximately 4.382 acres of land currently in the Conservation District into the Urban District, and approximately 10.885 acres of land currently in the Agricultural District into the Conservation District at Koele, Lanai for residential use constitute a "significant effect" pursuant to Chapter 343, H.R.S.

2. A90-655 - WEST BEACH ESTATES (OAHU))

To consider reclassifying approximately 372.6 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii, for an 18-hole golf course and accessory buildings; multi-family residential and commerical uses; and a transit station site.

3. SP70-85 - WAIKOLOA DEVELOPMENT COMPANY (Hawaii) (2nd Amendment)

To consider a Second Amendment to Special Permit No. 70-85 which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on approximately 155.6 acres of land situated within the State Land Use Agricultural District at Waikoloa Village, Waikoloa, South Kohala.

II. CONTINUED HEARING

1. A88-630 - PALACE DEVELOPMENT CORPORATION AND HAWAII KA'U AINA (Hawaii)

To consider reclassifying approximately 2,420 acres of land currently in the Conservation District into the Urban District and approximately 900 acres of land currently in the Agricultural District into the Urban District at Kahuku, Ka'u, Hawaii for a self-contained resort, support community, regional airport, and access road.

FEBRUARY 8, 1991 - 8:30 a.m.

III. HEARING

1. A89-646 - LILIUOKALANI TRUST (Hawaii)

To consider reclassifying approximately 1,135 acres of land currently in the Conservation and Agricultural Districts into the Urban District at Keahuolu, Kailua-Kona, Hawaii for a new urban center consisting of residential, office and commercial, judiciary complex, industrial and business park, financial plaza, hospital, and hotel with exhibition center, cultural facilities, and historic park.

IV. MISCELLANEOUS

1. Adoption of Minutes

2. Adoption of Decision and Orders

3. Tentative Meeting Schedule

SP70-85/WAIKOLOA DEVELOPMENT COMPANY (Hawaii

P 354 807 278

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(See Reverse)

Sent to Ken Melrose	
Street and No. P.O. Box 3028	
P.O., State and ZIP Code Waikoloa, HI 96743	
Postage	$ .25
Certified Fee	.85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	.90
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$ 2.00
Postmark or Date	

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PS Form 3800, June 1985

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3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

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SP70-85/WAIKOLOA DEVELOPMENT COMPA

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2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

Ken Melrose, Director of Planning
Waikoloa Development Company
P.O. Box 3028
Waikoloa, HI 96743

4. Article Number

P 354 807 278

Type of Service:

- ☐ Registered
- ☐ Insured
- ☒ Certified
- ☐ COD
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

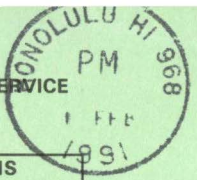
X Kenly Bytelue

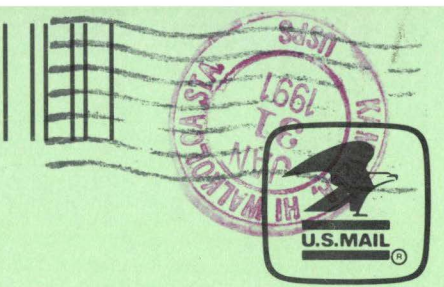
7. Date of Delivery

1/31/91

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form **3811**, Apr. 1989 ★U.S.G.P.O. 1989-238-815 **DOMESTIC RETURN RECEIPT**





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- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

State of Hawaii
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

JOHN WAIHEE
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 548-4611

January 29, 1991

Ken Melrose, Director of Planning
Waikoloa Development Company
P.O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

SP70-85/WAIKOLOA DEVELOPMENT COMPANY (Hawaii) (2nd Amendment)*

will be acted on at that time. We request that you or your representative attend this meeting.

Should you have any questions on this matter, please contact this office.

Very truly yours,

Esther Ueda

ESTHER UEDA
Executive Officer

Enclosure

P 354 807 280

RECEIPT FOR CERTIFIED MAIL

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NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Mr. Norman Hayashi	
Street and No. 25 Aupuni Street, Room 109	
P.O., State and ZIP Code Hilo, HI 96720	
Postage	$ .25
Certified Fee	.85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	.90
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$ 2.00
Postmark or Date	

HONOLULU, HI DOWNTOWN STA. JAN 29 1991 USPO

PS Form 3800, June 1985

U.S.G.P.O. 1989-234-555

70-85/WAIKOLOA DEVELOPMENT COMPANY

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2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

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SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:
Mr. Norman Hayashi, Planning Director
Hawaii County Planning Department
25 Aupuni Street, Room 109
Hilo, HI 96720

4. Article Number
P 354 807 280

Type of Service:
- ☐ Registered
- ☐ Insured
- ☒ Certified
- ☐ COD
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X R. Machado

7. Date of Delivery
1/30/91

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form **3811**, Apr. 1989 ★U.S.G.P.O. 1989-238-815 **DOMESTIC RETURN RECEIPT**

SP70-85/WAIKOLOA DEVELOPMENT COM

UNITED STATES POSTAL SERVICE

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HONOLULU HI 968 PM 30 JAN 1991

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- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

State of Hawaii
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

JOHN WAIHEE
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 548-4611

January 29, 1991

Mr. Norman Hayashi, Planning Director
Planning Department, County of Hawaii
25 Aupuni Street
Hilo, HI 96720

Dear Mr. Kanuha:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

A89-646/LILIUOKALANI TRUST (Hawaii)**
A88-630/PALACE DEVELOPMENT CORPORATION AND HAWAII KA'U AINA (HI)**
SP70-85/WAIKOLOA DEVELOPMENT COMPANY (Hawaii) (2nd Amendment)*

will be **heard / *acted on at that time. We request that you or your representative attend this meeting.

Should you have any questions on this matter, please contact this office.

Very truly yours,

Esther Ueda

ESTHER UEDA
Executive Officer

Enclosure

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: Ms. Esther Ueda

Date: 1/14/91

JAN 16 11 06 AM '91
LAND USE COMMISSION
STATE OF HAWAII

From: Sharon Nomura, Planning Commission Secretary

Subject: Waikoloa Development Co.
Amendments to Special Permit No. 164 (70-85)

Please refer to Planning Commission Chairman Fred Fujimoto's January 9, 1991, letter transmitting the decision and findings of the County Planning Commission on the above application.

Please replace the first page of Exhibit A-4 with the enclosed page. Thank you very much.

11/16/91 - switched. dyk
Name changed to Norman instead of Duane

JOHN WAIHEE
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 548-4611

January 14, 1991

Mr. Fred Y. Fujimoto
Planning Commission
County of Hawaii
25 Aupuni Street
Hilo, HI 96720

Dear Mr. Fujimoto:

This to acknowledge receipt of the record for the following special use permit transmitted with your letter dated January 9, 1991.

DOCKET NO./PETITION: SP70-85/WAIKOLOA DEVELOPMENT CO.

(Hawaii) (2nd Amendment, Time Extension)

TAX MAP KEY: 6-8-2: Portion of 16 & 33

LOCATION: Vicinity of Waikoloa Village, Waikoloa, South Kohala, Hawaii

USE REQUESTED: Extension of permit, reduction of size, reduction of scope of quarrying activities

DATE FILED: January 12, 1991

In accordance with Section 205-6, Hawaii Revised Statutes, the Land Use Commission will act on this petition within 45 days of receipt of the complete record on this request.

If you have any questions on this matter, please feel free to contact us.

SINCERELY,

Esther Ueda

ESTHER UEDA
Executive Officer

cc: Petitioner
cc: Planning Dept.,
County of Hawaii

Lorraine R. Inouye
Mayor
Norman K. Hayashi
Director
Tad Nagasako
Deputy Director

Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

JAN 10 12 37 PM '91
LAND USE COMMISSION
STATE OF HAWAII

January 9, 1991

Ms. Esther Ueda, Executive Officer
State Land Use Commission
Old Federal Building, Room 104
335 Merchant Street
Honolulu, HI 96813

Dear Ms. Ueda:

Special Permit No. 164 (70-85)
Petitioner: Waikoloa Development Company
Tax Map Key 6-8-2:Portion of 16 and 33

In accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, we are transmitting the decision and findings of the County Planning Commission on the above application.

The requests involve (1) an extension of the life of the permit for Quarry Sites 1 and 2 from December 11, 1990 to December 11, 1995; (2) a reduction of the size of Quarry Site 1 from 69 acres to 63.6 acres; and (3) reduction of the scope of quarrying activities at Site 2 by deleting rock crushing and asphalt and concrete batch plant operations and allowing only the removal of existing stockpiled materials and equipment storage and repair in the vicinity of Waikoloa Village, Waikoloa, South Kohala, Hawaii.

The Planning Commission after duly advertised public hearing on December 20, 1990, at the Kona Hilton Beach and Tennis Resort, Resolution Room, 75-5852 Alii Drive, Kailua-Kona, North Kona, Hawaii, discussed the subject request and voted to recommend approval of the requested amendments to Special Permit No. 164 (90-85) to the Land Use Commission., Enclosed is the entire docket on the application.

Should you have any questions, please feel free to contact the Planning Department.

Sincerely,

Fred Y. Fujimoto
Chairman, Planning Commission

Enclosure (list of exhibits and exhibits)

cc: Ken Melrose
Office of State Planning
Department of Water Supply
Department of Public Works
Real Property Tax Division
Planning Office - Kona

Lorraine R. Inouye
Mayor
Norman K. Hayashi
Director
Tad Nagasako
Deputy Director

Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

JAN 25 1 53 PM '91
LAND USE COMMISSION
STATE OF HAWAII

January 23, 1991

Ms. Esther Ueda, Executive Officer
State Land Use Commission
Old Federal Building, Room 104
335 Merchant Street
Honolulu, HI 96813

Dear Ms. Ueda:

Special Permit No. 164 (70-85)
Petitioner: Waikoloa Development Company
Tax Map Key 6-8-2:Portion of 16 and 33

As requested by your staff member, enclosed is a revised list of exhibits for the above Special Permit, along with the enclosed Exhibit T.a.

Should you have any questions, please feel free to contact me.

Sincerely,

NORMAN K. HAYASHI
Planning Director

Encls.

REVISED

LIST OF EXHIBITS: WAIKOLOA DEVELOPMENT CO.

A. Application Form
B. Planning Dept.'s acknowledgment letter dated 1/13/90 with map of site
C. Memorandum to Agencies dated 9/13/90
D. Comments from Dept. of Transportation, Highways Division, dated 9/17/90
E. Comments from Real Property Tax Office dated 9/18/90
F. Comments from Hawaii Electric Light Co. dated 9/18/90
G. Comments from Dept. of Water Supply dated 9/19/90
H. Comments from Dept. of Parks & Recreation dated 9/19/90
I. Comments from Dept. of Public Works dated 9/21/90
J. Comments from Police Dept. dated 9/24/90
K. Comments from Dept. of Health dated 9/27/90
L. Comments from Dept. of Education dated 9/28/90
M. Letter from Waikoloa Village Association dated 10/1/90
N. Letter to Ken Melrose from Planning Director transmitting comments from Mauna Kea Soil and Water Conservation District dated 9/19/90
O. Letter to Petitioner regarding Commission hearing dated 10/25/90 with public hearing notice
P. Affidavit of Waikoloa Development Co. with attachment
Q. Staff background dated 10/30/90
R. Letter to Planning Director from Ken Melrose dated 11/7/90 with attachment
S. Letter to Planning Director from Ken Melrose dated 11/8/90
T. Voting sheet
T.a. Hearing Transcript - 11/8/90
U. Letter to Ken Melrose from Fred Fujimoto dated 11/19/90
V. Planning Director's acknowledgment letter dated 11/20/90
W. Planning Director's letter to Ken Melrose dated 11/26/90
X. Planning Director's letter to Ken Melrose dated 11/28/90
Y. Planning Director's letter to Ken Melrose dated 11/30/90
Z. Staff revised background dated 11/23/90
A-1. Staff recommendation with Planning Commission amended Condition 5
A-2. Presentation map
A-3. Voting sheet
A-4. Hearing transcript - 12/20/90
A-5. Letter to Ken Melrose dated 1/2/91

LIST OF EXHIBITS: WAIKOLOA DEVELOPMENT CO.

A. Application Form
B. Planning Dept.'s acknowledgment letter dated 1/13/90 with map of site
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G. Comments from Dept. of Water Supply dated 9/19/90
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I. Comments from Dept. of Public Works dated 9/21/90
J. Comments from Police Dept. dated 9/24/90
K. Comments from Dept. of Health dated 9/27/90
L. Comments from Dept. of Education dated 9/28/90
M. Letter from Waikoloa Village Association dated 10/1/90
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U. Letter to Ken Melrose from Fred Fujimoto dated 11/19/90
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Y. Planning Director's letter to Ken Melrose dated 11/30/90
Z. Staff revised background dated 11/23/90
A-1. Staff recommendation with Planning Commission amended Condition 5
A-2. Presentation map
A-3. Voting sheet
A-4. Hearing transcript
A-5. Letter to Ken Melrose dated 1/2/91

JAN 10 12 38 PM '91
LAND USE COMMISSION
STATE OF HAWAII

WAIKOLOA

September 5, 1990

Mr. Duane Kanuha
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 42 PM '91

RE: AMENDMENTS TO SPECIAL PERMIT NO. 70-85
TMK: 6-8-02:POR OF 16 -- SITE 1 (PU'UHINAI QUARRY)
TMK: 6-8-02:POR OF 15 -- SITE 2 (VILLAGE QUARRY)

Dear Mr. Kanuha:

Enclosed is our application fee for certain amendments to Special Permit No. 70-85, as requested below. This Special Permit covers two separate quarry sites: Site 1 is the Pu'uhinai cinder and topsoil quarry which is owned by Waikoloa Development Co. (WDC); and Site 2 id the Village (Mauka) Quarry which is now owned by the Waikoloa Village Association (WVA) and leased to WDC.

The requested amendments are:

1. For both Sites 1 and 2, a ten (10) year time extension for the life of the permit to December 2000.

2. For Site 2, revise the Quarry boundaries as shown on the attached map and description. This revised boundary will wholly contain the Quarry operations within WDC owned Lot 2, yet outside the proposed Highlands Golf Estates project.

Site 1 has been regularly quarried for cinder and topsoil. This resource is much needed for the building of golf courses and landscaping elements planned at Waikoloa. The Highlands Golf Club will be under construction and materials will be needed beyond the present term of the Special Permit.

Site 2 has been sporadically quarried since the Makai Quarry (Special Permit No. 71-117) became actively used for the development of the Waikoloa Beach Resort and Queen Kaahumanu Highway. However, the sustained, long term development activity in the

EXHIBIT A

Post Office Box 3028 Waikoloa, Hawaii 96743 Phone (808) 885-1000 Fax (808) 885-8896

Waikoloa Village and Highlands areas emphasizes the need for the continued availability of the aggregate resources of this Mauka Quarry. As the Makai Quarry use is phased out and the Mauka Quarry (Site 2) use is phased in, the total volume of rock products produced is anticipated to be about 15,000 tons per month. This might include a mix of products consisting of 10,000 tons per month of rock aggregates, 3,000 tons per month of concrete, and 2,000 tons per month of asphalt products. Operation of the rock quarry would serve regional needs and its proximity to the housing development in Waikoloa convenient.

In 1987, Lot 3 of File Plan 1172 was subdivided into Lots 3A and 3B and both parcels were conveyed to the WVA under the terms of a settlement agreement. Lot 3B was, in turn, leased to WDC for an initial term ending in December, 1990. WDC has options for extensions of the term of the lease through December 2000. Site 2 is wholly located within Lot 3B and is ideally suited to the uses proposed. It is separated from Waikoloa Road by an open space buffer up to 1,000 feet wide and is served by water, telephone, and electrical utilities. The site is remote enough to minimize impacts to adjoining properties, yet near enough to development activity to be convenient.

Access to Quarry Site 2 on Lot 3B is from Waikoloa Road over an existing paved road within easement A-1, which will continue to serve as the interim access. With the renewal of quarrying operation, a new access road would be constructed approximately 2,000 feet to the south. This would minimize traffic interference with the residential areas of Waikoloa. This relocation of the long term access to Quarry Site 2 is consistent with the findings contained in the Traffic Impact Assessment Report for the mauka master plan submitted to the Department of Public Works in June, 1990.

Both Sites 1 and 2 are within the State Land Use Agricultural District, where quarrying can, and has been since 1970, allowed under a special permit. Site 1 is designated GP Extensive Agricultural and is zoned Unplanned. Site 2 is designated GP Industrial/Urban Expansion and is zoned Open. The proposed uses are not contrary to the land use laws.

The remote nature of the selected sites and compliance with applicable safety, noise, and dust control regulations should minimize adverse affects on adjacent properties during operations.

Extension of existing operations should not unreasonably burden public agencies. Waikoloa Road has capacity to accommodate the traffic. There are no drainage-ways crossing the sites, and water and sewer facilities are available to the area from the private utility companies that would occupy a portion of Site 2. Schools should not be affected by continuing the existing uses. Police patrol the area from the Waimea station and fire protection is provided by the Waikoloa volunteer group, with support from the County facility on Queen Kaahumanu at Puako.

The continuing trend of development within the context of the original plans for Waikoloa necessitates the continued uses.

The sites have poor agricultural potential and the proposed uses constitute a higher use of the land. The open space character of the sites should not be substantially altered. Proposed uses are separated from non-compatible present uses be substantial open space buffers.

The proposed uses are compatible with the General Plan and the long term development plans for Waikoloa. Your timely review and scheduling of a hearing before the Planning Commission is appreciated.

Sincerely,

Ken Melrose
Director of Planning

wh

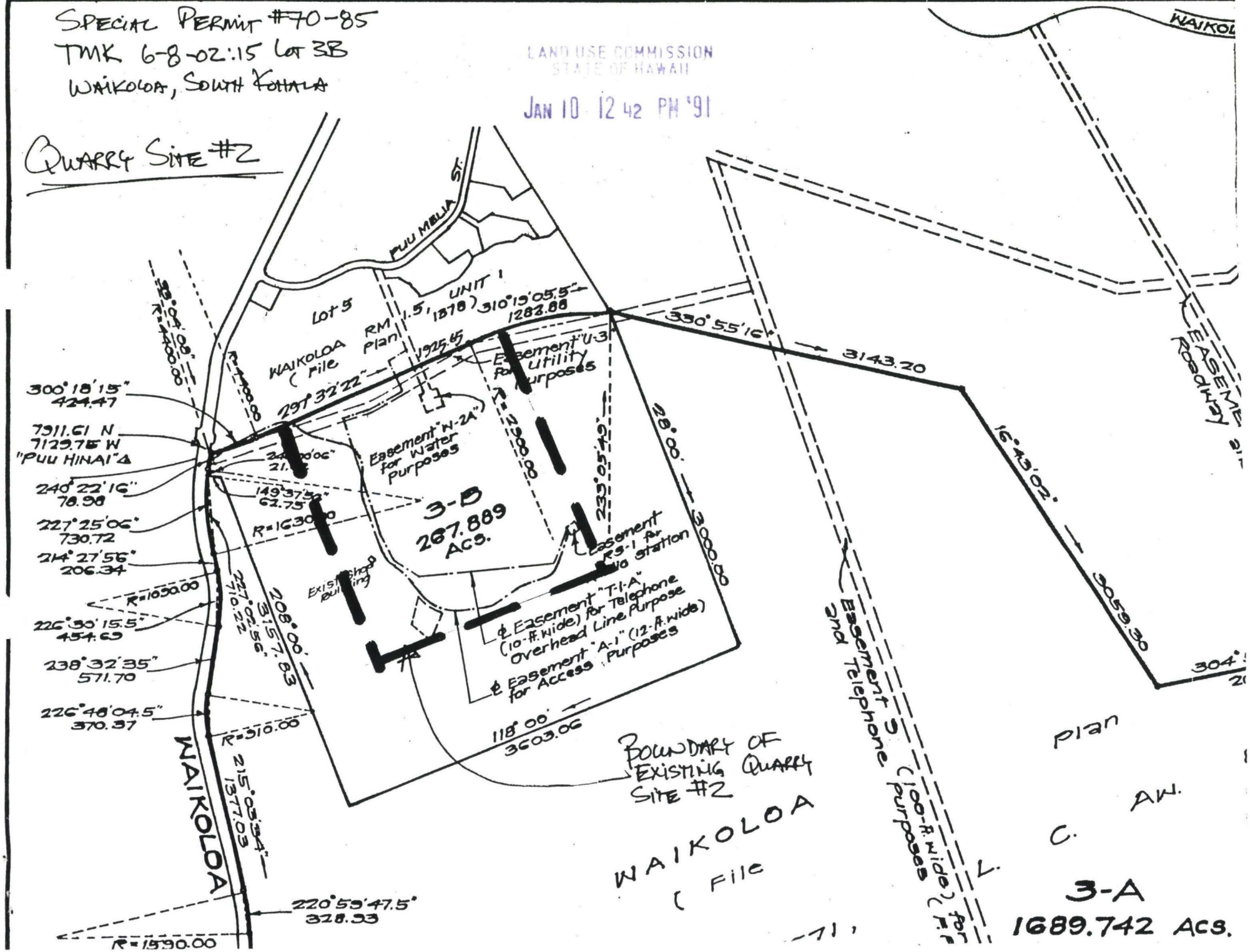
Enclosure

cc: Mr. Clinton C. Beebe, President
Waikoloa Village Association
Carl H. Cordes, Senior Vice President - Development
Waikoloa Development Co.

