SP70-85 - WAIKOLOA DEVELOPMENT CO. (4th Amendment)

MEMO
TO : FIL E
FROM: FT / January 12, 2001
SUBJECT: LUC CHECKLIST DATA FOR SPECIAL USE PERMIT

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

DATE FILED: DECEMBER 21, 2000

ORIGINAL TAX MAP KEY FOR SUBJECT PERMIT AREA:
6-8-02: por. 16 & por. 33

CURRENT TAX MAP KEY FOR SUBJECT PERMIT AREA:
6-8-02: por. 16 & por. 33

NOTIFICATION OF CONSERVATION LANDS: NOT APPLICABLE

Executive Officer / Planner ___X___

PROPERTY FEE OWNERSHIP:

WAIKOLOA DEVELOPMENT COMPANY & WAIKOLOA VILLAGE ASSOCIATION

OTHER PERSONS W/ CURRENT PROPERTY INTEREST:

GTE HAWAIIAN TELEPHONE COMPANY, INC., HAWAII ELECTRIC COMPANY, & WAIKOLOA WATER COMPANY, INC. d.b.a. WEST HAWAII WATER COMPANY

EXISTING CLASSIFICATIONS:
AGRICULTURAL

ACREAGE OF PERMIT AREA:

QUARRY SITE 1: approximately 63.648 acres
QUARRY SITE 2: approximately ~~92~~ 89.0 acres

- TOTAL APPROX. ACREAGE 155.648 ACRES 152.648

LOCATION: WAIKOLOA, SOUTH KOHALA, HAWAI`I

HEARING MAPS REVIEW: MAP NO. 1 (PER GIS) & MAP NO. 2 (TMK REFERENCE ONLY PER BS)

___X__Prepare Hearing Maps

RECORDATION:

12/12/96----------

INSTR-DESC: GRANT OF PERPETUAL ESMT TMB:T960035503
INST-NO:96-00175204 INST-DATE: 12/03/96
REC-DATE: 12/12/96

AREA: 2443.73400 ACRE
FROM: WAIKOLOA DEVELOPMENT CO
TO: GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED
GRANTOR GRANT UNTO GRANTEE A NON-EXCLUSIVE PERPETUAL ESMT TO CONSTRUCT, MAINTAIN & OPERATE A POLE, WIRE LINE &/OR UNDERGROUND LINES, CONDUITS, PULLBOXES, GUYS,ANCHORS, GUY WIRES & OTHER APPLIANCES FOR THE TRANSMISSION OF COMMUNICATIONS, OVER, UNDER, ACROSS & THROUGH ESMT E-T-1 U-3 & 9-B, DESC IN EXH A, B & C. TOGETHER WITH RIGHT OF INGRESS & EGRESS.
ESMT "E-T-1" POR LCAW 8521-B:1 31.799 AC DES
ESMT 9B POR LCAW 8521-B:1 3.96 AC DES
ESMT U-3 50 FT WIDE TELEPHONE
TMB NOTE: ESMT "U-3" NOT SHOWN; NO DES
F/D: SUBJ TO UTILITY ESMTS "E-T-1", "9-B" & "U-3" IN FAVOR OF GTE HAWN TEL CO INC

OWNERSHIP: NAME	F	TC	%-OWNER	TITLE-DESC
*WAIKOLOA DEVELOPMENT CO	F	0011		

FOR ASSESSMENT YEAR 2001
-PITT: 500 AREA: 2443.73400 A VALUE: 828800 EXEMPT:

FOR ASSESSMENT YEAR 2000
-PITT: 500 AREA: 2443.73400 A VALUE: 816900 EXEMPT:

FOR ASSESSMENT YEAR 1999
-PITT: 500 AREA: 2443.73400 A VALUE: 827100 EXEMPT:

FOR ASSESSMENT YEAR 1998
-PITT: 500 AREA: 2443.73400 A VALUE: 825400 EXEMPT:

FOR ASSESSMENT YEAR 1997
-PITT: 500 AREA: 2443.73400 A VALUE: 825400 EXEMPT:

MAILING ADDRESS: WAIKOLOA DEVELOPMENT CO
150 WAIKOLOA BEACH DRIVE
KAMUELA, HI 96743

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 29 A 10:00

08/15/91----------

INSTR-DESC: GRANT OF EASEMENT TMB:T910062925
INST-NO:91-00111121 INST-DATE: 06/20/91
REC-DATE: 08/15/91

AREA: 2443.73400 ACRE
FROM: WAIKOLOA DEVELOPMENT CO
TO: HAWAII ELECTRIC LIGHT CO INC & GTE HAWAIIAN TELEPHONE CO INC
GRANTOR DOES HEREBY GRANT AND CONVEY UNTO THE GRANTEES A NONEXCLUSIVE PERPETUAL RIGHT AND EASEMENT NECESSARY FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY FOR LIGHT AND POWER AND/OR COMMUNICATIONS AND CONTROL CIRCUITS, OVER, UNDER, UPON, ACROSS AND THROUGH EASEMENT T-3 AFFECTING LOT 2-B POR LOT 2 WAIKOLOA DEVELOPMENT FP 1172
EASEMENT T-3 TELEPHONE AND ELECTRICAL PURPOSES POR LOT 2-B POR RP 5671 LCAW 8521-B:1 817 SF DES

F/D: SUBJ/TELEPHONE & ELEC ESMT "T-3" (817 SF) IN FAVOR OF GTE HAWN TEL CO INC & HELCO

OWNERSHIP: NAME	F	TC	%-OWNER	TITLE-DESC
0011 *WAIKOLOA DEVELOPMENT CO				

FOR ASSESSMENT YEAR 1996
-PITT: 500 AREA: 2443.73400 A VALUE: 825400 EXEMPT:

FOR ASSESSMENT YEAR 1995
-PITT: 500 AREA: 2443.73400 A VALUE: 825400 EXEMPT:

FOR ASSESSMENT YEAR 1994
-PITT: 500 AREA: 2443.73400 A VALUE: 825400 EXEMPT:

FOR ASSESSMENT YEAR 1993
-PITT: 500 AREA: 2443.73400 A VALUE: 1505300 EXEMPT:

FOR ASSESSMENT YEAR 1992
-PITT: 500 AREA: 2443.73400 A VALUE: 1134100 EXEMPT:

MAILING ADDRESS: WAIKOLOA DEVELOPMENT CO
150 WAIKOLOA BEACH DRIVE
KAMUELA, HI 96743

04/30/91----------

INSTR-DESC: LUC R/S: SP 70-85 TMB:R910000271
INST-DATE: 04/12/91
REC-DATE:

AREA: 2443.73400 ACRE
OTHER-TMKS: 3 6 8 002 016 0000 ETC.

FROM: STATE LAND USE COMMISSION TO: WAIKOLOA DEV CO.
SPECIAL PERMIT: SP 70-85
APPROVED: 3/6/91
PURPOSE: SECOND AMD ALLOWING TWO NEW QUARRY SITES WITHIN AG ZONED LAND (63.2 AC) PUU HINAI QUARRY SITE 1

OWNERSHIP: NAME	F	TC	%-OWNER	TITLE-DESC
0011 *WAIKOLOA DEVELOPMENT CO				

MAILING ADDRESS: WAIKOLOA DEVELOPMENT CO
P O BOX 3028 WAIKOLOA
KAMUELA, HI 96738

04/26/89----------

INSTR-DESC: DEED TMB:T890019866
LIBER/PAGE: 23110/ 119 INST-NO:89-00058236 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
0011 *WAIKOLOA DEVELOPMENT CO				

FOR ASSESSMENT YEAR 1991
-PITT: 500 AREA: 2443.73400 A VALUE: 1134100 EXEMPT:

FOR ASSESSMENT YEAR 1990
-PITT: 500 AREA: 2443.73400 A VALUE: 29300 EXEMPT:

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

04/26/89----------
INSTR-DESC: DEED TMB:T890019705
LIBER/PAGE: 23110/ 56 INST-NO:89-00058235 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.
FROM: ATPAC LAND CO. LIMITED PARTNERSHIP
TO: CAPTA L. P., A HAWAII LIMITED PARTNERSHIP
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:89-00058233 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-B: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:89-00058229 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
F 0011 *PACTEX L P

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

04/26/89----------

INSTR-DESC: DEED TMB:T890019399
LIBER/PAGE: 23109/ 477 INST-NO:89-00058228 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
F 0011 *PACTEX L P 40.00
F 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:89-00058227 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
F 0011 *PACTEX L P 1.00
F 0021 BOEDDEKER,RONALD F 39.00
F 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
LIBER/PAGE: 23099/ 213 INST-NO:89-00056683 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. 5671 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

04/24/89----------
INSTR-DESC: DEED TMB:T890017349
LIBER/PAGE: 23099/ 109 INST-NO:89-00056682 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----------

03/05/98----------

INSTR-DESC: GRANT OF EASEMENT TMB:T980012160
INST-NO:98-00028932 INST-DATE: 01/26/98
REC-DATE: 03/05/98

AREA: 267.88900 ACRE
OTHER-TMKS: 3 6 8 002 018 0000 ETC.

FROM: WAIKOLOA VILLAGE ASSOCIATION
TO: WAIKOLOA RESORT UTILITIES INC DBA WEST HAWAII UTILITY COMPANY
GRANTOR GRANT UNTO GRANTEE A RIGHT IN THE NATURE OF A NONEXCLUSIVE PERPETUAL ESMT FOR THE CONSTRUCTION, MAINTENANCE & REMOVAL OF WATER TANKS, ELECTRICAL, WATER & TELEPHONE LINES, PIPELINES & APPURTENANCES, OVER, UNDER, ACROSS & THROUGH PREMISES DESC IN EXH A, REFERRED TO AS "ESMT AREA". TOGETHER WITH RIGHT OF INGRESS & EGRESS.
ESMT W-2A WATER POR LCAW 8521-B:1 1.661 AC DES
POR ESMT U-3 UTILITY 3.304 AC DES
F/D: SUBJ TO WATER ESMT W-2A & UTILITY ESMT U-3 IN FAVOR OF WEST HAWAII UTILITY COMPANY

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

FOR ASSESSMENT YEAR 2001
-PITT: 500 AREA: 267.88900 A VALUE: 1005300 EXEMPT:
-BLDG: 0001 CODE: 000 YB: VALUE: 96500 EXEMPT:
BLDG TOTALS--> VALUE: 96500 EXEMPT:

FOR ASSESSMENT YEAR 2000
-PITT: 500 AREA: 267.88900 A VALUE: 1005300 EXEMPT:
-BLDG: 0001 CODE: 000 YB: VALUE: 96500 EXEMPT:
BLDG TOTALS--> VALUE: 96500 EXEMPT:

FOR ASSESSMENT YEAR 1999
-PITT: 500 AREA: 267.88900 A VALUE: 1005300 EXEMPT: 10053
-BLDG: 0001 CODE: 000 YB: VALUE: 96500 EXEMPT: 96500
BLDG TOTALS--> VALUE: 96500 EXEMPT: 96500

MAILING ADDRESS: WAIKOLOA DEVELOPMENT CO
150 WAIKOLOA BEACH DRIVE
KAMUELA, HI 96743

MAILING ADDRESS: WAIKOLOA DEVELOPMENT CO.
C/O GTE SERVICE CORPORATION
PO BOX 152206 MC:HQCO2G08
IRVING TX 75015-2206

03/05/98----------

INSTR-DESC: GRANT OF EASEMENT TMB:T980010039
INST-NO:98-00028931 INST-DATE: 01/26/98
REC-DATE: 03/05/98

AREA: 267.88900 ACRE
FROM: WAIKOLOA VILLAGE ASSOCIATION, A HI NONPROFIT CORP
TO: WAIKOLOA WATER CO INC, A HI CORPORATION DOING BUSINESS AS WEST HAWAII WATER COMPANY
GRANTOR HEREBY GRANTS UNTO GRANTEE A NON-EXCL PERPETUAL ESMT FOR

CONSTRUCTION, INSTALLATION, REINSTALLATION, MAINTENANCE, REPAIR & REMOVAL OF ELECTRICAL, WATER & TELEPHONE LINES, PIPELINES ETC OVER, UNDER, UPON, ACROSS & THROUGH POR ESMT U-3 3.304 AC LOT 3B
SUBJ/ESMT FOR UTILITY PURP IN FAVOR OF WAIKOLOA WATER CO INC DBA WEST HAWAII WATER CO
TMB NOTE: ESMT SHOWN; DES

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

MAILING ADDRESS: WAIKOLOA DEVELOPMENT CO
150 WAIKOLOA BEACH DRIVE
KAMUELA, HI 96743

08/14/95----------

INSTR-DESC: GRANT OF ESMT TMB:T950038109
INST-NO:95-00104831 INST-DATE: 08/09/95
REC-DATE: 08/14/95

AREA: 267.88900 ACRE
FROM: WAIKOLOA VILLAGE ASSOCAITION
TO: WAIKOLOA SANITARY SEWER CO INC
GRANTOR GRANT UNTO GRANTEE AN EXCLUSIVE ESMT OVER, UNDER, ACROSS & THROUGH ESMT AREA, TO CONSTRUCT, MAINTAIN & OPERATE ITS UTILITY BASEYARD & IMPROVEMENTS IN EXH B. TOGEHTER WITH RIGHT OF INGRESS & EGRESS.
F/D: SUBJ TO UTILITY BASEYARD ESMT {3.00 AC} IN FAVOR OF WAIKOLOA SANITARY SEWER CO INC

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

FOR ASSESSMENT YEAR 1998						
-PITT: 500	AREA:	267.88900 A	VALUE:	1005300	EXEMPT:	10053
-BLDG: 0001	CODE: 000	YB:	VALUE:	96500	EXEMPT:	96500
	BLDG TOTALS-->		VALUE:	96500	EXEMPT:	96500
FOR ASSESSMENT YEAR 1997						
-PITT: 500	AREA:	267.88900 A	VALUE:	1005300	EXEMPT:	10053
-BLDG: 0001	CODE: 000	YB:	VALUE:	96500	EXEMPT:	96500
	BLDG TOTALS-->		VALUE:	96500	EXEMPT:	96500
FOR ASSESSMENT YEAR 1996						
-PITT: 500	AREA:	267.88900 A	VALUE:	1005300	EXEMPT:	10053
-BLDG: 0001	CODE: 000	YB:	VALUE:	96500	EXEMPT:	96500
	BLDG TOTALS-->		VALUE:	96500	EXEMPT:	96500

MAILING ADDRESS: WAIKOLOA DEVELOPMENT CO
150 WAIKOLOA BEACH DRIVE
KAMUELA, HI 96743

08/14/95----------

INSTR-DESC: AMD TO LEASE TMB:T950038107
INST-NO:95-00104830 INST-DATE: 08/09/95
REC-DATE: 08/14/95

AREA: 267.88900 ACRE

WAIKOLOA VILLAGE ASSOCIATION "LANDLORD"
WAIKOLOA DEVELOPMENT CO "TENANT"
LANDLORD & TENANT AGREE THAT LEASE IN LIBER 21500 P 442 IS HEREBY AMD BY WITHDRAWING APPROX. 3.00 AC, CURRENTLY IMPROVED WITH A UTILITY BASYARD, SHOWN ON EXH B. ALSO APPROX 1 AC, DESIGNATED AS A RECYCLING CENTER FOR THE WAIKOLOA VILLAGE, SHOWN ON EXH C.
TENANT HAS EXERCISED THE 1ST OF TWO 5 YR OPTIONS TO EXTEND THE TERM OF LEASE.
F/D: KEYED ONLY-TERMS

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

MAILING ADDRESS: WAIKOLOA DEVELOPMENT CO
150 WAIKOLOA BEACH DRIVE
KAMUELA, HI 96743

03/06/95----------

INSTR-DESC: GRANT OF EASEMENT TMB:T950006589
INST-NO:95-00030258 INST-DATE: 12/19/94
REC-DATE: 03/06/95
AREA: 267.88900 ACRE
FROM: WAIKOLOA VILLAGE ASSOCIATION, A HI NON-PROFIT CORP
TO: HI ELECTRIC LIGHT CO INC & GTE HAWN TELEPHONE CO INC, HI CORPS
GRANTOR DOES HEREBY GRANT & CONVEY UNTO GRANTEES A PERPETUAL RIGHT & ESMT TO CONSTRUCT, RECONSTRUCT, REPAIR, MAINTAIN & OPERATE POLE & WIRE LINES FOR THE TRANSMISSION & DISTRIBUTION OF ELECTRICTY FOR LIGHT & POWER AND/OR COMMUNICATIONS & CONTROL CIRCUITS OVER, UNDER, UPON, ACROSS & THROUGH LOT 3-B POR RP 5671 LCAW 8821-B:1 FP 1172
SUBJ TO 10 FT WIDE POLELINE ESMT IN FAVOR OF HELCO & GTE HAWN TEL CO INC
TMB NOTE: ESMT NOT SHOWN; NO DES

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

MAILING ADDRESS: WAIKOLOA DEVELOPMENT CO
150 WAIKOLOA BEACH DRIVE
KAMUELA, HI 96743

08/15/91----------

INSTR-DESC: GRANT OF PERPETUAL EASEMENT TMB:T910062810
INST-NO:91-00111142 INST-DATE: 08/06/91
REC-DATE: 08/15/91
AREA: 267.88900 ACRE
FROM: WAIKOLOA VILLAGE ASSOCIATION
TO: GTE HAWAIIAN TELEPHONE CO INC & HAWAII ELECTRIC LIGHT CO INC
GRANTOR DOES HEREBY GRANT AND CONVEY UNTO THE GRANTEE A PERPETUAL RIGHT AND EASEMENT NECESSARY FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY FOR LIGHT AND POWER AND/OR COMMUNICATIONS AND CONTROL CIRCUITS, OVER, UNDER, UPON, ACROSS AND THROUGH LOT 3-B OF THE WAIKOLOA DEVELOPMENT FP 1172
EASEMENT U-3 TELEPHONE AND ELECTRICAL PURPOSES POR LOT 3-B WAIKOLOA DEVELOPMENT POR RP 5671 LCAW 8521-B:1 6.338 AC DES
F/D: SUBJ/(75 FT WD) TELEPHONE & ELEC ESMT "U-3" IN FAVOR OF GTE

HAWN TEL & HELCO

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

FOR ASSESSMENT YEAR 1995

-PITT: 500	AREA:	267.88900 A	VALUE:	1005300	EXEMPT:	10053
-BLDG: 0001	CODE: 000	YB:	VALUE:	96500	EXEMPT:	96500
	BLDG TOTALS-->		VALUE:	96500	EXEMPT:	96500

FOR ASSESSMENT YEAR 1994

-PITT: 500	AREA:	267.88900 A	VALUE:	1182500	EXEMPT:	11825
-BLDG: 0001	CODE: 000	YB:	VALUE:	96500	EXEMPT:	96500
	BLDG TOTALS-->		VALUE:	96500	EXEMPT:	96500

FOR ASSESSMENT YEAR 1993

-PITT: 500	AREA:	267.88900 A	VALUE:	1185700	EXEMPT:	11857
-BLDG: 0001	CODE: 000	YB:	VALUE:	96500	EXEMPT:	96500
	BLDG TOTALS-->		VALUE:	96500	EXEMPT:	96500

FOR ASSESSMENT YEAR 1992

-PITT: 500	AREA:	267.88900 A	VALUE:	868300	EXEMPT:	8683
-BLDG: 0001	CODE: 000	YB: 1979	VALUE:	96500	EXEMPT:	48600
	BLDG TOTALS-->		VALUE:	96500	EXEMPT:	48600

MAILING ADDRESS: WAIKOLOA DEVELOPMENT CO
150 WAIKOLOA BEACH DRIVE
KAMUELA, HI 96743

04/30/91----------

INSTR-DESC: LUC R/S: SP 70-85 TMB:R910000271
INST-DATE: 04/12/91
REC-DATE:

AREA: 267.88900 ACRE
OTHER-TMKS: 3 6 8 002 016 0000 ETC.
FROM: STATE LAND USE COMMISSION TO: WAIKOLOA DEV CO.
SPECIAL PERMIT: SP 70-85
APPROVED: 3/6/91
PURPOSE: SECOND AMD ALLOWING TWO NEW QUARRY SITES WITHIN AG ZONED LAND (97.8 AC) VILLAGE QUARRY SITE 2

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

MAILING ADDRESS: WAIKOLOA DEVELOPMENT CO
P O BOX 3028 WAIKOLOA
KAMUELA, HI 96738

05/09/89----------

INSTR-DESC: ASSIGN OF LEASE TMB:T890028133
LIBER/PAGE: 23156/ 650 INST-NO:89-00065213 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 1991

-PITT: 500 AREA: 267.88900 A	VALUE:	868300	EXEMPT:	
-BLDG: 0001 CODE: 000 YB:	VALUE:	96500	EXEMPT:	
BLDG TOTALS-->	VALUE:	96500	EXEMPT:	

FOR ASSESSMENT YEAR 1990

-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

05/09/89----------

INSTR-DESC: ASSIGN OF LEASE TMB:T890028130
LIBER/PAGE: 23156/ 640 INST-NO:89-00065212 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:89-00034641 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:88-00001000 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: $15.15
FROM: WAIKOLOA VILLAGE ASSOCIATION
TO: TRANSCONTINENTAL DEVELOPMENT CO.
LOT 3-B POR LOT 3 WAIKOLOA DEVELOPMENT (FP 1172) POR RP 5671 LCAW 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 1989
-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:88-00000999 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 POR 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----------

SPECIAL PERMIT RECEIVED: December 21, 2000 DOCKET NO./PETITIONER: SP70-85 / WAIKOLOA DEVELOPMENT COMPANY (HAWAII) (4th Amendment)	ATTORNEY FOR PETITIONER Robert D. Triantos, Esq. Carlsmith Ball P. O. Box 1720 Kailua-Kona, Hawaii 96745-1720 Telephone: 329-6464 Fax: (808) 329-9450
COUNTY Christopher Yuen, Director Hawaii County Planning Department 25 Aupuni Street, Room 109 Hilo, Hawaii 96720	ATTORNEY FOR COUNTY **Lincoln Ashida, Esq.** ~~Ted Hong, Esq.~~ Corporation Counsel County of Hawaii 101 Aupuni Street, Suite 325 Hilo, Hawaii 96720-4252
PUBLIC WITNESS	

DATE		Initial
1/9/01	**Agenda (1/19/01) sent to C. Yuen, L. Ashida, Esq., R. Triantos, Esq., and all persons & organizations on the mailing lists: Statewide-11/9/00 & Hawaii-11/9/00.**	**jt**
2/21/01	Served Order Granting Request to Amend Condition No. 4 to D.Blane, C.Yuen, L.Ashida,Esq., & A.Ng,Esq.	th

Russell-approved

WAIKOLOA

LAND USE COMMISSION
STATE OF HAWAII

2004 JAN 21 A 9:25

SAS-3220

January 19, 2004

Land Use Commission
Department of Business, Economic
Development & Tourism
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

Mr. Christopher J. Yuen
Planning Department
Aupuni Center
101 Pauahi Street
Suite 3
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 5 of the Order Granting Request to Amend Special Permit, effective February 21, 2001, in the above-referenced docket, please let this letter serve as the annual report to the State Land Use Commission and the Hawai'i County Planning Department.

General:

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. The Village Quarry (Site 2), was renaturalization in 2001, Both quarries are located within the State Land Use Agricultural district.

General Project Progress:

Compliance with conditions of approval is an ongoing process. Waikoloa Development Company continues to assess permit compliance and monitoring programs.

Public Complaints or Problems

To our knowledge, there were no public complaints or problems associated with the quarry in the past year.

Amount of Material Quarried

Approximately 39,890 tons of cinder was quarried from January 03, 2003 through December 31, 2003.

Conditions and Compliance:

- " 1. The Applicant, 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 throughout the term of this Special Permit.

- " 2. Quarrying operations at Site 1 (Pu'u Hinai Quarry) shall be terminated by December 11, 2005, 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."

Compliance. A subdivision application for the final increment of adjacent RA-zoned lands has not been initiated at this time.

- " 3. Upon termination of operations or abandonment of any portion of Site 1 (Pu'u Hinai Quarry) and Site 2 (Village Quarry), 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 Hawai'i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date."

Compliance. For Site 1 (Pu'u Hinai Quarry) this condition will be complied with. As previously reported, at Site 2 (Village Quarry), the lands were graded to blend with the surrounding areas and re-vegetated. Removal of stockpiled material and renaturalization was completed. A Quarry Restoration report dated May 8, 2001 was filed with the Hawai'i County Planning Director and the Land Use Commission.

- " 4. 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.

- " 5. An annual monitoring report shall be submitted to the Hawai'i 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 Hawai'i Planning Commission that the quarry use will have an adverse impact on surrounding properties."

Compliance. Approximately 39,890 tons of cinder was removed from Site 1 (Pu'u Hinai Quarry) during the past year. To the best of our knowledge, no public complaints have been received and there have been no problems encountered at this site.

This letter serves as the eighth annual report in compliance with Condition No. 5 of the Order Granting Request to Amend Special Permit issued effective February 21, 2001. Previous annual reports were submitted in compliance with Condition No. 8 of the Order in this docket issued effective January 24, 1996.

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

Compliance. Conditions have been, and will continue to be, met in a timely fashion.

Your acceptance of this report is appreciated.

Respectfully submitted,

Thos Rohr
President

c: Land Use Commission (2 copies)
Planning Dept. - West Hawaii Office

BENJAMIN J. CAYETANO
GOVERNOR

ANTHONY J.H. CHING
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 30, 2002

Mr. Thos Rohr, President
Waikoloa
150 Waikoloa Beach Drive
Waikoloa, Hawaii 96738

3 SP Hawaii 2 11182

Dear Mr. Rohr:

Subject: Filing of the 2001 Annual Report for LUC Docket No. SP70-85/Waikoloa Development Company, TMK No: 6-8-02: 16p and 33P

This is to acknowledge receipt of the 2001 annual report for the subject docket dated January 18, 2002.

Upon completion of our review of the annual report we will submit our comments to you, if necessary.

Please note that we have requested the County of Hawaii, Department of Planning to review and comment on the annual report. Any comments that they may have will be provided to you.

Thank you for your cooperation in this annual reporting requirement. Please feel free to contact Russell Kumabe of my staff at (808) 587-3822, should you require clarification or any further assistance.

Sincerely,

ANTHONY J. H. CHING
Executive Officer

BENJAMIN J. CAYETANO
GOVERNOR

ANTHONY J.H. CHING
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 30, 2002

Mr. Christopher Yuen, Director
Department of Planning
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Yuen:

Subject: Filing of the 2001 Annual Report for LUC Docket No. SP70-85/Waikoloa Development Company, TMK No: 6-8-02: 16p and 33P

On January 18, 2002, the Land Use Commission received the 2001 annual report from the Petitioner filed pursuant to Condition No. 8 of the Findings of Fact, Conclusions of Law, and Decision and Order issued on January 24, 1996 (amended) for the above-referenced docket. As required by said conditions, we understand that the County of Hawaii, Department of Planning has been served with a copy of the annual report.

We request your assistance in reviewing the 2001 annual report and provide us with any comments you may have regarding the Petitioner's compliance with conditions.

We request that any comments that your agency may have be submitted to our office with a copy to the Petitioner by February 15, 2002.

Please feel free to contact Russell Kumabe of my staff at (808) 587-3822, should you require clarification or any further assistance.

Sincerely,

Anthony J. H. Ching

ANTHONY J. H. CHING
Executive Officer

WAIKOLOA

January 16, 2002

LAND USE COMMISSION
STATE OF HAWAII
2002 JAN 18 A 10:59

Land Use Commission
Department of Business, Economic
Development & Tourism
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

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 5 of the Order Granting Request to Amend Special Permit, effective February 21, 2001, in the above-referenced docket, please let this letter serve as the annual report to the State Land Use Commission and the Hawai'i County Planning Department.

General:

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 was located on approximately 89 acres of land, both in the State Land Use Agricultural district.

On February 21, 2001, the State Land Use Commission approved Waikoloa Development Co.'s request to extend the life of Site 1 (Pu'u Hinai Quarry) for a five-year extension, to December 11, 2005.

150 Waikoloa Beach Drive • Waikoloa, Hawaii 96738 • Phone (808) 886-1000 • Fax (808) 886-8896

As lessee of Site 2 (Village Quarry), activities were terminated on December 11, 2000. The lands were graded to blend with the surrounding areas and re-vegetated. Removal of stockpiled material and renaturalization was completed. A Quarry Restoration report dated May 8, 2001 was filed with the Hawai'i County Planning Director and the State Land Use Commission.

No product was removed from Site 1 (Pu'u Hinai Quarry) during the past year. To the best of our knowledge, no public complaints have been received and there have been no problems encountered at this site.

Conditions and Compliance:

- " 1. The Applicant, 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 throughout the term of this Special Permit.

- " 2. Quarrying operations at Site 1 (Pu'u Hinai Quarry) shall be terminated by December 11, 2005, 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."

Compliance. A subdivision application for the final increment of adjacent RA-zoned lands has not been initiated at this time.

- " 3. Upon termination of operations or abandonment of any portion of Site 1 (Pu'u Hinai Quarry) and Site 2 (Village Quarry), 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 Hawai'i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date."

Compliance. For Site 1 (Pu'u Hinai Quarry) this condition will be complied with. At Site 2 (Village Quarry), the lands were graded to blend with the surrounding areas and re-vegetated. Removal of stockpiled material and renaturalization was completed. A Quarry Restoration report dated May 8, 2001 was filed with the Hawai'i County Planning Director and the Land Use Commission.

• " 4. 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.

• " 5. An annual monitoring report shall be submitted to the Hawai'i 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 Hawai'i Planning Commission that the quarry use will have an adverse impact on surrounding properties."

Compliance. This letter serves as the sixth annual report in compliance with Condition No. 5 of the Order Granting Request to Amend Special Permit issued effective February 21, 2001. Previous annual reports were submitted in compliance with Condition No. 8 of the Order in this docket issued effective January 24, 1996.

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

Compliance. Conditions have been, and will continue to be, met in a timely fashion.

Your acceptance of this report is appreciated.

Respectfully submitted,

Thos Rohr
President

c: Land Use Commission (2 copies)
Planning Dept. - West Hawaii Office

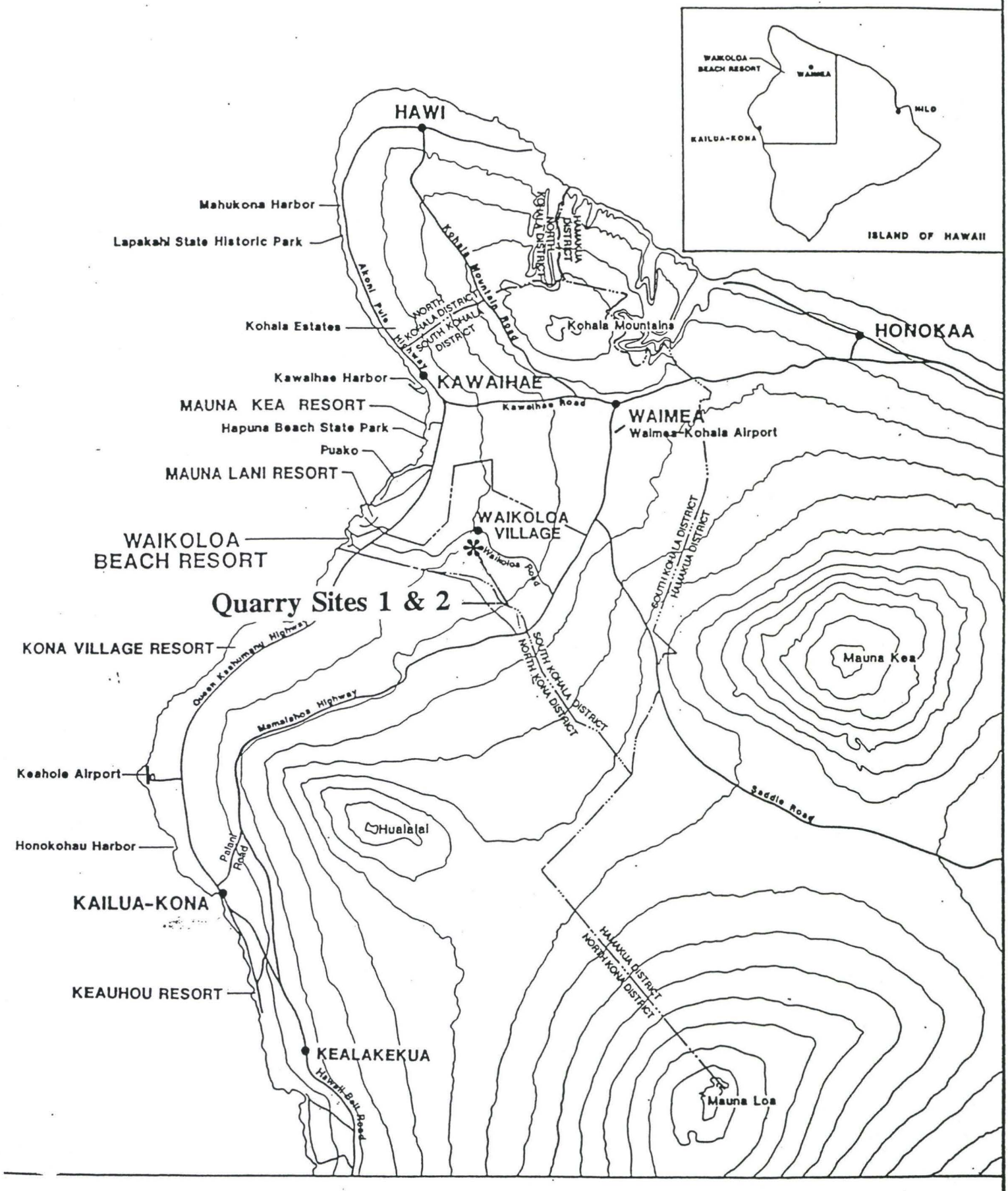
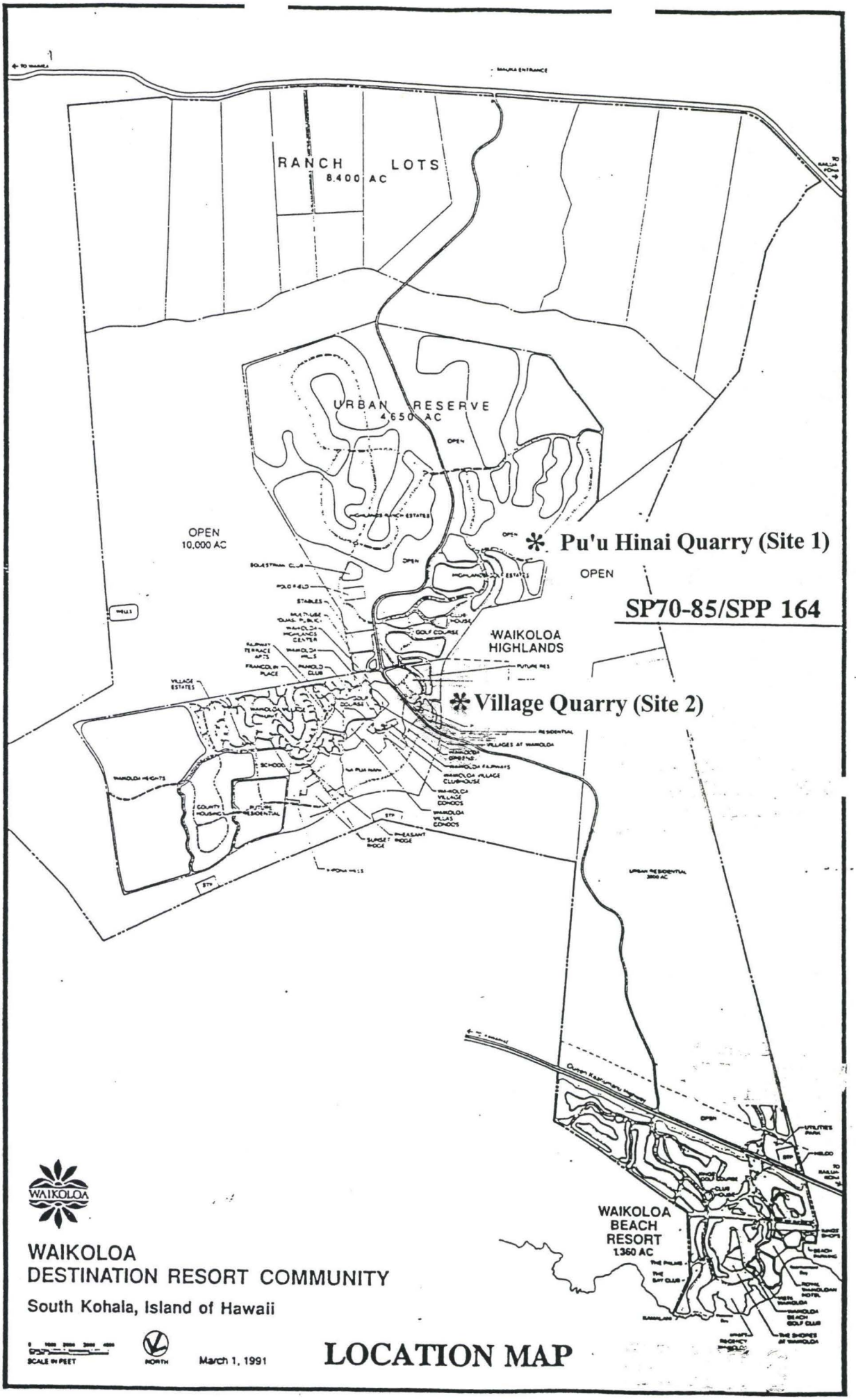
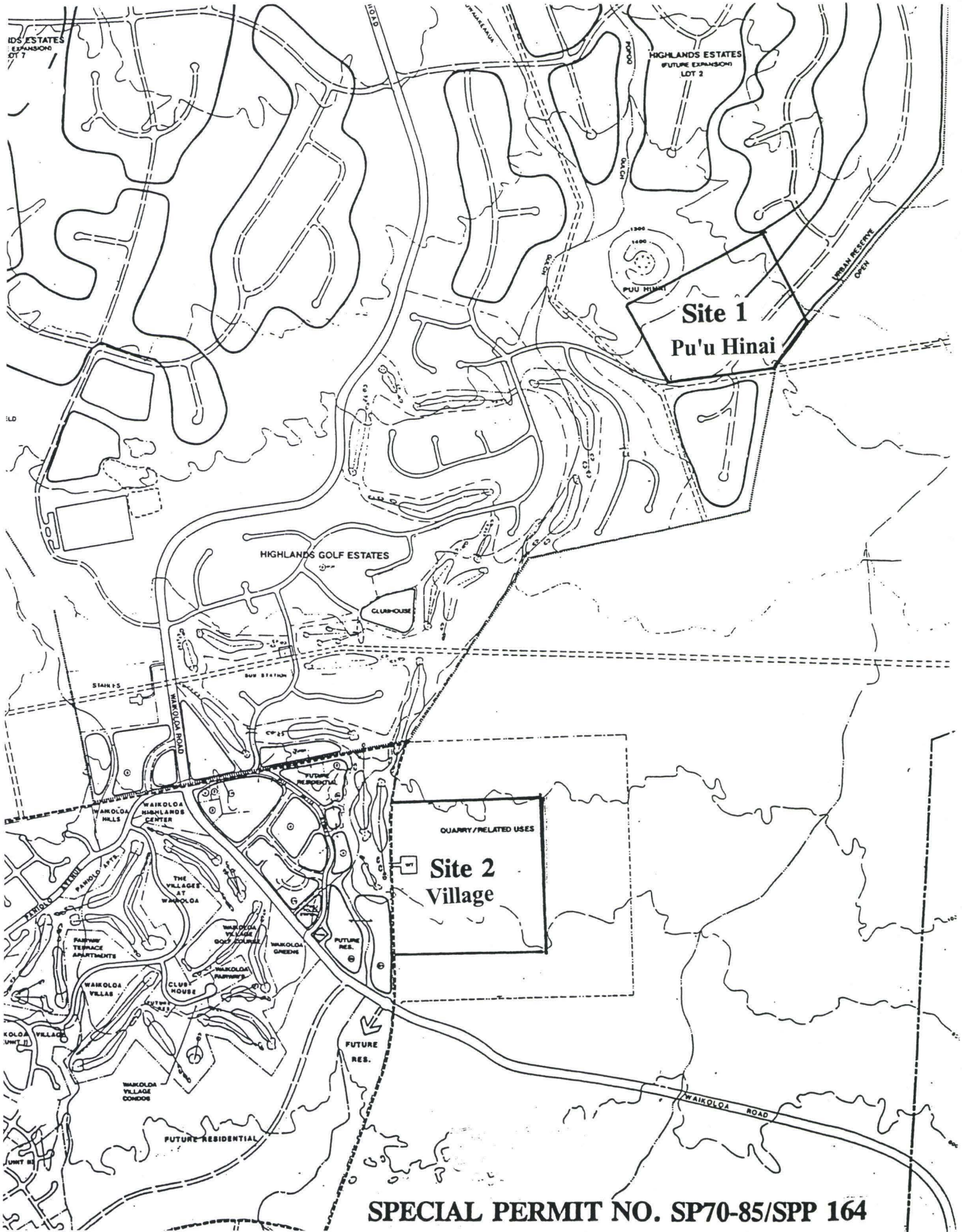


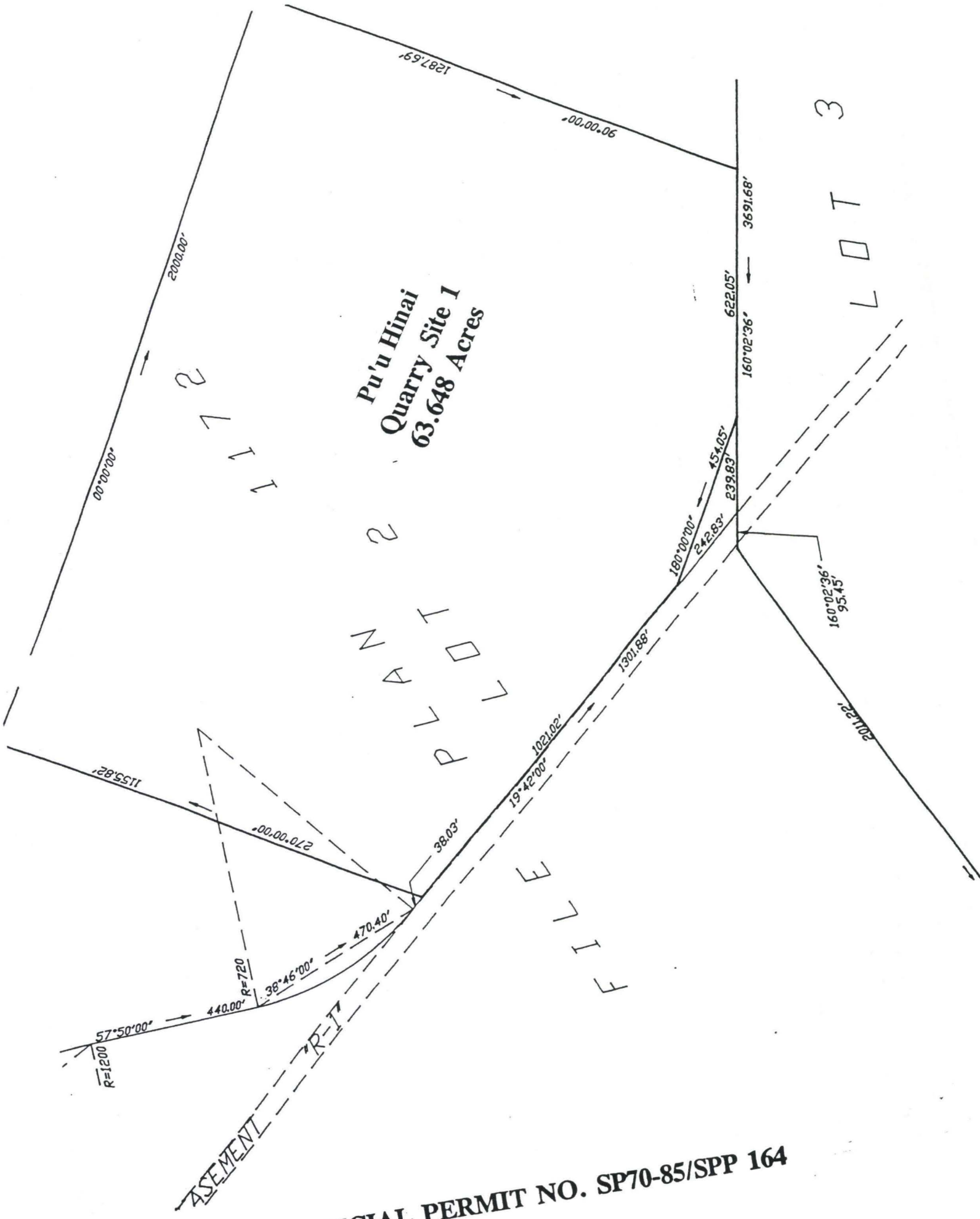
Figure 1

LOCATION MAP


RANCH LOTS
8,400 AC
URBAN RESERVE
4,650 AC
OPEN
10,000 AC
OPEN
* Pu'u Hinai Quarry (Site 1)
SP70-85/SPP 164
WAIKOLOA
HIGHLANDS
* Village Quarry (Site 2)
WAIKOLOA
BEACH
RESORT
1,360 AC
WAIKOLOA
DESTINATION RESORT COMMUNITY
South Kohala, Island of Hawaii
SCALE IN FEET
NORTH
March 1, 1991
LOCATION MAP

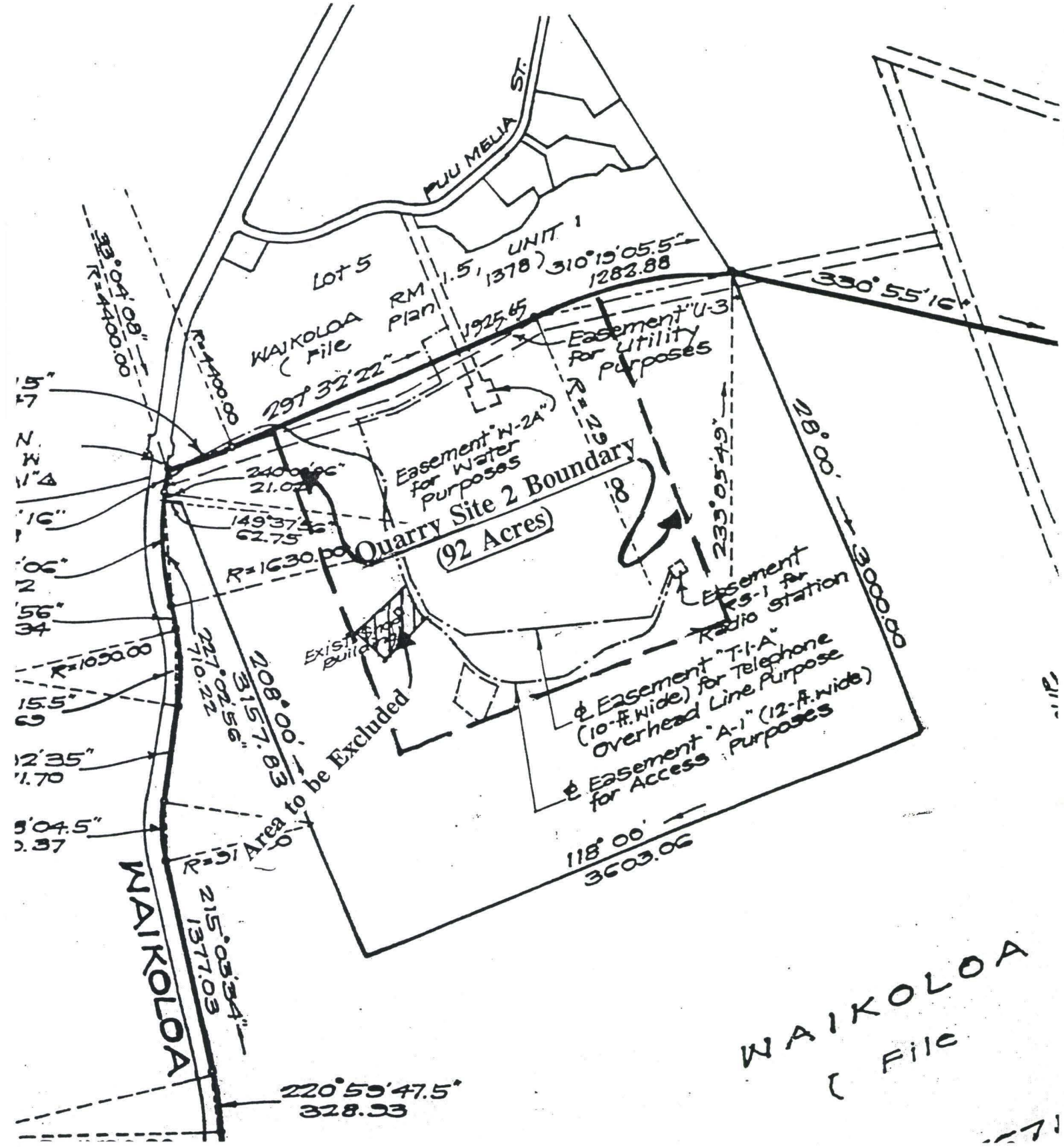


SPECIAL PERMIT NO. SP70-85/SPP 164



SPECIAL PERMIT NO. SP70-85/SPP 164

SPECIAL PERMIT NO. SP70-85/SPP 164
SITE MAP
Village Quarry (Site 2)



Harry Kim
Mayor

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 A 9:04

County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

DEC 14 2000

SP70-85

3 SP Hawaii

21186

Esther Ueda, Executive Officer
State Land Use Commission
DBEDT
P.O. Box 2359
Honolulu, HI 96804

Dear Ms. Ueda:

Special Permit (SPP 164)
Applicant: Waikoloa Development Company
Request: Extension of Time to Condition No. 4
Tax Map Key: 6-8-2:Portions 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-referenced request to amend Condition No. 4 (extension of life for Site 1 – Pu'u Hinai) of Special Permit No. 70-85 (SPP164), which established the Pu'u Hinai (Site 1) and the Village (Site 2) quarries and allied uses on approximately 155.6 acres of land within the State Land Use Agricultural District. The property is located to the west of Waikoloa Road and adjacent to the Waikoloa Highlands development, Waikoloa, South Kohala, Hawaii, TMK: 6-8-02: Portions of 16 & 33.

The Planning Commission at its duly advertised public hearing held on November 1, 2000, at North Kona, Hawaii, discussed the subject request and voted to recommend approval of the request to the Land Use Commission. Enclosed is the entire docket, and required copies, on the application.

Should you have any questions, please contact Alice Kawaha of the Planning Department at 961-8288.

Sincerely,

Richard B. Baker, Jr., Chairman
Planning Commission

Lwaikoloadevcospp16402PC
Enclosure (list of exhibits/exhibits - original and 15 copies)
cc: Robert D. Triantos, Esq.
Steven S. C. Lim, Esq.
Department of Public Works
Department of Water Supply
County Real Property Tax Division

Stephen K. Yamashiro
Mayor

LAND USE COMMISSION
STATE OF HAWAII

2000 DEC -1 A 10: 37

County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
7000 0600 0024 2903 8780

NOV 3 0 2000

Robert D. Triantos, Esq.
Carlsmith Ball
P.O. Box 1720
Kailua-Kona, HI 96745-1720

Dear Mr. Triantos:

Special Permit Application (SPP 164)
Applicant: Waikoloa Development Company
Request: Extension of Time to Condition No. 4 of Special Permit No. 164
Tax Map Key: 6-8-2:Portions of 16 and 33

The Planning Commission at its duly held public hearing on November 1, 2000, voted to send a favorable recommendation to the State Land Use Commission for the above-referenced request to amend Condition No. 4 (extension of life for Site 1 – Pu'u Hinai) of Special Permit No. 70-85 which established the Pu'u Hinai (Site 1) and the Village (Site 2) quarries and allied uses on approximately 155.6 acres of land within the State Land Use Agricultural District. The property is located to the west of Waikoloa Road and adjacent to the Waikoloa Highlands development, Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

Approval of the requested amendments to Special Permit No. 70-85 will not be contrary to the objectives sought to be accomplished by the State Land Use Law and its regulations. The granting of this request will continue to promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. 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. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural uses. The State Land Use Commission, in its approval of Special Permit No. 70-85 in 1970, found that the quarrying activities were consistent with the objectives sought to be accomplished by the State Land Use Law. The continued operation of Site 1 (Pu'u Hinai Quarry) until December 11, 2005 will not compromise the basic tenents that supported the approval of the Special Permit by the State Land Use Commission. The applicant

will continue to operate the Pu'u Hinai Quarry in a manner and within the limitations as specified by Special Permit No. 70-85. The termination of quarrying activities at Site 2 (Village Quarry) will certainly not be contrary to the State Land Use Law since it will once again make these lands available for other potential uses as provided for under the State Land Use Law.

The State Land Use Commission found in 1970 that the quarry activities were an unusual and reasonable use of land within the State Land Use Agricultural District. The existing quarries have been in use since approved in 1970. Continued use of the Pu'u Hinai Quarry for an additional five years will not displace any agricultural activity nor diminish the limited agricultural potential of the surrounding region. Furthermore, the termination of quarrying activities at Village Quarry will make these lands available for potential agricultural uses. Therefore, the requested amendment would not be contrary to the objectives of the State Land Use Law for the Agricultural District. The request to amend Special Permit No. 70-85 will not adversely affect surrounding properties. In the 30 years that these quarries have been in operation, the Planning Department is not aware of any complaint received from surrounding communities and properties that were the result of quarrying operations. Conditions of approval within Special Permit No. 70-85 requires that quarrying activities within the Pu'u Hinai Quarry terminate upon the subdivision of adjacent Residential-Agricultural (RA)-zoned lands within the proposed Highlands residential and golf course development or the expiration of the life of this permit, whichever comes first. This condition of approval will be preserved as part of this approval recommendation. The termination of quarrying activities at the Village Quarry will further reduce the possibility of any potential adverse impact upon surrounding lands.