SITE PLAN FOR:
SPECIAL PERMIT #70-85
TMK 6-8-02:15 LOT 3B
WAIKOLOA, SOUTH KOHALA

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 42 PM '91

QUARRY SITE #2



REVISED DESCRIPTION
QUARRY SITE #1

LAND SITUATED AT WAIKOLOA, SOUTH KOHALA, HAWAII

BEING A PORTION OF ROYAL PATENT 5671,
LAND COMMISSION AWARD 8521-B, APANA 1 TO G.D. HUEU

BEING ALSO A PORTION OF LOT 2, WAIKOLOA DEVELOPMENT, FILE PLAN 1172

JAN 10 12 42 PM '91
LAND USE COMMISSION
STATE OF HAWAII

Beginning at the Northeasterly corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "Puu Hinai", being 250.17 feet North and 165.58 feet West and running by azimuth measured clockwise from true South:

1.	0° 00'	2,000	feet along remainder of Lot 2, Waikoloa Development, File Plan 1172;
2.	90° 00'	1,287.69	feet along remainder of Lot 2, Waikoloa Development, File Plan 1172;
3.	160° 02' 36"	622.05	feet along Lot 3 of Waikoloa Development, File Plan 1172;
4.	180° 00'	454.05	feet along remainder of Lot 2, Waikoloa Development, File Plan 1172;
5.	199° 42'	1,021.02	feet along remainder of Lot 2, Waikoloa Development, File Plan 1172, (along Easement R-1 (50 feet wide) for access road purposes);
6.	270° 00'	1,155.82	feet along remainder of Lot 2, Waikoloa Development, File Plan 1172;

to the point of beginning and an area of 63.6483 acres.

GEORGE S. YOSHIMURA
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 2927
HAWAII, U.S.A.

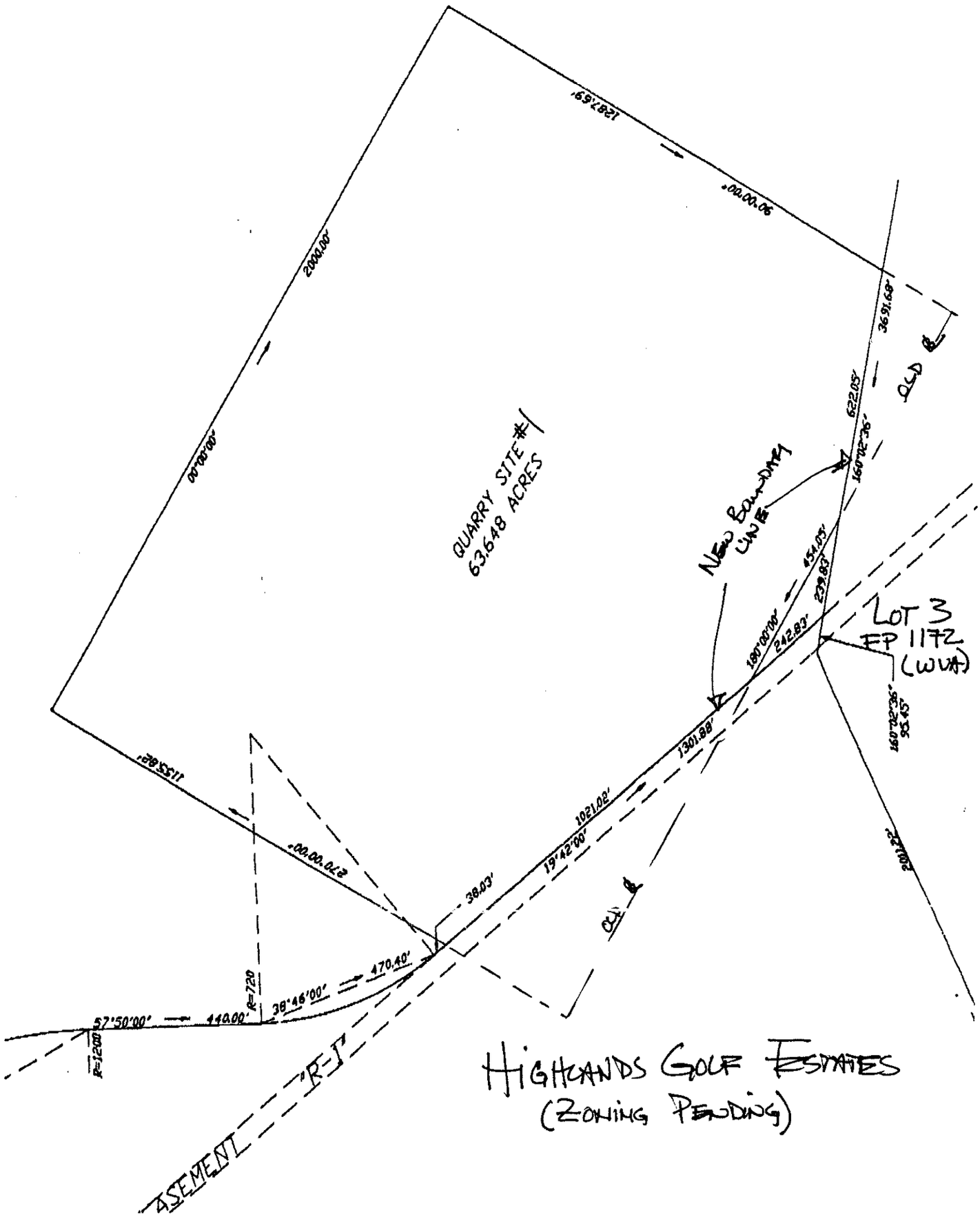
R.M. TOWILL CORPORATION

Description Prepared by:

George S. Yoshimura
Registered Professional Surveyor
Certificate Number 2927

420 Waiakamilo Rd., #411
Honolulu, Hawaii 96817-4941
September 5, 1990

REVISED QUARRY SITE #1
BOUNDARY MAP.



September 13, 1990

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 42 PM '91

Mr. Ken Melrose
Director of Planning
Waikoloa Development Co.
P.O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Special Permit No. 164 (70-85)
Amendment to Condition 4 and Quarry Site #1
Tax Map Key 6-8-2:Por. of 15 & Por. of 16

This is to acknowledge receipt on September 5, 1990, of the above described request to amend Special Permit No. 164 (70-85).

According to the Planning Commission's Rule No. 6 Relating to Special Permit Procedures, the Commission shall conduct a public hearing on the request within a period of not more than ninety (90) days from the receipt of the application. The Commission shall then act on the application within a period of thirty (30) days after the close of the public hearing. As you are aware, an approval of the request must also be approved by the State Land Use Commission.

Notice of the time and place of the public hearing shall be forwarded when the application is scheduled for Commission action.

It is your responsibility to notify all owners of property within 300 feet of the perimeter of the subject parcel that a public hearing has been scheduled to consider your application. Rule 6.5 of the Planning Commission Rules of Practice and Procedure states:

"(b) Promptly after the Commission's fixing a date for the public hearing, the petitioner shall mail a notice of the application and hearing to owners of interests in properties within three hundred feet of the perimeter boundary of the affected property and to owners of interests in other properties which the Planning Commission may find to be directly affected by the proposed request. Such notice shall state:

EXHIBIT B

(1) Name of the petitioner;

(2) Precise location of the property involved;

(3) Nature of the proposed use; and

(4) Date, time, and place of the hearing.

"(c) Prior to the date of the hearing, the petitioner shall file with the Commission, an affidavit or other similar proof of mailing of said notice. The Commission shall not conduct a hearing if this requirement has not been complied with."

Should any questions arise, please contact Norman Hayashi or Connie Kiriu of this department at 961-8288.

Sincerely,

William L. Moore

DUANE KANUHA
Planning Director

CRK:lm

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To:

DPW	P & R	Real Prop. Tax Div.	
DWS	Police	HELCO-Eng. Dept.	
DOE	Fire	Dept. of Agr.	DOT-Highways
Health	Masa	Mauna Kea SWCD	DLNR-Honolulu

Date: Sept. 13, 1990

From: Planning Director

Subject: Special Permit No. 164 (70-85)
Applicant: WAIKOLOA DEVELOPMENT CO.
Amendment to Condition 4 and Quarry Site #1
Tax Map Key 6-8-2:Por. of 15 & Por. of 16

The attached request for a time extension to Condition No. 4 of the above-described permit and revisions to boundaries of quarry site no. 1 is being forwarded for your review. May we please have your written comments by October 15, 1990. Should you need more time in which to respond, please let us know.

Thank you very much.

CRK:lm
Attachment

xc: Kona Planning Dept. w/att. (FYI)

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 41 PM '91

EXHIBIT C

SEP 1 4 199

MEMORANDUM

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, DOE, Health, P & R, Police, Fire, Masa, Real Prop. Tax Div., HELCO-Eng. Dept., Dept. of Agr., Mauna Kea SWCD, DOT-Highways, DLNR-Honolulu

Date: Sept. 13, 1990

From: Planning Director

Subject: Special Permit No. 164 (70-85)
Applicant: WAIKOLOA DEVELOPMENT CO.
Amendment to Condition 4 and Quarry Site #1
Tax Map Key 6-8-2:Por. of 15 & Por. of 16

The attached request for a time extension to Condition No. 4 of the above-described permit and revisions to boundaries of quarry site no. 1 is being forwarded for your review. May we please have your written comments by October 15, 1990. Should you need more time in which to respond, please let us know.

Thank you very much.

CRK:lm
Attachment

xc: Kona Planning Dept. w/att. (FYI)

'90 SEP 17 P3:32
JAN 10 12 41 PM '91
LAND USE COMMISSION STATE OF HAWAII
'90 SEP 21 PM 2 18
PLANNING DEPT. COUNTY OF HAWAII

EXHIBIT D

State Highways - Hawaii District
NOT APPLICABLE

MEMORANDUM

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To:

DPW	P & R	**Real Prop. Tax Div.**	
DWS	Police	HELCO-Eng. Dept.	
DOE	Fire	Dept. of Agr.	DOT-Highways
Health	Masa	Mauna Kea SWCD	DLNR-Honolulu

Date: Sept. 13, 1990

From: Planning Director

Subject: Special Permit No. 164 (70-85)
Applicant: WAIKOLOA DEVELOPMENT CO.
Amendment to Condition 4 and Quarry Site #1
Tax Map Key 6-8-2:Por. of 15 & Por. of 16

The attached request for a time extension to Condition No. 4 of the above-described permit and revisions to boundaries of quarry site no. 1 is being forwarded for your review. May we please have your written comments by October 15, 1990. Should you need more time in which to respond, please let us know.

Thank you very much.

CRK:lm
Attachment

xc: Kona Planning Dept. w/att. (FYI)

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 02 PM '91

September 18, 1990

RECEIVED
'90 SEP 18 PM 2 38
PLANNING DEPT.
COUNTY OF HAWAII

There are no comments at this time.

Francis Ouye
Appraiser

FO:cn

EXHIBIT E

Hawaii Electric Light Company, Inc. • PO Box 1027 • Hilo, HI 96721-1027

September 18, 1990

RECEIVED
'90 SEP 20 PM 1 10
PLANNING DEPT.
COUNTY OF HAWAII

Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Duane Kanuha, Planning Director

Gentlemen:

Subject: Special Permit No. 164 (70-85)
Waikoloa Dev. Co.
TMK: 6-8-2:por. 15 & 16

Thank you for the opportunity to review the subject application. We do not have any comments on the application.

Sincerely,

Clyde H. Nagata, Manager
Engineering Department

CHN:DHT:ts

EXHIBIT F

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII
25 AUPUNI STREET • HILO, HAWAII 96720
TELEPHONE (808) 969-1423 • FAX (808) 969-6996

September 19, 1990

'90 SEP 21 AM 10 33

PLANNING DEPT.
COUNTY OF HAWAII

TO: Planning Department

FROM: H. William Sewake, Manager

SUBJECT: SPECIAL PERMIT APPLICATION NO. 164 (70-85)
APPLICANT - WAIKOLOA DEVELOPMENT COMPANY
AMENDMENT TO CONDITION 4 AND QUARRY SITE NO. 1
TAX MAP KEY 6-8-2:POR. 15 AND POR. 16

We have reviewed the request. The water system in the area is privately owned and operated. The private water purveyor should be contacted for water availability.

H. William Sewake
Manager

WA

cc - Waikoloa Development Company

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 44 PM '91

EXHIBIT G

... Water brings progress...

DEPARTMENT OF PARKS & RECREATION
COUNTY OF HAWAII

Date September 19, 1990

TO: PLANNING DEPARTMENT

FROM: DEPARTMENT OF PARKS & RECREATION

RE:
( )CHANGE OF ZONE APPLICATION
(X)SPECIAL PERMIT APPLICATION (Time Extension of Permit No. 164 - Quarrying Operations)
( )SMA USE PERMIT
( )SLU BOUNDARY AMENDMENT
( )

FOR: Waikoloa Development Co. TMK 6-8-02:pors. 15 & 16

(X) We have no adverse comments to offer on the subject application.

( ) The following comments are offered for your consideration:

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 44 PM '91

EXHIBIT H

PARTMENT OF PUBLIC WOF
COUNTY OF HAWAII
HILO, HAWAII

RECEIVED
'90 SEP 28 PM 12 25
PLANNING DEPT.
COUNTY OF HAWAII

DATE September 21, 1990

Memorandum

TO : Planning Director

FROM : for David Murakami
Robert K. Yanabu, Division Chief
Engineering Division

SUBJECT: SPECIAL PERMIT APPLICATION: SP NO. 164 (70-85)
Applicant: Waikoloa Development Company
Location: S. Kohala, Hawaii
TMK: 6-8-2: por. 15 & por. 16

We have reviewed the subject application and we have no comments to offer.

DHM:lb

JAN 10 12 41 PM '91
LAND USE COMMISSION
STATE OF HAWAII

EXHIBIT I

Larry S. Tanimoto
Mayor
Victor V. Vierra
Chief of Police
Francis C. DeMorales
Deputy Chief of Police

Police Department

349 Kapiolani Street • Hilo, Hawaii 96720-3998 • (808) 961-2244 • FAX (808) 961-2702

RECEIVED
'90 SEP 26 PM 2 26
PLANNING DEPT.
COUNTY OF HAWAII

September 24, 1990

TO : DUANE KANUHA, PLANNING DIRECTOR

FROM : VICTOR V. VIERRA, CHIEF OF POLICE

SUBJECT: SPECIAL PERMIT NO. 164 (70-85)
APPLICANT: WAIKOLOA DEVELOPMENT CO.
AMENDMENT TO CONDITION 4 AND QUARRY SITE #1
TMK: 6-8-2:POR. OF 15 & POR. OF 16

The proposed application has been reviewed and we foresee no adverse effect should it be granted.

for VICTOR V. VIERRA
CHIEF OF POLICE

JD:sk

cc: Waimea Police

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 41 PM '91

EXHIBIT 5

MEMORANDU. ..

SEP 2 0 1990

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To:	DPW	P & R	Real Prop. Tax Div.	Sept. 13, 1990
	DWS	Police	HELCO-Eng. Dept.	**Date:**
	DOE	Fire	Dept. of Agr.	DOT-Highways
	Health	Masa	Mauna Kea SWCD	DLNR-Honolulu

From: Planning Director

Subject: Special Permit No. 164 (70-85)
Applicant: WAIKOLOA DEVELOPMENT CO.
Amendment to Condition 4 and Quarry Site #1
Tax Map Key 6-8-2:Por. of 15 & Por. of 16

The attached request for a time extension to Condition No. 4 of the above-described permit and revisions to boundaries of quarry site no. 1 is being forwarded for your review. May we please have your written comments by October 15, 1990. Should you need more time in which to respond, please let us know.

Thank you very much.

CRK:lm
Attachment

xc: Kona Planning Dept. w/att. (FYI)

9/27/90

Harold McBurney

RECEIVED
'90 SEP 28 PM 3 29
PLANNING DEPT.
COUNTY OF HAWAII

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 41 PM '91

EXHIBIT K

JOHN WAIHEE
GOVERNOR

CHARLES T. TOGUCHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P. O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF BUSINESS SERVICES

September 28, 1990

Mr. Duane Kanuha
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Kanuha:

SUBJECT: Amendments to Special Permit No. 70-85
TMK: 6-8-02: por 16 - Pu'uhinai Quarry
TMK: 6-8-02: por 15 - Village Quarry

Our review of the subject amendment indicates that it will have negligible impact on our public schools.

Thank you for the opportunity to comment.

Sincerely,

Eugene S. Imai
Assistant Superintendent

ESI:LC:jl

cc: A. Garson

EXHIBIT L

WAIKOLOA VILLAGE

P.O. Box 3008
Waikoloa, Hawaii 96743
808-883-9422
FAX 808-883-9246

October 1, 1990

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 42 PM '91

Mr. Duane Kanuha
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, HI 96720

RE: Special Permit No. 70-85
Time Extension Request - Quarry Site No. 2
TMK 6-8-02:Por. of 15

Dear Mr. Kanuha:

As the landowner and lessor of the affected parcel, the Waikoloa Village Association offers this letter as our consent to the request by our lessee, Waikoloa Development Co., for a 10 year time extension of the term of the special permit for Quarry Site No. 2.

Sincerely,

Clinton C. Beebe Jr.

Clinton C. Beebe, Jr.
President

CCB:lab

cc: Mr. Ken Melrose, Waikoloa Development Co.

EXHIBIT M

October 22, 1990

Mr. Ken Melrose
Waikoloa Development Company
P. O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Amendments to Special Permit No. 164 (70-85)
Applicant: Waikoloa Development Co.
TMK: 6-8-2:Portion of 15, Portion of 16

Enclosed for your information and appropriate action is a copy of comments received from the Mauna Kea Soil and Water Conservation District regarding the referenced application.

Should you have any questions, please feel free to contact Connie Kiriu or Anna Smith of this office or the affected agency.

Sincerely,

DUANE KANUHA
Planning Director

AS:mra

Enclosure

JAN 10 12 01 PM '91
LAND USE COMMISSION
STATE OF HAWAII

EXHIBIT N

OCT 23 1990

To: Duane Kanuha
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, HI 96720

Date: 9/19/90

Subject: AMENDMENTS TO SPECIAL PERMIT NO. 70-85
TMK: 6-8-02:POR OF 16 -- SITE 1 (PU'UHINAI QUARRY)
TMK: 6-8-02:POR OF 15 -- SITE 2 (VILLAGE QUARRY)

Our chief concern to soil and water related problems for amendments to special permit no. 70-85 are as follows:

I. DUST CONTROL; throughout the time of excavation a water truck should be available and the ground should be kept wet to prevent dust pollution.

II. REVEGETATION OF QUARRY SITE; the excavated area should be stripped of all existing vegetation along with the first 12" of top soil and stockpiled in wind-rows to be used to dress over the area when the excavation is completed. The County Extension Service should be contacted for suggested grasses, fertilizer and liming recommendations for the revegetation of the quarry stite. Only 25% of the quarry site should be exposed at one time and revegetation of the exposed site should be completed before starting quarry operations on the next 25%. This process should be followed for each quarter of the quarry site. The site must be equal to or better than the condition prior to the quarry operation.

III. LAND SMOOTHING; after excavation is completed the quarry site should be shaped having 3 to 1 slopes (maximum) to help eliminate deep holes in the quarry site.

IV. TEST BORINGS; should be required within the area to be quarried, 1 per acre minimum, location marked on resource map. The total depth and quality of soil, depth and quality of topsoil, amoumt and type of soil to be removed from the site will be noted along with other pertinent information.

V. NATURAL DRAINAGE PATTERN; should not be changed. Storm water velocity, quality of water, and exit location will not be changed as result of quarrying.

Jim Trump, by rt

Jim Trump, Chairman
Mauna Kea SWCD

CERTIFIED MAIL

October 25, 1990

JAN 10 12 41 PM '91
LAND USE COMMISSION
STATE OF HAWAII

Mr. Ken Melrose
Director of Planning
Waikoloa Development Co.
P.O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Notice of a Public Hearing
Amendments to Special Permit 70-85
Tax Map Key: 6-8-02:Portions of 15 and 16

This is to inform you that your amendments to Special Permit 70-85 have been scheduled for a public hearing by the Planning Commission. Said hearing, among others, will be held beginning at 1:30 p.m. on Thursday, November 8, 1990, in the Keauhou Beach Hotel, Hualalai I Room, 78-6740 Alii Drive, Keauhou, North Kona, Hawaii. The presence of a representative will be appreciated in order that all questions relative to the request may be clarified. A copy of the hearing notice and agenda are attached for your information.

According to the Planning Commission Rule 6 (Special Permits), you are required to notify all owners of property within 300 feet of the perimeter boundary of the affected property of the hearing. The notice, which shall include the date, time, and place of the hearing and the specific request, shall be served at least ten days prior to the hearing date. The Hawaii County Department of Finance, Real Property Tax Division's records shall be used to determine the affected surrounding property owners.

Prior to the date of the hearing, the applicant shall file with the Planning Commission an affidavit or other similar proof of mailing of said notice. Such proof shall include the name of the landowner, tax map key identification, and a copy of the notice sent to the surrounding property owner.

Should you have any questions, please feel free to contact us at 961-8288.

Sincerely,

Duane Kanuha
Planning Director

Atts.

xc: State Land Use Commission

EXHIBIT O
OCT 25 1990

PUBLIC HEARINGS

PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings, among others, to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Chapter 91, Hawaii Revised Statutes, Section 5-4.3 of the Charter of the County of Hawaii, and the Planning Commission's Rules of Practice and Procedures.

LAND USE COMMISSION
STATE OF HAWAII
NOV 1 2 4 PM '90

PLACE: Keauhou Beach Hotel, Hualalai I Room, 78-6740 Alii Drive, Keauhou, North Kona, Hawaii

DATE: Thursday, November 8, 1990

TIMES: 10:00 a.m. - Item Nos. 1-3
1:30 p.m. - Item Nos. 4-7
2:00 p.m. - Item Nos. 8-10

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. APPLICANT: MARYL DEVELOPMENT, INC.

   LOCATION: Across from the Anna Perry-Fiske residence and approximately 200 feet southwest of the Hale Kea complex, Waiauia, Waimea, South Kohala.

   TMK: 6-6-01:Portion of 38

   PURPOSE: Continuation of a public hearing for a Special Permit to allow the construction of a model home and real estate sales office on 1 acre of land situated within the State Land Use Agricultural District.

2. APPLICANT: EHO ASSOCIATES, INC.

LOCATION: Along the makai side of the Queen Kaahumanu Highway, adjacent to and Kohala side of the Kona Coast Shopping Center, Kailua-Kona, Keahuolu, North Kona.

TMK: 7-4-15:Portion of 15

PURPOSE: Continuation of a public hearing for a change of zone for 0.874 acre of land from an Open (O) to a Village Commercial - 10,000 square foot (CV-10) zoned district.

3. APPLICANT: KAHAKAI ASSOCIATES

LOCATION: Between Kuakini Highway and the proposed Alii Highway, and north of Kahakai School and Alii Kai Subdivision, Puapuaa 2nd, North Kona.

TMK: 7-5-20:1

PURPOSE: Continuation of a public hearing on the following applications:

(a) Change of zone for 108.3± acres of land from an Unplanned (U) to a Single Family Residential - 7,500 square foot (RS-7.5) zoned district.

(b) Special Management Area (SMA) Use Permit to allow the development of a 353-lot residential subdivision, and related improvements.

4. APPLICANT: KUNITAKE FARMS

LOCATION: Along the mauka side of North Kona Belt Road (Mamalahoa Highway), approximately 2,500 feet south of the North Kona Belt Road-Hualalai Road (Kailua-Holualoa Road) intersection, Pahoehoe, North Kona.

TMK: 7-7-06:14

PURPOSE: Special Permit to allow the establishment of a coffee processing facility on 5.6 acres of land situated within the State Land Use Agricultural District.

5. APPLICANT: WAIKOLOA DEVELOPMENT COMPANY

LOCATION: Vicinity of Waikoloa Village, Waikoloa, South Kohala.

TMK: 6-8-02:Portions of 15 and 16

PURPOSE: Amendments to Special Permit No. 70-85 which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on properties situated within the State Land Use Agricultural District. The request is to extend the life of the permit for both sites from December 11, 1990 to December 11, 2000. Also requested is the reduction of the size of Quarry Site 1 from 69 acres of 63.6 acres.

6. APPLICANT: PUALANI DEVELOPMENT COMPANY

LOCATION: West (makai) of the Hawaii Belt Road, approximately .5 mile north of the Hawaii Belt Road-Kuakini Highway intersection, Puapuaa 1st, North Kona.

TMK: 7-5-17:Portion of 19

PURPOSE: Special Permit to allow the establishment of a wastewater treatment facility on approximately 8 acres of land situated within the State Land Use Agricultural District.

7. INITIATOR: PLANNING DIRECTOR (with the concurrence of the landowner, MEN REAL ESTATE INVESTMENT, INC.)

LOCATION: Adjacent to and south of the Kona Hospital, Halekii, South Kona.

TMK: 8-1-01:25

PURPOSE: Repeal of Change of Zone Ordinance No. 323. By repealing the ordinance, the property will be rezoned from its current Neighborhood Commercial - 10,000 square foot (CN-10) back to its original Single Family Residential - 15,000 square foot (RS-15) zoned district.

8. APPLICANT: HASEKO (HAWAII), INC.

LOCATION: Adjacent to and along the south (Kailua) side of the Kona Palisades Subdivision, Kalaoa 5th, North Kona.

TMK: 7-3-10:Portion of 27

PURPOSE: Change of zone for 125 acres of land from an Unplanned (U) to a Single Family Residential - 10,000 and 15,000 square foot (RS-10/RS-15), Multiple Family Residential - 4,000 square foot (RM-4), and Neighborhood Commercial - 10,000 square foot (CN-10) zoned districts.

9. APPLICANT: MAGDALINO & LISA MALAPIT AND THOMAS & ANTOINETTE MURRAY

LOCATION: Within the Keopuka Coffee Farms Subdivision, approximately 3,200 feet east (mauka) of the Mamalahoa Highway and Sakamoto Appliance Store, Keopuka, South Kona.

TMK: 8-1-17:Portion of 1

PURPOSE: Change of zone for 3 acres of land from an Agricultural 5-acre (A-5a) to an Agricultural 3-acre (A-3a) zoned district.

10. APPLICANT: KAMUELA P & D, INC.

LOCATION: Across the former CJ'S Farmers Market building, Puukapu, Waimea, South Kohala.

TMK: 6-4-24:27

PURPOSE: State Land Use boundary amendment for 12.8 acres of land from the Agricultural to the Urban District. Also requested is a change of zone for 15.9 acres of land from Agricultural 5-acre (A-5a) to a Neighborhood Commercial - 7,500 square foot (CN-7.5),

Multiple Family Residential - 1,000 square foot (RM-1) and Single Family Residential - 10,000 square foot (RS-10) zoned districts.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and in the Planning Department's West Hawaii Office in Kailua-Kona, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION
Fred Y. Fujimoto, Chairman

(West Hawaii Today: October 29, 1990)

WAIKOLOA

October 31, 1990

Mr. Duane Kanuha
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

RE: Affidavit of Notification
Amendments to Special Permit No. 70-85
Waikoloa Development Co.
TMK: 6-8-02:Portions of 15 and 16

Dear Mr. Kanuha:

On October 30, 1990, we received your Notice concerning the scheduling of the hearing on the above subject. According to the Notice, said hearing, among others, will be held beginning at 1:30 p.m. on Thursday, November 8, 1990, in the Keauhou Beach Hotel, Hualalai I Room, 78-6740 Alii Drive, Keauhou, North Kona, Hawaii. Our representative will be present.

As required under Rule 6 of the Planning Commission, we mailed notification of this hearing to all property owners within 300 feet of TMK: 6-8-02:Portions of 15 and 16, as listed below, on Tuesday, October 30, 1990, the same day we received the Notice:

1. Waikoloa Property Owners Association
P. O. Box 3008
Waikoloa, Hawaii 96743

2. Hawaiian Telephone Company
P. O. Box 2200
Honolulu, Hawaii 96841

3. Hiro Enterprises, Inc.
1585 Makaloa Street, #1088
Honolulu, Hawaii 96814

4. PMO Joint Venture
Attn: Ranelle Goto
650 Iwilei Road
Honolulu, Hawaii 96817

EXHIBIT P

The other adjacent lands are owned either by the County of Hawaii, the various agencies of which we assume have been apprised of the hearing date as part of the application process, or by Waikoloa Development Co. or its affiliate, Waikoloa Land & Cattle Co.

Sincerely,

WAIKOLOA DEVELOPMENT CO.

Ken Melrose
Director of Planning

ac

Enclosure (Notice)

cc w/enclosure:
Mr. Carl Cordes
Mr. Thos Rohr

PUBLIC HEARING
PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of a public hearing, among others, to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Chapter 91, Hawaii Revised Statues, Section 5-4.3 of the Charter of the County of Hawaii, and the Planning Commission's Rules of Practice and Procedures.

PLACE: Keauhou Beach Hotel
Hualalai Room
78-6740 Alii Drive
Keauhou, North Kona, Hawaii

DATE: Thursday, November 8, 1990

TIME: 1:30 p.m.

The purpose of the public hearing is to afford all interested persons a reasonable opportunity to be heard on the following request:

APPLICANT: WAIKOLOA DEVELOPMENT CO.

LOCATION: Vicinity of Waikoloa Village, Waikoloa, South Kohala.

TMK: 6-8-02:Portions of 15 and 16

PURPOSE: Amendments to Special Permit 70-85 which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on properties situated within the State Land Use Agricultural District. The request is to extend the life of the premit for both sites from December 11, 1990 to December 11, 2000. Also requested is the reduction of the size of Quarry Site 1 from 69 acres to 63.6 acres.

Maps showing the general location and boundary of the area under consideration and/or plans of the proposed development are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and in the Planning Department's West Hawaii Office in Kailua-Kona, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION
Fred Y. Fujimoto, Chairman

(West Hawaii Today: October 29, 1990)

3211QA 10/30/90

COUNTY OF HAWAII PLANNING DEPARTMENT
BACKGROUND REPORT

WAIKOLOA DEVELOPMENT COMPANY
AMENDMENTS TO SPECIAL PERMIT NO. 70-85

The applicant, Waikoloa Development Company, is requesting amendments of Special Permit No. 70-85 which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on properties situated within the State Land Use Agricultural District. The request is to extend the life of the permit for both sites from December 11, 1990 to December 11, 2000. Also requested is the reduction of the size of Quarry Site 1 from 69 acres to 63.6 acres. The quarry sites are situated in the vicinity of Waikoloa Village, Waikoloa, South Kohala, TMK: 6-8-02:Portions of 15 and 16.

JAN 10 4 40 PM '91
LAND USE COMMISSION
STATE OF HAWAII

GENERAL INFORMATION

1. On December 11, 1970, the State Land Use Commission approved a special permit to Boise Cascade Properties to operate two quarry sites on TMK: 6-8-01:Portion of 4, including a screening plant, rock crusher, scales, AC batching plant, concrete batching plant, and equipment repair facilities on the subject properties. The approval was subject to the following conditions:

"1. That all State and County standards and appropriate safety measures be taken by the applicant to safeguard vehicular traffic during the entire operation, 24 hours per day.

EXHIBIT Q

2. That the applicant shall take every precaution not to create any inconvenience from noise and dust propblems during the operation.

3. Upon completion of the operations, all temporary support facilities i.e. rock crusher, A.C. batching plant, steel repair facility, and concrete batching plant, along with all allied equipment, will be removed. A grading plan will be done, natural contours will be restored, and the area will be seeded with the hydromulcher. At the end of construction activities, the quarry site shall appear as natural as open space, and not as a scar on the landscape.

4. That this permit shall expire within 5 years from the date of approval by the State Land Use Commission should that agency approve this request.

5. That the operation be confined within the metes and bounds description as submitted."

2. Two time extensions of the life of the permit have been granted by the Land Use Commission until December 11, 1990. Approvals of time extensions included the following added conditions:

"Approval of the extension request be subject to all conditions stipulated in the granting of the original Special Permit including compliance with applicable Department of Health regulations. In addition, every precaution must be taken by the applicant so as not to create any inconvenience to surrounding properties in regard to traffic, noise and dust problems during the quarrying operations. Should the quarrying operations have

an adverse effect on surrounding properties, sufficient and documented evidence may be submitted to the Planning Director to support any claims which are made that the applicant is creating an inconvenience. If the Planning Director finds that the evidence submitted shows sufficient cause to re-evaluate the Special Permit, he shall transmit such evidence to the Planning Commission who shall hold a public hearing to gather evidence relative to the impact of the quarrying operations on surrounding lands. Upon receiving any complaint which is accompanied by documented evidence relative to the impact of the quarry operations, the applicant shall cease operations until a determination is made as to whether operations can continue or the Special Permit is to be revoked.

Should the stated conditions not be met, the Special Permit may be deemed null and void."

3. Since the project site is over 15 acres in size, the Planning Commission will be making a recommendation to the Land Use Commission, who will make the final determination on this request.

4. Site 1 is owned by Waikoloa Development Company (WDC). Site 2 is owned by Waikoloa Village Association (WVA), who has given its consent to the submittal of this application. The applicant has a lease on Site 2 for quarry use.

CURRENT REQUEST

Site 1

5. Site 1, the Pu'u Hinai quarry, is located on the southwest face of a cinder cone, which reaches an elevation of 1,439 feet

above sea level. It is located approximately 4,600 feet south of the Waikoloa Road and 4.5 miles mauka of the Queen Kaahumanu Highway. Site 1 accesses the Waikoloa Road by a 4,600-foot long gravel road within a 50-foot wide easement. The applicant has requested that the quarry area be reduced from 69 acres to 63.648 acres. Site 1 is to be quarried for cinder and topsoil for the construction of golf courses and landscaping elements in Waikoloa, primarily the Highlands Golf Club. Since the Special Permit was first issued, the Tax Map Key designation for the area has changed from TMK: 6-8-01:portion of 4 to 6-8-02:portion of 16.

6. The State Land Use District classification is Agricultural. The quarry site is situated approximately 1 mile to the northeast of the nearest SLU Urban District.

7. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Extensive Agricultural.

8. The subject parcel is located within the County Unplanned zoned district.

9. Surrounding lands are zoned Unplanned. On September 28, 1990, the Planning Commission recommended that 761 acres immediately to the northwest of the quarry site be rezoned from the Unplanned and the Multiple-Family Residential-1,500 square foot (RM-1.5) zoned district to the Residential and Agricultural-1 acre (RA-1a) and Open zoned district. The RA-1a district allows for residential and agricultural uses with a minimum lot size of 1 acre. The request is now being considered by the County Council. The applicant proposes development of the Waikoloa Highlands Golf Estates as ±400 1- and 2-acre lots (including homes)

and a golf course. The applicant has submitted an application for subdivision of TMK: 6-8-02:16 and 6-8-3:32, including the golf course area, into sixty-two +5-acre lots.

10. The roadway easement to Quarry Site 1 passes through the proposed golf course and residential-agricultural development.

11. Use Permit No. 71 was approved by the Planning Commission December 19, 1989 for the establishment of a golf course and related improvments on a portion of TMK: 6-8-02:16. The golf course will be constructed adjacent and to the northwest of the quarry site. The conditions of the Use Permit require that Final Plan Approval be secured within one year of the effective date of the permit. The permit requires that construction begin within one year of receipt of Final Plan Approval and that construction be completed within three years thereafter.

Site 2

12. Site 2, the Village quarry, is located adjacent to and to the south of the Waikoloa Village Urban District. Site 2 is a portion of a 267.889-acre lot situated approximately 600 feet south of the Waikoloa Road and 3 miles mauka of the Queen Kaahumanu Highway. Site 2 encompasses approximately 92 acres. Site 2 provides blue rock aggregate and base course material for construction within the Waikoloa development. The applicant states that Site 2 has been sporadically used, but that use is expected to increase as the applicant's "makai" quarry (SP 71-117) is being phased out. The total volume of rock produced at the Site 2 quarry is anticipated to reach about 15,000 tons per month. The Tax Map

Key designation has changed from TMK: 6-8-01:portion of 4 to 6-8-02:portion of 33.

13. Access to Site 2 from Waikoloa Road is over an existing paved road along the north boundary of the subject property. The applicant proposes to construct a new access road to Waikoloa Road 2,000 feet to the south of the existing road.

14. The State Land Use District classification is Agricultural.

15. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Industrial.

16. The subject parcel is located within the County Open zoned district.

17. Adjacent lands to the north are zoned RM-1.5. Lands to the south, east, and west are zoned Open. The nearest residence is at the 24-unit Waikoloa Gardens Apartments, located approximately 650 feet north of Site 2. The 66-unit Kipona Hills condominium development and the Pheasant Ridge single-family residential subdivision are located approximately 700 feet to the northwest of the site. The 197-unit Greens at Waikoloa condominium development is located 1,100 feet north of the site.

18. Quarry Site 2 is immediately west (makai) of the proposed Waikoloa Highlands golf course. As stated in paragraph #9, a portion of the RM-1.5 zoned lands to the east have been proposed for a change of zone to the Open district.

19. A day care facility and church have been established on the adjacent property to the north of Site 2 pursuant to a Use Permit granted by the Planning Commission. The life of the Use Permit runs concurrently with the terms of a lease agreement between the

applicant and the landowner. The current lease extends to December 14, 1991.

20. Special Permit No. 71-117 (SP 197) was approved to allow quarrying activity on 309 acres of land on TMK: 6-8-01:5. The life of the permit extends until December, 1991. The quarry is situated in the vicinity of the Waikoloa Road/Queen Kaahumanu Highway intersection.

APPLICANT'S COMMENTS

21. In support of this request the applicant has submitted the following:

(See attached letter dated September 5, 1990)

AGENCY COMMENTS

22. Mauna Kea Soil and Water Conservation District:

See attached memorandum dated September 19, 1990.

23. Department of Water Supply;

"The water system in the area is privately owned and operated. The private water purveyor should be contacted for water availability."

24. No comments or objections: Department of Public Works, Department of Education, Department of Health, HELCO, Police Department, Department of Transportation-Highways Division, Department of Parks and Recreation, Real Property Tax Office.

23. No response: Fire Department, Department of Land and Natural Resources, Department of Agriculture.

WAIKOLOA

FAXED 11:55 am

November 7, 1990

Mr. Norman Hayashi
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

FAX: 961-9615

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 49 PM '91

RE: Special Permit No. 70-85
Waikoloa, South Kohala, Hawaii

Dear Mr. Hayashi:

Following our discussions regarding the Planning Department's concerns over the proximity of both Quarry Sites 1 and 2, Special Permit No. 70-85, to proposed, adjoining residential development, I offer the following comments for your consideration:

We have anticipated that both sites would be available as approved resource sites for the Highlands project. Site 1 (Pu'u Hinai) would supply cinder and topsoil for the golf course and for the roadway and common area landscaping. The golf course, which will require approximately 200,000 cubic yards of cinder and soil, will be under construction beginning in December, 1990, through completion in late 1992 or early 1993. Further, a third golf course at the Waikoloa Beach Resort, at the entry to the Resort, is proposed to be constructed within the next three to five years. This course would use approximately 200,000 cubic yards of material from Site 1.

As conditioned in the zoning ordinance for the Highlands Golf Estates approved by the Planning Commission and presently before the County Council, subdivision will occur in increments. Subdivision roadways and landscaped common areas for Increment I will be constructed, following final subdivision approval, in mid 1991 through early 1993. Subsequent increments will follow over a period of five years. Increment I will require approximately 30,000 cubic yards of cinder and soil from Site 1. Increments II and III will need approximately 20,000 cubic yards.

EXHIBIT R

Post Office Box 3028 Waikoloa, Hawaii 96743 Phone (808) 885-1000 Fax (808) 885-8896

Site 2 would provide the hard rock resources for the Highlands, including boulders for revetments, CRM walls and drainage structures, and crushed rock for roadways and building construction. As mentioned above, this construction will be ongoing over the next five years. Anticipated volume for Increment I is 25,000 tons, with an estimated need of 15,000 tons for Increments II and III. Further, aggregates would be provided to the numerous developments ongoing in the Village, including Sunset Ridge, Kipona Hills, the County's affordable housing project, Village Estates, Waikoloa Heights, and Na Pu'u Nani.

To facilitate efficient operation, a new access road is proposed to be constructed. This road would be gravel, except at its intersection with Waikoloa Road, which would be paved. A five year recapture period for this road is necessary.

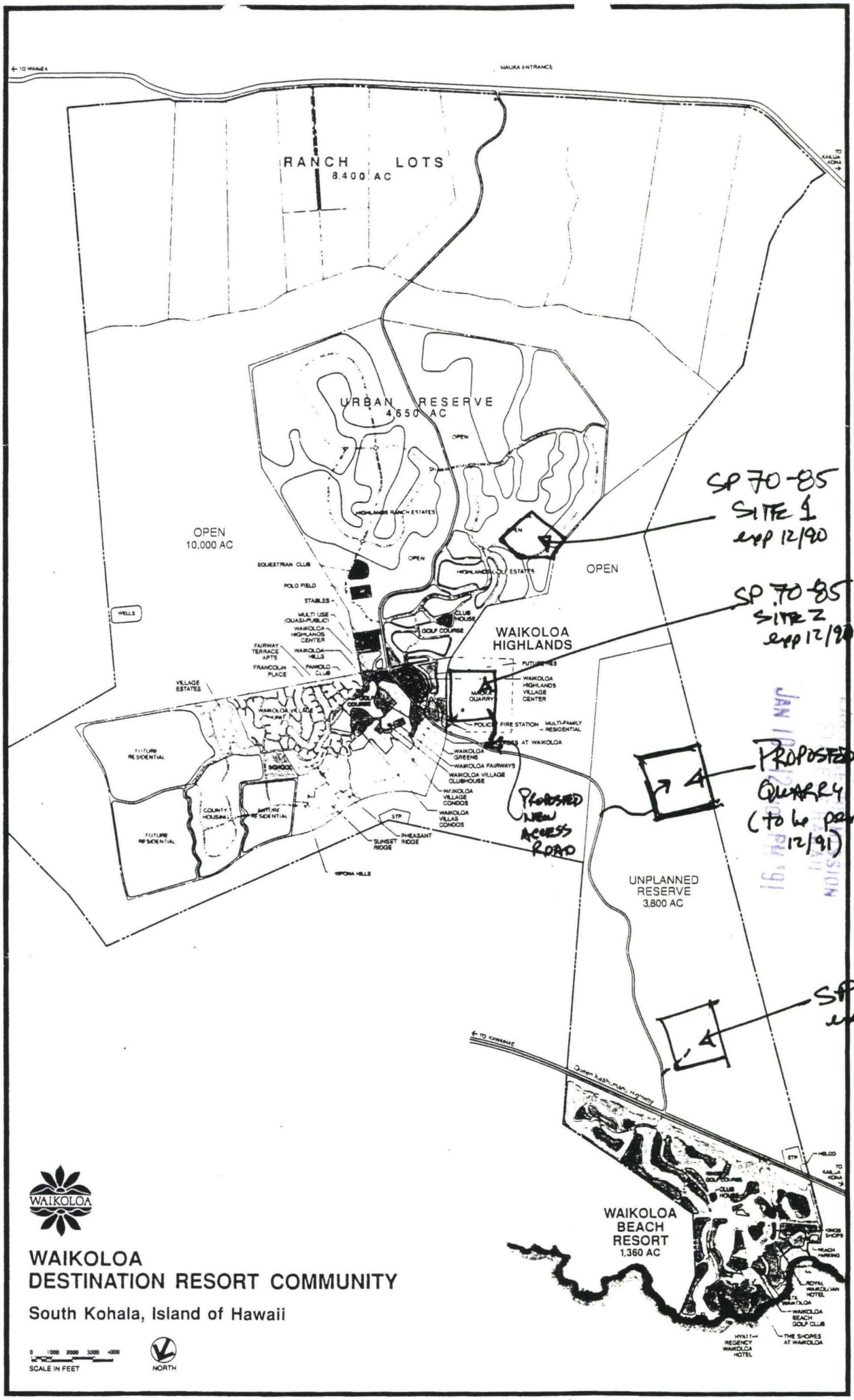
We, also, are sensitive to the potential conflicts between the quarrying operations and adjoining residential developments. However, quarried rock products will be necessary components of development projects throughout the build-out of the Waikoloa property. Our intent is to locate and then obtain the necessary permits for, in a timely manner, a new quarry site which is more isolated from residential uses and which will fulfill the needs for the build-out of Waikoloa. After this new site is approved and becomes operational, we intend to phase out the other two rock quarry sites. The proposed new site is shown on the enclosed map.