The amendment request will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection. The Pu'u Hinai Quarry operations do not require the provision of public utilities. Access to this quarry site is available and adequate to accommodate current and future needs. No additional burden on police or fire protection is anticipated. Consulted agencies had no objection to the request.

The amendment request will not substantially alter or change the essential character of the land and the present use. To allow for continued use of the Pu'u Hinai Quarry for an additional five years will not substantially alter the character of the areas which has been developed as a quarry for the past 30 years. Conditions of approval requires grading of the quarry site to blend with the surrounding area and its re-vegetation upon termination of quarrying activities. A condition of approval will be included as part of this favorable recommendation to also ensure that proper grading and re-vegetation of

the Village Quarry site be completed within 90 days from the date of termination of operations.

In its approval of Special Permit No. 70-85 in 1970, the State Land Use Commission found that the land upon which the quarries were established is not suitable for the uses permitted within the district. The State Land Use Commission also found that the establishment of quarries within this particular location is consistent with the applicable goals, policies and standards of the Hawaii County General Plan. To approve the extension to the life of the permit and to terminate quarrying activities at the Village Quarry will not be contrary to these original findings.

In consideration of the above, it is recommended that a favorable recommendation be forwarded to the State Land Use Commission for the:

a. Deletion of Conditions Nos. 2, 3 and 5 as they deal with the operations of Site 2 (Village Quarry), which will terminate operations on December 11, 2000;

b. Amendment to Condition No. 4 to reflect an extension to the life of Special Permit No. 70-85 to December 11, 2005;

c. Amendment to the language of Condition No. 6 to ensure the proper grading and re-vegetation of Site 1 (Pu'u Hinai) and Site 2 (Village) quarries upon termination of operations; and

d. Re-alphabetizing the conditions of approval to reflect the various amendments.

This favorable recommendation is subject to the following amended conditions of approval (new material is underscored and material to be deleted is bracketed):

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 in map and written form of Site 2 shall be filed with the Planning Department and the Land Use Commission within one year from the effective date of this Order.

3. The quarrying 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, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active

noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday.]

[4]2. Quarrying operations at Site 1 (Pu'u Hinai Quarry) shall be terminated by December 11, [2000]2005, 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.

[5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first.]

[6]3. Upon termination of operations or abandonment of any portion of [the affected sites]Site 1 (Pu'u Hinai Quarry) and Site 2 (Village Quarry), 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 Hawai'i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

[7]4. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

[8]5. An annual monitoring report shall be submitted to the Hawai'i 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 Hawai'i Planning Commission that the quarry use will have an adverse impact on surrounding properties.

[9]6. Should any of the conditions not be met or substantially complied with in a timely fashion, the Hawai'i County Planning Director shall initiate procedures to revoke the permit.

This recommendation 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.

Should you have any questions, please contact Daryn Arai of the Planning Department West Hawaii Office at 327-3510 or Alice Kawaha of the Planning Department Hilo Office at 961-8288.

Sincerely,

James Kunga

for Richard B. Baker, Jr., Chairman
Planning Commission

Lwaikoloadevcospp164PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
Kazu Hayashida, Director/DOT-Highways, Honolulu
Steven S. C. Lim, Esq.

BENJAMIN J. CAYETANO
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

May 24, 2001

Mr. Thos Rohr, President
Waikoloa Land Company
150 Waikoloa Beach Drive
Waikoloa, Hawaii 96738

Dear Mr. Rohr:

Subject: Filing of 2001 Annual Report for
LUC Docket No. SP70-85/Waikoloa Development Co.

We have reviewed the subject annual report as transmitted by your letter dated January 19, 2001, and offer the following comment:

The acreage of the Village is described as ninety-two (92) acres in your annual report. In 1996, the Commission amended its record to reflect that the Village quarry would henceforth occupy eighty-nine (89) acres of land in the State Land Use Agricultural District.

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

Please feel free to contact Russell Kumabe of my staff at (808) 587-3822, should you require clarification or any further assistance.

Sincerely,

ANTHONY J. H. CHING
Executive Officer

c: County of Hawaii Planning Dept.

BENJAMIN J. CAYETANO
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

May 21, 2001

Mr. Christopher Yuen
Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Yuen:

Subject: Filing of the 2000 Annual Report for LUC Docket No. SP70-85

On January 22, 2001, the Land Use Commission received the 2000 annual report from Waikoloa Development Company filed pursuant to Condition No. 8 of the Findings of Fact, Conclusions of Law, and Decision and Order, as amended, issued on January 24, 1996 for the above-referenced docket. As required by said conditions, we understand that the County of Hawaii, Department of Planning has been served with a copy of the annual report.

We request your assistance in reviewing the 2000 annual report and provide us with any comments you may have regarding the Waikoloa Development Company's compliance with conditions.

We request that any comments that your agency may have be submitted to our office with a copy to the Waikoloa Development Company by June 29, 2001.

Please feel free to contact Russell Kumabe of my staff at (808) 587-3822, should you require clarification or any further assistance.

Sincerely,

ANTHONY J. H. CHING
Executive Officer

BENJAMIN J. CAYETANO
GOVERNOR

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

May 16, 2001

Mr. Thos Rohr, President
Waikoloa
150 Waikoloa Beach Drive
Waikoloa, Hawaii 96738

Dear Mr. Rohr:

Subject: Filing of the 2000 Annual Report for LUC Docket No. SP70-85

This is to acknowledge receipt of the 2000 annual report for the subject docket as transmitted by your letter dated January 19, 2001.

Upon completion of our review of the annual report we will submit our comments to you, if necessary.

Please note that we have requested the County of Hawaii, Planning Department to review and comment on the annual report. Any comments that they may have will be provided to you.

Please feel free to contact Russell Kumabe of my staff at (808) 587-3822, should you require clarification or any further assistance.

Sincerely,

ANTHONY J. H. CHING
Executive Officer

BENJAMIN J. CAYETANO
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

March 16, 2001

Mr. Thos Rohr, President
Waikoloa Development Company
150 Waikoloa Beach Drive
Waikoloa, Hawaii 96738

Dear Mr. Rohr:

Subject: LUC Docket No. SP70-85/Waikoloa Development Company

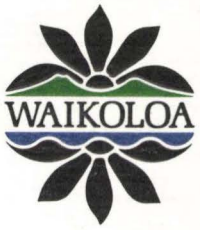
This is to acknowledge receipt of your letter dated March 8, 2001, transmitting a copy of the Quarry Restoration Report in compliance with Condition No. 3 of the Order Granting Request to Amend Condition No. 4 dated February 21, 2001.

Thank you for your cooperation in this matter.

Should you have any questions, please feel free to call me at 587-3822.

Sincerely,

BERT SARUWATARI
Acting Executive Officer



LAND USE COMMISSION
STATE OF HAWAII
2001 MAR 12 A 9:42

March 8, 2001

ORIGINAL

Land Use Commission
Department of Business, Economic
Development & Tourism
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

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

RE: Quarry Restoration for Special Permit Docket No. SP70-85 (No. 164)
Village Quarry (Site 2)
Waikoloa Village, Waikoloa, South Kohala, Island of Hawaii
TMK: 6-8-02:portion of 33

To Whom It May Concern:

As required by Condition 3 of the Order Granting Request to Amend Special Permit, effective February 16, 2001, in the above-referenced docket, please let this letter serve as the Quarry Restoration report to the State Land Use Commission and the Hawai'i County Planning Department.

General:

- The above-referenced Special Permit allowed the operation of the Village Quarry (Site 2), which is located on approximately 92 acres of land, in the State Land Use Agricultural district. The land comprising Site 2 is owned by Waikoloa Village Association and leased to Waikoloa Development Company through the year 2000.

  As lessee of Site 2, activities were terminated at that site on December 11, 2000.

Conditions and Compliance:

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

150 Waikoloa Beach Drive • Waikoloa, Hawaii 96738 • Phone (808) 886-1000 • Fax (808) 886-8896

Compliance. All conditions of approval have been and will continue to be complied with throughout the term of this Special Permit.

- " 3. Upon termination of operations or abandonment of any portion of Site 1 (Pu'u Hinai Quarry) and Site 2 (Village Quarry), 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 Hawai'i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date."

Compliance. The lands were graded to blend with the surrounding areas and re-vegetated. Removal of stockpiled material and renaturalization is completed.

Exhibits

- Letter dated January 8, 1999 acknowledging and acceptance of the Quarry Restoration by Waikoloa Village Association the Lessor of the property.
- Photographs of the area.

Your acceptance of this report is appreciated.

Respectfully submitted,

Thos Rohr
President

c: Land Use Commission (2 copies)
Planning Dept. - West Hawaii Office

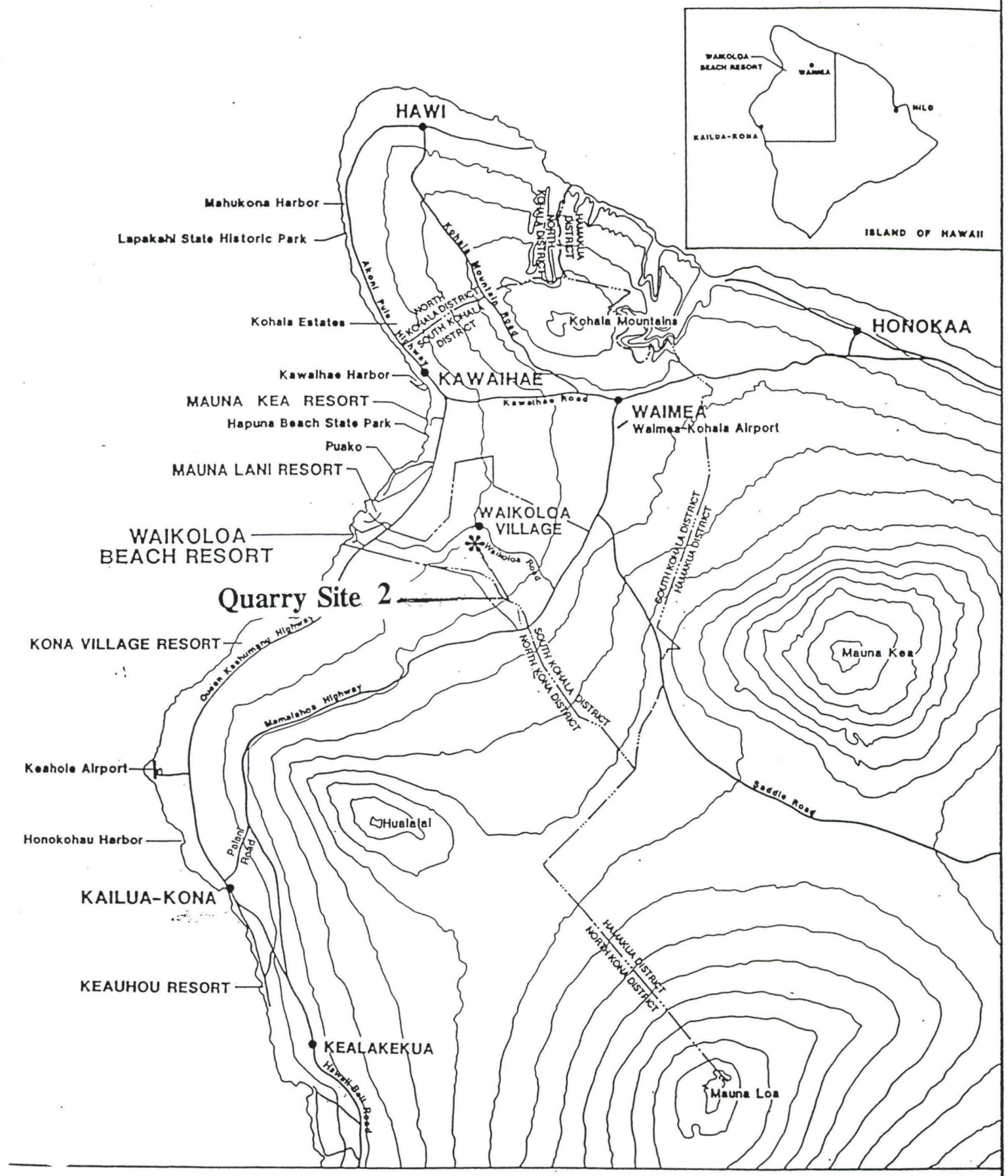
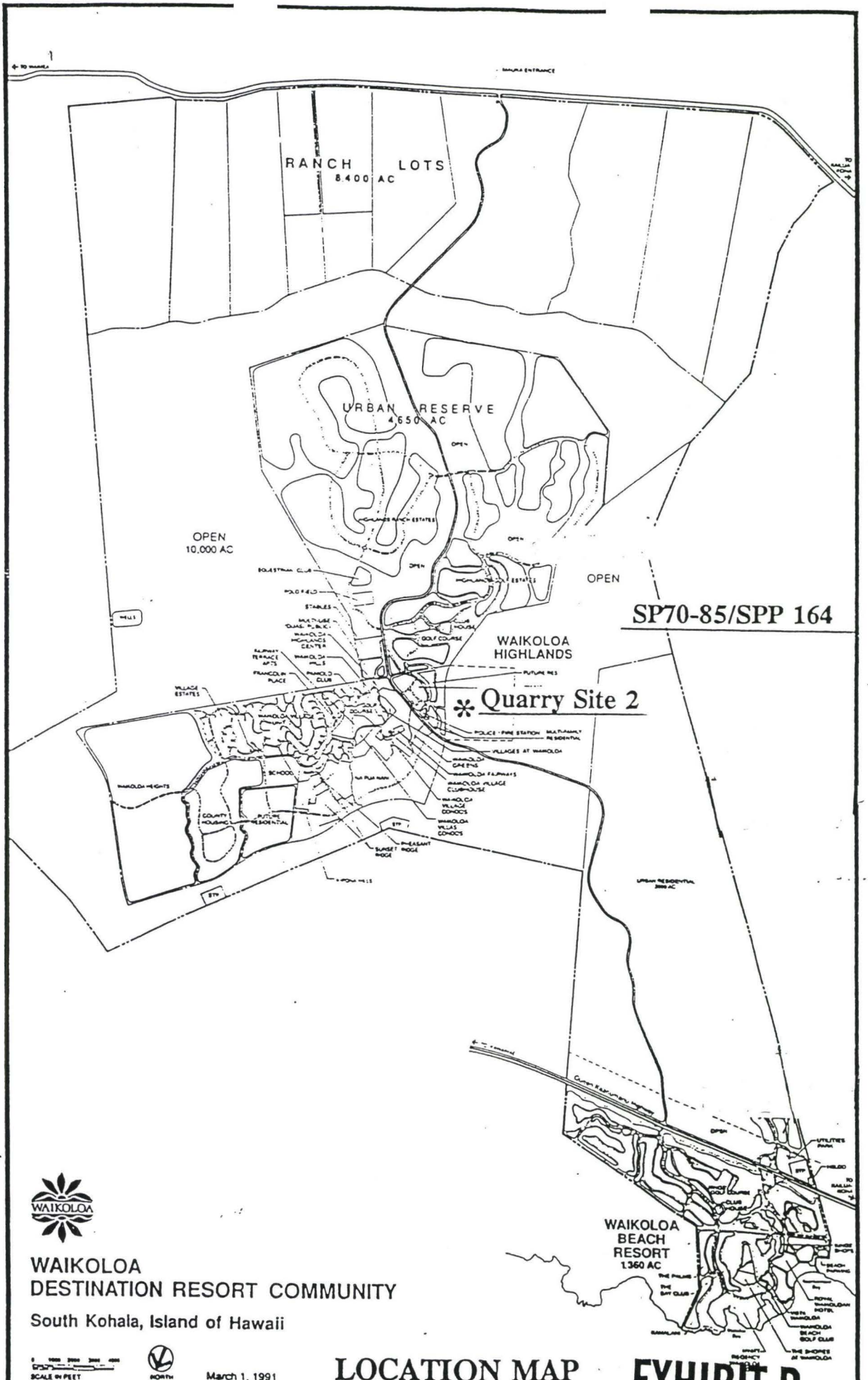


EXHIBIT A

Figure 1
LOCATION MAP


RANCH LOTS
8,400 AC
URBAN RESERVE
4,650 AC
OPEN
10,000 AC
OPEN
SP70-85/SPP 164
WAIKOLOA
HIGHLANDS
* Quarry Site 2
WAIKOLOA
BEACH
RESORT
1,360 AC
WAIKOLOA
DESTINATION RESORT COMMUNITY
South Kohala, Island of Hawaii
SCALE IN FEET
NORTH
March 1, 1991
LOCATION MAP
EXHIBIT B

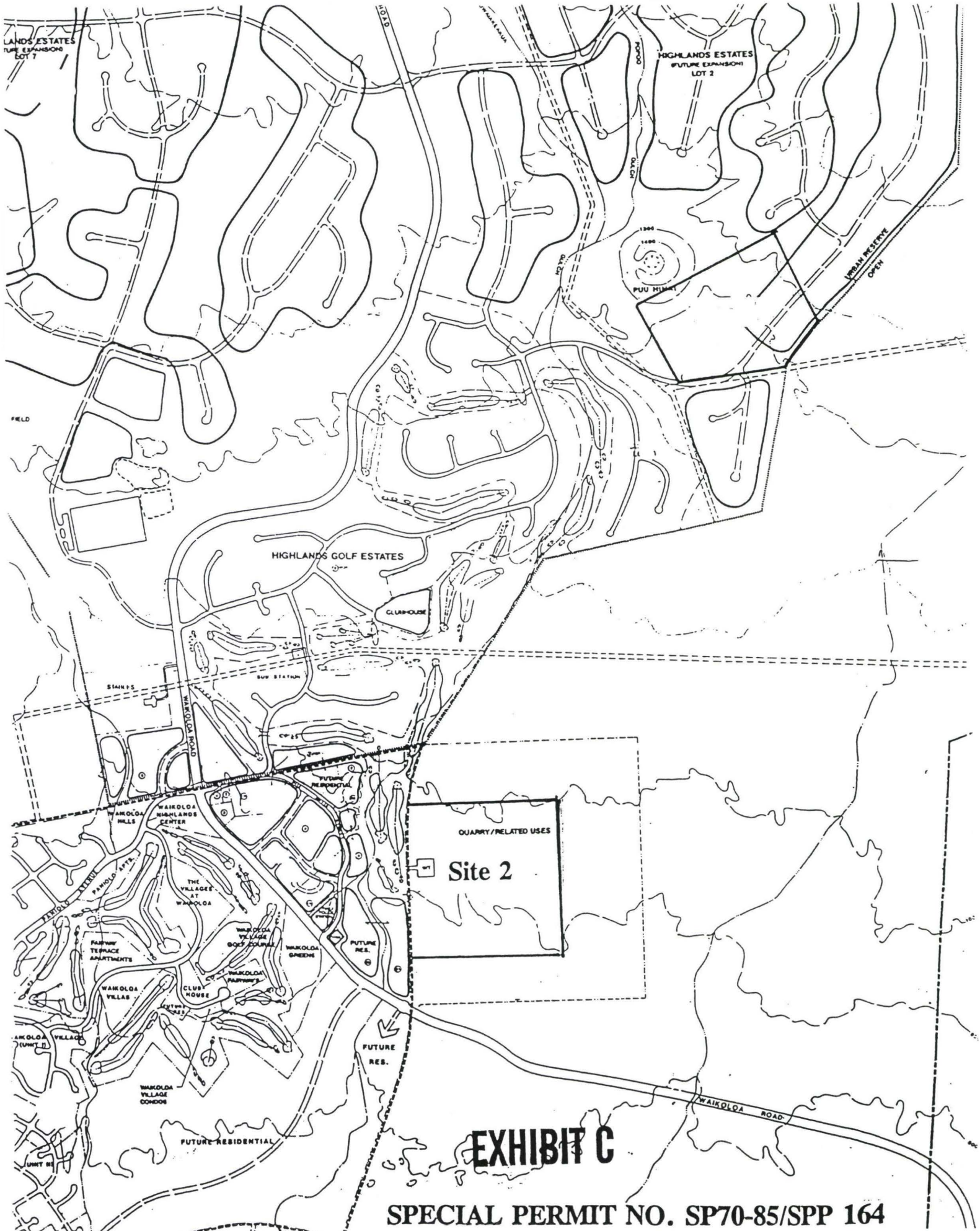


EXHIBIT C

SPECIAL PERMIT NO. SP70-85/SPP 164

SPECIAL PERMIT NO. SP70-85/SPP 164

SITE MAP

QUARRY SITE 2

(Not to Scale)

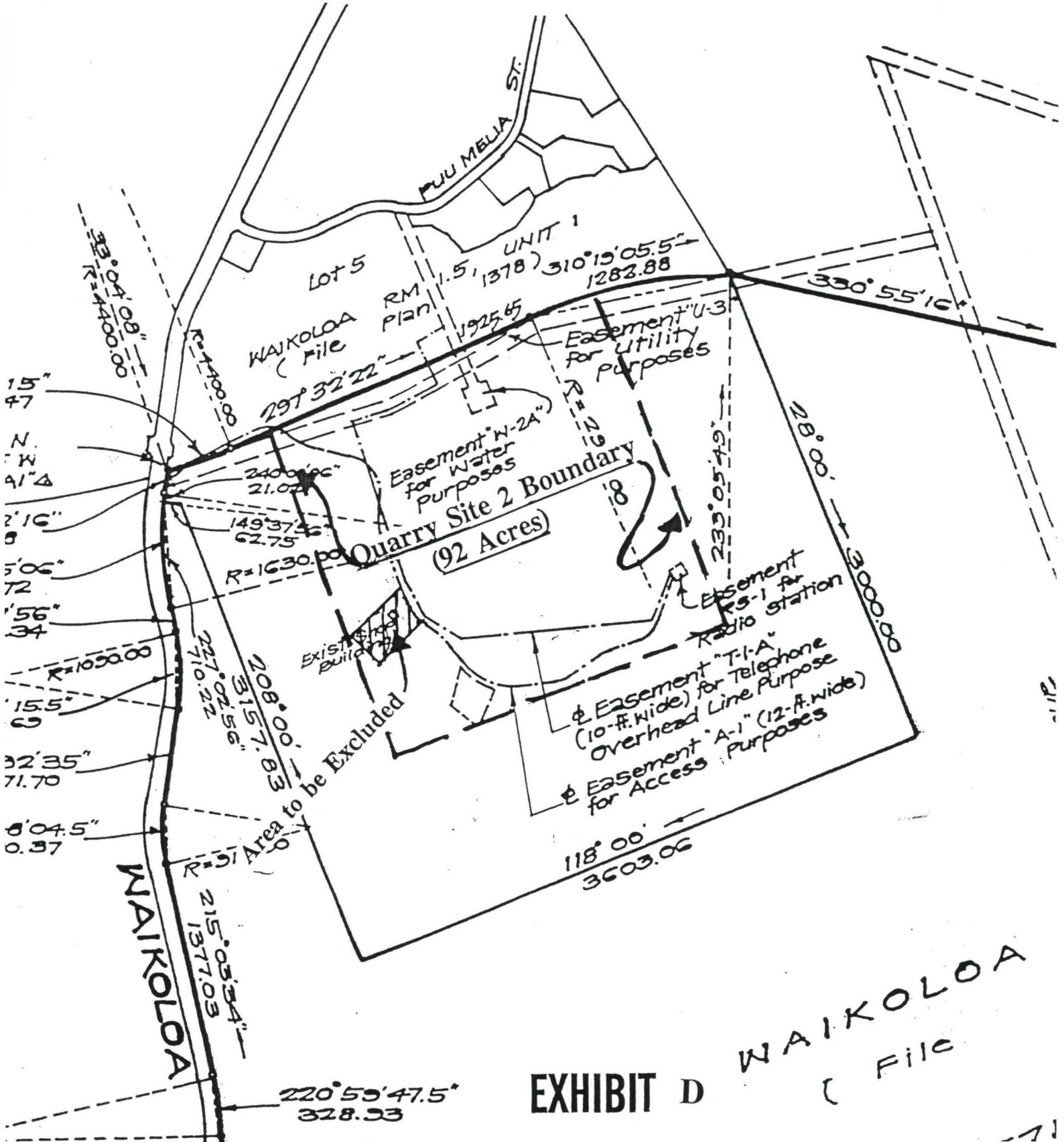


EXHIBIT D

WAIKOLOA (File

WAIKOLOA

January 8, 1999

Mr. Jack Schultz
President
Board of Directors
WAIKOLOA VILLAGE ASSOCIATION
P. O. Box 383910
Waikoloa, Hawaii 96783

RE: Mauka Quarry Restoration
Lot 3-B, File Plan 1172

Dear Mr. Schultz:

The Mauka Quarry restoration has been completed. A site inspection with Waikoloa Village Association board members Raymond Foat and Phil Conceicao occurred on January 8, 1999. The few remaining rubber tires will be removed next week, fulfilling all requests made by the WVA to date.

To close out this outstanding contingent obligation, I respectfully request a formal acceptance of the Quarry restoration, either by signature acknowledging same below or by separate letter. Both parties understand that this acceptance is for the previous quarry areas and does not include the areas currently used for equipment and materials storage by Goodfellow Bros., by Waikoloa Supply, or the Utility Baseyard.

Your timely acknowledgment is appreciated.

Sincerely,

Ken Melrose
Vice President/Development

ACKNOWLEDGE & ACCEPTED:

WAIKOLOA VILLAGE ASSOCIATION

By: _____
Its PRESIDENT

ac
c: Thos Rohr
Myron Yamasato

VIEW - NORTH

VIEW - NORTHEAST

VIEW - SOUTH

VIEW -EAST

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI`I

In the Matter of the Petition of WAIKOLOA DEVELOPMENT COMPANY For an Amendment to the Special Permit Which Established the Pu`u Hinai and the Village Quarries and Allied Uses on Approximately 152.6 Acres of Land Within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawai`i, TMK 6-8-02: por. 16 and por. 33	DOCKET NO. SP70-85 ORDER GRANTING REQUEST TO AMEND CONDITION NO. 4

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

FEB 21 2001 by Executive Officer
Date

LAND USE COMMISSION
STATE OF HAWAII
2001 FEB 21 A 9:31

ORDER GRANTING REQUEST TO AMEND CONDITION NO. 4

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI`I

In the Matter of the Petition of WAIKOLOA DEVELOPMENT COMPANY For an Amendment to the Special Permit Which Established the Pu`u Hinai and the Village Quarries and Allied Uses on Approximately 152.6 Acres of Land Within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawai`i, TMK 6-8-02: por. 16 and por. 33	DOCKET NO. SP70-85 ORDER GRANTING REQUEST TO AMEND CONDITION NO. 4

ORDER GRANTING REQUEST TO AMEND CONDITION NO. 4

On September 7, 2000, Waikoloa Development Company ("Applicant") filed a request with the County of Hawai`i Planning Department in Docket No. SP70-85/Waikoloa Development Company to amend Condition No. 4 to allow an extension of the life of the Special Permit for the Pu`u Hinai Quarry for five years until December 11, 2005 ("Request").