Based on the above, we hereby amend our request to be a five year time extension for Quarry Sites 1 and 2 to serve primarily as the resource sites for the Highlands project.

Sincerely,

Ken Melrose
Director of Planning

ac
Enclosure
cc: Mr. Clinton C. Beebe, Jr., President
Waikoloa Village Association
Mr. Carl Cordes, Senior Vice President - Development
Waikoloa Development Co.


RANCH LOTS
8,400 AC
URBAN RESERVE
4,650 AC
OPEN
10,000 AC
OPEN
WAIKOLOA HIGHLANDS
UNPLANNED RESERVE
3,800 AC
WAIKOLOA BEACH RESORT
1,360 AC
SP 70-85 SITE 1 exp 12/90
SP 70-85 SITE 2 exp 12/90
PROPOSED NEW QUARRY SITE (to be permitted by 12/91)
PROPOSED NEW ACCESS ROAD
SP 71-117 exp 12/91
WAIKOLOA
WAIKOLOA DESTINATION RESORT COMMUNITY
South Kohala, Island of Hawaii
SCALE IN FEET
NORTH

WAIKOLOA

November 8, 1990

Mr. Duane Kanuha
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 45 PM '91

RE: Special Permit No. 70-85
Request for Amendments

Dear Mr. Kanuha:

In a continuing effort to address the concerns of your department on this application, I offer the following for your consideration:

Quarry Sites 1 and 2 both remain essential components of the infrastructure needed to develop the Waikoloa project. Site 1 (Pu'u Hinai) is a unique source of needed cinder and soil products for golf course and landscaping improvements and Site 2 has continued value for its available rock resources. We respectfully request the following:

1. That a five year time extension for both sites be granted;

2. That the boundaries of Quarry Site 1 be amended as originally presented (reduced from 68.8 acres to 63.6 acres) to eliminate overlap onto the adjoining Highlands Golf Estates and Waikoloa Village Association lands; and

3. That the approved uses for Site 2 be amended by deleting the active elements of quarry operations (rock crushing and asphalt and concrete batch plants) which might conflict with adjoining residential uses, while continuing to allow the passive uses for the extended life of the permit. Permitted ongoing uses would become: The removal of existing stockpiled materials, boulders, and fieldstone; and equipment storage and repair.

EXHIBIT S

Post Office Box 3028 Waikoloa, Hawaii 96743 Phone (808) 885-1000 Fax (808) 885-8896

Site 2 was re-contoured many years ago, except for the stock-piled materials and random boulder piles. Grass and scrub weeds have been established throughout the site. Site 2 has an abundance of fieldstone, which is needed to construct the numerous rock walls required at Waikoloa, and the discarded boulders would be used throughout the golf course in drainage structures and retaining walls.

When we came before the Planning Commission a month ago for the Highlands Golf Estates rezoning, we assumed that these two quarry sites would be available as approved resource sites. The soil, cinder, boulders and fieldstone are necessary components of the Highlands project and the close proximity to the project of these two quarry sites is critical to the economics of the Highlands development.

We accept your analysis that crushed rock, concrete and asphalt can be obtained from our makai quarry and are willing to delete the overlapping uses of the quarries. However, the continued availability of the unique resources from the two mauka sites are essential elements in the build-out of the Highlands. As you have requested, we will diligently pursue the selection and permitting of a new rock quarry site to replace both existing rock quarries.

We respectfully request your favorable consideration of the five year time extension for both sites, the boundary amendment for Site 1 and the revised uses for Site 2. We believe these changes appropriately address your department's concerns and provide for an orderly transition to a new quarry site.

Sincerely,

Ken Melrose
Director of Planning

ac

cc: Mr. Clinton C. Beebe, Jr., President
Waikoloa Village Association
Mr. Carl Cordes, Senior Vice President - Development
Waikoloa Development Co.

RECORD OF VOTING

PLANNING COMMISSION
County of Hawaii

Date: NOVEMBER 8, 1990

Petitioner: WAIKOLOA DEVELOPMENT CO. - AMEND SPECIAL PERMIT 70-85

✓ Public Hearing _____ Action

ACTION: _____ Approve

_____ Deny

_____ Defer

✓ Continue

Other: _____

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 39 PM '91

Commissioners	Aye	No	Excused	Abstain
COMER, Jeanne	✓			
HOLT, Dennis R.	✓			
ISHIMARU, Tommy	✓			
LUCE, Philip "Mike"	✓			
MANALILI, Donald L.			✓	
POY, Tom	✓			
RICE, Sally	✓			
SANCHEZ, Nemesio	✓			
FUJIMOTO, Fred Y.	✓			

EXHIBIT T

PLANNING COMMISSION
County of Hawaii

HEARING TRANSCRIPT
November 8, 1990

JAN 25 1991
LAND USE COMMISSION
STATE OF HAWAII

A regularly advertised public hearing on the application of Waikoloa Development Co., was called to order at 4:49 p.m. in the Keauhou Beach Hotel, Hualalai I Room, 78-6740 Alii Drive, Keauhou, North Kona, Hawaii, with Chairman Fred Y. Fujimoto presiding.

PRESENT: Fred Fujimoto
Jeanne Comer
Denny Holt
Tommy Ishimaru
Mike Luce
Tom Poy
Sally Rice
Nemesio Sanchez

ABSENT: Donald Manalili

Ex-officio Member
H. William Sewake

Duane Kanuha, Planning Director
Connie Kiriu, Staff Planner
Anna Smith, Staff Planner
Norman Hayashi, Staff Planner

Pat O'Toole, Deputy Corporation Counsel
David Murakami representing Department of Public Works

And approximately 25 people from the public in attendance

CHAIRMAN: Staff?

SMITH: Next item is a request by WAIKOLOA DEVELOPMENT COMPANY for amendments to Special Permit No. 70-85 which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on properties situated within the State Land Use Agricultural District. The request is to extend the life of the permit for both sites from December 11, 1990 to December 11, 2000. Also requested is the reduction of the size of Quarry Site 1 from 69 acres to 63.6 acres. The quarry sites are situated in the vicinity of Waikoloa Village, Waikoloa, South Kohala, TMK: 6-8-02:Portions of 15 and 16.

You have only received the background report, so don't look for the recommendation. The applicant has made some amendments to his application. I believe he will be presenting the latest amendments when he comes up to testify today.

EXHIBIT T.a

For orientation, you see Site No. 1 here to the south of Waikoloa Road coming down from Mamalahoa Highway, which would be up here, down through Waikoloa Village. Site 2 is located right here, this, to the south of the Village area. This area in the Unplanned zone here is the site of the Highlands Golf Course and the Highland, the proposed Highlands Golf Course Estates, 1- and 2-acre subdivision. Site 1 is proposed for topsoil and cinder quarry. Site 2, I believe, is a blue rock quarry. The green area shows Open zoned lands, white is Unplanned, the brown is RM, yellow is RS, pink is CV zoned. I believe that's all I have, unless you have any questions on the background.

CHAIRMAN: Do you have any recommendation?

SMITH: No, we don't. The applicant has revised his request; therefore, we have no recommendation yet on the revision. Any questions, Commissioners?

ISHIMARU: Yeah, I have a question.

CHAIRMAN: Mr. Ishimaru.

ISHIMARU: Yeah, in the past, did you folks receive any complaints on the crusher site?

SMITH: As I understand it, this site has not been used for some time. They have another quarry site further mauka that they're planning to discontinue. And, perhaps, I think the applicant can answer your question since he is changing the plans that we have received. Therefore, we are asking the hearing be continued, until we have a chance to review his new plans.

CHAIRMAN: Is that the wish of the applicant?

MELROSE: Yes.

CHAIRMAN: Okay, this is a public hearing. Are there others that wish to testify on this matter?

LUCE: Mr. Chairman?

CHAIRMAN: Mr. Luce.

LUCE: Are the applicants are also requesting a continuance?

CHAIRMAN: Yes.

LUCE: Could we check one other thing? Maybe the applicant can correct me if I'm wrong. There's, Site No. 1 I believe has U.S. Coast and Geonetic Survey Triangulation Benchmark on top that in my 20 years building up and down that coast has, it is the reference point for Queen Kaahumanu Highway, Waikoloa Village, down to Mauna Lani. It's on virtually every construction drawing I've ever worked with. I believe that's what's up there. Could we just find out what happens when, if the applicants plan to excavate where that key point is, what Coast and Geonetic Survey wants done with it? Do you have any idea, Ken?

CHAIRMAN: Wait, if you are going to testify, will you come up.

LUCE: I don't even know if you plan Site 1 to excavate in that area.

CHAIRMAN: Do you swear or affirm to tell the truth on this matter now before the Hawaii County Planning Commission?

MELROSE: I do.

CHAIRMAN: State your name, please.

MELROSE: My name is Ken Melrose. I represent Waikoloa Development Company. I apologize for changing our request. We have been going back and forth with the Planning Department staff in looking at these applications, all of which predated my employment at Waikoloa Development Company. The permits have been active since 1970. Their last time extension was a ten-year extension which expires at the end of next month. Quarry Site 1 relates specifically, is Puu Hinai cinder cone. It provides cinder and top soil for golf course and landscape elements, improvements throughout the Waikoloa development. Quarry Site 2 was the original quarry used to develop Waikoloa Village. And staff is correct, it has been inactive for a number of years. We are requesting the change in the boundaries for Quarry Site 1 because it overlaps, to remove overlaps of the boundary areas on the Highlands Golf Estates, RA-1 acre zone, which this Commission approved at its last Kona hearing, and to eliminate overlap of the quarry area onto lands adjacent which at the time the permit was originally granted we or our predecessors did own and we no longer own. It is owned by Waikoloa Village Association.

The title enter, Site 2 was also transferred to the Waikoloa Village Association. We maintain a ten-year lease on that quarry area and the parcel which we actually lease is outlined around it. That area is designated on the General Plan maps for industrial zoning; and the reason we drew the larger boundaries around it was we intended to pursue that industrial use. In the last couple of weeks with the

staff, we've been talking about these quarries; and it appears that there is some concern on the part of staff where the proximity of these quarry uses to now becoming adjacent residential uses. So we've been working with staff to try to understand how we might mitigate that concern. And what I would like to do is to, we have provided a couple of letters to staff, and I'm not sure how many have ended up in your background report. One of them was dated yesterday, and I have one today that I would like to read for you so that you understand our current position.

This letter is directed to Mr. Duane Kanuha concerning this permit.

In a continuing effort to address the concerns of your department on this application, I offer the following for your consideration:

Quarry Sites 1 and 2 both remain essential components in the infrastructure needed to develop the Waikoloa project. Site 1 at Puu Hinai is a unique source of needed cinder and soil products for golf course and landscaping improvements and Site 2 has continued value for its available rock resources. We respectfully request the following:

1. That a five year time extension for both sites be granted. The primary concern here is that we'd be able to monitor adjoining developments and those impacts on a nearer term than the original application.

2. That the boundaries of Quarry Site 1 be amended as originally presented, as I mentioned here earlier, to eliminate the overlaps of adjoining developments.

3. That the approved uses for Site 2 be amended by deleting the active elements of quarrying operations (rock crushing, asphalt and concrete batching plants) which might conflict with adjoining uses, while continuing to allow the passive uses for the extended life of the permit. Permitted ongoing uses would become: The removal of existing stockpiled materials, and there are substantial stockpiles remaining there, a base course, pipeline bedding that we have used repeatedly during the life of this permit for utility company purposes, and smaller projects, boulders and field stone and equipment storage and repair.

Site 2 was re-contoured many years ago. As required in the original permit, we were to reshape the natural contours, except for the stockpiled areas and random boulder piles. Grass and shrub weeds have been established throughout the site. In fact, driving up Waikoloa Road or from anywhere in Waikoloa Village you can't really tell that site was modified any different than the A'a flows on which it is situated.

Site 2 has an abundance of fieldstone, which is needed to construct the numerous rock walls required at Waikoloa, and the discarded boulders would be used throughout the golf course in drainage structure and retaining walls.

When we came before the Planning Commission a month ago for the Highlands Golf Estates rezoning, we assumed that these two quarry sites would be available as approved resource sites, as is required under that zoning application, and the use permit that preceded it. The soil, cinder, boulders and fieldstones are necessary components of the Highlands project and the close proximity to the project of these two quarry sites is critical to the economics of the Highlands project.

We accept your analysis that the crushed rock, concrete and asphalt can be obtained from our makai quarry and are willing to delete the overlapping uses of the quarries. However, the continued availability of the unique resources from the two mauka sites are essential elements in the build-out of the Waikoloa. As you have requested, we will diligently pursue the selection and permitting of a new rock quarry site to replace both existing rock quarries. At issue here is our makai quarry has an expiration on it, also a ten-year extension, December of next year, and, at the request of staff, have chosen to look at the actual quarry resource at Waikoloa in total rather than in pieces.

We respectfully request your favorable consideration of the five-year time extension for both sites, the boundary amendment for Site 1, and the revision of uses to Site 2. We believe these changes appropriately address your department's concerns and provide for an orderly transition to a new quarry site.

And I'll submit, I have a couple of copies here. I didn't bring all 16, I apologize. I would like to follow up on Commissioner Luce's comment on Puu Hinai. The quarry boundaries as defined do not proceed more than two-thirds of the way up the face of Puu Hinai. So we cannot, and I believe they were probably drawn initially that way to prohibit us from undermining or destablizing the Trig station on top of Puu Hinai.

LUCE: That's at the highest point on the highest hill of the cone, huh?

MELROSE: That's correct. And it's readily visible by its bullet holes.

LUCE: So that's not within the boundaries?

MELROSE: No. It's approximately 600 to 1,000 feet outside the boundary. The quarry limits proceeds half to two-thirds up the cinder cone. That's all.

LUCE: Thank you.

CHAIRMAN: We are in order for a continuance.

LUCE: Move to continue.

HOLT: Second.

CHAIRMAN: It has been moved and seconded that we continue this hearing. Roll call.

SMITH: Commissioner Luce?

LUCE: Aye.

SMITH: Commissioner Holt?

HOLT: Aye.

SMITH: Commissioner Comer?

COMER: Aye.

SMITH: Commissioner Ishimaru?

ISHIMARU: Aye.

SMITH: Commissioner Poy?

POY: Aye.

SMITH: Commissioner Rice?

RICE: Aye.

SMITH: Commissioner Sanchez?

SANCHEZ: Aye.

SMITH: Chairman Fujimoto?

CHAIRMAN: Aye.

SMITH: Mr. Chairman, motion to continue carries. Eight aye votes.

The discussion ended at 5:02 p.m.

Respectfully submitted,

Sharon M. Nomura

Sharon M. Nomura, Secretary

A T T E S T:

Fred Y Fujimoto

Fred Y. Fujimoto, Chairman
Planning Commission

Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Larry S. Tanimoto
Mayor

CERTIFIED MAIL

November 19, 1990

JAN 10 12 39 PM '91
LAND USE COMMISSION
STATE OF HAWAII

Mr. Ken Melrose
Director of Planning
Waikoloa Development Co.
P.O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Amendments to Special Permit 70-85
Tax Map Key: 6-8-02:Portions of 15 and 16

The Planning Commission at its November 8, 1990, meeting voted to continue the public hearing on the above application as recommended by the Planning Department with your concurrence. You will be informed of the continued hearing as soon as the date, time and place have been determined.

Should you have any questions, please contact the Planning Department at 961-8288.

Sincerely,

Fred Y. Fujimoto

Fred Y. Fujimoto
Chairman, Planning Commission

xc: State Land Use Commission

NOV 19 1990

EXHIBIT L

November 20, 1990

Mr. Ken Melrose
Waikoloa Development Co.
P. O. Box 3028
Waikoloa, HI 96743

JAN 10 12 39 PM '91
STATE OF HAWAII
HOUSING & LAND DEVELOPMENT

Dear Mr. Melrose:

Amendment of Special Permit 70-85
Applicant: Waikoloa Development Co.
TMK: 6-8-1:26, 32-35

This is to acknowledge receipt of your letter, dated November 7, 1990, revising your request to a 5 year time extension for Sites 1 and 2 and provicing additional information on quarrying operations.

A copy of your letter has been forwarded to the Planning Commission.

We will notify you as to the date of the public hearing on the revised request as soon as it is scheduled.

Sincerely,

DUANE KANUHA
Planning Director

AS:mra

cc: Planning Commission (w/ltr)

EXHIBIT V

NOV 26 1990

November 26, 1990

Mr. Ken Melrose
Director of Planning
Waikoloa Development Co.
P. O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Amendment to Special Permit 70-85
Applicant: Waikoloa Development Co.
TMK: 6-8-2:Portions of 15 and 33

This is to confirm a telephone conversation on November 26, 1990, between Ann Cobb of your office and Anna Smith, a member of my staff. It is our understanding that the removal of boulders, fieldstone and any other material from the Village Quarry (Site 2) will not involve the use of explosives. The existing road will be used for the continued use.

Should you have any comments on the above, please contact Connie Kiriu or Anna Smith of this office at 961-8288.

Sincerely,

DUANE KANUHA
Planning Director

AS:mra

EXHIBIT W

NOV 2 8 1990

November 28, 1990

Mr. Ken Melrose
Director or Planning
Waikoloa Development Co.
P. O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Amendment to Special Permit 70-85
Applicant: Waikoloa Development Co.
TMK: 6-8-2: Portions of 15 and 33

This is to confirm telephone conversations on November 26 and November 27, 1990, between you and Ann Cobb of your office and Anna Smith, a member of my staff. It is our understanding that the removal of boulders, fieldstone and other material from the Village Quarry (Site 2) will not involve the use of explosives. Stockpiled materials and boulders will be taken from the excavated area in the southeast portion of the quarry site. Fieldstone will be removed by hand from the remainder of the property. The existing road will continue to be used.

Should you have any comments on the above, please contact Connie Kiriu or Anna Smith of this office.

Sincerely,

DUANE KANUHA
Planning Director

AJS:aeb

bcc: Anna

EXHIBIT X

NOV 2 8 1990

CERTIFIED MAIL

November 30, 1990

JAN 10 12 39 PM '91
LAND USE COMMISSION
STATE OF HAWAII

Mr. Ken Melrose
Director of Planning
Waikoloa Development Co.
P.O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Notice of a Continued Public Hearing
Amendments to Special Permit 70-85
Tax Map Key: 6-8-02:Portions of 16 and 33 (formerly 15 and 16)

This is to inform you that your Special Permit application has been scheduled for a continued public hearing by the Planning Commission. Said hearing, among others, will be held beginning at 10:00 a.m. on Thursday, December 20, 1990, in the Kona Hilton Beach & Tennis Resort, 75-5852 Alii Drive, Kailua-Kona, Hawaii. The presence of a representative will be appreciated in order that all questions relative to the request may be clarified. A copy of the hearing notice and agenda are attached for your information.

Should you have any questions, please feel free to contact us at 961-8288.

Sincerely,

Duane Kanuha
Planning Director

Atts.

xc: State Land Use Commission

EXHIBIT Y

NOV 30 1990

3248QA
REVISED 11/23/90

COUNTY OF HAWAII PLANNING DEPARTMENT
BACKGROUND REPORT

WAIKOLOA DEVELOPMENT COMPANY
AMENDMENTS TO SPECIAL PERMIT NO. 70-85

The applicant, Waikoloa Development Company, is requesting amendments to Special Permit No. 70-85 which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on properties situated within the State Land Use Agricultural District. The requests involve (1) an extension of the life of the permit for Quarry Sites 1 and 2 from December 11, 1990 to December 11, 1995; (2) a reduction of the size of Quarry Site 1 from 69 acres to 63.6 acres; and (3) reduction of the scope of quarrying activities at Site 2 by deleting rock crushing and asphalt and concrete batch plant operations and allowing only the removal of existing stockpiled materials and equipment storage and repair. The quarry sites are situated in the vicinity of Waikoloa Village, Waikoloa, South Kohala, TMK: 6-8-02: portions of 16 and 33.

GENERAL INFORMATION

1. On December 11, 1970, the State Land Use Commission approved a special permit to Boise Cascade Properties to operate two quarry sites on TMK: 6-8-01:Portion of 4, including a screening plant, rock crusher, scales, AC batching plant, concrete batching plant, and equipment repair facilities on the subject properties.

EXHIBIT 2

The approval was subject to the following conditions:

"1. That all State and County standards and appropriate safety measures be taken by the applicant to safeguard vehicular traffic during the entire operation, 24 hours per day.

2. That the applicant shall take every precaution not to create any inconvenience from noise and dust propblems during the operation.

3. Upon completion of the operations, all temporary support facilities i.e. rock crusher, A.C. batching plant, steel repair facility, and concrete batching plant, along with all allied equipment, will be removed. A grading plan will be done, natural contours will be restored, and the area will be seeded with the hydromulcher. At the end of construction activities, the quarry site shall appear as natural as open space, and not as a scar on the landscape.

4. That this permit shall expire within 5 years from the date of approval by the State Land Use Commission should that agency approve this request.

5. That the operation be confined within the metes and bounds description as submitted."

2. Two time extensions of the life of the permit have been granted by the Land Use Commission until December 11, 1990. Approvals of time extensions included the following added conditions:

"Approval of the extension request be subject to all conditions stipulated in the granting of the original Special

Permit including compliance with applicable Department of Health regulations. In addition, every precaution must be taken by the applicant so as not to create any inconvenience to surrounding properties in regard to traffic, noise and dust problems during the quarrying operations. Should the quarrying operations have an adverse effect on surrounding properties, sufficient and documented evidence may be submitted to the Planning Director to support any claims which are made that the applicant is creating an inconvenience. If the Planning Director finds that the evidence submitted shows sufficient cause to re-evaluate the Special Permit, he shall transmit such evidence to the Planning Commission who shall hold a public hearing to gather evidence relative to the impact of the quarrying operations on surrounding lands. Upon receiving any complaint which is accompanied by documented evidence relative to the impact of the quarry operations, the applicant shall cease operations until a determination is made as to whether operations can continue or the Special Permit is to be revoked.