On November 1, 2000, the County of Hawai`i Planning Commission ("Planning Commission") conducted a hearing on the Applicant's Request.

On November 1, 2000, after due deliberation, the Planning Commission recommended approval of the Applicant's Request to the Land Use Commission ("Commission"), subject to the following six conditions to replace the previous nine

conditions imposed by this Commission in its Order Granting Request to Amend Special Permit issued on January 24, 1996:

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

2. Quarrying operations at Site 1 (Pu`u Hinai Quarry) shall be terminated by December 11, 2005, 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.

3. Upon termination of operations or abandonment of any portion of Site 1 (Pu`u Hinai Quarry) and Site 2 (Village Quarry), 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 Hawai`i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

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

5. An annual monitoring report shall be submitted to the Hawai`i 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 Hawai`i Planning Commission that the quarry use will have an adverse impact on surrounding properties.

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

On December 21, 2000, this Commission received and accepted for consideration the complete record of the Planning Commission's record on the Applicant's Request.

The Applicant's Request came on for hearing on January 19, 2001, at this Commission's meeting in Kailua-Kona, Hawai`i. Appearing on behalf of the Applicant was Audrey Ng, Esq. Deputy Corporation Counsel Patricia K. O'Toole, Esq., for the County of Hawai`i informed the Commission staff that she would not be present at the hearing. At the hearing, a motion to approve the Applicant's Request was made and seconded. There being a vote tally of six ayes and no nays, the motion carried.

ORDER

Having duly considered the Applicant's Request, the arguments by the Applicant, and a motion having been made at a hearing conducted on January 19, 2001, at Kailua-Kona, Hawai`i, and the motion having received the affirmative votes required by section 15-15-13, Hawai`i Administrative Rules, and there being good cause for the motion, this Commission hereby GRANTS the Applicant's Request, subject to the following conditions to supersede all previous conditions imposed in this docket:

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

2. Quarrying operations at Site 1 (Pu`u Hinai Quarry) shall be terminated by December 11, 2005, 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.

3. Upon termination of operations or abandonment of any portion of Site 1 (Pu`u Hinai Quarry) and Site 2 (Village Quarry), 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 Hawai`i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

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

5. An annual monitoring report shall be submitted to the Hawai`i 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 Hawai`i Planning Commission that the quarry use will have an adverse impact on surrounding properties.

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

ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 16th day of February 2001. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

LAND USE COMMISSION
STATE OF HAWAI`I

By (absent)
MERLE A. K. KELAI
Chairperson and Commissioner

By
LAWRENCE N.C. ING
Vice Chairperson and Commissioner

By
P. ROY CATALANI
Commissioner

By _____
BRUCE A. COPPA
Commissioner

By (absent)
PRAVIN DESAI
Commissioner

By _____
ISAAC FIESTA, JR
Commissioner

By _____
M. CASEY JARMAN
Commissioner

By _____
STANLEY ROEHRIG
Commissioner

By _____
PETER YUKIMURA
Commissioner

Filed and effective on
February 21, 2001

Certified by:

_____
Acting Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI`I

In the Matter of the Petition of WAIKOLOA DEVELOPMENT COMPANY For an Amendment to the Special Permit Which Established the Pu`u Hinai and the Village Quarries and Allied Uses on Approximately 152.6 Acres of Land Within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawai`i, TMK 6-8-02: por. 16 and por. 33	DOCKET NO. SP70-85 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Request To Amend Condition No. 4 was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

DEL. DAVID W. BLANE, Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

CERT. CHRISTOPHER YUEN, Planning Director
Planning Department, County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

CERT. LINCOLN ASHIDA, ESQ.
Corporation Counsel
County of Hawaii
The Hilo Lagoon Center
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720

AUDREY NG, ESQ., Attorney for Petitioner
Goodsill Anderson Quinn & Stifel
CERT. 1099 Alakea Street, Suite 1800
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 21st day of February 2001.

BERT SARUWATARI
Acting Executive Officer

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0028 0872 2842

SP70-85/Waikoloa

Postage	$ 76
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.16

Postmark Here
HONOLULU, HI DOWNTOWN STA
FEB 21 2001
USPS

'eted by mailer)

Mr. Chris Yuen
Planning Director
COUNTY OF HAWAII
25 Aupuni Street, Room 109
Hilo, HI 96720-4252

See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Chris Yuen
Planning Director
COUNTY OF HAWAII
25 Aupuni Street, Room 109
Hilo, HI 96720-4252

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* L SUENISHI
B. Date of Delivery 2/22-01

C. Signature
X [signature] ☐ Agent ☐ Addressee

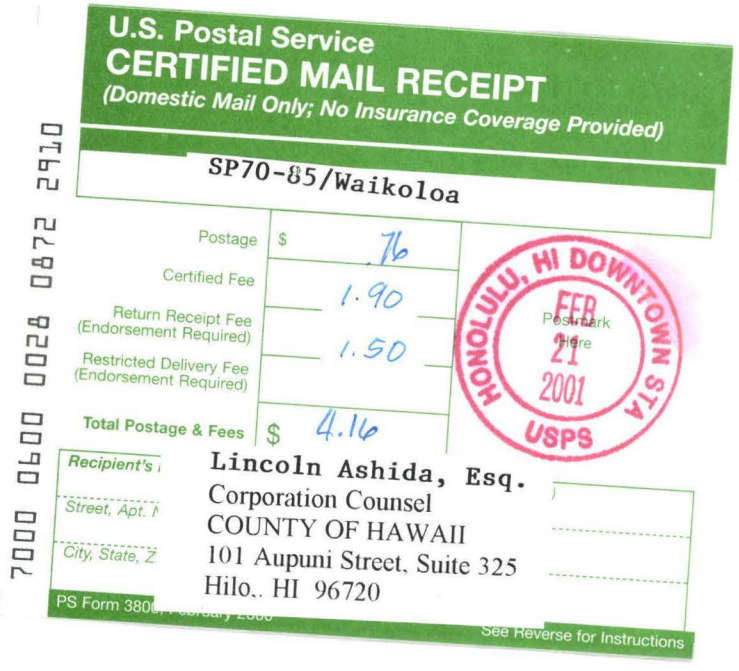
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)*
7000 0600 0028 0872 2842 SP70-85/Waikoloa

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952



U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

SP70-85/Waikoloa

Postage	$ .76
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.16

HONOLULU, HI DOWNTOWN STA
FEB 21 2001
Postmark Here
USPS

7000 0600 0028 0872 2910

Recipient's
Street, Apt. N
City, State, Z

Lincoln Ashida, Esq.
Corporation Counsel
COUNTY OF HAWAII
101 Aupuni Street, Suite 325
Hilo,. HI 96720

PS Form 3800, February 2000 — See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lincoln Ashida, Esq.
Corporation Counsel
COUNTY OF HAWAII
101 Aupuni Street, Suite 325
Hilo, HI 96720

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)*: Cathy Hall
B. Date of Delivery: 2-22-01

C. Signature
X Cathy Hall
☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)*
7000 0600 0028 0872 2910

SP70-85/Waikoloa

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0028 0872 3412

SP70-85/Waikoloa

Postage	$ .76
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	¢ 4.16

HONOLULU, HI DOWNTOWN STA
Postmark Here
FEB 21 2001
USPS

Audrey Ng, Esq.
Goodsill Anderson Quinn & Stifel
1099 Alakea Street, Suite 1800
Honolulu, HI 96813

Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Audrey Ng, Esq.
Goodsill Anderson Quinn & Stifel
1099 Alakea Street, Suite 1800
Honolulu, HI 96813

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* Jennifer L. T. Hodges
B. Date of Delivery 2/22/01

C. Signature
X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7000 0600 0028 0872 3412

SP70-85/Waikoloa

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

File
SP 70-85
Waikoloa

Approved
3/8/01

LAND USE COMMISSION

Minutes of Meeting

Conference Room 405
State Office Tower, Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

February 16, 2001

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce A. Coppa
Pravin Desai (Portion of Proceedings)
Isaac Fiesta, Jr.
Lawrence N.C. Ing
M. Casey Jarman
Merle Kelai (Portion of Proceedings)
Stanley Roehrig
Peter Yukimura

STAFF PRESENT: Charleen Aina, Esq., Deputy Attorney General
John Dellera, Esq., Deputy Attorney General
Bert Saruwatari, Acting Executive Officer
Russell Kumabe, Staff Planner
Teri Hee, Chief Clerk
Esther Ueda, Consultant

Holly Hackett, Court Reporter

Chairperson Kelai called the meeting to order at 9:30 a.m.

CONTINUED ACTION

A00-733 - HARRISON J. & SHARENE Z. KLEIN

Chairperson Kelai announced that this was a continued action meeting to consider whether the anticipated effects discussed in Petitioner's Final Environmental Assessment to reclassify approximately 2.621 acres of land currently in the Conservation District into the Agricultural District at Keonepoko Iki, Puna, Hawaii, for the cultivation of ti-leaf plants, coconut trees, and palms and recommence a commercial farming operation constitutes a "significant effect" pursuant to Chapter 343, H.R.S.

Appearances

Steven S.C. Lim, Esq., representing petitioner

Patricia O'Toole, Esq., Corporation Counsel, County of Hawaii

John Chang, Esq., Deputy Attorney General, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

Arguments were heard from Mr. Lim, Ms. O'Toole and Mr. Chang.

Questions were asked by the Commissioners.

Commissioner Jarman moved that the Land Use Commission find that the anticipated effects of this project did not constitute a significant impact pursuant to Chapter 343, H.R.S. The motion was seconded by Commissioner Desai and unanimously passed by the following votes:

Ayes: Commissioners Desai, Fiesta, Ing, Yukimura, Catalani, Roehrig, Coppa, Jarman, and Kelai

ACTION

A00-731 - DESTINATION VILLAGES KAUAI, LLC (Kauai)

Chairperson Kelai announced that the Commission would take action to consider reclassifying approximately 153.696 acres of land currently in the Agricultural District into the Urban District at Makaweli, Kauai, for the development of a resort and accessory uses.

On February 9, 2001, the Commission received Petitioner's Statement of No Objection to the Proposed Findings of Fact, Conclusions of Law, and Decision and Order Proposed By Commissioner Stanley H. Roehrig.

On February 13, 2001, the Commission received County of Kauai's Statement of No Objection to the Proposed Findings of Fact, Conclusions of Law, and Decision and Order Proposed By Commissioner Stanley H. Roehrig.

On February 13, 2001, the Commission received a facsimile letter from Bruce Pleas requesting to testify.

The Commission also received approximately 43 facsimile letters in opposition to the project. These letters will be part of the Chapter 92 minutes and will not appear in the contested case record.

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

PUBLIC WITNESSES (Pursuant to Chapter 92 Proceedings)

1. Joseph Manini

2. Arius Hopman (testimony read by Bruce Pleas)

3. Cha Smith

4. Bruce Pleas

Appearances

Michael Belles, Esq., representing petitioner

Scott Ezer, Helber, Hastert & Fee

Laurel Loo, Esq., Deputy Corporation Counsel

Dee Crowell, Planning Director, Kauai County Planning Department

John Chang, Esq., Land Use Division, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

Mr. Belles presented his final argument. Ms. Loo and Mr. Chang had no objections to the Proposed Findings of Fact, Conclusions of Law, and Decision and Order proposed by Commissioner Roehrig.

Questions were asked by the Commissioners.

Commissioner Jarman voiced her comments and suggested changes to Commissioner Roehrig's Proposed Findings of Fact, Conclusions of Law, and Decision and Order.

A lunch recess was taken at 11:35 a.m. to reconvene at 12:30 p.m.

- 12:40 p.m.

Commissioner Desai was not present at the proceedings at this time.

A00-731 - DESTINATION VILLAGES KAUAI, LLC (Kauai) (cont'd.)

After much discussion, Commissioner Jarman suggested that Commissioner Roehrig work with the LUC deputy attorney general and staff to change the proposed order to address the issues relative to the Ka Pa`akai O Ka `Aina case more clearly.

Commissioner Roehrig moved to send the Proposed Decision and Order to the deputy attorney general for revisions to address the concerns of Commissioner Jarman and to take action at the next Commission meeting. The motion was seconded by Commissioner Fiesta and polled as follows:

Ayes: Commissioners Fiesta, Ing, Jarman, Yukimura, Catalani, Roehrig, and Kelai

Commissioner Kelai excused himself from the proceedings at this time.

A83-558 - MSM & ASSOCIATES, INC. (Oahu)

Vice Chairperson Ing announced that this matter before the Commission was an action to consider Haseko (Ewa), Inc.'s and Haseko Homes, Inc.'s Motion for Release From Decision and Order Entered on September 21, 1984 which reclassified approximately 181 acres of land from the Agricultural District into the Urban District at Oneula, Ewa, Oahu, Hawaii for marina, residential, commercial, public facility, and park uses (Motion for Area IC, Relief from condition No. 7 and Motion for Lot 13133).

On February 13, 2001, the Commission received a letter dated February 9, 2001 from T.D. Yearout, Captain, U.S. Coast Guard, Acting Commander, Fourteenth Coast Guard District.

On February 13, 2001, the Commission received a letter dated February 13, 2001 from T. K. Hohl, Captain, U.S. Navy, Chief of Staff.

On February 14, 2001, the Commission received Testimony of the Office of Planning in Opposition to Haseko's Motion for Relief from Condition No. 7 of the Decision and Order Entered on September 21, 1984.

On February 15, 2001, the Commission received Testimony of the Office of Planning in Support of the Motion for Release of Area 1C and Lot 13133 from Decision and Order Entered on September 21, 1984.

Appearances

Wayne Costa, Esq. for Petitioner

Yvonne Izu, Esq. for Petitioner

Kathy Sokugawa, Department of Planning and Permitting

Bob Sumitomo, Department of Planning and Permitting

John Chang, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Russell Kumabe, staff planner, oriented the Commission to the petition area and provided background information on the petition.

Arguments on the motion were heard from Mr. Costa, Ms. Sokugawa, and Mr. Chang.

After hearing Petitioner's argument, questions were asked by the Commissioners.

Mr. Costa made a motion to withdraw Petitioner's motion to release condition 7. Commissioner Yukimura moved to accept Petitioner's motion to withdraw its motion to release condition 7. The motion was seconded by Commissioner Fiesta and polled as follows:

Ayes: Commissioner Coppa, Yukimura, Catalani, Roehrig, Fiesta, Jarman, and Ing

Commissioner Coppa moved to approve Petitioner's Motion for Release From Decision and Order Entered on September 21, 1984 for Area IC and Lot 13133 which reclassified approximately 181 acres of land from the Agricultural District into the Urban District at Oneula, Ewa, Oahu, Hawaii for marina, residential, commercial, public facility, and park uses. The motion was seconded by Commissioner Fiesta and polled as follows:

Ayes: Commissioners Coppa, Fiesta, Ing, Jarman, Yukimura, Catalani, and Roehrig

A00-732 - TSA INTERNATIONAL, LIMITED

Vice Chairperson Ing announced that this was an action meeting to consider Kaloko-Honokohau National Historical Park's untimely application to intervene in the proceeding for district boundary amendment to reclassify approximately 102 acres of land currently in the Conservation District into the Urban District at Kaloko, North Kona, Hawaii, for the development of a mix of light industrial and industrial-commercial uses.

Appearances

Nathan Natori, Esq., representing Petitioner

Stanley Bond, representing Intervenor

Gary Barbano, representing Intervenor

Patricia O'Toole, Esq., Corporation Counsel, County of Hawaii

John Chang, Esq., Land Use Division, Office of Planning

Judith Henry, Land Use Division, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Arguments were heard from Mr. Bond, Mr. Natori, Ms. O'Toole and Mr. Chang.

Commissioner Roehrig moved to accept Kaloko-Honokohau National Historical Park's application to intervene. The motion was seconded by Commissioner Coppa and polled as follows:

Ayes: Commissioners Roehrig, Coppa, Catalani, Fiesta, Jarman, Yukimura, and Ing

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Fiesta moved to approve the minutes for the meeting dates of January 19, 2001. The motion was seconded by Commissioner Coppa and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

* Commissioner Coppa moved to adopt the Order Granting Request To Amend Condition No. 4 for Docket No. SP70-85 - Waikoloa Development Company. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

OTHER PENDING MATTERS

1. Mr. Saruwatari gave a legislative update of the pending bills affecting the Land Use Commission.

2. Litigation Update - Ms. Ueda reported that Deputy Attorney General Charleen Aina would be representing the Commissioners in their U.S. District Court lawsuit.

3. Tentative Meeting Schedule - The March 15-16 meeting date has been moved to the following week, March 22-23.

4. Field Trip Procedures for Docket No. A00-732/TSA International, Limited - Mr. Saruwatari reported that Ms. Aina advised the Commission to videotape the field trip. On March 8, the scheduled hearing will be opened in the morning and the field trip will be held after lunch. Staff will be coordinating the arrangements for the field trip. The Commissioners were advised to dress appropriately.

The meeting was adjourned at 2:40 p.m.

SP 70-85

LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

February 16, 2001 - 9:30 a.m.

Conference Room 405
Leiopapa A Kamehameha
235 So. Beretania Street
Honolulu, Hawaii

'01 FEB -6 A11 :15

LIEUTENANT GOVERNOR'S OFFICE

A G E N D A

I. CONTINUED ACTION

1. A00-733 - HARRISON J. & SHARENE Z. KLEIN (Hawaii)

To determine whether the anticipated effects discussed in Petitioner's Final Environmental Assessment to reclassify approximately 2.621 acres of land currently in the Conservation District into the Agricultural District at Keonepoko Iki, Puna, Hawaii for the cultivation of ti-leaf plants, coconut trees and palms and recommence a commercial farming operation constitutes a "significant effect" pursuant to Chapter 343, H.R.S.

II. ACTION

1. A00-731 - DESTINATION VILLAGES KAUAI, LLC (Kauai)

To consider reclassifying approximately 153.696 acres of land currently in the Agricultural District into the Urban District at Makaweli, Kauai, for the development of a resort and accessory uses.

2. A83-558 - MSM & ASSOCIATES, INC. (Oahu)

a. To consider HASEKO (Ewa), Inc.'s and HASEKO Homes, Inc.'s Motion for Release From Decision and Order Entered on September 21, 1984 which reclassified approximately 181 acres of land from the Agricultural District into the Urban District at Oneula, Ewa, Oahu, Hawaii for marina, residential, commercial, public facility, and park uses (Motion for Area IC).

-over-

b. To consider HASEKO (Ewa), Inc.'s and HASEKO Homes, Inc.'s Motion for Relief from Condition No. 7 of the Decision and Order Entered on September 21, 1984 which reclassified approximately 181 acres of land from the Agricultural District into the Urban District at Oneula, Ewa, Oahu, Hawaii for marina, residential, commercial, public facility, and park uses (Motion for Condition No. 7).

c. To consider HASEKO (Ewa), Inc.'s and HASEKO Homes, Inc.'s Motion for Release From Decision and Order Entered on September 21, 1984 which reclassified approximately 181 acres of land from the Agricultural District into the Urban District at Oneula, Ewa, Oahu, Hawaii for marina, residential, commercial, public facility, and park uses (Motion for Lot 13133).

3. A00-732 - TSA INTERNATIONAL, LIMITED (Hawaii)

To consider Kaloko-Honokohau National Historical Park's untimely application to intervene in the proceeding for district boundary amendment to reclassify approximately 102 acres of land currently in the Conservation District into the Urban District at Kaloko, North Kona, Hawaii for the development of a mix of light industrial and industrial-commercial uses.

IV. MISCELLANEOUS

1. Adoption of Minutes

a. January 19, 2001

2. Adoption of Decision and Order

a. Docket No. SP70-85/Waikoloa Development Company (Order Granting Request To Amend Condition No. 4)

3. Status Report on Legislative Matters

4. Discussion of Litigation Matters

   a. Pacific Star, LLC v. The Sierra Club, et al., Civil No. 00-1-0209K (3rd Cir.) and other state and federal litigation by Pacific Star, LLC, arising out of LUC DR00-23, In the Matter of the Petition of David Kimo Frankel, Chair, The Sierra Club, Hawaii Chapter.

   (The Commission may elect to consult with counsel in executive session pursuant to Section 92-5, HRS.)

5. Discussion of Pending Matters

   a. Tentative Meeting Schedule

   b. Field Trip Procedures

The mailing address for the Land Use Commission is P.O. Box 2359, Honolulu, Hawaii, 96804-2359.

CARLSMITH BALL LLP

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS

75-1000 HENRY STREET, SUITE 209
P.O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
TELEPHONE (808) 329-6464 FAX (808) 329-9450
WWW.CARLSMITH.COM

OUR REFERENCE NO. 037756-7

LAND USE COMMISSION
STATE OF HAWAII
2001 JAN 18 P 3:07

January 12, 2001

Esther Ueda, Executive Director
Office of the Land Use Commision
State Office Tower
235 South Beretania, 4th Floor
Honolulu, HI 96813

Re: Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

Dear Ms. Ueda:

This is to confirm our conversation with Burt Saruwatari of your staff that Carlsmith Ball will be unable to assist Waikoloa Development Company on the above-referenced matter before the State Land Use Commission. This is also to confirm that we have also notified Waikoloa Development Company and sent them a copy of the meeting agenda.

Should you have any questions, please call me.

Very truly yours,

Robert D. Triantos

RDT:rhy
4075708.1.053425-00001

LAND USE COMMISSION
STATE OF HAWAII
2001 JAN 22 A 9:55
ORIGINAL

January 19, 2001

Land Use Commission
Department of Business, Economic
Development & Tourism
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

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 8 of the Order Granting Request to Amend Special Permit, effective January 24, 1996, in the above-referenced docket, please let this letter serve as the annual report to the State Land Use Commission and the Hawai'i County Planning Department.

General:

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.

On November 1, 2000, the Planning Commission voted to send a favorable recommendation to the State Land Use Commission to amend Condition No. 4 (extension of life for Site 1 – Pu'u Hinai) of Special Permit No. 70-85. Waikoloa Development Co., as owner of Site 1, requested a five-year extension, to December 11, 2005. This recommendation has been forwarded to the Land Use Commission for review and approval. As lessee of Site 2, activities were terminated at that site on December 11, 2000, as required by Condition 5.

No product was removed from either Site 1 (Pu'u Hinai Quarry) or Site 2 (Village Quarry) during the past year. To the best of our knowledge, no public complaints have been received and there have been no problems encountered at either site.

Conditions and Compliance:

- " 1. The Applicant, 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 throughout the term of this Special Permit.

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

Compliance. A metes and bounds map and description of Quarry Site 2 were submitted to the Planning Department and the Land Use Commission on January 6, 1997. By letter dated January 7, 1997, the Land Use Commission acknowledged that we have complied with this condition, as did the Planning Department in its letter dated April 15, 1997. This condition has been satisfied.

- " 3. The quarrying 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, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday."

Compliance. With the termination of activities at Site 2, this condition proposes to be deleted from the Special Permit.

- " 4. Quarrying operations at Site 1 shall be terminated by December 11, 2000, 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."

Compliance. Applicant requested an extension to this condition, as work on the Highlands Golf Estates project, for which this quarry would supply material, has been postponed due to the current economic situation. A favorable recommendation was granted by the Planning Commission on November 1, 2000 and forwarded to the Land Use Commission. A hearing on this matter before the Land Use Commission has not been set.

A subdivision application for the final increment of adjacent RA-zoned lands has not been initiated at this time.

- " 5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first."

Compliance. This condition has been complied with. All activities at Site 2 have been terminated.

- " 6. Upon termination of 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 Hawai'i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date."

Compliance. This condition will be complied with. At Site 2, removal of stockpiled material is complete and renaturalization is in process.

- " 7. 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.

- " 8. An annual monitoring report shall be submitted to the Hawai'i 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 Hawai'i Planning Commission that the quarry use will have an adverse impact on surrounding properties."

Compliance. This letter serves as the fifth annual report in compliance with Condition No. 8 of the Order Granting Request to Amend Special Permit issued effective January 24, 1996. Previous annual reports were submitted in compliance with Condition No. 9 of the Order in this docket issued effective March 6, 1991.

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

Compliance. Conditions have been, and will continue to be, met in a timely fashion.

Your acceptance of this report is appreciated.

Respectfully submitted,

Thos Rohr
President

c: Land Use Commission (2 copies)
Planning Dept. - West Hawaii Office

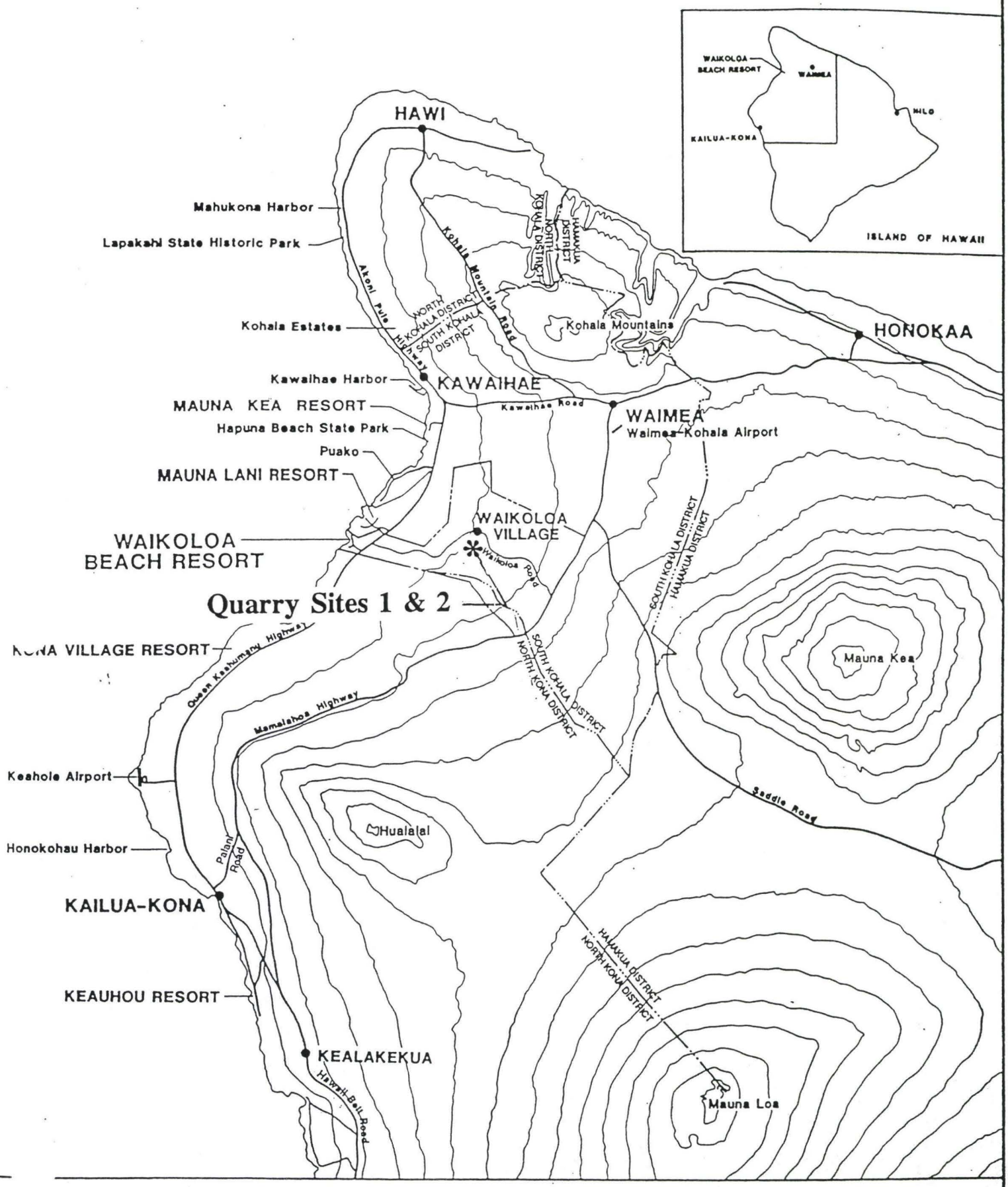


EXHIBIT 1

Figure 1
LOCATION MAP

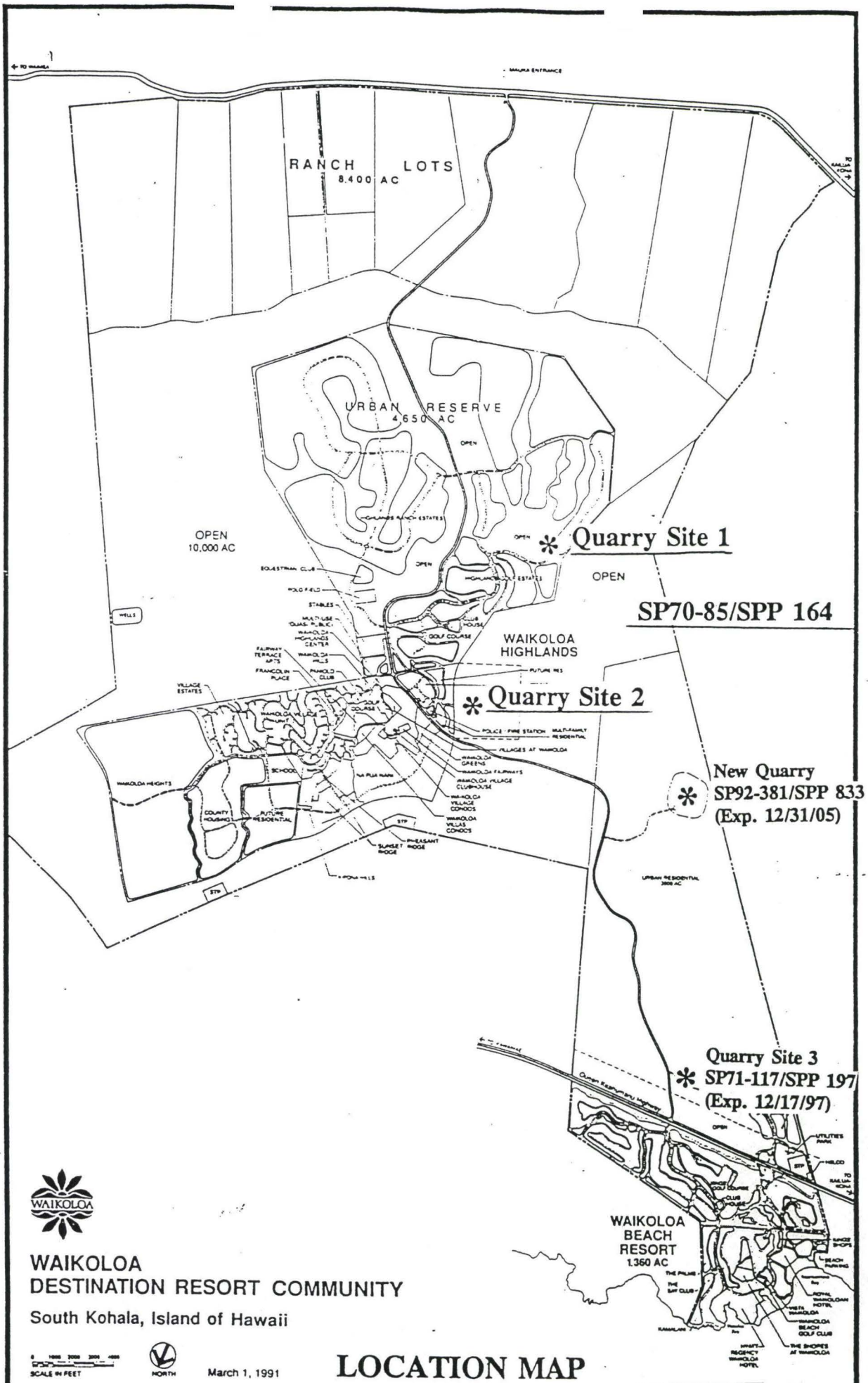

RANCH LOTS
8,400 AC
URBAN RESERVE
4,650 AC
OPEN
10,000 AC
OPEN
OPEN
* Quarry Site 1
SP70-85/SPP 164
WAIKOLOA
HIGHLANDS
* Quarry Site 2
New Quarry
SP92-381/SPP 833
(Exp. 12/31/05)
Quarry Site 3
SP71-117/SPP 197
(Exp. 12/17/97)
WAIKOLOA
BEACH
RESORT
1,360 AC
WAIKOLOA
DESTINATION RESORT COMMUNITY
South Kohala, Island of Hawaii
SCALE IN FEET
NORTH
March 1, 1991
LOCATION MAP

EXHIBIT 2

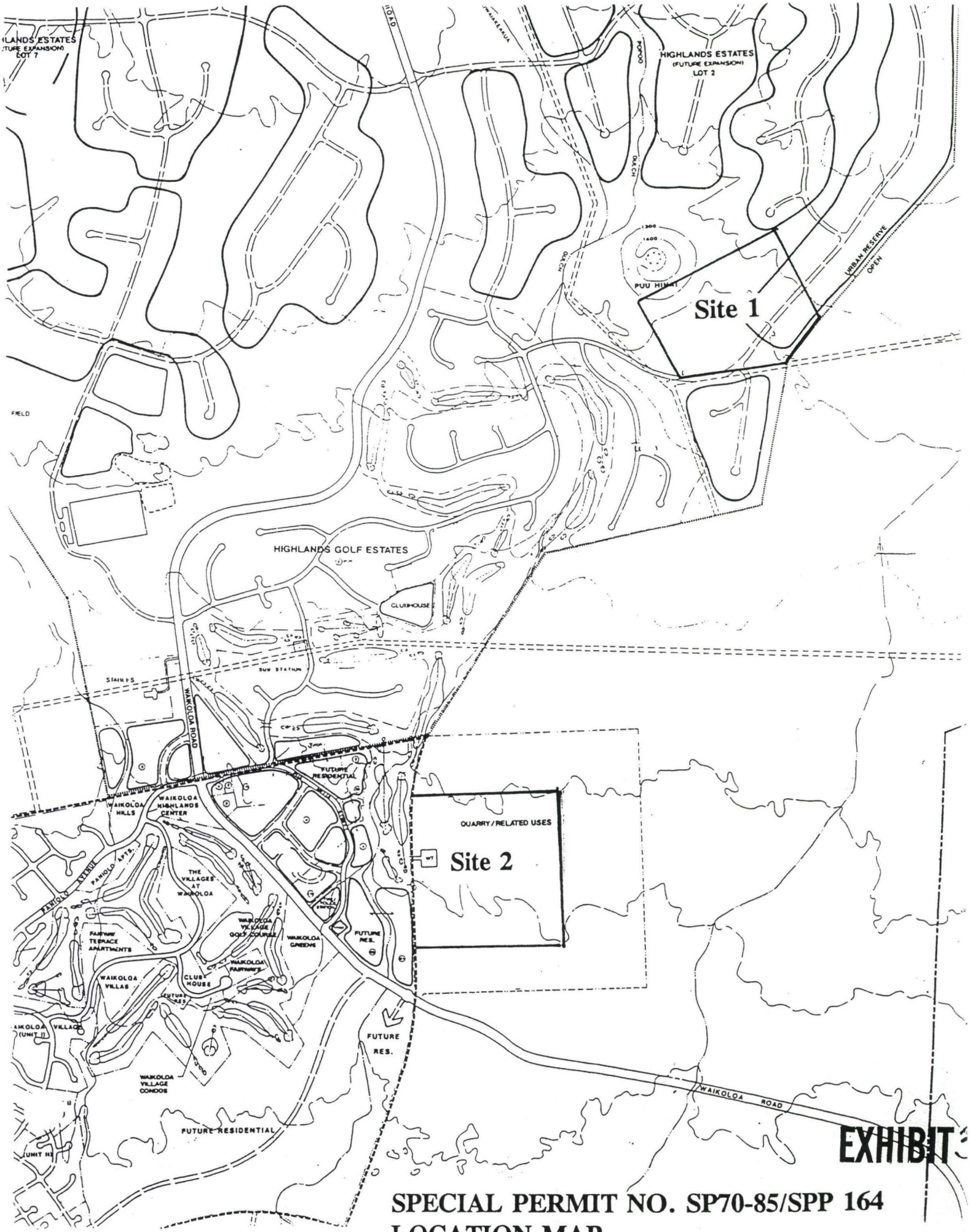


EXHIBIT 3

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

Stephen K. Yamashiro
Mayor

County of Hawaii

'00 DEC -5 P3:40

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

CERTIFIED MAIL
7000 0600 0024 2903 8780

NOV 3 0 2000

Robert D. Triantos, Esq.
Carlsmith Ball
P.O. Box 1720
Kailua-Kona, HI 96745-1720

Dear Mr. Triantos:

Special Permit Application (SPP 164)
Applicant: Waikoloa Development Company
Request: Extension of Time to Condition No. 4 of Special Permit No. 164
Tax Map Key: 6-8-2:Portions of 16 and 33

The Planning Commission at its duly held public hearing on November 1, 2000, voted to send a favorable recommendation to the State Land Use Commission for the above-referenced request to amend Condition No. 4 (extension of life for Site 1 – Pu'u Hinai) of Special Permit No. 70-85 which established the Pu'u Hinai (Site 1) and the Village (Site 2) quarries and allied uses on approximately 155.6 acres of land within the State Land Use Agricultural District. The property is located to the west of Waikoloa Road and adjacent to the Waikoloa Highlands development, Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

Approval of the requested amendments to Special Permit No. 70-85 will not be contrary to the objectives sought to be accomplished by the State Land Use Law and its regulations. The granting of this request will continue to promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. 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. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural uses. The State Land Use Commission, in its approval of Special Permit No. 70-85 in 1970, found that the quarrying activities were consistent with the objectives sought to be accomplished by the State Land Use Law. The continued operation of Site 1 (Pu'u Hinai Quarry) until December 11, 2005 will not compromise the basic tenents that supported the approval of the Special Permit by the State Land Use Commission. The applicant

will continue to operate the Pu'u Hinai Quarry in a manner and within the limitations as specified by Special Permit No. 70-85. The termination of quarrying activities at Site 2 (Village Quarry) will certainly not be contrary to the State Land Use Law since it will once again make these lands available for other potential uses as provided for under the State Land Use Law.

The State Land Use Commission found in 1970 that the quarry activities were an unusual and reasonable use of land within the State Land Use Agricultural District. The existing quarries have been in use since approved in 1970. Continued use of the Pu'u Hinai Quarry for an additional five years will not displace any agricultural activity nor diminish the limited agricultural potential of the surrounding region. Furthermore, the termination of quarrying activities at Village Quarry will make these lands available for potential agricultural uses. Therefore, the requested amendment would not be contrary to the objectives of the State Land Use Law for the Agricultural District. The request to amend Special Permit No. 70-85 will not adversely affect surrounding properties. In the 30 years that these quarries have been in operation, the Planning Department is not aware of any complaint received from surrounding communities and properties that were the result of quarrying operations. Conditions of approval within Special Permit No. 70-85 requires that quarrying activities within the Pu'u Hinai Quarry terminate upon the subdivision of adjacent Residential-Agricultural (RA)-zoned lands within the proposed Highlands residential and golf course development or the expiration of the life of this permit, whichever comes first. This condition of approval will be preserved as part of this approval recommendation. The termination of quarrying activities at the Village Quarry will further reduce the possibility of any potential adverse impact upon surrounding lands.

The amendment request will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection. The Pu'u Hinai Quarry operations do not require the provision of public utilities. Access to this quarry site is available and adequate to accommodate current and future needs. No additional burden on police or fire protection is anticipated. Consulted agencies had no objection to the request.

The amendment request will not substantially alter or change the essential character of the land and the present use. To allow for continued use of the Pu'u Hinai Quarry for an additional five years will not substantially alter the character of the areas which has been developed as a quarry for the past 30 years. Conditions of approval requires grading of the quarry site to blend with the surrounding area and its re-vegetation upon termination of quarrying activities. A condition of approval will be included as part of this favorable recommendation to also ensure that proper grading and re-vegetation of

the Village Quarry site be completed within 90 days from the date of termination of operations.

In its approval of Special Permit No. 70-85 in 1970, the State Land Use Commission found that the land upon which the quarries were established is not suitable for the uses permitted within the district. The State Land Use Commission also found that the establishment of quarries within this particular location is consistent with the applicable goals, policies and standards of the Hawaii County General Plan. To approve the extension to the life of the permit and to terminate quarrying activities at the Village Quarry will not be contrary to these original findings.

In consideration of the above, it is recommended that a favorable recommendation be forwarded to the State Land Use Commission for the:

a. Deletion of Conditions Nos. 2, 3 and 5 as they deal with the operations of Site 2 (Village Quarry), which will terminate operations on December 11, 2000;

b. Amendment to Condition No. 4 to reflect an extension to the life of Special Permit No. 70-85 to December 11, 2005;

c. Amendment to the language of Condition No. 6 to ensure the proper grading and re-vegetation of Site 1 (Pu'u Hinai) and Site 2 (Village) quarries upon termination of operations; and

d. Re-alphabetizing the conditions of approval to reflect the various amendments.

This favorable recommendation is subject to the following amended conditions of approval (new material is underscored and material to be deleted is bracketed):

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 in map and written form of Site 2 shall be filed with the Planning Department and the Land Use Commission within one year from the effective date of this Order.

3. The quarrying 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, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active

noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday.]

[4]2. Quarrying operations at Site 1 (Pu'u Hinai Quarry) shall be terminated by December 11, [2000]2005, 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.

[5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first.]

[6]3. Upon termination of operations or abandonment of any portion of [the affected sites]Site 1 (Pu'u Hinai Quarry) and Site 2 (Village Quarry), 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 Hawai'i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

[7]4. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

[8]5. An annual monitoring report shall be submitted to the Hawai'i 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 Hawai'i Planning Commission that the quarry use will have an adverse impact on surrounding properties.

[9]6. Should any of the conditions not be met or substantially complied with in a timely fashion, the Hawai'i County Planning Director shall initiate procedures to revoke the permit.

This recommendation 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.

Should you have any questions, please contact Daryn Arai of the Planning Department West Hawaii Office at 327-3510 or Alice Kawaha of the Planning Department Hilo Office at 961-8288.

Sincerely,

James Sonza

for Richard B. Baker, Jr., Chairman
Planning Commission

Lwaikoloadevcospp164PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
Kazu Hayashida, Director/DOT-Highways, Honolulu
Steven S. C. Lim, Esq.

Inter-Office Memo

TO MR BERT SARUWATARI

FROM AUDREY NG – GOODSILL ANDERSON QUINN & STIFLE

Subject PUU HINAI QUARRY REQUEST TO EXTEND

Date January 18, 2001

Attached is a copy of Waikoloa Development Company's Letter of Authorization.

LAND USE COMMISSION
STATE OF HAWAII
2001 JAN 18 P 4:07

LAND USE COMMISSION
STATE OF HAWAII
2001 JAN 18 P 4:07

Fee Owner and/or Applicant's Letter of Authorization

Tax Map Key: (3) 6-8-002: Portion of 016 and 033
District of South Kohala
Island, County and State of Hawaii

The undersigned is the authorized representative fee owner of and/or applicant for the real property above-identified, and hereby authorizes the law firm of Goodsill Anderson Quinn & Stifel and to apply for, execute and process any and all County, State and Federal governmental permit applications, and to participate in proceedings related to said real property.

This authorization may be signed in counterparts, each of which shall be considered an original, and the counterparts shall together constitute one and the same authorization. A photostatic or facsimile copy of this executed authorization shall also be considered as effective and valid as the original.

WAIKOLOA DEVELOPMENT COMPANY

By _____

THOS ROHR
Its Authorization Representative

Address: 150 Waikoloa Beach Drive
Waikoloa, Hawaii 96738

Subscribed and sworn to before me
this 15th day of January, 2001

_____

Notary Public, State of Hawaii
Name: Eleanor Mirikitani
My Commission expires: 1/3/03

2.5

CARLSMITH BALL LLP

ATTORNEYS AT LAW
A LIMITED LIABILITY LAW PARTNERSHIP

LAND USE COMMISSION
STATE OF HAWAII
2001 JAN 12 A 10:22

75-1000 HENRY STREET, SUITE 209
P.O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
TELEPHONE (808) 329-6464 FAX (808) 329-9450
WWW.CARLSMITH.COM

FACSIMILE TRANSMISSION

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DATE: January 12, 2001

TO: Name	Fax No.	Phone No.
Mr. Burt Saruwatari, Acting Executive Officer	(808) 587-3822	(808) 587-3827

FROM: Robert D. Triantos R. Triantos

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 2

CASE NAME:
Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

[X] ORIGINAL/COPY WILL BE MAILED [ ] ORIGINAL/COPY WILL NOT BE MAILED

MESSAGE: Pursuant to your request, this is the our letter to the State Land Use Commission concerning the withdrawal of our assistance to the above-referenced matter.

If problems occur, please call Royden at (808) 329-6464.

CARLSMITH BALL LLP

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS

LAND USE COMMISSION
STATE OF HAWAII
2001 JAN 12 A 10:22

75-1000 HENRY STREET, SUITE 209
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OUR REFERENCE NO. 037756-7

January 12, 2001

Esther Ueda, Executive Director
Office of the Land Use Commision
State Office Tower
235 South Beretania, 4th Floor
Honolulu, HI 96813

Re: Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

Dear Ms. Ueda:

This is to confirm our conversation with Burt Saruwatari of your staff that Carlsmith Ball will be unable to assist Waikoloa Development Company on the above-referenced matter before the State Land Use Commission. This is also to confirm that we have also notified Waikoloa Development Company and sent them a copy of the meeting agenda.

Should you have any questions, please call me.

Very truly yours,

Robert D. Triantos

RDT:rhy
407570&.1.053425-00001

BENJAMIN J. CAYETANO
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 10, 2001

MEMORANDUM

TO: Land Use Commission

FROM: Staff

SUBJECT: Summary of LUC Docket No. SP70-85/Waikoloa Development Company

PROCEDURAL MATTERS

On September 7, 2000, Waikoloa Development Company ("Applicant") filed a request with the County of Hawaii Planning Department ("Planning Department") to amend Condition No. 4 to extend the life of the quarrying operations at the Pu`u Hinai Quarry established in Docket No. SP70-85/Waikoloa Development Company ("Permit").

On November 1, 2000, the County of Hawaii Planning Commission ("Planning Commission") conducted a hearing on the Applicant's request, pursuant to a public notice published in the HS&CPN on October 2, 2000. There was no public testimony provided at the hearing. After due deliberation at its meeting on November 1, 2000, the Planning Commission recommended approval of the Applicant's request to the Land Use Commission ("LUC"), subject to six conditions.

On December 21, 2000, the LUC received and accepted for consideration the complete record of the Planning Commission's record on the Applicant's request.

BACKGROUND ON APPLICANT'S REQUEST

By Decision and Order dated December 14, 1970, the LUC approved a Special Permit (Docket No. SP70-85) to Boise Cascade

Properties, Inc. ("Boise Cascade"), to operate two quarry sites[1], including a screening plant, rock crusher, scales, AC batching plant, concrete batching plant, and equipment repair facilities, subject to the following five 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 problems 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.

By Decision and Order dated December 23, 1975, the LUC granted a five-year extension to the life of the Permit until December 11, 1980, subject to all of the conditions stipulated in the granting of the original Permit. The LUC also recommended that Boise Cascade be required to comply with the applicable Department of Health regulations, and that should the stated conditions not be met, the Permit shall be deemed null and void.

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[1] The two quarry sites consisted of the Pu`u Hinai Quarry ("Site 1") and the Village Quarry ("Site 2").

By Decision and Order dated May 15, 1981, the LUC approved a ten-year extension to the life of the Permit to December 11, 1990, subject to the following additional condition[2]:

> That approval of the extension request is subject to all conditions stipulated in the granting of the original Special Permit, except for those references in Condition Number 4 relating to the five year expiration date, but 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.
>
> That should the stated conditions not be met, the Special Permit may be deemed null and void.

By Decision and Order dated March 6, 1991, the LUC approved the request of the Applicant to 1) extend the life of the Permit for Sites 1 and 2 to December 11, 1995; 2) reduce the size of 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 removal of existing stockpiled materials and equipment storage and repair, subject to the following ten conditions, which replaced the previous conditions[3]:

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[2] Transcontinental Development Company had since acquired the development holdings and their related permits from Boise Cascade.

[3] Transcontinental Development Company had changed its name to Waikoloa Development Company.

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.

By Decision and Order dated January 24, 1996, the LUC approved the request of the Applicant to 1) amend Condition No. 5 and 6 to allow for an extension of the life of the Permit for Site 1 and the Site 2 for five years until December 11, 2000; 2) reduce the size of Site 2 from 92 acres to 89 acres to exclude the Waikoloa Sanitary Sewer Co.'s utility baseyard approved under County special Permit No. 908; 3) restore active quarrying uses at Site 2 to facilitate restoration of the site; and, 4) amend Condition No. 4 to clarify that only quarrying activities (defined to include loading, hauling, rock crushing, asphalt and concrete batch operations, and the use of explosives) are restricted to certain hours and days, and to allow quarrying activities between the hours of 8:00 a.m. and 3:30 p.m. on Saturdays, subject to the following nine conditions which replaced the previous conditions:

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

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

3. The quarrying 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, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday.

4. Quarrying operations at Site 1 shall be terminated by December 11, 2000, 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.

5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first.

6. Upon termination of 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 Hawai`i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

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

8. An annual monitoring report shall be submitted to the Hawai`i 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 Hawai`i Planning Commission that the quarry use will have an adverse impact on surrounding properties.

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

APPLICANT'S COMPLIANCE WITH CONDITIONS OF THE DECISION AND ORDER

According to the Applicant, the conditions of approval have been and will continue to be complied with. A metes and bounds map and description of Site 2 was filed with the Planning Department and the LUC in compliance with Condition No. 2.

DESCRIPTION OF PROPERTY AND SURROUNDING AREA

Site 1 consists of approximately 63.65 acres and is identified as TMK 6-8-02: por. 16. It is owned by the Applicant. Site 1 is located within a larger approximately 2,444-acre parcel on the southwest fact of the Pu`u Hinai cinder cone. It is located approximately 4,600 feet south of Waikoloa Road and 4.5 miles mauka of Queen Kaahumanu Highway. No permanent structures exist at the site. Access to Site 1 is off of Waikoloa Road by way of a paved and gravel road within a 50-foot-wide easement. Entry to the road is restricted by a locked gate. Site 1 is zoned Unplanned.

The 761 acres immediately to the northwest of Site 1 are zoned Residential and Agricultural-1 acre (RA-1a), and Open. The Applicant proposed the development of the Waikoloa Highlands Golf Estates residential project and golf course. Construction of Phase 1 of the residential project, which is located 2,000 feet makai of Site 1, is currently planned to commence by 2005. Development of the last phase of the project is undetermined. A subdivision application for the final increment has not been initiated, nor is one contemplated at this time.

To the southwest (makai) of Site 1 is a 220-acre rock quarry approved by the LUC by Decision and Order dated January 19, 1993, under LUC Docket No. SP92-381. Operations at this quarry commenced on July 1, 1999.

Site 2 is located adjacent to and to the south of Waikoloa Village and is identified as TMK 6-8-02: por. 33. The land comprising Site 2 is owned by the Waikoloa Village Association and was leased to the Applicant through the year 2000. Site 2 is an 89-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.

Site 1 is currently quarried for cinder and topsoil for the construction and maintenance of golf courses and landscaping elements. Cinder from the site was used for the construction of the access road to the State's Pu`uanahulu Exploratory Water

Well. Site 2 had been sporadically used to provide blue rock aggregate and base course material for roadway construction. Use of Site 2 involved only the removal of existing stockpiled materials, boulders, and fieldstones and equipment storage and repair.

Site 1 activities do not require utility services.

According to the Soil Conservation Service Soil Survey Report, the soils within Site 1 consist of Cinder land (rCL) and Rock land (rRO).

The Land Study Bureau Overall Master Productivity Rating system classifies the soils within Site 1 as "E," or very poor for agricultural productivity.

The State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii map does not classify the soils within Site 1.

The Federal Emergency Management Agency's Flood Insurance Rate Maps identifies Site 1 as being located outside of the 500-year floodplain.

DESCRIPTION OF THE PROPOSED AMENDMENT

The Applicant is requesting to amend Condition No. 4 to allow for an extension of the life of the Permit for Site 1 for five years until December 11, 2005, subject to the conditions of the present Permit that are applicable to Site 1.[4]

NEED FOR THE PROPOSED AMENDMENT

The Applicant states that although less than 4,000 cubic yards of material have been removed from Site 1 during the past five years, the cinder and topsoil available at Site 1 continue to be valuable resources. The Applicant further notes that these materials are not available elsewhere at Waikoloa, and are necessary for the construction of the planned Highlands Golf

[4] According to the Applicant, activities at Site 2 have terminated as required by current Condition No. 5. The Applicant points out that removal of stockpiled materials is complete and renaturalization is in process. The Applicant intends to submit the appropriate documentation to the Planning Department evidencing compliance with Condition No. 5 within 90 days of December 11, 2000, as required by current Condition No. 6.

Estates residential project and golf course, as well as for other projects in the region.

STATE AND COUNTY PLANS AND PROGRAMS

Site 1 is located within the State Land Use Agricultural District and is zoned Unplanned.

SUMMARY OF AGENCY COMMENTS

The County Department of Public Works, the County Fire Department, the County Real Property Tax Division, the State Department of Land and Natural Resources, the State Department of Health, the State Department of Agriculture, the State Department of Transportation, and the Natural Resources Soil Conservation Service had no objections or comments to offer on the Applicant's request.

The County Department of Water Supply pointed out that since the quarry was in the service area of a private water system and the continued use of the quarry would not affect any of its water systems, it had no requirements.

The County Police Department stated that it believed the request would not adversely impact police services in the area.