Should the stated conditions not be met, the Special Permit may be deemed null and void."

3. By letter dated September 5, 1990, the applicant requested a ten-year time extension for the two quarry sites and a revision of the area of Site 1. By letter dated November 8, 1990, the applicant revised the request to a five-year time extension for both sites and the revision of the size of Quarry Site 1. Also requested is a reduction in the scope of quarrying activities at Site 2.

4. Since the project site is over 15 acres in size, an approval of the requests by the Planning Commission will be forwarded to the Land Use Commission, who makes the final approval decision on this request.

5. Site 1 is owned by Waikoloa Development Company (WDC). Site 2 is owned by Waikoloa Village Association (WVA), who has given its consent to the submittal of this application. The applicant holds a lease on Site 2 for quarry use.

CURRENT REQUEST

Site 1

6. Site 1, the Pu'u Hinai quarry, is located on the southwest face of a cinder cone, which reaches an elevation of 1,439 feet above sea level. It is located approximately 4,600 feet south of the Waikoloa Road and 4.5 miles mauka of the Queen Kaahumanu Highway. Site 1 accesses the Waikoloa Road by a 4,600-foot long gravel road within a 50-foot wide easement. The applicant has requested that the quarry area be reduced from 69 acres to 63.648 acres. The reason for the reduction is to exclude the portion of the site proposed for rezoning to the Residential-Agricultural zoned district. Site 1 is to be quarried for cinder and topsoil for the construction of golf courses and landscaping elements in Waikoloa, primarily the Highlands Golf Club. Since the Special Permit was first issued, the Tax Map Key designation for the area has changed from TMK: 6-8-01:portion of 4 to 6-8-02:portion of 16.

7. The State Land Use District classification is Agricultural. The quarry site is situated approximately 1 mile to

County Staff Report

the southeast of the nearest SLU Urban District.

8. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Extensive Agricultural.

9. The subject parcel is located within the County Unplanned zoned district.

10. Surrounding lands are zoned Unplanned. On September 28, 1990, the Planning Commission recommended that 761 acres immediately to the north of the quarry site be rezoned from the Unplanned and the Multiple-Family Residential-1,500 square foot (RM-1.5) zoned district to the Residential and Agricultural-1 acre (RA-1a) and Open zoned district. The RA-1a district allows for residential and agricultural uses with a minimum lot size of 1 acre. The request is now being considered by the County Council. The applicant proposes development of the Waikoloa Highlands Golf Estates as ±400 1- and 2-acre lots (including homes) and a golf course. The applicant has submitted an application for subdivision of TMK: 6-8-02:16 and 6-8-3:32, including the golf course area, into sixty-two +5-acre lots.

11. The roadway easement to Quarry Site 1 passes through the proposed golf course and residential-agricultural development.

12. Use Permit No. 71 was approved by the Planning Commission December 19, 1989 for the establishment of a golf course and related improvments on a portion of TMK: 6-8-02:16. The golf course will be constructed adjacent and to the north of the quarry site. The conditions of the Use Permit require that Final Plan Approval be secured within one year of the effective date of the permit. The permit requires that construction begin within one year of receipt

of Final Plan Approval and that construction be completed within three years thereafter.

Site 2

13. The Village Quarry (Site 2), is located adjacent to and to the south of the Waikoloa Village Urban District. Site 2 is a 92-acre portion of a 267.889-acre lot situated approximately 600 feet south of the Waikoloa Road and 3 miles mauka of the Queen Kaahumanu Highway. The Village Quarry has been sporadically used to provide blue rock aggregate and base course material for roadway construction. A storage and maintenance building has been constructed on the site. The applicant is requesting that active elements of the quarry operation, such as rock crushing and asphalt and concrete batch operations, be deleted. Use of the site would only involve the removal of existing stockpiled materials, boulders, and fieldstone and equipment storage and repair. The proposed activity will not involve the use of explosives. Stockpiled rock material and boulders will be removed from the existing excavated area in the southeast portion of the site. Fieldstones will be removed by hand from the remainder of the site. The Tax Map Key designation has been changed from TMK: 6-8-01:portion of 4 to 6-8-02:portion of 33.

14. Access to Site 2 from Waikoloa Road is over an existing ±10-foot wide paved road within a 12-foot easement. The road accesses Waikoloa Road along the north boundary of the property.

15. The State Land Use District classification is Agricultural.

16. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Industrial.

17. The subject parcel is located within the County Open zoned district.

18. Adjacent lands to the north are zoned RM-1.5. Lands to the south, east, and west are zoned Open. Hawaiian Telephone Company operates a microwave ratio station on the adjoining property to the north. The nearest residence is at the 24-unit Waikoloa Gardens Apartments, located approximately 650 feet north of Site 2. The 66-unit Kipona Hills condominium development and the Pheasant Ridge single-family residential subdivision are located approximately 700 feet to the northwest of the site. The 197-unit Greens at Waikoloa condominium development is located 1,100 feet north of the site.

19. Quarry Site 2 is immediately south of the proposed Waikoloa Highlands golf course. As stated in paragraph #10, a portion of the RM-1.5 zoned lands to the north have been proposed for a change of zone to the Open district.

20. A day care facility and church have been established on the adjacent property to the north of Site 2 pursuant to a Use Permit granted by the Planning Commission. The life of the Use Permit runs concurrently with the terms of a lease agreement between the applicant and the landowner. The current lease extends to December 14, 1991.

21. Special Permit No. 71-117 (SP 197) was approved to allow quarrying activity on 309 acres of land on TMK: 6-8-01:5. The quarry is situated in the vicinity of the Waikoloa Road/Queen Kaahumanu Highway intersection. The life of the permit extends until December, 1991.

APPLICANT'S COMMENTS

22. In support of this request the applicant has submitted the following:

(See attached revised request dated November 8, 1990)

AGENCY COMMENTS

23. Mauna Kea Soil and Water Conservation District:

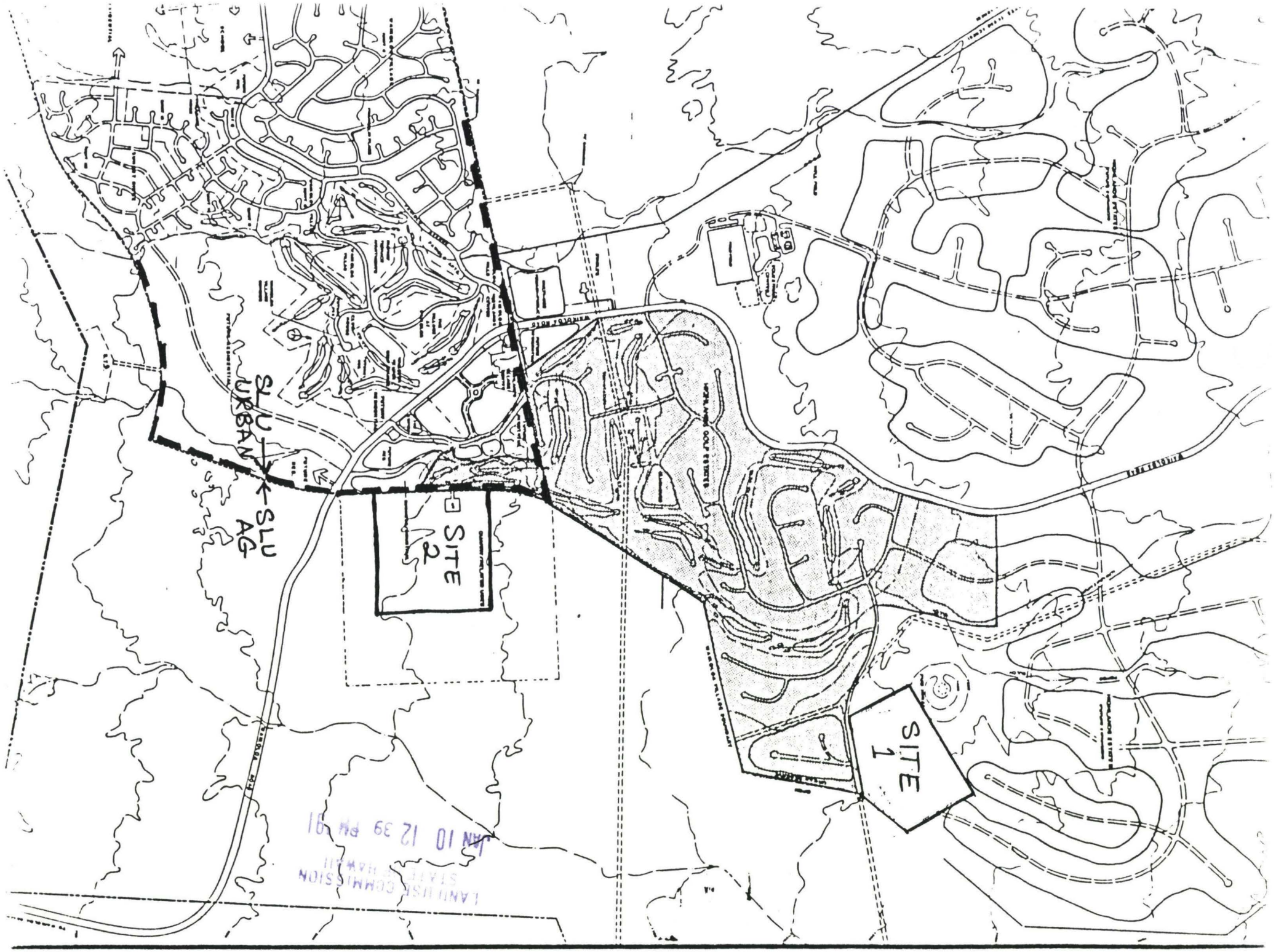
See attached memorandum dated September 19, 1990.

24. Department of Water Supply;

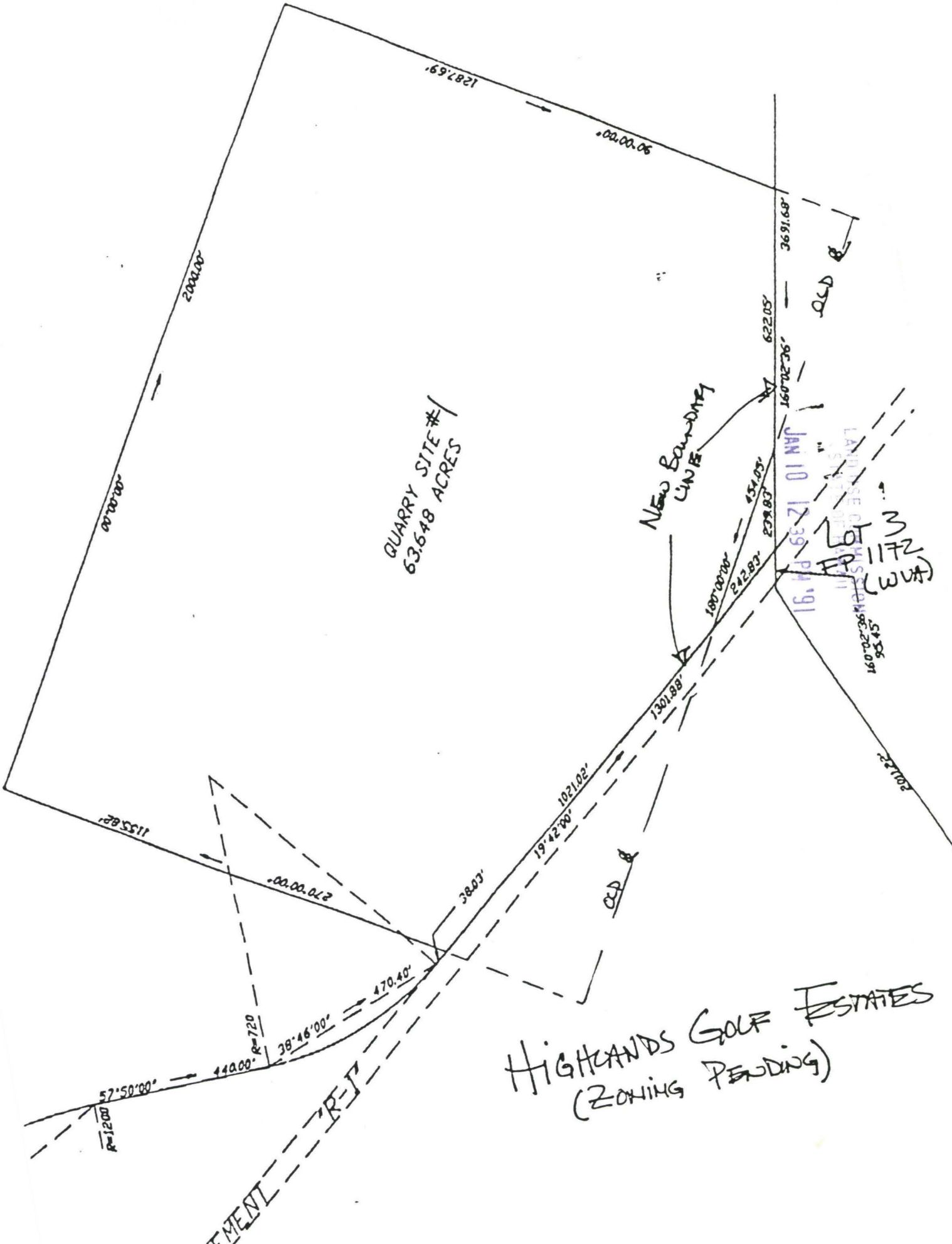
"The water system in the area is privately owned and operated. The private water purveyor should be contacted for water availability."

25. No comments or objections: Department of Public Works, Department of Education, Department of Health, HELCO, Police Department, Department of Transportation-Highways Division, Department of Parks and Recreation, Real Property Tax Office.

26. No response: Fire Department, Department of Land and Natural Resources, Department of Agriculture.

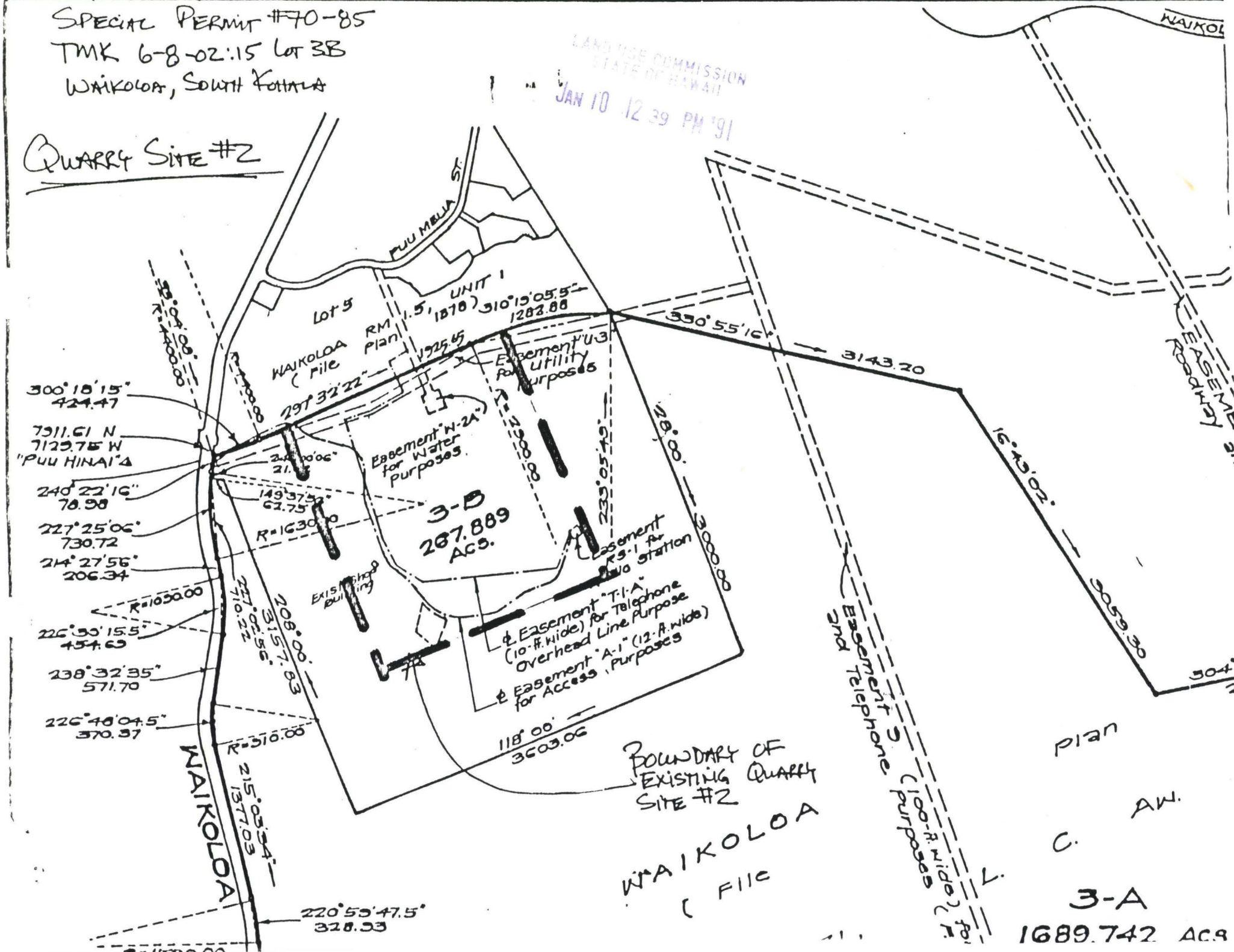


JAN 10 12 39 PM '91
LAND USE COMMISSION
STATE OF HAWAII


QUARRY SITE #1
63.648 ACRES
NEW BOUNDARY LINE
LOT 3
FP 1172
(WLA)
HIGHLANDS GOLF ESTATES
(ZONING PENDING)
JAN 10 12 39 PM '91
1287.69'
369.69'
622.05'
1301.88'
1021.02'
1155.82'
470.40'
440.00'
38.03'
242.83'
154.05'
R=1200
R=720
57°50'00"
38°46'00"
19°42'00"

SITE PLAN FOR:
SPECIAL PERMIT #70-85
TMK 6-8-02:15 Lot 3B
WAIKOLOA, SOUTH KOHALA

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 39 PM '91



3249QA
REVISED 11/23/90

COUNTY OF HAWAII PLANNING DEPARTMENT
RECOMMENDATION

WAIKOLOA DEVELOPMENT COMPANY
AMENDMENTS TO SPECIAL PERMIT APPLICATION NO. 70-85

Upon review of the request against the guidelines for granting a Special Permit, the Planning Director is recommending that the request for a five-year time extension of the life of the permit for both sites and a revision of the area of Site 1 to 63.648 acres be approved. The Director is also recommending approval of the request that rock crushing, asphalt and concrete batch operations be deleted from permitted uses at the Village Quarry (Site 2). Since this recommendation is made without the benefit of public testimony, the Director reserves the right to modify and/or alter his position based upon additional information presented at the public hearing. The recommendation is based on the following findings:

JAN 10 12 26 PM '91
LAND USE COMMISSION
STATE OF HAWAII

The Land Use Commission found in 1970 that the quarry activity was an unusual and reasonable use of land in the State Land Use Agricultural District and that it was a necessary and integral part of the applicant's overall development. In view of the significant growth experienced within Waikoloa Village since approval of the permit, the continued use of the quarry sites must be evaluated against existing and future developments in the vicinity.

EXHIBIT A-1

The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The quarry sites were approved in 1970 and have been in use since then. Continued use of the sites will not affect the agricultural capacity of the subject property or of surrounding lands.

A five-year time extension will not adversely affect surrounding properties. The applicant states that materials will be needed from Quarry Site 1 for the construction of the Highlands Golf Club and landscaping elements within Waikoloa. Quarry activities at Site 1 involve the removal of topsoil and cinder, much of which will be used for constructing the adjacent Highlands Golf Course. The quarry activity is not anticipated to negatively impact the golf course use. The proposed Residential-Agricultural zoned lands adjacent to the quarry site are scheduled to be developed incrementally as part of a ±400-lot subdivision. If the adjacent RA zoned lots are subdivided prior to expiration of the five-year term of the permit, continued quarry use with the associated impacts of noise, visual, dust, and traffic would not be compatible with the residential-agricultural use. It is, therefore, recommended that the life of the permit be extended for five years or until final subdivision approval for the RA zoned lands adjacent to Site 1, whichever occurs first.

The Village Quarry (Site 2) was established prior to substantial residential development within Waikoloa Village and has been only sporadically quarried. Residential development within the Waikoloa Village has increased significantly in recent years. However, it is determined that removal of stockpiled materials and fieldstones will not significantly impact surrounding properties. The excavated portion of the quarry site from which stockpiled material and boulders would be removed is situated over 500 feet to the south of the State Land Use Urban District boundary. Prevailing winds are to the southwest. Noise and dust from loading activities in this area would not negatively affect surrounding properties. Fieldstone will be collected by hand from the remainder of the site. This activity is not anticipated to generate negative impacts. The five-year time extension would allow the applicant to remove materials needed for current development and to secure alternate quarry sites. Considering the proximity of the Village Quarry to existing residential areas and the church/day care center, the hours and days of operation of Site 2 shall be limited to between 7 am and 6 pm, Monday through Friday. It is also recommended that a condition be included to allow the Planning Commission to revoke the Special Permit should a conflict with neighboring uses arise which cannot be mitigated or mediated. In consideration of the above, it is recommended that a five-year time extension be granted to allow the limited uses requested by the applicant.