The LUC staff confirmed that Site 1 was approved for quarry and allied uses in the subject docket, and that by Order dated January 24, 1996, the LUC granted, among other things, an extension to the life of the Permit for Sites 1 and 2 to December 11, 2000.

CONFORMANCE TO SPECIAL PERMIT CRITERIA

In support of its recommendation of approval for the Applicant's request, the Planning Department provided the following:

Approval of the requested amendments to Special Permit No. 70-85 will not be contrary to the objectives sought to be accomplished by the State Land Use Law and its regulations. The granting of this request will continue to promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statues, as amended. 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.

In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural uses. The State Land Use Commission, in its approval of Special Permit No. 70-85 in 1970, found that the quarrying activities were consistent with the objectives sought to be accomplished by the State Land Use Law. The continued operation of Site 1 (Pu`u Hinai Quarry) until December 11, 2005 will not compromise the basic tenants[5] that supported the approval of the Special Permit by the State Land Use Commission. The applicant will continue to operate the Pu`u Hinai Quarry in a manner and within the limitations as specified by Special Permit NO. 70-85. The termination of quarrying activities at Site 2 (Village Quarry) will certainly not be contrary to the State Land Use Law since it will once again make these lands available for other potential uses as provided for under the State Land Use Law.

The State Land Use Commission found in 1970 that the quarry activities were **an unusual and reasonable use of land within the State Land Use Agricultural District.** The existing quarries have been in use since approved in 1970. Continued use of the Pu`u Hinai Quarry for an additional five years will not displace any agricultural activity nor diminish the limited agricultural potential of the surrounding region. Furthermore, the termination of quarrying activities at Village Quarry will make these lands available for potential agricultural uses. **Therefore, the requested amendment would not be contrary to the objectives of the State Land Use Law for the Agricultural District. The request to amend Special Permit No. 70-85 will not adversely affect surrounding properties.** In the 30 years that these quarries have been in operation, the Planning Department is not aware of any complaint received from surrounding communities and properties that were the result of quarrying operations. Conditions of approval within Special Permit No. 70-85 requires [sic] that quarrying activities within the Pu`u Hinai Quarry terminate upon the subdivision of adjacent Residential-Agricultural (RA)-zoned lands within the proposed Highlands residential and golf course development or the expiration of the life of this permit, whichever comes first. This condition of approval will be preserved as part of this approval recommendation. The termination of quarrying activities at the Village Quarry will further reduce the possibility of any potential adverse impact upon surrounding lands.

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[5] Word amended to "tenets" at Planning Commission meeting on November 1, 2000.

The amendment request will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection. The Pu`u Hinai Quarry operations do not require the provision of public utilities. Access to this quarry site is available and adequate to accommodate current and future needs. No additional burden on police or fire protection is anticipated. Consulted agencies had no objection to the request.

The amendment request will not substantially alter or change the essential character of the land and the present use. To allow for continued use of the Pu`u Hinai Quarry for an additional five years will not substantially alter the character of the areas which has been developed as a quarry for the past 30 years. Conditions of approval requires [sic] grading of the quarry site to blend with the surrounding areas and its re-vegetation upon termination of quarrying activities. A condition of approval will be included as part of this favorable recommendation to also ensure that proper grading and re-vegetation of the Village Quarry site be completed within 90 days from the date of termination of operations.

In its approval of Special Permit No. 70-85 in 1970, the State Land Use Commission found that **the land upon which the quarries were established is not suitable for the uses permitted within the district.** The State Land Use Commission also found that **the establishment of quarries within this particular location is consistent with the applicable goals, policies and standards of the Hawaii County General Plan.** To approve the extension to the life of the permit and to terminate quarrying activities at the Village Quarry will not be contrary to these original findings.

PLANNING COMMISSION RECOMMENDATIONS

At its meeting on November 1, 2000, after discussion of the Applicant's request, the Planning Commission voted to recommend approval of the Applicant's request to the LUC, subject to the following conditions (deletions bracketed; additions underscored):

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 in map and written form of Site 2 shall be filed with the

Planning Department and the Land Use Commission within one year from the effective date of this Order.

3. The quarrying 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, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday.]

[4]2. Quarrying operations at Site 1 (Pu`u Hinai Quarry) shall be terminated by December 11, [2000] 2005, 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.

[5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first.]

[6]3. Upon termination of operations or abandonment of any portion of [the affected sites] Site 1 (Pu`u Hinai Quarry) and Site 2 (Village Quarry), 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 Hawai`i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

[7]4. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

[8]5. An annual monitoring report shall be submitted to the Hawai`i 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 Hawai`i Planning Commission that the quarry use will have an adverse impact on surrounding properties.

[9]6. Should any of the conditions not be met or substantially complied with in a timely fashion, the Hawai`i County Planning Director shall initiate procedures to revoke the permit.

Approved
2/16/01

Minutes of Meeting

King Kamehameha's Kona Beach Hotel
Eha Room
75-5660 Palani Road
Kailua-Kona, Hawaii

January 19, 2001

COMMISSIONERS PRESENT: Bruce Coppa
Pravin Desai
M. Casey Jarman
Lawrence N.C. Ing
Merle A. K. Kelai
Stanley Roehrig (portion of proceedings)
Peter Yukimura

COMMISSIONERS ABSENT: P. Roy Catalani
Isaac Fiesta, Jr.

STAFF PRESENT: Bert Saruwatari, Acting Executive Officer
Charleen Aina, Esq., Deputy Attorney General
Russell Kumabe, Staff Planner
Teri Hee, Chief Clerk
Esther Ueda, Consultant

Andrea Vasconcellos, Court Reporter

Chairperson Kelai called the meeting to order at 9:35 a.m.

ACTION

* SP70-85 - WAIKOLOA DEVELOPMENT COMPANY

Chairperson Kelai announced that this matter before the Commission was an action to consider an amendment to the Special Use Permit which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on approximately 152.6 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

On January 12, 2001, the Commission received a facsimile letter from Robert D. Triantos, notifying the Commission that Carlsmith Ball will be unable to assist Waikoloa Development Company in this matter before the Commission.

Appearances

Audrey Ng, Esq., representing Waikoloa Development Company

Bill Moore, Waikoloa Development Company

On January 18, 2001, the Commission received a facsimile Letter of Authorization dated January 15, 2001, from Audrey Ng of Goodsill Anderson Quinn & Stifel.

Deputy Attorney General, Charleen Aina, recused herself from sitting in on this docket due to a conflict of interest.

Bert Saruwatari, acting executive officer, oriented the Commission to the special permit area on the Land Use District Boundaries and tax maps and gave a summary of the special permit request.

Arguments on the special permit were heard from Ms. Ng.

Questions were asked by the Commissioners.

Commissioner Coppa moved to approve Petitioner's motion to extend the special permit to the year 2005. The motion was seconded by Commissioner Ing and polled as follows:

Ayes: Commissioners Yukimura, Desai, Ing, Jarman, Coppa and Kelai

A00-733 - HARRISON J. & SHARENE Z. KLEIN

Chairperson Kelai announced that this was an action meeting to consider whether the anticipated effects discussed in Petitioner's Final Environmental Assessment to reclassify approximately 2.621 acres of land currently in the Conservation District into the Agricultural District at Keonepoko Iki, Puna, Hawaii for the cultivation of ti-leaf plants, coconut trees and palms and recommence a commercial farming operation constitutes a "significant effect" pursuant to Chapter 343, H.R.S.

On January 18, 2001, the Commission received Petitioner's Final Environmental Assessment.

Appearances

Steven S.C. Lim, Esq., representing petitioner

John Chang, Esq., Deputy Attorney General, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

Arguments were heard from Mr. Lim and Mr. Chang.

Questions were asked by the Commissioners.

Commissioner Jarman reported that since she only received her copy of the Final Environmental Assessment this morning, more time was needed for her to review it before she could vote. She also noted that on page 27 of the Final EA, number 11 stopped in the middle of a sentence.

Commissioner Jarman moved to defer action until the February 16, 2001 meeting. The motion was seconded by Commissioner Coppa and unanimously approved by voice votes.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Jarman moved to approve the minutes for the meeting date of December 8, 2000. The motion was seconded by Commissioner Ing and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Jarman moved to adopt the Order Of Preliminary Determination Of A Finding Of No Significant Impact For An Environmental Assessment for Docket No. A99-729 - The Newton Family Limited Partnership. The motion was seconded by Commissioner Ing and unanimously approved by voice votes.

Commissioner Roehrig was present to the proceedings at this time.

A93-701 - KAUPULEHU DEVELOPMENTS

Chairperson Kelai announced that this was an action meeting to consider how the Commission should proceed, including the disposition of Kaupulehu Developments' Motion For Establishment of Procedure on Remand, in light of the Hawaii Supreme Court's decision in *Ka Pa'akai O Ka'aina, et al. v. Land Use Commission, et al.*, Sup. Ct. Nos. 21124 and 21162.

A prehearing conference was held on December 19, 2000.

On January 2, 2001, the Commission received Ka Pa'akai O Ka 'Aina's Brief on Remand filed by Michael J. Matsukawa.

On January 5, 2001, the Commission received Memorandum In Support of Office of Planning, State of Hawaii Position On How To Proceed filed by John W.K. Chang.

On January 5, 2001, the Commission received Kaupulehu Developments' Memorandum Concerning The Scope Of And Procedure Applicable To The Remand Proceedings filed by R. Ben Tsukazaki.

On January 9, 2001, the Commission received Plan to Protect's Memorandum On How To Proceed filed by Robert D.S. Kim.

On January 12, 2001, the Commission received Memorandum In Response To Prehearing Conference Order of December 26, 2000, filed by Patricia K. O'Toole.

Chairperson Kelai announced that Patricia O'Toole from the County of Hawaii, Office of the Corporation Counsel would not be attending the hearing today.

Appearances

R. Ben Tsukazaki, Esq., representing petitioner

John Chang, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Michael J. Matsukawa, Esq., representing Intervenor Ka Pa`akai O Ka`aina)

Commissioner Jarman noted that a representative for Intervenor Plan to Protect was not present.

At this time, Commissioner Ing made a disclosure. There were no objections by the Petitioner or State to have Commissioner Ing participate in the proceedings.

Bert Saruwatari, Acting Executive Officer, oriented the Commission to the subject area on the Land Use District Boundaries and tax maps and gave background information on the Petition.

Arguments were heard from Mr. Tsukazaki, Mr. Chang, and Mr. Matsukawa.

Questions were asked by the Commissioners.

Commissioner Jarman suggested that the following procedure be established to respond to the Supreme Court's remand in docket A93-701:

1. The parties as well as the staff shall review the record and make recommendations as to what those valued cultural historic or natural resources were both in reference to the pages so that they could be found in the record and in proposed findings that are related to those issues. Both tasks shall be done within 30 days.

2. Cite those portions of the record by showing the extent to which the resources and the native Hawaiian rights would be affected or impaired by the proposed action.

Mr. Tsukazaki did not have any objections to Commissioner Jarman's suggestions but commented that he would still like to have the Commission provide the opportunity to the parties in phase one or phase two to present what each party thinks the findings of fact should be.

Mr. Matsukawa added that each party should make just one filing, with no counter-filing, or rebuttal filing.

Mr. Chang reported no objections.

Commissioner Jarman moved that the following procedure be established to respond to the Supreme Court's remand in docket A93-701:

1. The parties as well as the staff shall review the record and the parties shall make recommendations as to what those valued cultural, historic or natural resources were both in reference to the pages so that they can be found in the record and in proposed findings related to those issues.

2. Cite those portions of the record that show the extent to which the resources and the native Hawaiian rights were being affected or impaired by the proposed action.

3. A hearing will be conducted after receiving each parties' document, at which time a determination will be made as to the need of additional testimony before a decision is made.

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

Ayes: Commissioners Roehrig, Desai, Coppa, Ing, Jarman, Yukimura and Kelai

MISCELLANEOUS

Commissioner Jarman moved to amend the agenda to include discussion of pending matters. The motion was seconded by Commissioner Yukimura and unanimously approved by voice votes.

OTHER PENDING MATTERS

1. Mr. Saruwatari announced that he was invited to give a presentation to the Kaanapali Community Association on February 5, 2001 regarding the Commission duties and responsibilities.

2. Mr. Saruwatari reported that with respect to Docket No. A00-732, the Kaloko-Honokohau National Historic Park may be intervening in this proceeding. The Commission instructed staff to arrange a field trip to the National Historic Park.

3. Pending legislation. Commissioner Ing requested that they receive copies of the bills on which testimony will be provided.

The meeting was adjourned at 11:30 a.m.

LAND USE COMMISSION

NOTICE OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

January 19, 2001 - 9:30 a.m.

King Kamehameha's Kona Beach Hotel
Eha Room
75-5660 Palani Road
Kailua-Kona, Hawaii

'01 JAN -9 A10:01
LIEUTENANT GOVERNOR'S OFFICE

A G E N D A

I. ACTION

1. SP70-85 - WAIKOLOA DEVELOPMENT COMPANY (Hawaii)

   To consider an amendment to the Special Use Permit which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on approximately 152.6 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

2. A00-733 - HARRISON J. & SHARENE Z. KLEIN (Hawaii)

   To determine whether the anticipated effects discussed in Petitioner's Final Environmental Assessment to reclassify approximately 2.621 acres of land currently in the Conservation District into the Agricultural District at Keonepoko Iki, Puna, Hawaii for the cultivation of ti-leaf plants, coconut trees and palms and recommence a commercial farming operation constitutes a "significant effect" pursuant to Chapter 343, H.R.S.

3. A93-701 - KAUPULEHU DEVELOPMENTS (Hawaii)

   To consider how the Commission should proceed, including the disposition of Kaupulehu Developments' Motion For Establishment of Procedure on Remand, in light of the Hawaii Supreme Court's decision in *Ka Pa'akai O Ka'aina, et al. v. Land Use Commission, et al.*, Sup. Ct. Nos. 21124 and 21162.

-over-

1/9/01 Agenda (1/19/01) sent to C. Yuen, L. Ashida, Esq., R. Triantos, Esq., and all persons & organizations on the mailing lists: Statewide-11/9/00 & Hawaii-11/9/00.

II. MISCELLANEOUS

1. Adoption of Minutes

   a. December 8, 2000

2. Adoption of Decisions and Orders

   a. Docket No. A99-729/The Newton Family Limited Partnership, a Hawai`i limited partnership (Order Of Preliminary Determination Of A Finding Of No Significant Impact For An Environmental Assessment)

3. Report from Commission's Counsel on Litigation Matters*

*(Executive Sessions may be called in order for the Commission to consult with their attorney pursuant to Section 92-5, HRS.)

The mailing address for the Land Use Commission is P.O. Box 2359, Honolulu, Hawaii, 96804-2359.

BENJAMIN J. CAYETANO
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 9, 2001

VIA CERTIFIED MAIL

Mr. Christopher Yuen
Planning Director
County of Hawaii
25 Aupuni Street, Room 109
Hilo, Hawaii 96720-4252

Dear Mr. Yuen:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A00-733 - HARRISON J. & SHARENE Z. KLEIN (Hawaii)

SP70-85 - WAIKOLOA DEVELOPMENT COMPANY (Hawaii)

A93-701 - KAUPULEHU DEVELOPMENTS (Hawaii)

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

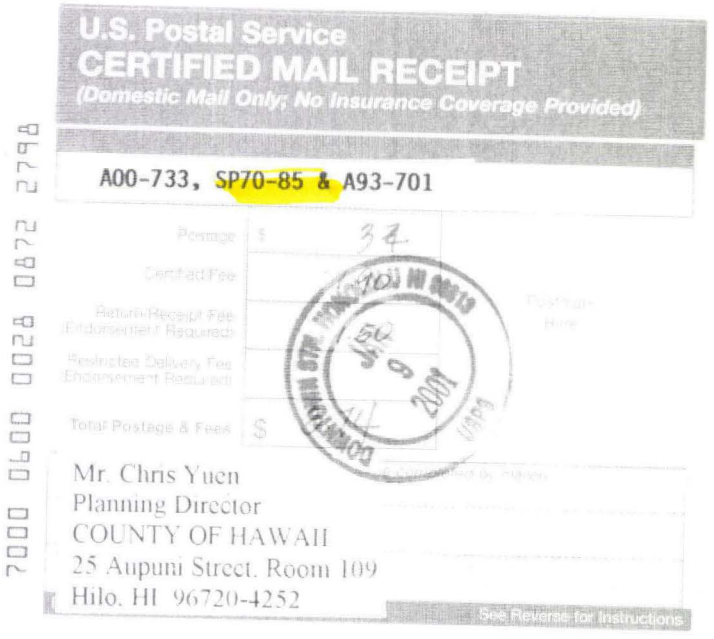
Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

BERT SARUWATARI
Acting Executive Officer

BS:th

Enclosure



U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

A00-733, SP70-85 & A93-701

7000 0600 0028 0872 2798

Postage $ 37
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

HONOLULU HI 96813 SEP 9 2001

Mr. Chris Yuen
Planning Director
COUNTY OF HAWAII
25 Aupuni Street, Room 109
Hilo, HI 96720-4252

See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Chris Yuen
Planning Director
COUNTY OF HAWAII
25 Aupuni Street, Room 109
Hilo, HI 96720-4252

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* L SUENISHI — B. Date of Delivery 9/10/01

C. Signature X — ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7000 0600 0028 0872 2798

A00-733, SP70-85 & A93-701

PS Form 3811, July 1999 — Domestic Return Receipt — 102595-00-M-0952

BENJAMIN J. CAYETANO
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 9, 2001

VIA CERTIFIED MAIL

Lincoln Ashida, Esq.
Corporation Counsel
County of Hawaii
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720

Dear Mr. Ashida:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A00-733 - HARRISON J. & SHARENE Z. KLEIN (Hawaii)

SP70-85 - WAIKOLOA DEVELOPMENT COMPANY (Hawaii)

A93-701 - KAUPULEHU DEVELOPMENTS (Hawaii)

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

BERT SARUWATARI
Acting Executive Officer

BS:th

Enclosure

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0028 0872 2804

A00-733, SP70-85 & A93-701

Postage $ .34
Certified Fee 1.90
Return Receipt Fee (Endorsement Required) 1.50
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees

Postmark Here

HONOLULU HI 96813 JAN 14 2001 USPS

Lincoln Ashida, Esq.
Corporation Counsel
COUNTY OF HAWAII
101 Aupuni Street, Suite 325
Hilo, HI 96720

PS Form 3800, January 2000 — See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lincoln Ashida, Esq.
Corporation Counsel
COUNTY OF HAWAII
101 Aupuni Street, Suite 325
Hilo, HI 96720

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* Natalie Pacheco — B. Date of Delivery JAN 1 0 2001

C. Signature X [signature] ☑ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7000 0600 0028 0872 2804

A00-733, SP70-85 & A93-701

PS Form 3811, July 1999 — Domestic Return Receipt — 102595-00-M-0952

BENJAMIN J. CAYETANO
GOVERNOR

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 9, 2001

VIA CERTIFIED MAIL

Robert D. Triantos, Esq.
Carlsmith Ball
P. O. Box 1720
Kailua-Kona, Hawaii 96745-1720

Dear Mr. Triantos:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

SP70-85 - WAIKOLOA DEVELOPMENT COMPANY (Hawaii)

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

BERT SARUWATARI
Acting Executive Officer

BS:th

Enclosure

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0028 0872 2811

SP70-85/Waikoloa

Postage	$ 34
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.74

Postmark Here

HONOLULU HI 96813 JAN 9 2001 USPS

Recipient's Name (Please Print Clearly)
Robert D. Triantos, Esq.
CARLSMITH BALL
P. O. Box 1720
Kailua-Kona, HI 96745-1720

PS Form 3800, February 2000 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Robert D. Triantos, Esq.
CARLSMITH BALL
P. O. Box 1720
Kailua-Kona, Hawaii 96745-1720

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) SHIRLEY RESPICIO B. Date of Delivery 1-10-01

C. Signature
X [signature] ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number (Copy from service label)
7000 0600 0028 0872 2811 SP70-85/Waikoloa

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

LIST OF EXHIBITS
SP70-85/WAIKOLOA DEVELOPMENT COMPANY
REQUEST TO AMEND CONDITION NO. 4 (LIFE OF THE PERMIT)

EXHIBIT	DESCRIPTION
---	Letter from Richard B. Baker, Jr., Chairman, County of Hawaii Planning Commission, to Esther Ueda, dated December 14, 2000, transmitting record on the Applicant's request.
---	County of Hawaii Planning Department Exhibit List.
A	PC Application Intake Form.
B	Letter from Robert D. Triantos, agent for the Aplicant, to Virginia Goldstein and Richard Baker, dated September 6, 2000, transmitting request letter, authorization letter, background report, Exhibits A through F, list of current surrounding property owners, letter certifying mailing of "First Notice" with Affidavit of Mailing and exhibits, Petition for Standing in Contested Case Hearing form, Certification of Clearance form, and copy of filing fee check.
C	Letter from Virginia Goldstein to Robert D. Triantos, dated September 15, 2000, acknowledging the Applicant's request and transmitting receipt for the filing fee.
D	Memorandum from Virginia Goldstein to State and County agencies, dated September 15, 2000, requesting review and comments on the Applicant's request.
E	Letter from Dean Y. Uchida, Administrator, Department of Land and Natural Resources, to Virginia Goldstein, dated September 20, 2000.

F	Letter from Virginia Goldstein to Robert D. Triantos, dated September 27, 2000, transmitting notice of public meeting and public hearings.
G	Transmittal from Stanley Tamura, Hawaii District Engineer, Department of Transportation, to Planning Director, County of Hawaii, dated September 27, 2000.
H	Letter from Esther Ueda to Virginia Goldstein, dated September 27, 2000.
I	Letter from Robert D. Triantos to Virginia Goldstein and Richard Baker, dated September 29, 2000, transmitting Affidavit of Mailing, with Exhibits A and B, Petition for Standing in Contested Case Hearing form, and Notice of Public Meeting and Public Hearings.
J	Transmittal from Thomas J. Hickcox, Assistant Police Chief, Field Operations Bureau, County of Hawaii Police Department, to Virginia Goldstein, dated October 2, 2000.
K	Memorandum from Galen M. Kuba, Division Chief, Engineering Division, County of Hawaii Department of Public Works, to Virginia Goldstein, dated October 4, 2000.
L	Transmittal from Milton D. Pavao, Manager, County of Hawaii Department of Water Supply, to Virginia Goldstein, dated October 10, 2000.
M	County of Hawaii Planning Department Background Report, the Applicant's request package, with Exhibits A through F.
N	County of Hawaii Planning Department Recommendation.
O	The Applicant's Response to Civil Nos. 96-189K and 96-190K, Ka Pa`akai O Ka`Aina v. Land Use Commission.

P	County of Hawaii Planning Commission Record of Voting.
Q	County of Hawaii Planning Commission Hearing Transcript.
R	Letter from Richard B. Baker, Jr., to Robert D. Triantos, dated November 30, 2000, providing notification of the Planning Commission's action on the Applicant's request.
S	County of Hawaii Planning Department Hearing Map.

Harry Kim
Mayor

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 A 9:04

County of Hawaii

PLANNING COMMISSION
25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

DEC 14 2000

Esther Ueda, Executive Officer
State Land Use Commission
DBEDT
P.O. Box 2359
Honolulu, HI 96804

Dear Ms. Ueda:

Special Permit (SPP 164)
Applicant: Waikoloa Development Company
Request: Extension of Time to Condition No. 4
Tax Map Key: 6-8-2:Portions 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-referenced request to amend Condition No. 4 (extension of life for Site 1 – Pu'u Hinai) of Special Permit No. 70-85 (SPP164), which established the Pu'u Hinai (Site 1) and the Village (Site 2) quarries and allied uses on approximately 155.6 acres of land within the State Land Use Agricultural District. The property is located to the west of Waikoloa Road and adjacent to the Waikoloa Highlands development, Waikoloa, South Kohala, Hawaii, TMK: 6-8-02: Portions of 16 & 33.

The Planning Commission at its duly advertised public hearing held on November 1, 2000, at North Kona, Hawaii, discussed the subject request and voted to recommend approval of the request to the Land Use Commission. Enclosed is the entire docket, and required copies, on the application.

Should you have any questions, please contact Alice Kawaha of the Planning Department at 961-8288.

Sincerely,

Richard B. Baker, Jr., Chairman
Planning Commission

Lwaikoloadevcospp16402PC
Enclosure (list of exhibits/exhibits - original and 15 copies)
cc: Robert D. Triantos, Esq.
Steven S. C. Lim, Esq.
Department of Public Works
Department of Water Supply
County Real Property Tax Division

EXHIBIT LIST

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 A 9:04
ORIGINAL

WAIKOLOA DEVELOPMENT CO.
Special Permit No. 164 (70-85)
Extension of Time to Condition No. 4
Tax Map Key: 6-8-2:Portions of 16 and 33

Exhibit	Date	Description
A		PC Application Intake Form
B	9/6/00	Letter from Robert D. Triantos to Planning Director including Special Permit amendment request submittal
C	9/15/00	Letter from Planning Director to Robert D. Triantos acknowledging amendment request
D	9/15/00	Memorandum to Agencies for review/comment
E	9/20/00	Department of Land and Natural Resources, Land Division, comments
F	9/27/00	Letter from Planning Director to Robert D. Triantos informing of Planning Commission hearing on 11/1/00, public hearing notice attached
G	9/27/00	Department of Transportation, Highways Division, comments
H	9/27/00	Land Use Commission comments
I	9/29/00	Letter from Robert D. Triantos to Planning Director and Planning Commission enclosing Affidavit of mailing to surrounding property owners
J	10/2/00	Police Department comments
K	10/4/00	Department of Public Works, Engineering Division, comments
L	10/10/00	Department of Water Supply comments
M	10/20/00	Planning Department Background Report
N	10/20/00	Planning Department Recommendation Report

Exhibit	Date	Description
O	10/31/00	Waikoloa Development Company's response to Civil Nos. 96-189K and 96-190K, Ka Pa'akai O Ka'Aina v. Land Use Commission
P	11/1/00	Planning Commission Record of Voting
Q	11/1/00	Hearing Transcript
R	11/30/00	Letter from Planning Commission to Robert D. Triantos informing of favorable recommendation to Land Use Commission of amendment request to SPP 164
S		Enlarged Map

PC APPLICATION INTAKE M

INF00:1-0020

300/500 ft. Notification _____ (1st) _____ (2nd)

File No.: SPP 164

Received: September 7, 2000
Complete: September 7, 2000

2000 DEC 21 A 9:54

LAND USE COMMISSION
STATE OF HAWAII

Applicant Waikoloa Development Company

Address 150 Waikoloa Beach Drive, Waikoloa, Hawaii 96738

Phone (Business) 886-1000 (Residence) _____

Landowner(s) Waikoloa Development Company

Remarks _____

Agent Robert D. Triantos, Carlsmith Ball

Address 75-1000 Henry Street, Suite 209, P. O. Box 1720, Kailua-Kona, Hawaii 96745-1720

Phone (Business) (808) 329-~~6644~~ 1464 (Residence) _____

Original To Robert D. Triantos Copies To Steven S.C. Lim, Thos Rohr, Waikoloa Development Company

Request Amendment to Condition No. 4 (Extend Life of Permit for 5 years)

Total Area 2,443.734 acres

TMK 6-8-002: Portions of 16 (Site 1) and 33 (Site 2) Affected Area 155.65 (63.65 + 92 = 155.65)

Zoning Agricultural (A-5a) (Site 1) GP Extensive Agriculture
SLU Agricultural SMA not applicable Chapter 343 Exempt

CDP N/A Metes & Bounds Verified: N/A

Tax Clearance N/A 2x3 Site Plan Received

COMMENTS	SENT-DATE	REC'D-DATE	COMMENTS	SENT-DATE	REC'D-DATE
DPW-Hilo	( )	( )	Health	(T)	( )
DPW-Kona	(✓)	(9/26/00)	DOT-Hilo	(✓)	(9/22/00)
DWS	(✓)	(10/2/00)	-Hnl	( )	( )
Civil Defense	( )	( )	State LUC	(✓)	(9/22/00)
P&R	( )	( )	DBEDT	( )	( )
Police	(✓)	(10/4/00)	Dept. of Ag.	(T)	( )
Fire	(T)	( )	NR Soil Cons.	(T)	( )
Tax Office	(T)	( )	Comm. Assn.	( )	( )
OHCD	( )	( )	Hilo Stf-Ministerial	( )	( )
KVDC	( )	( )	-LR Planning	( )	( )
DOE	( )	( )	-Drafting	( )	( )
DLNR			Kona Office	(T)	( )
- Land Div (Hnl)	(✓)	(9/21/00)	Other	(T) (Waikoloa Comm. Assoc.)	
-SHPD (Hnl)	(T)	( )			
-Land Mng. (Hilo)	(T)	( )			

REMARKS: (Applicable Files/Permits/Concurrent Processing) SPP 164 and SPP 833

EXHIBIT A

Prepared By: EMM Date: 9/07/00 PTS Logged By: SMW Date: 9/13/00

SPP 164 File 2

ORIGINAL

'00 SEP 7 AM 10 22

COUNTY OF HAWAII
PLANNING DEPT.
KONA OFFICE

CARLSMITH BALL LLP

ATTORNEYS AT LAW
A LIMITED LIABILITY LAW PARTNERSHIP

75-1000 HENRY STREET, SUITE 209
P.O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
TELEPHONE (808) 329-6464 FAX (808) 329-9450
WWW.CARLSMITH.COM

September 6, 2000

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 A 9:54

Ms. Virginia Goldstein, Planning Director
County of Hawaii Planning Department
Mr. Richard Baker, Chairperson
County of Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

RE: Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

Dear Ms. Goldstein & Mr. Baker:

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.