It is further recommended that the existing conditions of approval be deleted and replaced with the following:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. A map and metes and bounds description of Site 1 shall be filed with the Planning Department within one year from the effective date of this amendment.
3. Activities permitted at Site 2 shall include only the removal of stockpiled materials, boulders and fieldstone and equipment storage and repair. Rock crushing, asphalt and concrete batch operations, and the use of explosives shall not be permitted.
4. The activities at Site 2, including loading and hauling, shall be limited to between the hours of 7:00 am and 6:00 pm, Monday through Friday.
5. Quarrying operations at Site 1 shall be terminated by December 11, 1995, or prior to final subdivision approval of the increment of adjacent RA zoned lands, or prior abandonment, whichever occurs first. Such about the quarry boundaries
6. Activities at Site 2 shall be terminated by December 11, 1995, or prior abandonment, whichever occurs first.
7. Upon termination of the operations or abandonment of any portion of the affected sites, the land shall be graded to

PC Amended 12/20/90

The Village Quarry (Site 2) was established prior to substantial residential development within Waikoloa Village and has been only sporadically quarried. Residential development within the Waikoloa Village has increased significantly in recent years. However, it is determined that removal of stockpiled materials and fieldstones will not significantly impact surrounding properties. The excavated portion of the quarry site from which stockpiled material and boulders would be removed is situated over 500 feet to the south of the State Land Use Urban District boundary. Prevailing winds are to the southwest. Noise and dust from loading activities in this area would not negatively affect surrounding properties. Fieldstone will be collected by hand from the remainder of the site. This activity is not anticipated to generate negative impacts. The five-year time extension would allow the applicant to remove materials needed for current development and to secure alternate quarry sites. Considering the proximity of the Village Quarry to existing residential areas and the church/day care center, the hours and days of operation of Site 2 shall be limited to between 7 am and 6 pm, Monday through Friday. It is also recommended that a condition be included to allow the Planning Commission to revoke the Special Permit should a conflict with neighboring uses arise which cannot be mitigated or mediated. In consideration of the above, it is recommended that a five-year time extension be granted to allow the limited uses requested by the applicant.

blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

8. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

9. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should a conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the quarry use will have an adverse impact on surrounding properties.

10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

SP70-85 WAIKOLOA DEVELOPMENT CO.
(2nd Amendment, Time Extension)
EXHIBIT A-2 County of Hawaii, Planning Dept., Presentation Map

RECORD OF VOTING

PLANNING COMMISSION
County of Hawaii

Date: DECEMBER 20, 1990

Petitioner: WAIKOLOA DEVELOPMENT CO. - SPECIAL PERMIT NO. 70-85

_____ Public Hearing ✓ Action

ACTION: ✓ Approve

_____ Deny

_____ Defer

_____ Continue

Other: as amended

Commissioners	Aye	No	Excused	Abstain
COMER, Jeanne	✓			
HOLT, Dennis R.	✓			
ISHIMARU, Tommy	✓			
LUCE, Philip "Mike" (1)	✓			
MANALILI, Donald L.	✓			
POY, Tom	✓			
RICE, Sally	✓			
SANCHEZ, Nemesio (2)	✓			
FUJIMOTO, Fred Y.	✓			

EXHIBIT A-3

PLANNING COMMISSION
County of Hawaii

HEARING TRANSCRIPT
December 20, 1990

JAN 16 11 08 AM '91
LAND USE COMMISSION
STATE OF HAWAII

A regularly advertised public hearing on the application of Waikoloa Development Company was called to order at 10:23 a.m. in the Kona Hilton Beach & Tennis Resort, 75-5852 Alii Drive, Kailua-Kona, Hawaii, with Chairman Fred Y. Fujimoto presiding.

PRESENT: Fred Fujimoto
Jeanne Comer
Denny Holt
Tommy Ishimaru
Mike Luce
Donald Manalili
Tom Poy
Sally Rice
Nemesio Sanchez

ABSENT: Ex-officio Member
H. William Sewake

Norman Hayashi, Planning Director
Connie Kiriu, Staff Planner
Anna Smith, Staff Planner
Daryn Arai, Staff Planner

Pat O'Toole, Deputy Corporation Counsel
David Murakami representing Department of Public Works

And approximately 10 people from the public in attendance

CHAIRMAN: Staff.

SMITH: Next item is a continuation of a hearing on a request by Waikoloa Development Company for amendments to Special Permit No. 70-85 which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on properties situated within the State Land Use Agricultural District. The requests involve (1) an extension of the life of the permit for Quarry Sites 1 and 2 from December 11, 1990 to December 11, 1995; (2) a reduction of the size of Quarry Site 1 from 69 acres to 63.6 acres; and (3) reduction in the scope of quarrying activities at Site 2 by deleting rock crushing and asphalt and concrete batch plant operations and allowing only the removal of existing stockpiled materials and equipment storage and repair. The quarry sites are situated in the vicinity of Waikoloa Village, Waikoloa, South Kohala, TMK: 6-8-02:Portions of 16 and 33 (formerly 15 and 16).

EXHIBIT A-4

The two sites are shown here, Site 1 and Site 2, on the location map. This is Waikoloa Road coming down the hill from Mamalahoa Highway through the Waikoloa Village onto Queen Kaahumanu Highway in this direction. Site 1 is located on the southwest side of Puu Hinai, which is located approximately in this area here. The access road from the site leads over to the Mamalahoa Highway in this direction.

We are recommending approval of the continued use of the Site 1 quarry with the limitation that should the residential and agricultural lands immediately abutting the quarry sites be subdivided before the five-year period is up that the quarry use would cease prior to final plan approval of these proposed RA zoned lands in this area. The applicant has received a use permit for a golf course in this area here; and the Planning Commission has recommended approval of rezoning from Unplanned to Residential and Agriculture in the area surrounding the golf course site. Site 2 is shown here adjacent to the Waikoloa Village area. The green colored area is zoned Open, RM-1.5 zoned lands adjacent to the north. The access road is along the border between the Open lands and the RM lands to the Waikoloa Road. The applicant has revised the request since our last hearing - to delete certain quarry activities from this site so that it would only involve removing stockpiled materials and rock that is on this site. With that amendment, we have recommended approval of the five-year time extension to allow them to remove the quarry materials that are on the site now. Are there any questions?

CHAIRMAN: Any questions of staff? Mr. Luce?

LUCE: Mr. Chairman, this is a continued public hearing. I'd just like to reiterate what I said at the previous hearing - that I do work for the applicant, I have in the past, and I will do so again in the future. I have no financial connection with this application, though, and also that I am involved with the cinder and topsoil business some 50 miles away from here. Someone could mistakenly construe that were I to support this application I'm promoting the industry; were I to oppose it, I'd be stiffling competition. So if you want me to stand outside, I'd be glad; otherwise, I'd like to participate.

CHAIRMAN: Mr. Luce, stay right where you are, and you will be voting.

LUCE: Thank you. Question for staff. Anna, has final plan approval been given for the golf course by December 19th, do you know?

SMITH: I don't know.

LUCE: Okay, thank you.

CHAIRMAN: Are there any other questions by Commissioners? Will the applicant please come forward. Do you swear or affirm to tell the truth on this matter now before the Hawaii County Planning Commission?

MELROSE: I do.

CHAIRMAN: State your name, please.

MELROSE: My name is Ken Melrose. I represent Waikoloa Development Company. I have reviewed the background report and the recommendations of staff with the request for minor revision to Condition 5, which I'll go into a second. I do, we have no problem with the recommendations. To answer Mr. Luce's question concerning plan approval for the golf course, we have received final plan approval for the golf course. Grading permits for that golf course have been issued and construction activity is underway. And related to residential agricultural zoning, yesterday the Council passed on second and final reading the ordinance which the Commission forwarded to the Council.

I would like to just identify for you the reasoning behind the change in the Quarry Site 1, just so you understand. In your background report is an exhibit indicating Quarry Site 1. What I have done is outline in green and blue areas which are being deleted from the existing special permit boundary. The reason for deleting the blue areas is that land is outside of Waikoloa Development Company's ownership at this time. It is owned by the Village Association; and so we wish to delete it from the quarry areas. The green area outlined is a portion of the RA-zoned lands which I referred to a moment ago, which we wish to delete from the approved quarry boundaries also. And those are the reasons for the deletion.

To go on from that point, Condition 5 is recommended by staff. I would request a slight clarification in this so that it is consistent with the intent that staff pointed out a moment ago. The Condition reads, "Quarrying operations at Site 1 will be terminated by December 11, 1995, or prior to final subdivision approval of adjacent RA zoned lands." And at that point we'd like to insert, ask you to insert the phrase which says, "which abut the quarry boundaries." The zoning ordinance that has been approved by yourselves and Council included a necessity for incrementing our subdivision approval, so that this would clarify that it would, the life of this permit would be tied to the incrementing of lands abutting it, rather than for the whole RA zoned lands. If there are any questions, I would be glad to entertain them.

CHAIRMAN: Any questions? Mr. Luce.

LUCE: Ken, could you show us on the map the access road to this Site 1 and tell us the newly rezoned lands from yesterday, how many lots, will that access road be passing by as, you know, permanent lots, or ballpark figure?

MELROSE: I would refer you, again, in your staff background report to an exhibit that is attached. I have outlined, it clearly identifies Site 1. And I have outlined in green here the area that is in the RA zone or was part of the application for RA and Open uses, and have cross-hatched in red the RA zoned lands which are adjacent to Site 1, which would be in our third increment. And that's consistent with the map I showed you at this hearing for the rezoning. The current road access to Site 1 follows in a straight line to Waikoloa Road there. It will pass through portions of future development lots in this cross-hatched area and would be affected by the development of the 12th hole of the Highlands Golf Club. And so that access will be rerouted to follow subdivision roads of the Highlands.

LUCE: So as the increments not abutting the Site 1 are put on line, i.e. the roads are put in, the lots are graded, the houses are built, the trucks then will be going on those newly paved roads and by the new lots and No. 12, yeah?

MELROSE: That's correct.

LUCE: Well, reason I asked was that my experience with these quarry sites, the two things that I get bothered with is visual impact and the trucks, yeah. I could see that the road to Site 1 is probably only going to get better than it is now rather than worse as far as dust and noise. You'll have County standard paved roads to go on.

The second thing is, and my real concern about this, is this an application for a regional quarry, i.e., any project any where within the region, or is this is application just for the Waikoloa project?

MELROSE: There are no conditions on the special permit restricting where products from that quarry are sold. From the outset, however, to the quarry life of this quarry, it has provided materials to the Waikoloa project, initially in subbase and pipe cushion for the village, and as well as for golf course products, cinder and topsoil for both the village golf courses and for the resort.

We've never loaded it up in trucks and taken it off site. There is no sales restriction as I said, but it's never been our intent to sell our property.

LUCE: Okay, the reason I asked that is just adding up your project referenced in your letter, I get one to two million truck cubic yards of demand, just looking back at your letters. And what I'd like you to tell me is that the configuration of this site, when you take one to two million yards out in the next five years, what percent of that is going to be visible from the Village Road. Cause remember I said there were two, my experience is there's two problems - one is truck and two is visual. What could the Commission expect to see after a million or two yards are gone when driving up Waikoloa Village Road? Will we see the pit? Is it in the back, is it on the side, is it in the front? I don't know.

MELROSE: Okay, our numbers do not get to two million yards of material. But the answer, again, is shown on this exhibit. You will see on Site 1 immediately above it, and the corner here on Site 1 indicates Puu Hinai cinder cone, just above it here. You see a number of circles. The quarry is located around the southwestern side of the cinder cone and, as such, a quarrying operation is not significantly visible from Waikoloa Road. The big circle you see on the east side of the cinder cone is not quarrying activity but undermining by natural floods; and it's not the quarry area we're talking about.

LUCE: So the same visibility, no significant visibility from the Village Road and also from the new lot, the newly created Highlands project as that comes on line prior to termination?

MELROSE: You'll be able to see it from the Highlands's Phase III. But the restoration of slope and requirements that are part of the permit I think will mitigate the majority of those concerns, certainly leaving it in a safe and stable position.

LUCE: Thanks for taking time to answer my concerns, especially the visual one.

MELROSE: Are there any other questions here?

CHAIRMAN: Any other questions by Commissioners? Commissioner Rice.

RICE: Ken, I was wondering timing wise as far as Site 1 is concerned, as you begin to build in that area. Can you give us a little idea of what we're talking about in terms of when, what you plan to build will start to impact the site?

MELROSE: I think the five-year time frame is a reasonable one. Again, with three increments for the Highlands as approved in our zoning ordinance with 170 lots per increment in the first two, so that really we're talking, if it's a two-year buildout, or an absorbition on each of those, it's five years before this happens.

CHAIRMAN: Any other questions?

MELROSE: Part, part of why we're here is that that was the approved resource site when we came before the Commission for the golf course use permit a year ago. So we're after that continuance here.

CHAIRMAN: Mr. Luce.

LUCE: Ken, shifting to Site 2, talking about that. You have an existing quarry down at Queen K. The background report says 309 acres in size. About how much of that has been disturbed already, that 309?

MELROSE: About two-thirds of it has been disturbed at this point from varying, from going after various projects in the makai quarry.

LUCE: Do you really need Site 2? Because you have piles of gravel, you have boulders, and you have field stone, yeah. Restoring that quarry you would, I assume, take out the gravel, take out the boulders, and I would assume you'd have plenty field stone left on the 100 acres undisturbed below and some boulders. Do you really need this Site 2? Can't you get by without Site 2 and get the product out that you want in the process of the restoration called for?

MELROSE: We believe we need this Site 2 for its products for the five-year requested life to allow us to make the transitions from quarries that have served us through the seventies and eighties and to finding a quarry site that would service in the nineties and beyond. And we've made the commitment with staff to go after finding a consolidated, active quarry site that will replace both of the existing ones at this time.

LUCE: Site 2, the boulders that are referred to, are those boulders that have already been excavated or will you be going in and excavating more boulders?

MELROSE: The intent is to use boulders that have been excavated, both blue rock and surface natural boulders for using and revetting primarily in the Highlands, again. It's, you know, it virtually abuts the Highlands. The Highlands project is right here, you know. It's a immediate vehicular potential access right between the two. So it's an off road situation for us.

LUCE: So no dusty, noisy excavation of boulders upwind from the Highlands and the Jack Hall housing?

MELROSE: The staff was very sensitive to that in our initial request, in what was one of the reasons for the deferral at the last hearing - is that this site, although actively used and important in early days, is now fairly close to existing uses, residential uses. So that as part of that we have requested the deletion of the active quarry crushing, A.C. and asphalt, concrete batch uses, simply to mitigate that concern and to go to the more passive collection of materials that's there.

LUCE: Thank you. Thank you, Mr. Chairman.

CHAIRMAN: Are there any other questions of the applicant? Thank you, Ken.

MELROSE: Thank you.

CHAIRMAN: This is a public hearing. Are there others that wish to testify on this matter?

LUCE: Mr. Chairman, I move we close the public hearing.

SANCHEZ: Second.

CHAIRMAN: Moved and seconded the public hearing be closed. All those in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN: Opposed? Carried.

LUCE: Mr. Chairman, I move we grant this special permit for the reasons and with the conditions, with the amendment. Question for staff. On the amendment that the applicant proposed -.

CHAIRMAN: Are you making a motion or aren't you?

LUCE: I'm making a motion, I'm trying to clarify the wording of the -.

CHAIRMAN: Of the amendment?

LUCE: Amendment, yes.

CHAIRMAN: Okay.

LUCE: The applicant asked for wording that says terminate prior to final subdivision approval of adjacent zoned RA lands which abut the quarry boundaries. Is there an increment, that sounds like that would be just the, only the lots that touch; and I think the applicant intended that that last increment be the trigger in here.

SMITH: Right. That was our understanding, that the proposed third increment -.

LUCE: Third increment.

SMITH: Would be the trigger for the -.

LUCE: Which is the broader area than just those lots that touch the common boundary, huh?

SMITH: Right. That was our intent in this condition.

LUCE: So my motion is going to be per revised wording, prior to final subdivision approval, this Condition 5, of the adjacent RA zoned lands in the third phase of the Waikoloa Highlands project. Is that, that's what the staff's intent was?

SMITH: Right. I am not sure that that particular increment is the third phase of the Waikoloa Highlands project.

LUCE: Okay, then let's go back to the applicant's, which abut the quarry boundaries.

SMITH: Or we could say subdivision approval of adjacent RA zoned lands, subdivision approval of the increment of adjacent RA zoned lands which abut the quarry boundaries.

LUCE: That's my motion, Mr. Chairman.

CHAIRMAN: Is there any second?

SANCHEZ: I second.

CHAIRMAN: Moved and seconded that amendment to Special Permit No. 70-85, as amended, be approved. Any discussion? Roll call.

RICE: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Rice.

RICE: May I just make a quick comment. In this case, because soil mining has been before us before, I think that we're fortunate to have a development that has material available and has shown a responsible attitude towards mining this material; and that it will not affect the agricultural community by taking soil from other areas.

CHAIRMAN: Any other discussion? Roll call.

SMITH: Commissioner Luce.

LUCE: Aye.

SMITH: Commissioner Sanchez?

SANCHEZ: Aye.

SMITH: Commissioner Comer?

COMER: Aye.

SMITH: Commissioner Holt?

HOLT: Aye.

SMITH: Commissioner Ishimaru?

ISHIMARU: Aye.

SMITH: Commissioner Manalili?

MANALILI: Aye.

SMITH: Commissioner Poy?

POY: Aye.

SMITH: Commissioner Rice?

RICE: Aye.

SMITH: Chairman Fujimoto?

CHAIRMAN: Aye.

SMITH: Mr. Chairman, motion carried. Nine aye votes.

The discussion ended at 10:44 a.m.

LAND USE COMMISSION
STATE OF HAWAII
JAN 10 12 38 PM '91

Respectfully submitted,

Sharon M. Nomura

Sharon M. Nomura, Secretary

A T T E S T:

Fred Y. Fujimoto

Fred Y. Fujimoto, Chairman
Planning Commission

Lorraine R. Inouye
~~Bernard K. Akana~~
Mayor

Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

January 2, 1991

JAN 10 12 38 PM '91
LAND USE COMMISSION
STATE OF HAWAII

Mr. Ken Melrose
Director of Planning
Waikoloa Development Co.
P.O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Amendments to Special Permit No. 614 (70-85)
Tax Map Key: 6-8-02:Portions of 16 and 33 (formerly 15 and 16)

The Planning Commission after duly held public hearings on November 8, 1990, and December 20, 1990, voted to approve your requests for amendments to Special Permit No. 70-85, which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on properties situated within the State Land Use Agricultural District at Waikoloa Village, Waikoloa, South Kohala, Hawaii. Please be informed that the Commission's decision and findings have been forwarded to the State Land Use Commission for action in accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes.

Approval of this request is based on the following:

The Land Use Commission found in 1970 that the quarry activity was an unusual and reasonable use of land in the State Land Use Agricultural District and that it was a necessary and integral part of the applicant's overall development. In view of the significant growth experienced within Waikoloa Village since approval of the permit, the continued use of the quarry sites must be evaluated against existing and future developments in the vicinity.

The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in theState for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The quarry sites were approved in 1970 and have been in use since then. Continued use of the sites will not

EXHIBIT A-5

affect the agricultural capacity of the subject property or of surrounding lands.

A five-year time extension will not adversely affect surrounding properties. The applicant states that materials will be needed from Quarry Site 1 for the construction of the Highlands Golf Club and landscaping elements within Waikoloa. Quarry activities at Site 1 involve the removal of topsoil and cinder, much of which will be used for constructing the adjacent Highlands Golf Course. The quarry activity is not anticipated to negatively impact the golf course use. The proposed Residential-Agricultural zoned lands adjacent to the quarry site are scheduled to be developed incrementally as part of a ±400-lot subdivision. If the adjacent RA zoned lots are subdivided prior to expiration of the five-year term of the permit, continued quarry use with the associated impacts of noise, visual, dust, and traffic would not be compatible with the residential-agricultural use. It is, therefore, recommended that the life of the permit be extended for five years or until final subdivision approval for the RA zoned lands adjacent to Site 1, whichever occurs first.

The Village Quarry (Site 2) was established prior to substantial residential development within Waikoloa Village and has been only sporadically quarried. Residential development within the Waikoloa Village has increased significantly in recent years. However, it is determined that removal of stockpiled materials and fieldstones will not significantly impact surrounding properties. The excavated portion of the quarry site from which stockpiled material and boulders would be removed is situated over 500 feet to the south of the State Land Use Urban District boundary. Prevailing winds are to the southwest. Noise and dust from loading activities in this area would not negatively affect surrounding properties. Fieldstone will be collected by hand from the remainder of the site. This activity is not anticipated to generate negative impacts. The five-year time extension would allow the applicant to remove materials needed for current development and to secure alternate quarry sites. Considering the proximity of the Village Quarry to existing residential areas and the church/day care center, the hours and days of operation of Site 2 shall be limited to between 7 am and 6 pm, Monday through Friday. It is also recommended that a condition be included to allow the Planning Commission to revoke the Special Permit should a conflict with neighboring uses arise which cannot be mitigated or mediated. In consideration of the above, it is recommended that a five-year time extension be granted to allow the limited uses requested by the applicant.

Approval of this request is subject to existing conditions of approval being deleted and replaced with the following:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.

2. A map and metes and bounds description of Site 1 shall be filed with the Planning Department within one year from the effective date of this amendment.

3. Activities permitted at Site 2 shall include only the removal of stockpiled materials, boulders and fieldstone and equipment storage and repair. Rock crushing, asphalt and concrete batch operations, and the use of explosives shall not be permitted.

4. The activities at Site 2, including loading and hauling, shall be limited to between the hours of 7:00 am and 6:00 pm, Monday through Friday.

5. Quarrying operations at Site 1 shall be terminated by December 11, 1995, or prior to final subdivision approval of the increment of adjacent RA zoned lands which abut the quarry boundaries, or prior abandonment, whichever occurs first.

6. Activities at Site 2 shall be terminated by December 11, 1995, or prior abandonment, whichever occurs first.

7. Upon termination of the operations or abandonment of any portion of the affected sites, the land shall be graded to blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

8. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

9. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should a conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the quarry use will have an adverse impact on surrounding properties.

10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Fred Y. Fujimoto
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission
State Department of Health

bcc: Plan Approval Section

Lorraine R. Inouye
~~Bernard K. Akana~~
Mayor

Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

January 2, 1991

JAN 4 | 54 PM '91
LAND USE COMMISSION
STATE OF HAWAII

Mr. Ken Melrose
Director of Planning
Waikoloa Development Co.
P.O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Amendments to Special Permit No. 614 (70-85)
Tax Map Key: 6-8-02:Portions of 16 and 33 (formerly 15 and 16)

The Planning Commission after duly held public hearings on November 8, 1990, and December 20, 1990, voted to approve your requests for amendments to Special Permit No. 70-85, which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on properties situated within the State Land Use Agricultural District at Waikoloa Village, Waikoloa, South Kohala, Hawaii. Please be informed that the Commission's decision and findings have been forwarded to the State Land Use Commission for action in accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes.

Approval of this request is based on the following:

The Land Use Commission found in 1970 that the quarry activity was an unusual and reasonable use of land in the State Land Use Agricultural District and that it was a necessary and integral part of the applicant's overall development. In view of the significant growth experienced within Waikoloa Village since approval of the permit, the continued use of the quarry sites must be evaluated against existing and future developments in the vicinity.

The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in theState for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The quarry sites were approved in 1970 and have been in use since then. Continued use of the sites will not

affect the agricultural capacity of the subject property or of surrounding lands.

A five-year time extension will not adversely affect surrounding properties. The applicant states that materials will be needed from Quarry Site 1 for the construction of the Highlands Golf Club and landscaping elements within Waikoloa. Quarry activities at Site 1 involve the removal of topsoil and cinder, much of which will be used for constructing the adjacent Highlands Golf Course. The quarry activity is not anticipated to negatively impact the golf course use. The proposed Residential-Agricultural zoned lands adjacent to the quarry site are scheduled to be developed incrementally as part of a ±400-lot subdivision. If the adjacent RA zoned lots are subdivided prior to expiration of the five-year term of the permit, continued quarry use with the associated impacts of noise, visual, dust, and traffic would not be compatible with the residential-agricultural use. It is, therefore, recommended that the life of the permit be extended for five years or until final subdivision approval for the RA zoned lands adjacent to Site 1, whichever occurs first.

The Village Quarry (Site 2) was established prior to substantial residential development within Waikoloa Village and has been only sporadically quarried. Residential development within the Waikoloa Village has increased significantly in recent years. However, it is determined that removal of stockpiled materials and fieldstones will not significantly impact surrounding properties. The excavated portion of the quarry site from which stockpiled material and boulders would be removed is situated over 500 feet to the south of the State Land Use Urban District boundary. Prevailing winds are to the southwest. Noise and dust from loading activities in this area would not negatively affect surrounding properties. Fieldstone will be collected by hand from the remainder of the site. This activity is not anticipated to generate negative impacts. The five-year time extension would allow the applicant to remove materials needed for current development and to secure alternate quarry sites. Considering the proximity of the Village Quarry to existing residential areas and the church/day care center, the hours and days of operation of Site 2 shall be limited to between 7 am and 6 pm, Monday through Friday. It is also recommended that a condition be included to allow the Planning Commission to revoke the Special Permit should a conflict with neighboring uses arise which cannot be mitigated or mediated. In consideration of the above, it is recommended that a five-year time extension be granted to allow the limited uses requested by the applicant.

Approval of this request is subject to existing conditions of approval being deleted and replaced with the following:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.

2. A map and metes and bounds description of Site 1 shall be filed with the Planning Department within one year from the effective date of this amendment.

3. Activities permitted at Site 2 shall include only the removal of stockpiled materials, boulders and fieldstone and equipment storage and repair. Rock crushing, asphalt and concrete batch operations, and the use of explosives shall not be permitted.

4. The activities at Site 2, including loading and hauling, shall be limited to between the hours of 7:00 am and 6:00 pm, Monday through Friday.

5. Quarrying operations at Site 1 shall be terminated by December 11, 1995, or prior to final subdivision approval of the increment of adjacent RA zoned lands which abut the quarry boundaries, or prior abandonment, whichever occurs first.

6. Activities at Site 2 shall be terminated by December 11, 1995, or prior abandonment, whichever occurs first.

7. Upon termination of the operations or abandonment of any portion of the affected sites, the land shall be graded to blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

8. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

9. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should a conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the quarry use will have an adverse impact on surrounding properties.

10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Fred Y. Fujimoto

Fred Y. Fujimoto
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission
State Department of Health

Larry S. Tanimoto
Mayor
Duane Kanuha
Director
William L. Moore
Deputy Director

Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

November 30, 1990

DEC 3 3 04 PM '90
LAND USE COMMISSION
STATE OF HAWAII

Mr. Ken Melrose
Director of Planning
Waikoloa Development Co.
P.O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Notice of a Continued Public Hearing
Amendments to Special Permit 70-85
Tax Map Key: 6-8-02:Portions of 16 and 33 (formerly 15 and 16)

This is to inform you that your Special Permit application has been scheduled for a continued public hearing by the Planning Commission. Said hearing, among others, will be held beginning at 10:00 a.m. on Thursday, December 20, 1990, in the Kona Hilton Beach & Tennis Resort, 75-5852 Alii Drive, Kailua-Kona, Hawaii. The presence of a representative will be appreciated in order that all questions relative to the request may be clarified. A copy of the hearing notice and agenda are attached for your information.

Should you have any questions, please feel free to contact us at 961-8288.

Sincerely,

Duane Kanuha
Planning Director

Atts.

xc: State Land Use Commission

PUBLIC HEARINGS

PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings, among others, to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Chapter 91, Hawaii Revised Statutes, Section 5-4.3 of the Charter of the County of Hawaii, and the Planning Commission's Rules of Practice and Procedures.

PLACE: Kona Hilton Beach & Tennis Resort, 75-5852 Alii Drive, Kailua-Kona, Hawaii

DATE: Thursday, December 20, 1990

TIME: 10:00 a.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. APPLICANT: WAIKOLOA DEVELOPMENT COMPANY

   LOCATION: Vicinity of Waikoloa Village, Waikoloa, South Kohala.

   TMK: 6-8-02:Portions of 16 and 33 (formerly 15 & 16)

   PURPOSE: Continuation of a hearing on amendments to Special Permit No. 70-85 which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on properties situated within the State Land Use Agricultural District. The requests involve (1) an extension of the life of the

permit for Quarry Sites 1 and 2 from December 11, 1990 to December 11, 1995; (2) a reduction of the size of Quarry Site 1 from 69 acres to 63.6 acres; and (3) reduction in the scope of quarrying activities at Site 2 by deleting rock crushing and asphalt and concrete batch plant operations and allowing only the removal of existing stockpiled materials and equipment storage and repair.

2. APPLICANT: EHO ASSOCIATES, INC.

LOCATION: Along the makai side of the Queen Kaahumanu Highway, adjacent to and Kohala side of the Kona Coast Shopping Center, Kailua-Kona, Keahuolu, North Kona.

TMK: 7-4-15:Portion of 15

PURPOSE: Continuation of a public hearing on a change of zone for 0.874 acre of land from an Open (O) to a Village Commercial - 10,000 square foot (CV-10) zoned district.

3. APPLICANT: DESMOND J. TWIGG-SMITH

LOCATION: Site of the Holualoa Inn located along the makai side of the Mamalahoa Highway in Holualoa Village, approximately 200 feet makai of Paul's General Store in Holualoa 1st and 2nd, North Kona.

TMK: 7-6-8:Portion of 10

PURPOSE: Continuation of a public hearing on a State Land Use Boundary Amendment for 7.647 acres of land from the Agricultural to the Urban District. Also requested is a change of zone for 7.873 acres of land from Agricultural 1-acre (A-1a) and Resort-Hotel - 1,250 square foot (V-1.25) zoned districts to a Village Commercial - 7 acre (CV-7a) zoned district.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and in the Planning Department's West Hawaii Office at 75-5706 Kuakini Highway, Suite 108, in Kailua-Kona, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION
Fred Y. Fujimoto, Chairman

(Hawaii Tribune Herald: December 9, 1990)
(West Hawaii Today: December 9, 1990)

PLANNING COMMISSION
COUNTY OF HAWAII

Meeting on Thursday, December 20, 1990
Kona Hilton Beach & Tennis Resort, 75-5852 Alii Drive,
Kailua-Kona, Hawaii - 10:00 a.m.

UNFINISHED BUSINESS - 10:00 a.m.

1. Action on an application of MAGDALINO & LISA MALAPIT AND THOMAS & ANTOINETTE MURRAY for a change of zone for 3 acres of land from an Agricultural 5-acre (A-5a) to an Agricultural 3-acre (A-3a) zoned district. The area involved is within the Keopuka Coffee Farms Subdivision, approximately 3,200 feet east (mauka) of the Mamalahoa Highway and Sakamoto Appliance Store, Keopuka, South Kona, TMK: 8-1-17:Portion of 1.

2. Continuation of a hearing on a request by WAIKOLOA DEVELOPMENT COMPANY for amendments to Special Permit No. 70-85 which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on properties situated within the State Land Use Agricultural District. The requests involve (1) an extension of the life of the permit for Quarry Sites 1 and 2 from December 11, 1990 to December 11, 1995; (2) a reduction of the size of Quarry Site 1 from 69 acres to 63.6 acres; and (3) reduction in the scope of quarrying activities at Site 2 by deleting rock crushing and asphalt and concrete batch plant operations and allowing only the removal of existing stockpiled materials and equipment storage and repair. The quarry sites are situated in the vicinity of Waikoloa Village, Waikoloa, South Kohala, TMK: 6-8-02:Portions of 16 and 33 (formerly 15 and 16).

3. Continuation of a public hearing on the application of EHO ASSOCIATES, INC. for a change of zone for 0.874 acre of land from an Open (O) to a Village Commercial - 10,000 square foot (CV-10) zoned district. The area involved is located along the makai side of the Queen Kaahumanu Highway, adjacent to and Kohala side of the Kona Coast Shopping Center, Kailua-Kona, Keahuolu, North Kona, TMK: 7-4-15:Portion of 15.

4. Continuation of a public hearing on the application of DESMOND J. TWIGG-SMITH for a State Land Use Boundary Amendment for 7.647 acres of land from the Agricultural to the Urban District. Also requested is a change of zone for 7.873 acres of land from Agricultural 1-acre (A-1a) and Resort-Hotel - 1,250 square foot (V-1.25) zoned districts to a Village Commercial - 7 acre (CV-7a) zoned district. The property is the site of the Holualoa Inn located along the makai side of the Mamalahoa Highway in Holualoa Village, approximately 200 feet makai of Paul's General Store in Holualoa 1st and 2nd, North Kona, TMK: 7-6-8:Portion of 10.

NEW BUSINESS (PUBLIC HEARINGS) - 1:30 p.m.

1. Application of STATE OF HAWAII, DEPARTMENT OF LAND & NATURAL RESOURCES for a time extension to Condition Nos. 2 (submission of subdivision plans) and 4 (complete construction) of Special Management Area (SMA) Use Permit No. 242 which allowed the construction of a concession building and related improvements. The area involved is the Hapuna Beach State Park, Lalamilo, South Kohala, TMK: 6-6-2:35 and Portion 41.

2. Application of COUNTY OF HAWAII DEPARTMENT OF PARKS AND RECREATION for a Special Management Area (SMA) Use Permit for the expansion of the Kailua Park, including the construction of a gymnasium, multi-purpose fields, tennis courts, swimming pool, and related improvements and activities. The area involved is the Kailua Park, Old Kona Airport, Lanihau, North Kona, TMK: 7-5-05:7 (por.) and 83.

3. Application of HUEHUE RANCH AND ASSOCIATES, L.P. for a Special Management Area (SMA) Use Permit to allow construction of the 350-unit Regent Kona Coast Hotel and supporting facilities, and a 43± lot single family residential subdivision and related improvements. The property is located makai of the Queen Kaahumanu Highway at Uluweoweo Bay, Kukio, North Kona, TMK: 7-2-04:Portion 5.

4. Application of KAUPULEHU DEVELOPMENTS/KONA VILLAGE ASSOCIATES for a Special Management Area (SMA) Use Permit to allow the construction of a guardhouse, roadway and related improvements. The roadway would connect to the proposed Kaupulehu interior roadway and would lead to Kona Village Resort. The property involved is located east of the Kaupulehu Developments between Queen Kaahumanu Highway and Kona Village Resort at Kaupulehu, North Kona, TMK: 7-2-03:1.

MINUTES - November 8, 1990

ADMINISTRATIVE MATTERS

ANNOUNCEMENTS

ADJOURNMENT

Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Larry S. Tanimoto
Mayor

CERTIFIED MAIL

November 19, 1990

Mr. Ken Melrose
Director of Planning
Waikoloa Development Co.
P.O. Box 3028
Waikoloa, HI 96743

LAND USE COMMISSION
STATE OF HAWAII
Nov 20 3 12 PM '90

Dear Mr. Melrose:

Amendments to Special Permit 70-85
Tax Map Key: 6-8-02:Portions of 15 and 16

The Planning Commission at its November 8, 1990, meeting voted to continue the public hearing on the above application as recommended by the Planning Department with your concurrence. You will be informed of the continued hearing as soon as the date, time and place have been determined.

Should you have any questions, please contact the Planning Department at 961-8288.

Sincerely,

Fred Y. Fujimoto

Fred Y. Fujimoto
Chairman, Planning Commission

xc: State Land Use Commission

Larry S. Tajiri
Mayor
Duane Kanuha
Director
William L. Moore
Deputy Director

Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

October 25, 1990

Mr. Ken Melrose
Director of Planning
Waikoloa Development Co.
P.O. Box 3028
Waikoloa, HI 96743

LAND USE COMMISSION
STATE OF HAWAII
OCT 26 1 23 PM '90

Dear Mr. Melrose:

Notice of a Public Hearing
Amendments to Special Permit 70-85
Tax Map Key: 6-8-02:Portions of 15 and 16

This is to inform you that your amendments to Special Permit 70-85 have been scheduled for a public hearing by the Planning Commission. Said hearing, among others, will be held beginning at 1:30 p.m. on Thursday, November 8, 1990, in the Keauhou Beach Hotel, Hualalai I Room, 78-6740 Alii Drive, Keauhou, North Kona, Hawaii. The presence of a representative will be appreciated in order that all questions relative to the request may be clarified. A copy of the hearing notice and agenda are attached for your information.

According to the Planning Commission Rule 6 (Special Permits), you are required to notify all owners of property within 300 feet of the perimeter boundary of the affected property of the hearing. The notice, which shall include the date, time, and place of the hearing and the specific request, shall be served at least ten days prior to the hearing date. The Hawaii County Department of Finance, Real Property Tax Division's records shall be used to determine the affected surrounding property owners.

Prior to the date of the hearing, the applicant shall file with the Planning Commission an affidavit or other similar proof of mailing of said notice. Such proof shall include the name of the landowner, tax map key identification, and a copy of the notice sent to the surrounding property owner.

Should you have any questions, please feel free to contact us at 961-8288.

Sincerely,

Duane Kanuha
Planning Director

Atts.

xc: State Land Use Commission

MAPS

SP70-85 WAIKOLOA DEVELOPMENT COMPANY (Hawaii)
(2nd Amendment, Time Extension)

LUC MAPS

WAIKOLOA DEVELOPMENT Co.

AMENDMENTS TO SPECIAL PERMIT No. 70-85

To Mamalahoa Hwy.

Unplanned

SITE 1

OLD BOUNDARY LINE

Unplanned

Unplanned

ables

CV-10

CV-10

RM-1.5

Village Store

CV-10

RM-1.5

RM-1.5

O

CV-10

RM-3

RS-10

RM-3

RM-1.5

RS-10

WAIKOLOA ROAD

SITE 2

To Queen Kaahumanu Hwy.

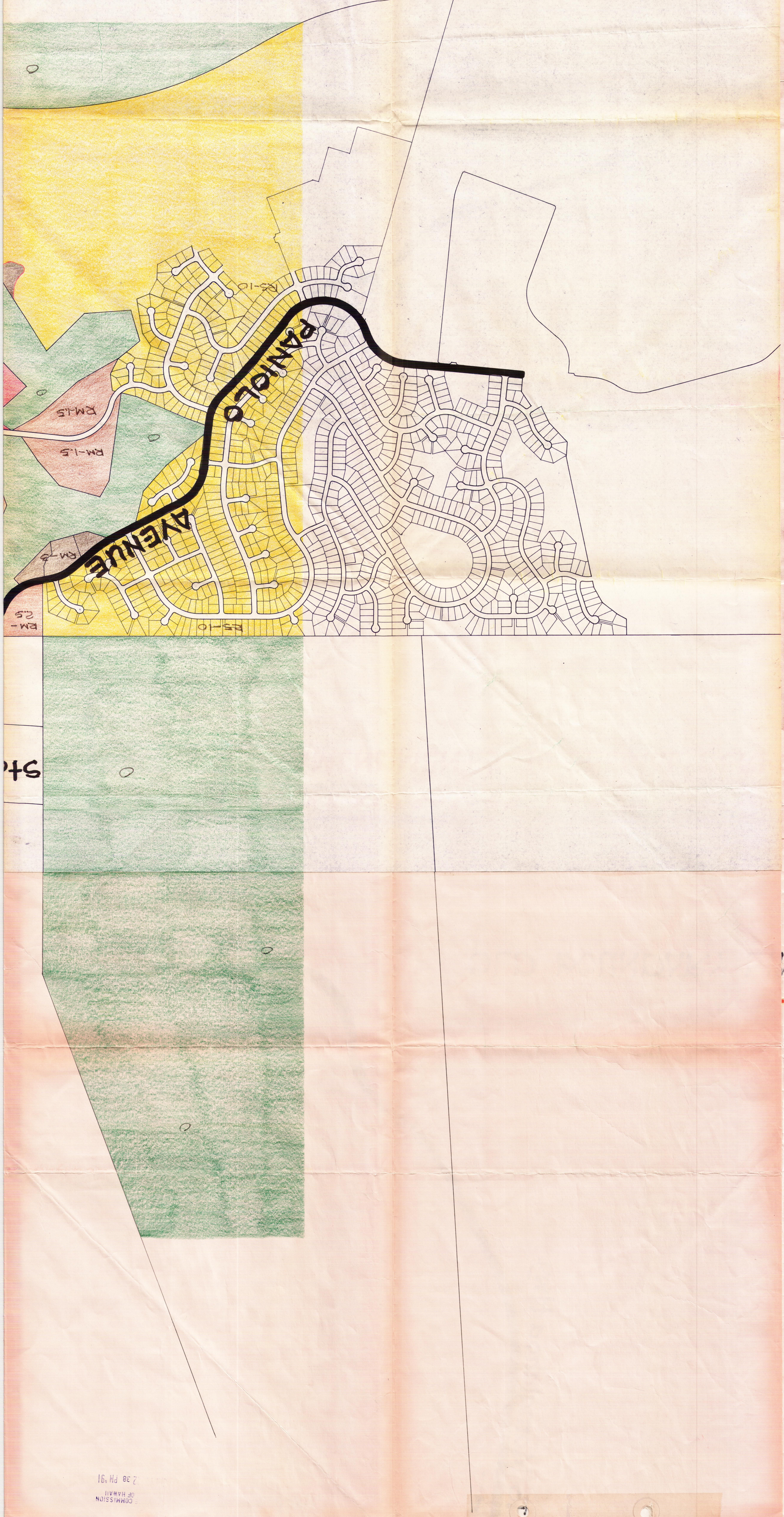
500 0 500 1000 1500

SCALE IN FEET

NORTH

WAIKOLOA VILLAGE

EXHIBIT A-2



COMMISSION
OF HAWAII
2 38 PM '91

6 8 03 3RD DIST.

SOURCE:.....

SOURCE: F. P.'s 1188, 1209, 1217, 1238

BY:.....

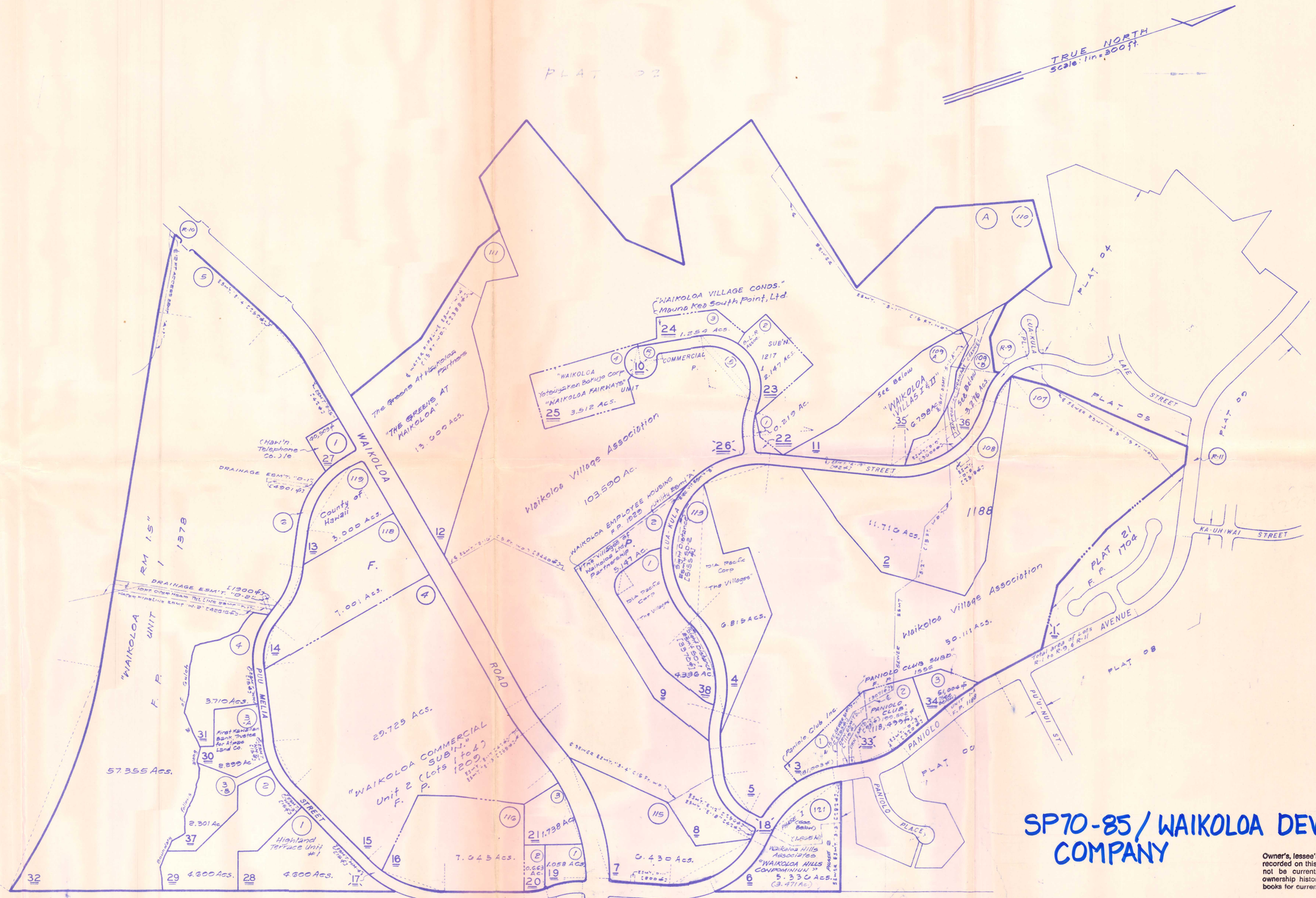
BY: H. N. / R. T., G. S. & L. S.