EXHIBIT
B

Pursuant to Hawaii County Planning Commission Rule No. 6 (Special Permit), Section 6-8, Waikoloa Development Company, as owner of Site 1, hereby requests a five-year time extension, to December 11, 2005, to Condition 4, life of the above-referenced Special Permit for Site 1. As lessee of Site 2, Owner intends to terminate activities at that Site on December 11, 2000, as required by Condition 5.

We have enclosed the following for the Special Permit Application Time Extension Request:

1. A letter of authorization from the owner, Waikoloa Development Company.
2. Twenty (20) copies of a written statement of the affected condition, the length of time requested; and the reasons for the request.
3. Twenty (20) copies of a Regional Location Map
4. Twenty (20) copies of Waikoloa Destination Resort Community Location Map
5. Twenty (20) copies of a Special Permit No. SP70-85/SSP 164 Quarry Site Location Map
6. Twenty (20) copies of Quarry Site 1 Site Plan
7. Twenty (20) copies of Quarry Site 2 Site Plan
8. Twenty (20) copies of of Amendment to SP 70-85 approved by the Land Use Commission on January 24, 1996.
9. A list of the current surrounding property owners within 500 feet from the Department of Finance, Real Property Tax Division;
10. A letter to the Planning Director and Planning Commission Chairman certifying the mailing of the "First Notice" to the surrounding property owners by enclosed Affidavit and attached exhibits;
11. A Certification of Clearance form dated September 6, 2000 showing no outstanding delinquencies from the Department of Finance, Real Property Tax Division.
12. A check for $100 for the Special Permit amendment application filing fee.

We hereby respectfully request your favorable consideration of this petition for an extension to Condition 4, the life of the Special Permit for Site 1, until December 11, 2005, subject to the other conditions of the present permit which are applicable to this Site 1.

ORIGINAL

Please forward all correspondences on the above referenced matter to my attention.

Should you have any questions, please call me at 329-6464.

Very truly yours,

Robert D. Triantos

RDT:rhy
Enclosure
cc: Steven S.C. Lim
Thos Rohr, Waikoloa Development Company
Waikoloa Village Association

ORIGINAL

Fee Owner and/or Applicant's Letter of Authorization

Tax Map Key: (3) 6-8-002: Portion of 016 and 033
District of South Kohala
Island, County and State of Hawaii

The undersigned is the authorized representative fee owner of and/or applicant for the real property above-identified, and hereby authorizes the law firm of Carlsmith Ball LLP, to apply for, execute and process any and all County, State and federal governmental permit applications, and to participate in proceedings related to said real property.

This authorization may be signed in counterparts, each of which shall be considered an original, and the counterparts shall together constitute one and the same authorization. A photostatic or facsimile copy of this executed authorization shall also be considered as effective and valid as the original.

WAIKOLOA DEVELOPMENT COMPANY

By _____
MYRON YAMASATO
Its Authorized Representative

Address: 150 Waikoloa Beach Drive
Waikolo, Hawaii 96738

Subscribed and sworn to before me
this 6th day of Sept., 2000.

_____
Notary Public, State of Hawaii
Name: Ilona Haggarty
My commission expires: 4/12/03

ORIGINAL

September 6, 2000

Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

Background and Reasons for Request

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.

On January 24, 1996, the State Land Use Commission approved an amendment to Special Permit SP70-85, Condition No. 5 to allow for an extension of the life of the Special Permit for the 2 Quarry sites for five years until December 11, 2000. **(SEE EXHIBIT F)**

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. **(SEE EXHIBIT B, C, & D)**

Adjacent land to the northwest (makai) is zoned RA-la 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 2005. 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 combination paved and gravel road within a 50-foot wide easement. To the best of our knowledge, there has not been any traffic or other problems related to the access road or its intersection with Waikoloa Road. A locked gate restricts entry to the road.

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 that the applicant transferred to the Waikoloa Village Association in 1985 and leased back through the year 2000. As the lease will expire on December 31, 2000, the applicant intends to terminate operations at this site in compliance with Condition 5. **(SEE EXHIBIT B, C & E)**

Special Permit No. 92-381 (SPP 833), approved effective January 19, 1993, allows quarrying activities on 219.990 acres of land located approximately 2.5 miles makai, or southwest, of Site 1. Operations at this quarry commenced on July 1, 1999. Operation of Site 1 is not expected to conflict with or duplicate operations at this new Waikoloa quarry, as Site 1 is a cinder and cinder/soil quarry, while the new Waikoloa quarry is a rock quarry.

Compliance with Conditions

All conditions of approval have been and will continue to be complied with, as follows:

- " 1. The Applicant, 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 throughout the term of this Special Permit and any extensions thereof.

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

Compliance. A metes and bounds map and description of Quarry Site 2 was submitted to the Planning Department and the Land Use Commission on January 6, 1997. By letter dated January 7, 1997, the Land Use Commission acknowledged that we have complied with this condition, as did the Planning Department in its letter dated April 15, 1997. This condition has been satisfied.

• " 3. The quarrying 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, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday."

Compliance. This condition has been met. All activities at Site 2 will cease on or before December 11, 2000, as required by Condition 5 below.

• " 4. Quarrying operations at Site 1 shall be terminated by December 11, 2000, 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."

Compliance. Applicant is hereby requesting a 5 year time extension until December 11, 2005 to this condition, as this is the only source of this type of material in Waikoloa. This material has been, and is, intended to be used for, among other projects, the future Highlands Golf Estates & Golf Course project. A subdivision application for the final increment of adjacent RA-zoned lands has not been initiated, nor is one contemplated at this time.

• " 5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first."

Compliance. This condition will be complied with.

• " 6. Upon termination of 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. This condition will be complied with. At Site 2, removal of stockpiled material is complete and renaturalization is in process. Appropriate documentation evidencing compliance will be submitted to the Planning Department within 90 days of December 11, 2000.

- " 7. 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.

- " 8. 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 com-plaints 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 condition has been and will continue to be complied with.

- " 9. 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 have been, and will continue to be, met in a timely fashion.

Reasons for Time Extension Request

While less than 4,000 cubic yards of material has been removed from Site 1 during the past five years, due to the minimal development taking place in the area, the cinder and topsoil available at Site 1 continue to be valuable resources. These materials are not available elsewhere at Waikoloa, and are necessary for the construction of the planned Highlands Golf Estates and Highlands Golf Course projects, as well as for other projects in the region.

Conclusion

Continued quarry operations at Site 1 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 this site. 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 to Condition 4, the life of the Special Permit for Site 1, until December 11, 2005, subject to the other conditions of the present permit which are applicable to this Site 1.

ORIGINAL

List of Exhibits

A. Regional Location Map

B. Waikoloa Destination Resort Community Location Map

C. Special Permit No. SP70-85/SSP 164 Quarry Site Location Map

D. Quarry Site 1 Site Plan

E. Quarry Site 2 Site Plan

F. Copy of Amendment to SP 70-85 approved by the Land Use Commission on January 24, 1996.

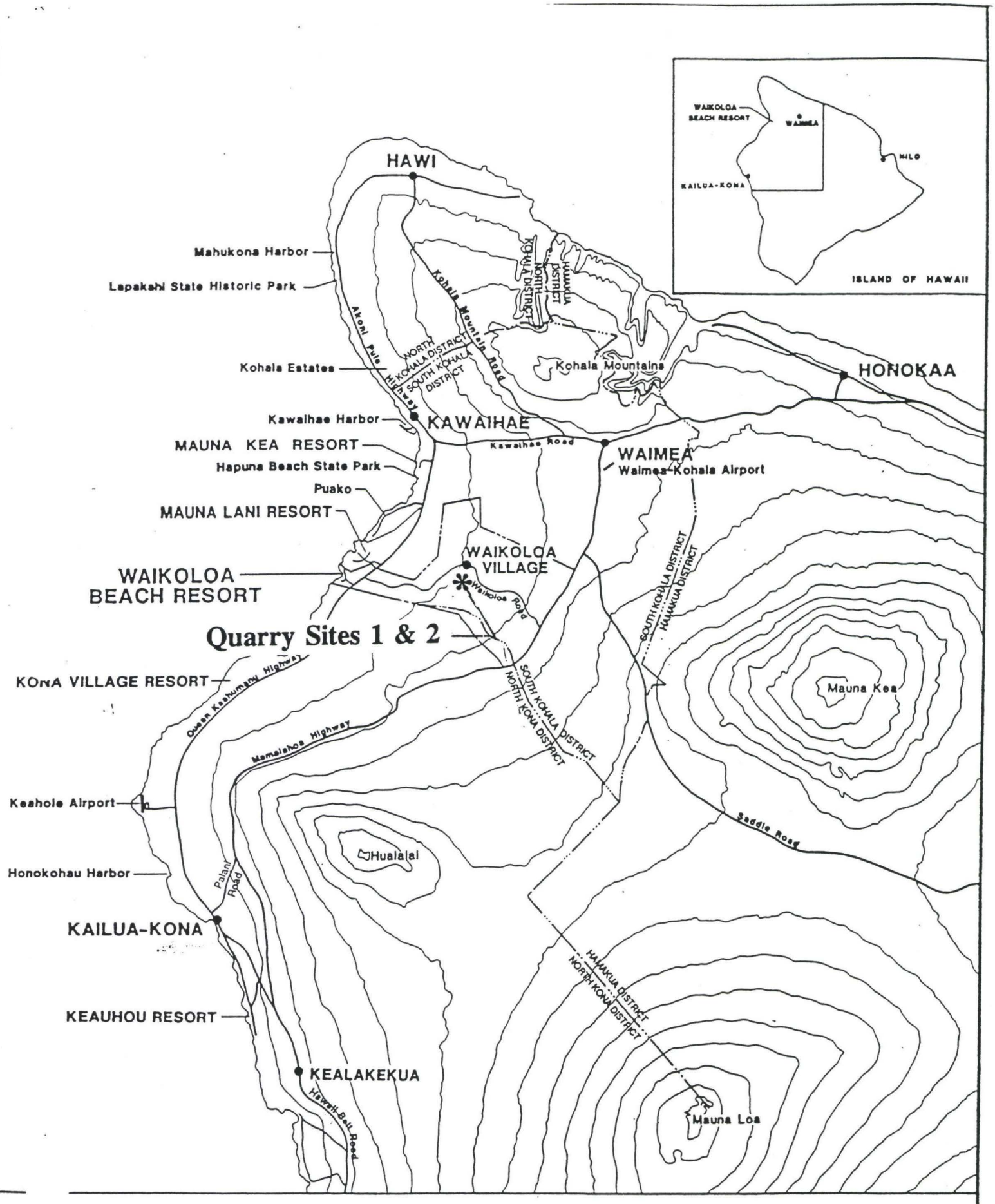
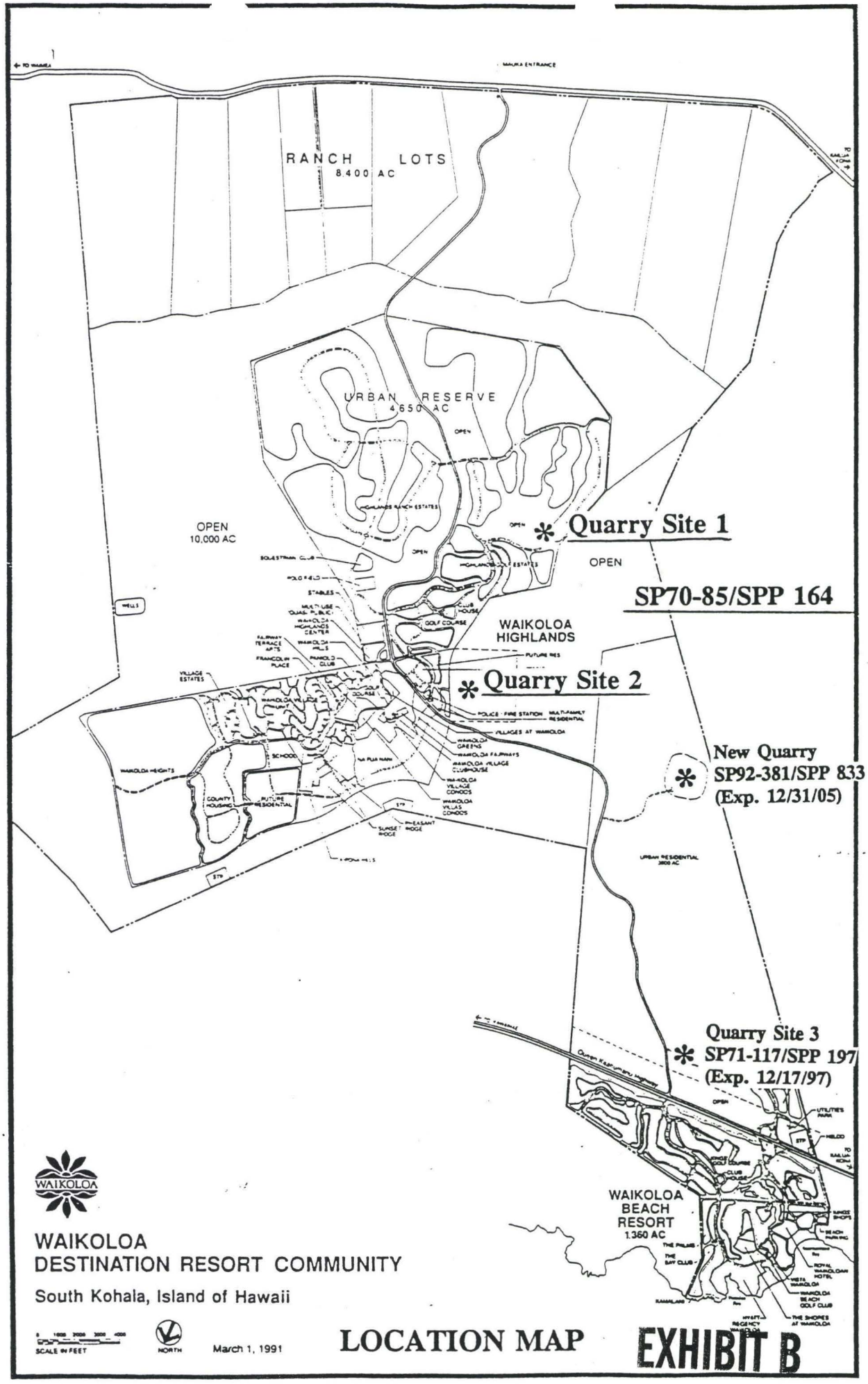


EXHIBIT A

Figure 1
LOCATION MAP


RANCH LOTS
8,400 AC
URBAN RESERVE
4,650 AC
OPEN
10,000 AC
OPEN
WAIKOLOA
HIGHLANDS
* Quarry Site 1
SP70-85/SPP 164
* Quarry Site 2
New Quarry
SP92-381/SPP 833
(Exp. 12/31/05)
Quarry Site 3
SP71-117/SPP 197
(Exp. 12/17/97)
WAIKOLOA
BEACH
RESORT
1,360 AC
WAIKOLOA
DESTINATION RESORT COMMUNITY
South Kohala, Island of Hawaii
SCALE IN FEET
NORTH
March 1, 1991
LOCATION MAP
EXHIBIT B

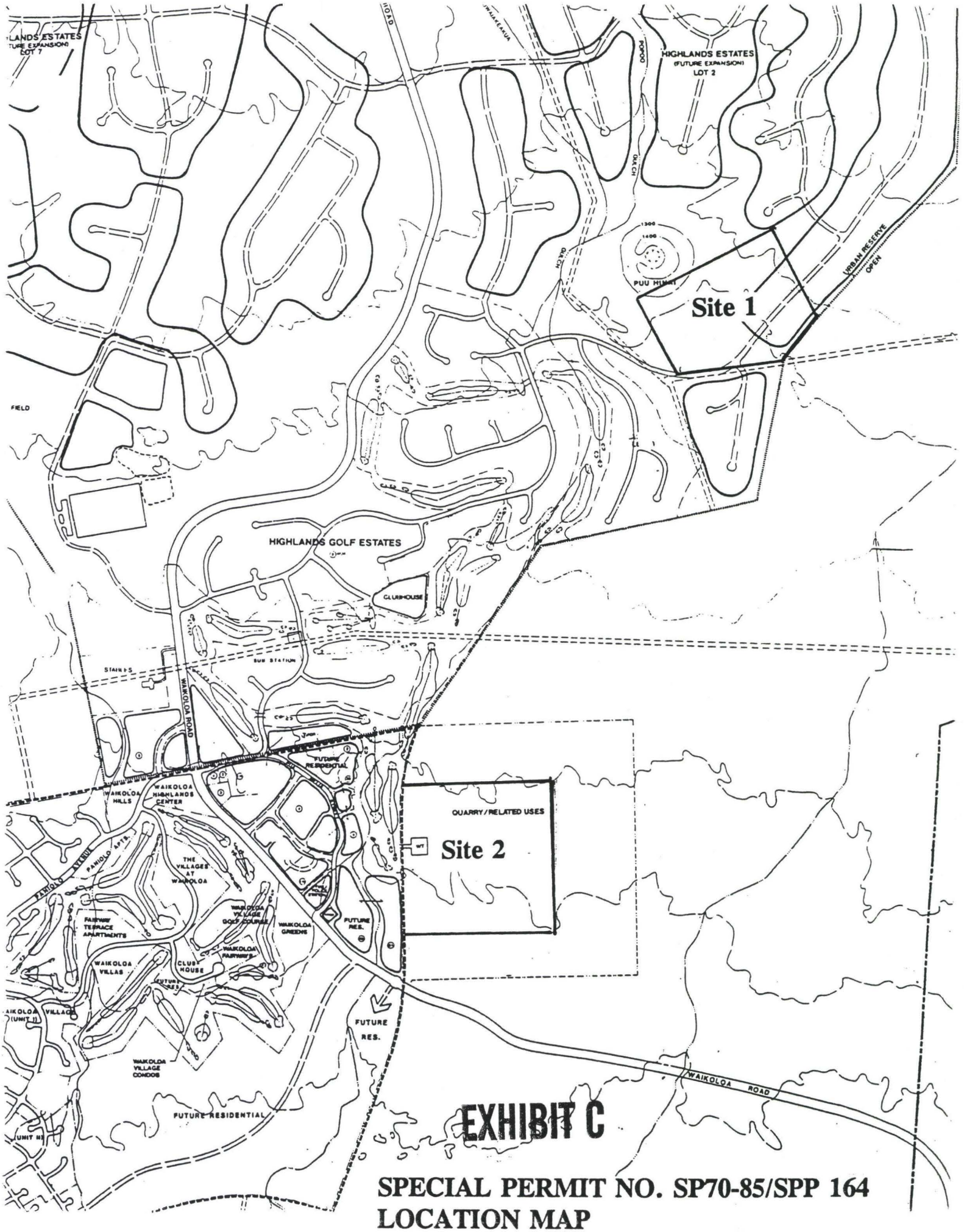
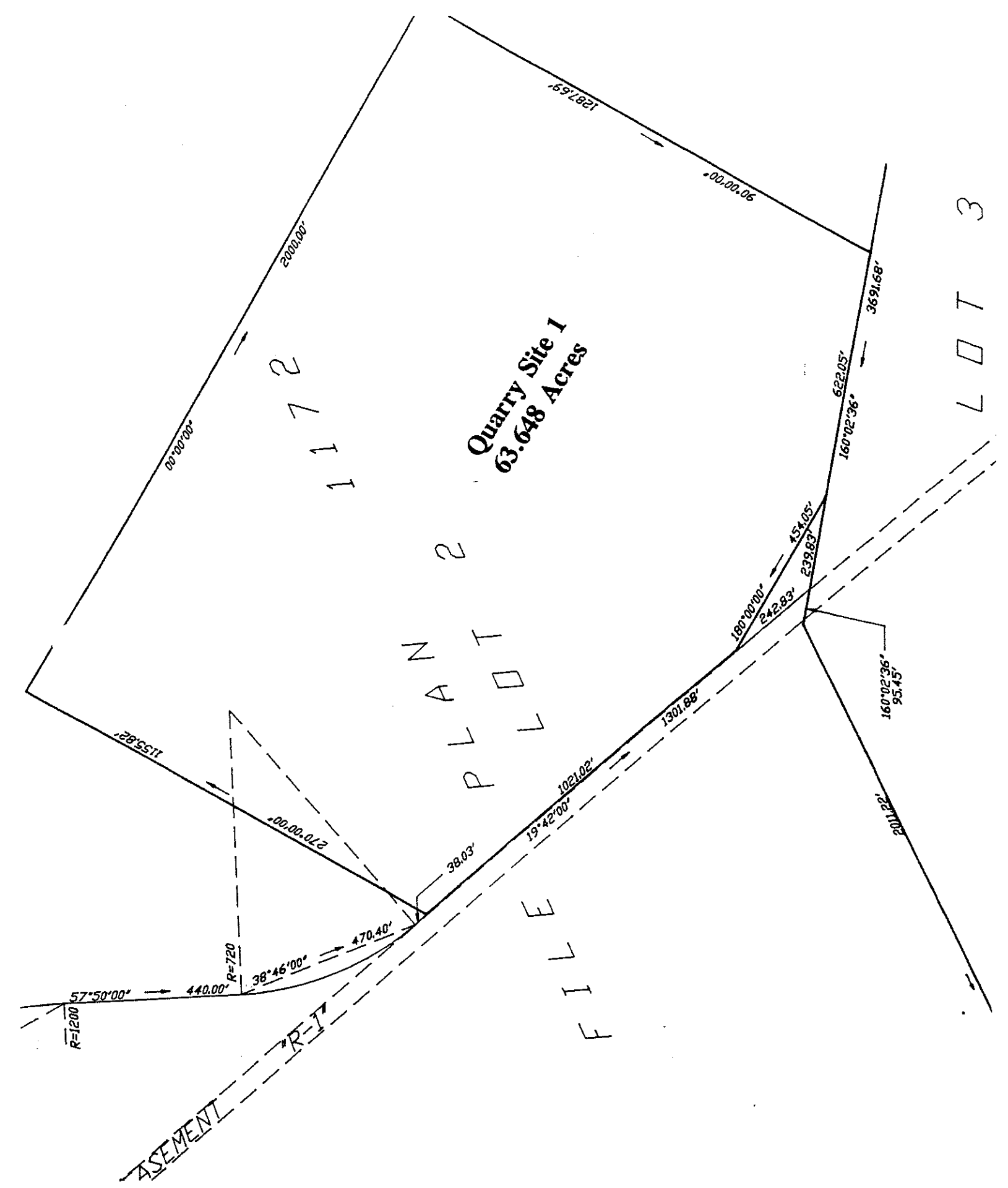