DATE:.....

DATE: May 19, 1971

DWG. NO.:.....

DWG. NO.: 6083



SP70-85 / WAIKOLOA DEVELOPMENT COMPANY

Owner's, lessee's & vendee's names recorded on this tax map print may not be current. Please refer to ownership history sheets and field books for current owners.

"WAIKOLOA COMMERCIAL SUB'N." UNIT 2, F. P. 1209, UNIT 1, F. P. 1217, UNIT 3, F. P. 1238, POR. "WAIKOLOA VILLAGE," UNIT 1-A, F. P. 1188, WAIKOLOA, S. KOHALA, HAWAII (Formerly por. 6-8-02).

11 Walter L. Pankratz
Wife Jo Anne - TE

6 Beryl Bouchakian

36 First Hawaiian Bank, Trustee Per Trans-Continental Dev. Co.

34 T & E Exchange, Inc.

Dropped Parcels: 10, 17, 18, 33, 1, 35, 26

NOTE: Parcels 2, 4, 7, 12, 14, 15, 16, 19, 20, 21, 22, 27, 29, 30, 31 & 32 incl. owned by First Hawaiian Bank, Trustee for Atpac Land Co. unless otherwise noted.

NOTE: Easements "E-12" to "E-18" incl. are for electrical vault purposes
Easements "D-11" to "D-12" incl. are for storm drain purposes

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE JAN 1 1991

DEPARTMENT OF TAXATION
PROPERTY TECHNICAL OFFICE
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP

THIRD TAXATION DISTRICT

ZONE	SEC.	PLAT
6	8	03

SCALE: 1 IN. = 300 FT.

6 8 01 3RD. DIST.

SOURCE: U.S.G.S. MAP, FILE PLANS, ETC.

DWG. NO. ..... DATE. ..... BY. .....

DWG. NO. 6801 DATE. MARCH 3, 1971 BY. H.M. - R.T.

FEB 3 1973 FEB 15 1973 MAR 1 1973 NOV 11 1974 FEB 9 1977 MAR 1 1977 APR 5 1977 MAY 4 1977 JUL 6 1977 NOV 1 1977 JAN 21 1985 JAN 29 1985

55 Mauna Lani Resorts Inc.

PUAKO BEACH ROAD

PUAKO

To Waimea

(Quarry Site 1100.00 Ac.)

SEC. 2 PLAT 01

PANAA BAY

MAKAIWA BAY

L.C. AW. 1885 to L.C. Aw. 11215 to Hind

HONOKAOPE BAY

WAIULUA INLET

PLAT 02

KAAHUHUPUAA

MAUNA L. P.

PHASE IV 1926 80.564 Ac.

607.616 Ac.

118.339 Ac.

ANAEHOOMALU BAY

ANAEHOOMALU

PLAT 08

SEC. 3 PLAT 08

P. 2018

QUEEN KAAHUMANU HIGHWAY

Access Permitted

Access Permitted to KALEUA

Mauna Lani Resorts, Inc.

888.608 Ac.

47,317 Ac.

Puako Hawaii Properties

"SIGNAL"

Signal Puako Corp.

PUAKO (REVISED) 198.508 Ac.

SUBD. "A" 498.497 Ac.

1010.826 Ac.

Signal Hawaii, Inc.

502.970 Ac.

1919

502.971 Ac.

F. P. 438.608Ac. 798.498Ac.

733.836 Ac.

PARCEL 4 3049.994 Ac.

SUBD. 1659 No. 2

Hawaiian Electric Light Co. Inc. 1.708 Ac.

(Kaiholena, Makaiwa 1) Ie

(Kaiholena, Makaiwa 2) Ie

15.007 Ac. (Kaiholena Land Co., Inc.)

KWAIKOLOA

Kaiholena Land & Cattle Co.

Kaiholena Land & Cattle Co. (1.439 Ac.)

Kaiholena Land & Cattle Co. (1.439 Ac.)

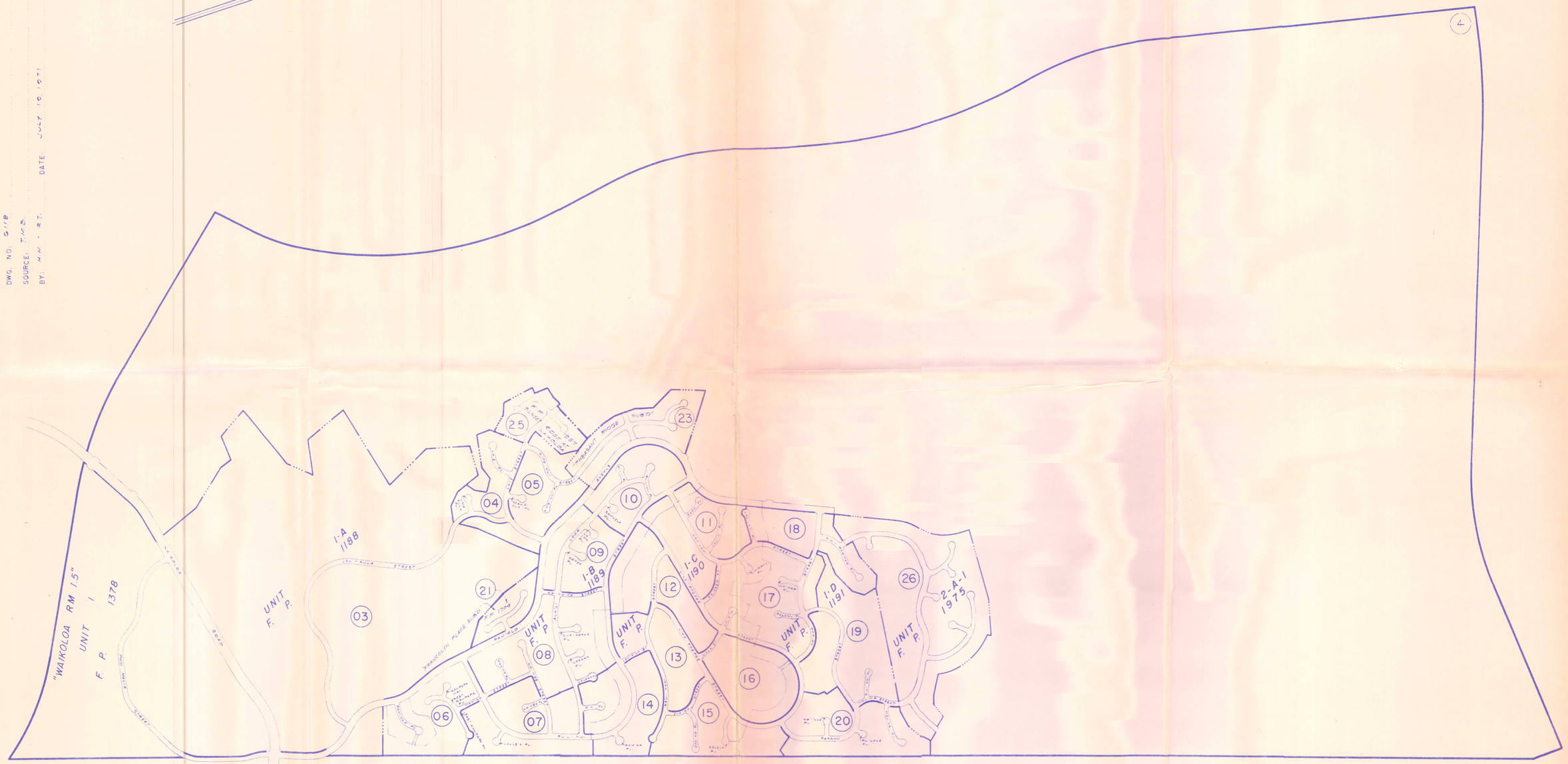
Kaiholena Land & Cattle Co. (1.439 Ac.)

JAN 1 1991

6 8 3RD DIST.

DWG. NO. 5118
SOURCE: T.M.S.
BY: M.M. - R.T. DATE: JULY 19, 1971

TRUE NORTH
SCALE 1 IN. = 600 FT.



"WAIKOLOA VILLAGE"
POR. WAIKOLOA, SOUTH KOHALA, HAWAII

Owner's, lessee's & vendee's names recorded on this tax map print may not be current. Please refer to ownership history sheets and field books for current owners.

SUPPLEMENTARY MAP

SP70-85/WAIKOLOA DEVELOPMENT CO.

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE JAN 1 1991

DEPARTMENT OF TAXATION
PROPERTY TECHNICAL OFFICE
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP

THIRD TAXATION DISTRICT	
ZONE	SEC
6	8

SCALE: 1 IN. = 600 FT.

6 8 3RD. DIST.

SOURCE:

SOURCE: U.S.G.S. MAPS, FILE PLANS, ETC.

DWG. NO.: 1000 DATE: NOVEMBER 18, 1932 BY: Y.K.C

DWG. NO.: DATE: REVISED: MARCH 3, 1971 BY: M.N.W.

SEA

PUAKO

"PUAKO NEW" To Waimea

PUAKO BAY

SEC. 2 PLAT 01

WAIULUA INLET

HONOKAOPE BAY

WAKAIWA BAY

LOT C AREA 1.988 ACRES

KALAHUIPUAA

24

22

ANAEHOOMALU BAY

KALOKO BEACH ESTATES SEC. 2 PLAT 01 LOTS 5 TO 10 INCL. AREA 5.0 ACRES

ANAEHOOMALU

L. C. Aw. 4488

KAIAKU

WAIKOLOA PARCEL A TIEC NO 3 F. P. 1712

HIGHWAY ROAD

(Prof. No. 19 AC-01-113)

QUEEN KAAHUMANU HIGHWAY

To Kailua

KAILUA - KAWAIHAE

SOUTH KOHALA - NORTH KONA DISTRICT BOUNDARY

"WAIKOLOA F. PARCEL 'P. 4 FLOW SUB D" 1435

01

L A L A M I L O

SEC. G

PUU PA

TO WAIMEA VILLAGE

WAIMEA-KOHALA AIRPORT

WAIKOLOA VILLAGE SUBDIVISION MAP 2 (F.P. 1170) LOT 128 UNIT 8B

LOT 129 UNIT 8B

LOT F.P. 1168

LOT F.P.

01

02

W A I K O L O A

PUU HINAI

WAIKOLOA ROAD

DEVELOPMENT

1172

L 8521-B:1

WAIKOLOA P. F.

LOTS SEC. B 1139

RANCH

WAIKOLOA SEC. A F.

P.

MAMALAHOA HIGHWAY

SADDLE ROAD To Hilo

NOHONAOHAE

SEC. 1

TRUE NORTH SCALE 1 IN. = 3000 FT.

TO KONA

POR. WAIKOLOA, SOUTH KOHALA, HAWAII

SP70-85 / WAIKOLOA DEVELOPMENT COMPANY

Owner's, lessee's & vendee's names recorded on this tax map print may not be current. Please refer to ownership history sheets and field books for current owners.

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE JAN 1 1 1991

DEPARTMENT OF TAXATION
PROPERTY TECHNICAL OFFICE
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP

THIRD TAXATION DISTRICT

ZONE	SEC.	PLAT
6	8	—

SCALE: 1 IN. = 3000 FT.

SP70-85 / WAIKOLOA DEVELOPMENT COMPANY

MAP NO. I

LAND USE DISTRICT BOUNDARIES
DISTRICT MAP H-5 | STATE OF HAWAII LAND USE COMMISSION DEPT. OF PLANNING & ECONOMIC DEVELOPMENT EFFECTIVE DATE: DEC 20 1974 | DISTRICTS U = URBAN, R = RURAL, A = AGRICULTURAL, C = CONSERVATION

UNITED STATES DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY

ANAEHOOMALU QUADRANGLE
HAWAII—ISLAND AND COUNTY OF HAWAII
7.5 MINUTE SERIES (TOPOGRAPHIC)
NW/4 PUAKO 15' QUADRANGLE

LAND USE DISTRICT BOUNDARIES
DISTRICT MAP H-15 | STATE OF HAWAII LAND USE COMMISSION DEPT. OF PLANNING & ECONOMIC DEVELOPMENT EFFECTIVE DATE: DEC 20 1974 | DISTRICTS U = URBAN, R = RURAL, A = AGRICULTURAL, C = CONSERVATION

UNITED STATES DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY

PUU HINAI QUADRANGLE
HAWAII—ISLAND AND COUNTY OF HAWAII
7.5 MINUTE SERIES (TOPOGRAPHIC)
NE/4 PUAKO 15' QUADRANGLE

SP71-122 SIGNAL PROPERTIES, INC (ROCK + SAND QUARRY)

A87-617 SIGNAL PUAKO CORP.

A89-637 ATPAC, ET AL.

SP71-117 BOISE CASCADE AKA (TRANSCONTINENTAL DEV. CO.), SITE 3

SP78-300 CAL-GA-CRETE HI., INC.

SP74-172 BOISE CASCADE

SITE 1

SITE 2

HWY.

KAAHUMANU

QUEEN

WAIKOLOA RD.

Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography from aerial photographs by photogrammetric methods
Aerial photographs taken 1954. Field check 1959
Hydrography compiled from USC&GS chart 4140 (1953)
Polyconic projection. Old Hawaiian datum
10,000-foot grid based on Hawaiian coordinate system, zone 1
1000-meter Universal Transverse Mercator grid ticks, zone 5, shown in blue

H-5
* SECOND AMENDMENT

SCALE 1:24000
CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL
DEPTH CURVES IN FEET—DATUM IS MEAN LOWER LOW WATER
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
THE MEAN RANGE OF TIDE IS APPROXIMATELY 1 FOOT

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON 25, D. C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

BOUNDARY AMENDMENTS

DOCKET NO.	DATE
A84-583 MAUNA LANI RESORT, INC.	A&C to U MAR 3, 1986
A89-637 ATPAC, ET AL.	A to U JAN 9, 1990

H-5

ROAD CLASSIFICATION
Trails

ANAEHOOMALU, HAWAII
NW/4 PUAKO 15' QUADRANGLE
N1952.5—W15552.5/7.5
1959

BOUNDARY AMENDMENTS

DOCKET NO.	DATE
A84-574 MAUNA KEA PROPERTIES	A to U MAY 6, 1985
A84-583 MAUNA LANI RESORT, INC.	A&C to U MAR 3, 1986
A87-617 SIGNAL PUAKO CORPORATION	A to U JAN. 17, 1989
A89-637 ATPAC, ET. AL.	A to U JAN 9, 1990

SCALE 1:24000
CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL
DEPTH CURVES IN FEET—DATUM IS MEAN LOWER LOW WATER
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
THE AVERAGE RANGE OF TIDE IS APPROXIMATELY 2 FEET

ROAD CLASSIFICATION
Light-duty ——— Unimproved dirt - - - - - -

PUU HINAI, HAWAII
NE/4 PUAKO 15' QUADRANGLE
N1952.5—W15545/7.5
1956

H-15

* SECOND AMENDMENT

4TH. DIST.

TRUE NORTH
SCALE: 1 in = 400 ft.

KALIHIWAI STREAM

KALIHIWAI BAY

HIGHWAY (18)

(19) 10.907 AC.

27 (por.)

(20)

(21)

(22)

KAUAI BELT ROAD

20 A 17.905 AC.

7.405 Ac.

7559-B 39

27 (por.)

(38) 0.168 AC.

39.704 Ac.

OLD KUHIO HIGHWAY

PLAT 10

PLAT 30

MAP

FILE COPY

Owner's, lessee's & vendee's names recorded on this tax map print may not be current. Please refer to ownership history sheets and title books for current owners.

DEPARTMENT OF TAXATION
PROPERTY TECHNICAL OFFICE
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP
FOURTH TAXATION DISTRICT

ZONE	SEC	PLAT
5	2	17

SCALE 1 IN = 400 FT.

ENT PURPOSES
NGE OCT 2 6 1990

"KEALAKEHE HOUSELOTS"

DWG NO 6737

DATE March 7 1985

F.B. 1821, Survey Office

Scale: 1 in. = 200 ft.

INSET "A"

24

TEL. EASMT. (1.137 AC.±)

R.P. 6130 L.C.A. 10,613 to Kaua'i Belt Road

R.P. 6130 L.C.A. 10,613 to Kaua'i Belt Road

(23)

(10)

TELEPH. EASMT. & UNDERGROUND ELECT. EASMT.

SUB'D.

ESMT.

Leslie K. K. Leong (40) 10,000 ± 133.36

Charles T. Stewart & Wf Lynne T. Tile (39) 10,000 ± 133.36

Curtis S. Hanagami (38) 10,000 ± 133.36

Keith K. Kahiwa & Ruth T. Yamamoto (37) 10,000 ± 133.36

Albert Naimac. (34) 10,000 ± 133.36

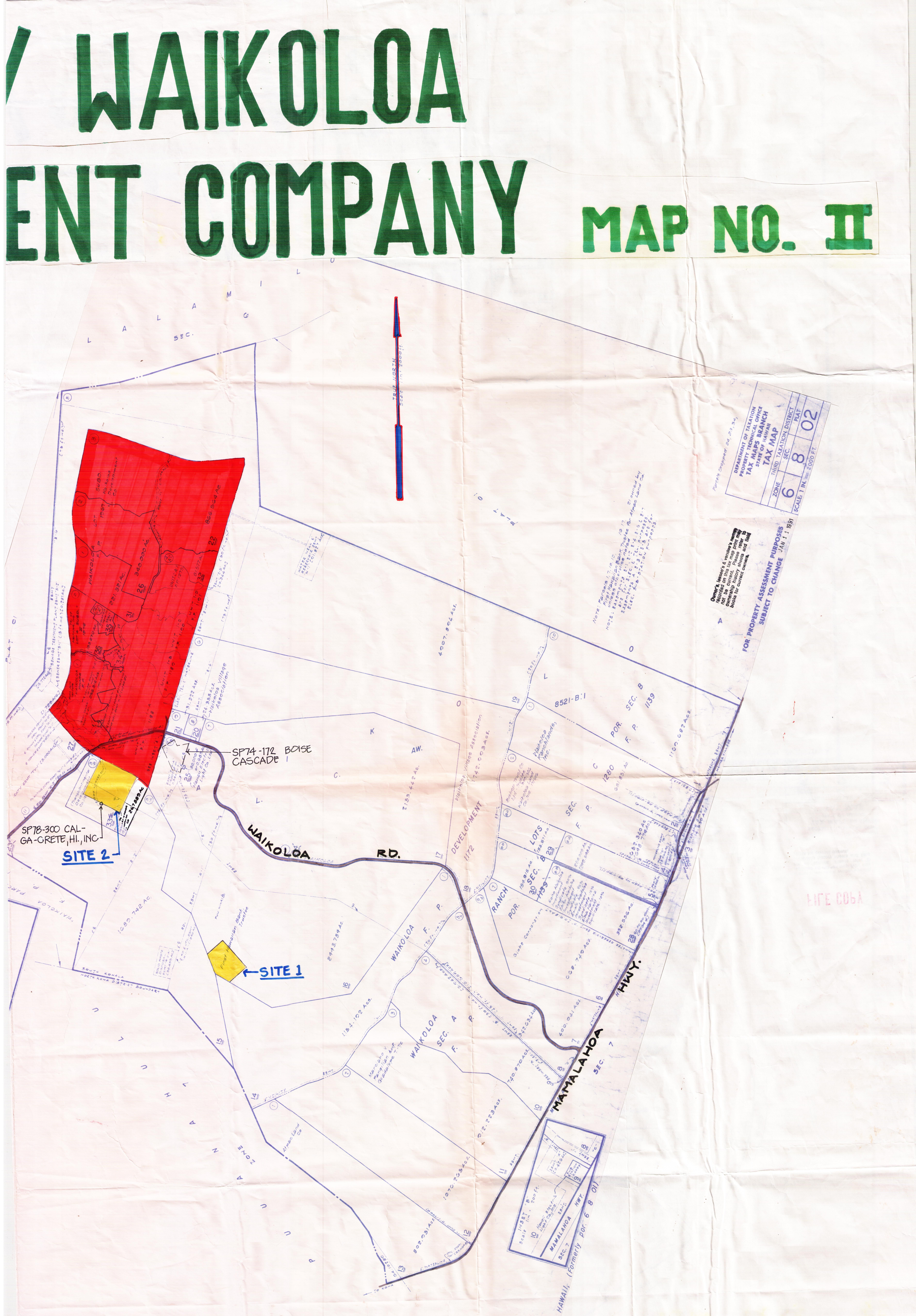
SP70-85

DEVELOPM

MAP NO. II

/ WAIKOLOA
ENT COMPANY

MAP NO. II



SP70-85 / WAIK
DEVELOPMENT CO

WAIKOLOA COMPANY MAP NO. II

* SECOND AMENDM