EXHIBIT C

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



SPECIAL PERMIT NO. SP70-85/SPP 164 **EXHIBIT D**

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

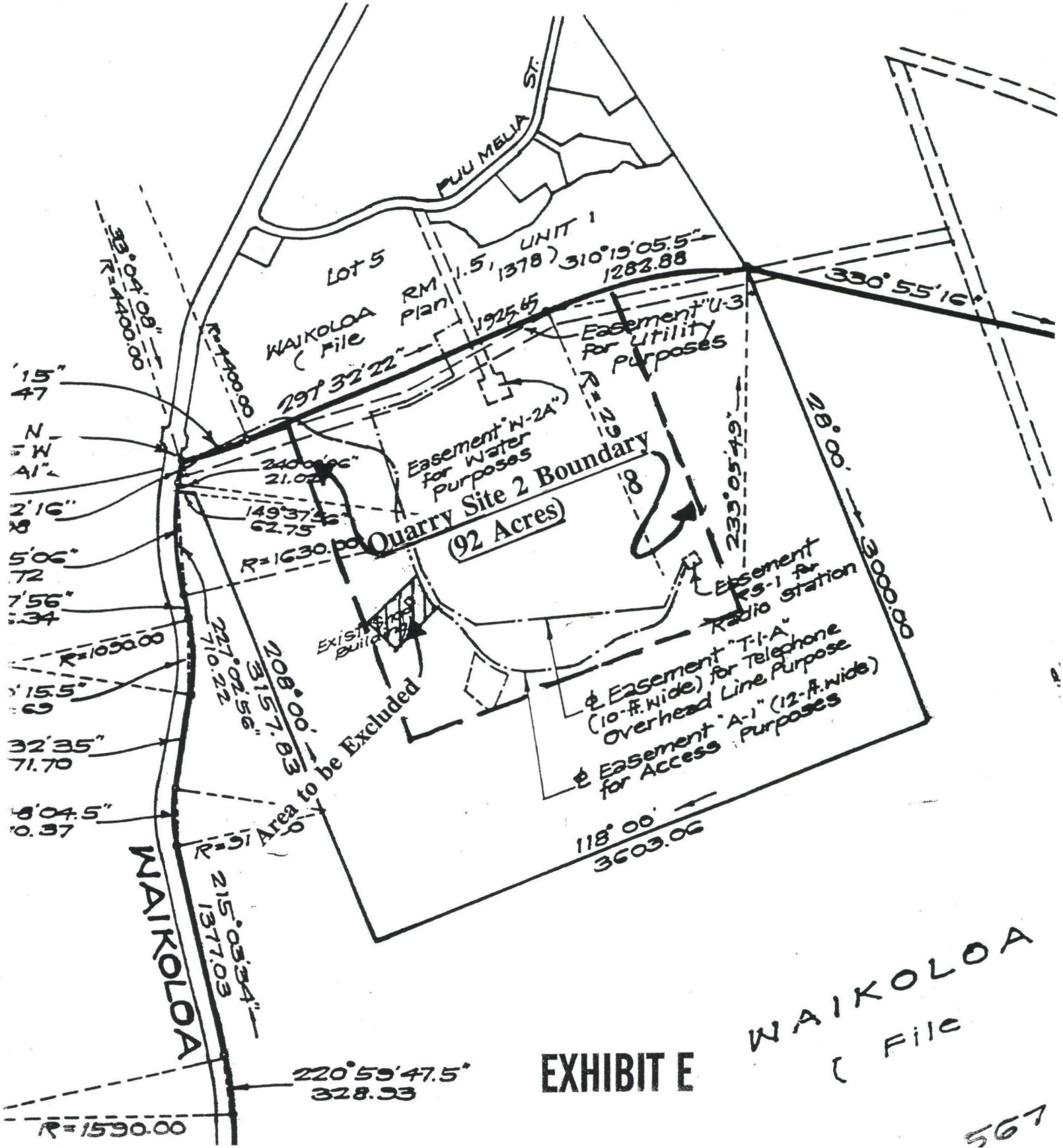


EXHIBIT E

WAIKOLOA
(File

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of WAIKOLOA DEVELOPMENT COMPANY For an Amendment to the Special Permit Which Established the Pu'u Hinai and the Village Quarries and Allied Uses on Approximately 155.6 Acres of Land Within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawai'i, TMK 6-8-02: por. 16 and por. 33	DOCKET NO. SP70-85 ORDER GRANTING REQUEST TO AMEND SPECIAL PERMIT

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

JAN 24 1996 by
Date Executive Officer

LAND USE COMMISSION
STATE OF HAWAII
JAN 24 11 07 AM '96

ORDER GRANTING REQUEST TO AMEND SPECIAL PERMIT

EXHIBIT F

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of WAIKOLOA DEVELOPMENT COMPANY For an Amendment to the Special Permit Which Established the Pu'u Hinai and the Village Quarries and Allied Uses on Approximately 155.6 Acres of Land Within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawai'i, TMK 6-8-02: por. 16 and por. 33	DOCKET NO. SP70-85 ORDER GRANTING REQUEST TO AMEND SPECIAL PERMIT

ORDER GRANTING REQUEST TO AMEND SPECIAL PERMIT

On September 5, 1995, the Hawai'i County Planning Department ("Planning Department") received a request from Waikoloa Development Company ("Applicant") in LUC Docket No. SP70-85/Waikoloa Development Company to 1) amend Condition Nos. 5 and 6 to allow for an extension of the life of the Special Permit for the Pu'u Hinai Quarry ("Site 1") and the Village Quarry ("Site 2") for five years until December 11, 2000; 2) reduce the size of Site 2 from 92 acres to 89 acres to exclude the Waikoloa Sanitary Sewer Co.'s utility baseyard approved under County Special Permit No. 908; 3) restore active quarrying uses at Site 2 to facilitate restoration of the site; and, 4) amend Condition No. 4 to clarify that only quarrying activities (defined to include loading, hauling, rock crushing, asphalt and concrete batch operations, and the use of explosives) are restricted to certain hours and days, and to allow quarrying

EXHIBIT F

activities between the hours of 8:00 a.m. and 3:30 p.m. on Saturdays ("Request").

On October 25, 1995, the Hawai'i County Planning Commission ("Planning Commission") conducted a hearing on the Applicant's Request.

On October 25, 1995, after due deliberation, the Planning Commission recommended approval of the Applicant's Request to the Land Use Commission ("Commission"), subject to the following 9 conditions to replace the previous 10 conditions imposed by the Commission in its Findings of Fact, Conclusions of Law, and Decision and Order issued on March 6, 1991:

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

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

3. The quarrying 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, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday.

4. Quarrying operations at Site 1 shall be terminated by December 11, 2000, 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.

5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first.

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

EXHIBIT F

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.

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

8. 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.

9. 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.

On November 9, 1995, the Commission received and accepted for consideration the complete record of the Planning Commission's record on the Applicant's Request.

The Applicant's Request, having come on for hearing on December 14, 1995, at the Commission's meeting in Honolulu, Hawai'i, and the Commission having considered the arguments by the respective parties in this proceeding, and for good cause shown,

HEREBY GRANTS the Applicant's Request. The Findings of Fact, Conclusions of Law, and Decision and Order issued in

EXHIBIT F

Special Permit Docket Number SP70-85/Waikoloa Development Company on March 6, 1991, shall be amended as follows:

ORDER

IT IS HEREBY ORDERED that the Applicant's Request in Special Permit Docket Number SP70-85/Waikoloa Development Company to 1) amend Condition Nos. 5 and 6 to allow for an extension of the life of the Special Permit for Site 1 and Site 2 for five years until December 11, 2000; 2) reduce the size of Site 2 from 92 acres to 89 acres to exclude the Waikoloa Sanitary Sewer Co.'s utility baseyard approved under County Special Permit No. 908; 3) restore active quarrying uses at Site 2 to facilitate restoration of the site; and, 4) amend Condition No. 4 to clarify that only quarrying activities (defined to include loading, hauling, rock crushing, asphalt and concrete batch operations, and the use of explosives) are restricted to certain hours and days, and to allow quarrying activities between the hours of 8:00 a.m. and 3:30 p.m. on Saturdays, on land designated within the State Land Use Agricultural District, at Waikoloa, South Kohala, Hawai'i, identified as TMK 6-8-02: por. 16 and por. 33, and approximately shown on Exhibit "A" attached hereto and incorporated by reference herein, is hereby approved and 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 metes and bounds description in map and written form of Site 2 shall be filed with the Planning Department and

EXHIBIT F

the Land Use Commission within one year from the effective date of this Order.

3. The quarrying 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, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday.

4. Quarrying operations at Site 1 shall be terminated by December 11, 2000, 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.

5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first.

6. Upon termination of 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 Hawai'i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

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

EXHIBIT F

8. An annual monitoring report shall be submitted to the Hawai'i 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 Hawai'i Planning Commission that the quarry use will have an adverse impact on surrounding properties.

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

EXHIBIT F

DOCKET NO. SP70-85 - WAIKOLOA DEVELOPMENT COMPANY

Done at Honolulu, Hawaii, this 24th day of January 1996, per motions on December 14, 1995 and January 19, 1996.

LAND USE COMMISSION
STATE OF HAWAII

By _____
ALLEN K. HOE
Chairperson and Commissioner

By _____
TRUDY K. SENDA
Vice Chairperson and Commissioner

By _____
RUPERT K. CHUN
Commissioner

By _____
M. CASEY JARMAN
Commissioner

By _____
LLOYD F. KAWAKAMI
Commissioner

By _____
MERLE A. K. KELAI
Commissioner

By (absent)
EUSEBIO LAPENIA, JR.
Commissioner

By _____
JOANN N. MATTSON
Commissioner

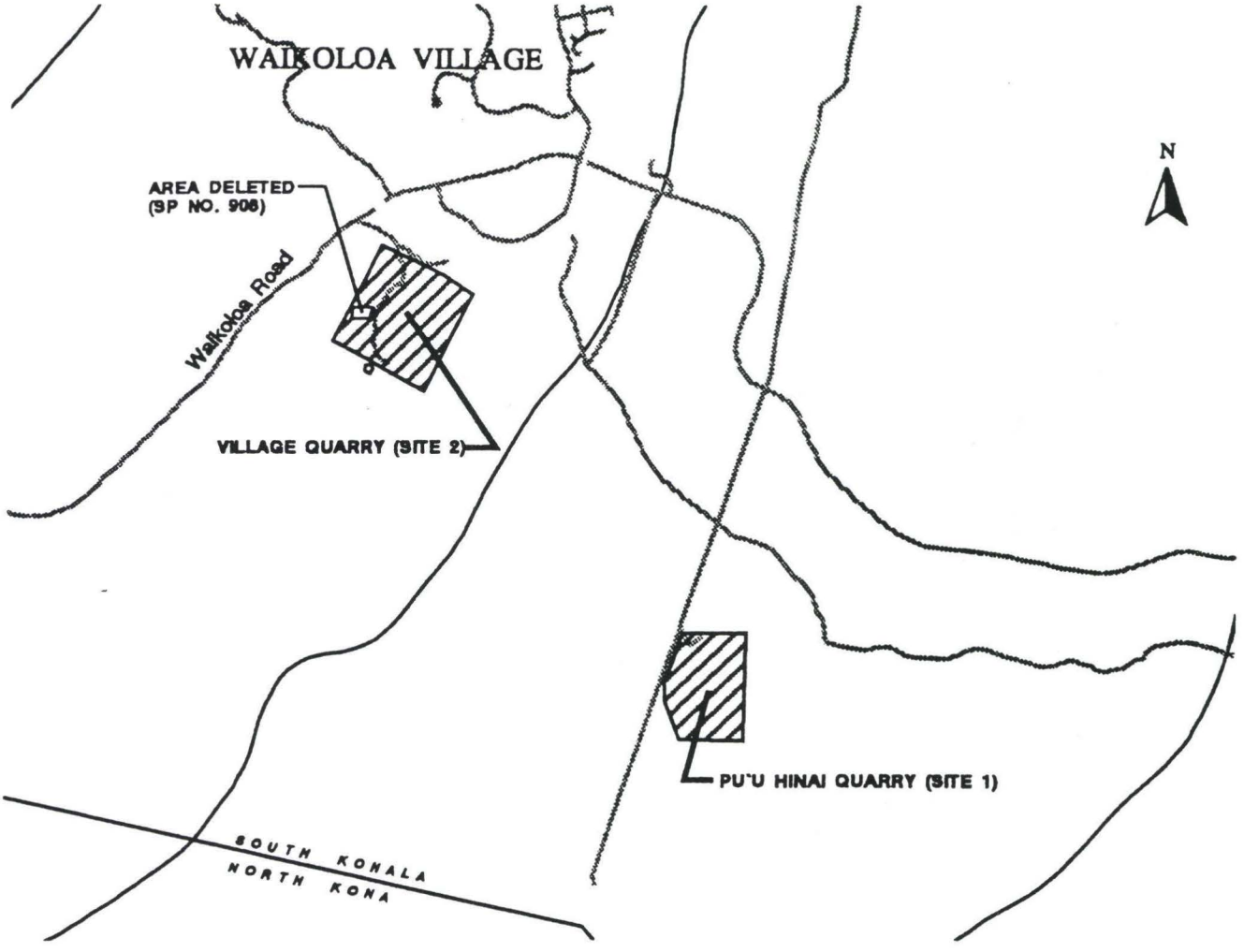
By (absent)
ELTON WADA
Commissioner

Filed and effective on
January 24, 1996

Certified by:

_____
Executive Officer

EXHIBIT F



DOCKET NO. SP70-85 / WAIKOLOA DEVELOPMENT COMPANY

LOCATION MAP

TAX MAP KEY: 6-8-02: por. 16 and por. 33

Waikoloa, South Kohala, Hawai`i

PERMIT AREA

2000 0 2000 4000 6000 Feet

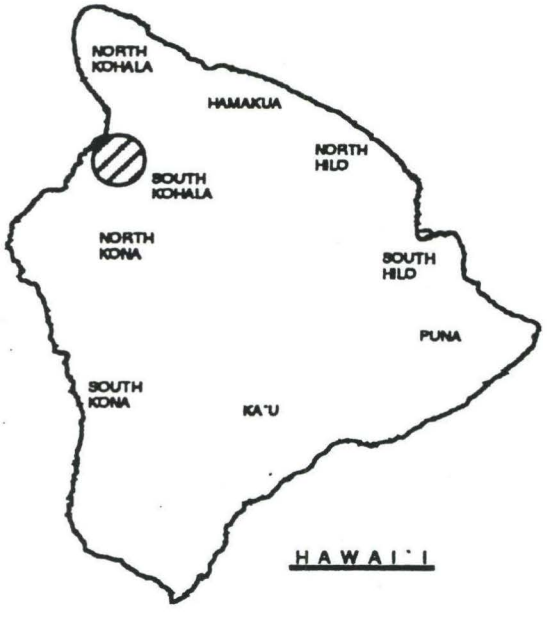


EXHIBIT F

EXHIBIT "A"

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of WAIKOLOA DEVELOPMENT COMPANY For an Amendment to the Special Permit Which Established the Pu'u Hinai and the Village Quarries and Allied Uses on Approximately 155.6 Acres of Land Within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawai'i, TMK 6-8-02: por. 16 and por. 33	)	DOCKET NO. SP70-85 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Request to Amend Special Permit was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

CERT. VIRGINIA GOLDSTEIN, Planning Director
Planning Department, County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

CERT. RICHARD D. WURDEMAN, ESQ.
Corporation Counsel
County of Hawaii
The Hilo Lagoon Center
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720

CERT. ANN COBB, Planning Coordinator
Waikoloa Development Company
150 Waikoloa Beach Drive
Kamuela, Hawaii 96743

DATED: Honolulu, Hawaii, this 24th day of January 1996.

ESTHER UEDA
Executive Officer

EXHIBIT F

ORIGINAL

SPECIAL PERMIT APPLICATION DOCKET NO. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Request: Extension of Time to Condition No. 4 for Quarrying operation at Site 1
Tax Map Key: 6-8-002: portion of 016 and 033

The following is a list of the TAX MAP KEY, LANDOWNER AND MAILING ADDRESS of the above listed properties on file with the Department of Finance, Real Property Tax Division as required by Section 25-2-4(c) within the 500 feet from the perimeter of the above referenced properties:

3-6-8-2-14
Village Assn Waikoloa
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-15
Village Assn Waikoloa
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-17
Waikoloa Land & Cattle Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-2-18
Waikoloa Village Assoc
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-19
Village Assn Waikoloa
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-20
Village Assn Waikoloa
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-21
Waikoloa Land & Cattle Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-2-25
Hawaii Electric Light Company, Inc.
P.O. Box 1027
Hilo, Hawaii 96721

3-6-8-2-27
Joint Venture Pmo
P.O. Box 898900
Mililani Town, HI 96789

3-6-8-3-7
Jason North Corporation
C/O 701 5th Ave #5000
Seattle, WA 98104-7079

3-6-8-3-15
Waikoloa Land & Cattle Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-3-20
Waikoloa Land & Cattle Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-3-28
Hiro Enterprises, Inc.
7096 Kalanianaole Hwy
Honolulu, HI 96825

3-6-8-3-29
Waikoloa Development Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-3-32
Waikoloa Development Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-3-37
Waikoloa Development Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

CARLSMITH BALL LLP

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS

75-1000 HENRY STREET, SUITE 209
P.O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
TELEPHONE (808) 329-6464 FAX (808) 329-9450
WWW.CARLSMITH.COM
DIRECT DIAL NO. (808) 935-6644

ORIGINAL

September 6, 2000

Ms. Virginia Goldstein, Planning Director
Mr. Richard Baker, Chairman
Hawaii County Planning Commission
25 Aupuni Street
Hilo, HI 96720

Re: **First Notice to Surrounding Property Owners**
Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

Dear Ms. Goldstein and Mr. Baker:

We have enclosed an affidavit that the "**First**" Notice to Surrounding Property Owners regarding the subject application has been sent to all affected property owners. Notification was mailed to know surrounding property owners located within 500 feet of the perimeter boundary of the subject properties as required by Pursuant to Hawaii County Code, Chapter 25 (Zoning Code), Article 2 (Administration and Enforcement), Division 1 (General Administration), Section 25-2-4 (Notice to property owners and lessees of record of pending application)(a)(2)(b) and Planning Commission Rule 6-5.

ORIGINAL

Should you have any questions, please call me.

Very truly yours,

Robert D. Triantos

RHY:rhy
Enclosures:

4071783.1.RDT-1

ORIGINAL

September 6, 2000

SUBJECT: **Affidavit of Mailing re: First Notice to Surrounding Property Owners**
Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

AFFIDAVIT OF MAILING

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

ROBERT D. TRIANTOS, being first duly sworn on oath, deposes and says the following:

1. That he is an attorney with the law firm of Carlsmith Ball LLP, attorney for Owner, WAIKOLOA DEVELOPMENT COMPANCY (hereinafter referred to as "Owner").

2. That I have caused to be submitted to the Planning Department and Planning Commission a request for a Time Extension of Condition No. 4 of Special Permit Docket No. SSP70-85 (SPP 164) for that certain real property identified on tax maps of the Third Taxation Division of the State of Hawaii as TMK 6-8-002: portions of 016 and 033 for the Owner.

3. On or about September 7, 2000, I caused to be mailed to the surrounding property owners listed in Exhibit A, at their respective addresses, copies of a letter enclosing a First Notice to Surrounding Property Owners, which property owners are located within 500 feet of the perimeter boundary of the subject property, as required by Chapter 25 (Zoning Code), Article 2 (Administration and Enforcement), Section 25-2-4 (Notice to property owners and lessees of record pending application), by depositing said copies in the United States Post Office, Kailua-Kona, Hawaii, postage prepaid.

4. A copy of the 1st Notice mailed to the surrounding property owners is attached hereto as Exhibit B and made a part hereof.

Further affiant sayeth naught.

ROBERT D. TRIANTOS

Subscribed and sworn to before me
this 6th day of September, 2000.

L.S.

Willetha T. Archer

Notary Public
State of Hawaii
Name: WILLETHA T. ARCHER
My commission expires: 5-19-03

SPECIAL PERMIT APPLICATION DOCKET NO. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Request: Extension of Time to Condition No. 4 for Quarrying operation at Site 1
Tax Map Key: 6-8-002: portion of 016 and 033

The following is a list of the TAX MAP KEY, LANDOWNER AND MAILING ADDRESS of the above listed properties on file with the Department of Finance, Real Property Tax Division as required by Section 25-2-4(c) within the 500 feet from the perimeter of the above referenced properties:

3-6-8-2-14
Village Assn Waikoloa
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-15
Village Assn Waikoloa
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-17
Waikoloa Land & Cattle Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-2-18
Waikoloa Village Assoc
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-19
Village Assn Waikoloa
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-20
Village Assn Waikoloa
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-21
Waikoloa Land & Cattle Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-2-25
Hawaii Electric Light Company, Inc.
P.O. Box 1027
Hilo, Hawaii 96721

3-6-8-2-27
Joint Venture Pmo
P.O. Box 898900
Mililani Town, HI 96789

3-6-8-3-7
Jason North Corporation
C/O 701 5th Ave #5000
Seattle, WA 98104-7079

3-6-8-3-15
Waikoloa Land & Cattle Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-3-20
Waikoloa Land & Cattle Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

EXHIBIT A

3-6-8-3-28
Hiro Enterprises, Inc.
7096 Kalanianaole Hwy
Honolulu, HI 96825

3-6-8-3-29
Waikoloa Development Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-3-32
Waikoloa Development Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-3-37
Waikoloa Development Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

EXHIBIT A

ORIGINAL

September 6, 2000

First Notice to Surrounding Property Owners
Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

Dear Property Owner:

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. The approved 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.

On January 24, 1996, the State Land Use Commission approved an amendment to Special Permit SP70-85, Condition No. 5 to allow for an extension of the life of the Special Permit for the 2 Quarry sites for five years until December 11, 2000.

Pursuant to Hawaii County Planning Commission Rule No. 6 (Special Permit), Section 6-8, Waikoloa Development Company, as owner of Site 1, is requesting a five-year time extension, until December 11, 2005, to Condition 4, life of the above-referenced Special Permit for Site 1. As lessee of Site 2, Owner intends to terminate activities at that Site on December 11, 2000, as required by Condition 5.

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. **(SEE ATTACHED EXHIBIT MAPS)**

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 that the applicant transferred to the Waikoloa Village Association in 1985 and leased back through the year 2000. As the lease will expire on December 31, 2000, the applicant intends to terminate operations at this site in compliance with Condition 5. **(SEE ATTACHED EXHIBIT MAPS)**

Special Permit No. 92-381 (SPP 833), approved effective January 19, 1993, allows quarrying activities on 219.990 acres of land located approximately 2.5 miles makai, or southwest, of Site 1. Operations at this quarry commenced on July 1, 1999. Operation of Site 1 is not expected to conflict with or duplicate operations at this new Waikoloa quarry, as Site 1 is a cinder and cinder/soil quarry, while the new Waikoloa quarry is a rock quarry.

EXHIBIT B

Exhibit 1: Regional Location Map
Exhibit 2: Waikoloa Destination Resort Community Quarry Site Location Map
Exhibit 3: Special Permit No. SP70-85/SSP 164 Quarry Site1 and 2 Location Map

The request for the Special Permit Time Extension of Condition No. 4 was submitted to the Planning Department on September 7, 2000.

This is the first formal notice for this Special Permit Application Time Extension Request by Waikoloa Development Company, as required by Chapter 25 (Zoning Code), Article 2, Division 1, Section 25-2-4**(a)(b)**. To provide input on this matter to the Planning Commission, you may:

A. Submit written testimony to the Planning Commission prior to the public hearing, or present verbal testimony at the scheduled public hearing; and/or
B. Request for a contested case hearing. If you wish to request a contested case hearing and seek to intervene as a party to the public hearing, you must file a written request on the enclosed form, **"PETITION FOR STANDING IN CONTESTED CASE HEARING,"** no later than (seven) 7 calendar days prior to the Commission's first scheduled public hearing to consider the application. The petition for standing in contested case hearing must be accompanied by a filing fee of $100.00 and filed with the Planning Commission at 25 Aupuni Street, Room 109, Hilo, Hawaii, 96720.

Once the Planning Commission hearing date is set, a second notice will be sent to you regarding the date, time and place for the public hearing on our application. The Planning Commission is an advisory body in this process as their recommendation will be forwarded to the State Land Use Commission who is the final granting authority on this Special Permit Time Extension Request.

We respectfully request your support of our application.

Should you have any questions or wish to review the Special Permit Application and the proposal on the Special Permit Application Time Extension Request, the application and plans are available for public inspection at the Planning Department office in Hilo and the West Hawaii Planning office in the Hanama Place complex. Their telephone number is 327-3510 and their fax number is 327-3563. Written comments may be sent to the Planning Department, Suite 109, at 25 Aupuni Street, Hilo, Hawaii, 96720 or at 75-5706 Kuakini Highway, Suite 109, Kailua-Kona, Hawaii, 96740.

If you have any other questions related to the application, please call Robert D. Triantos, Esq. at 329-6464. We will try to answer any question you may have relative to the applicant's Special Permit time extension request.

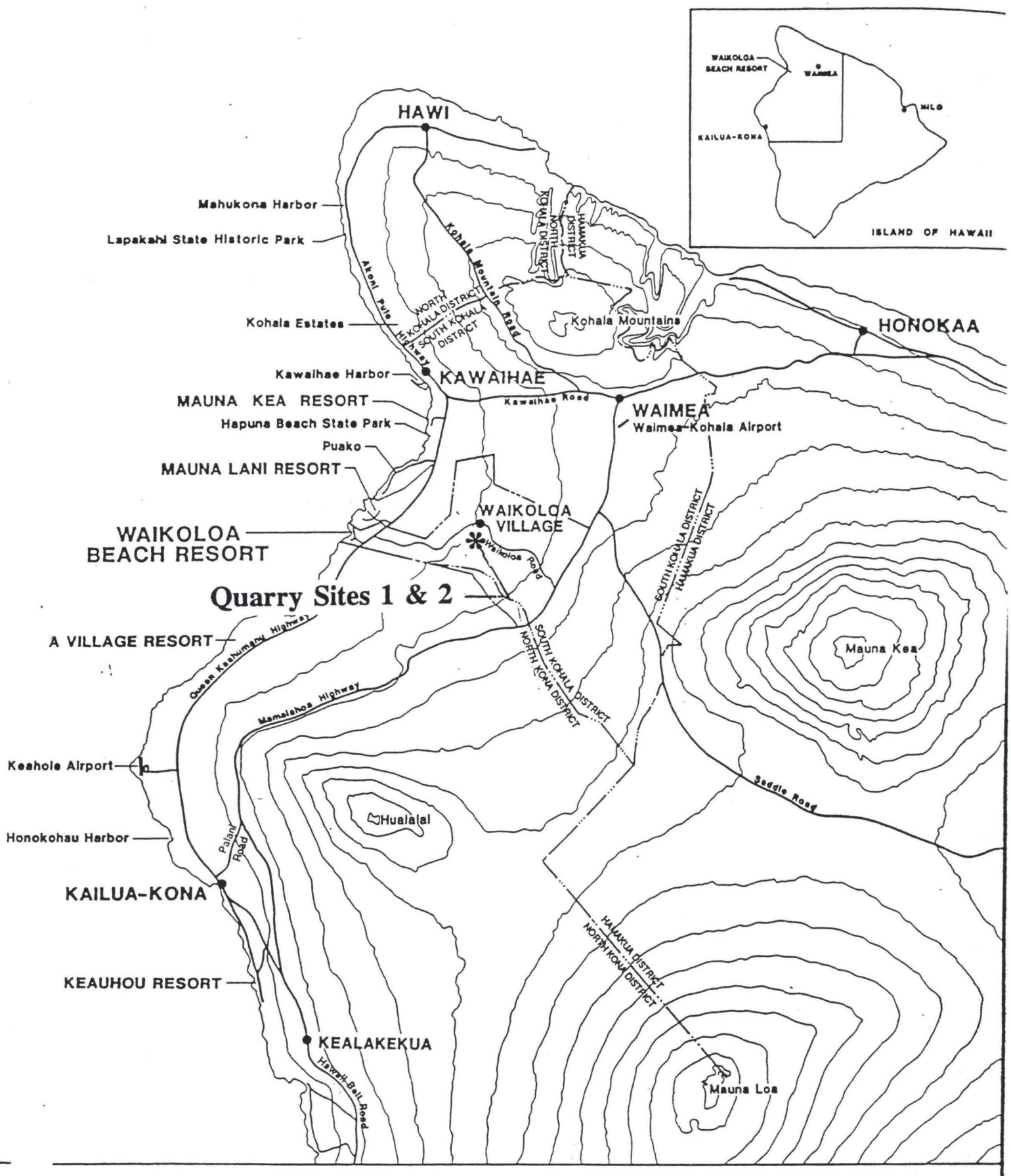
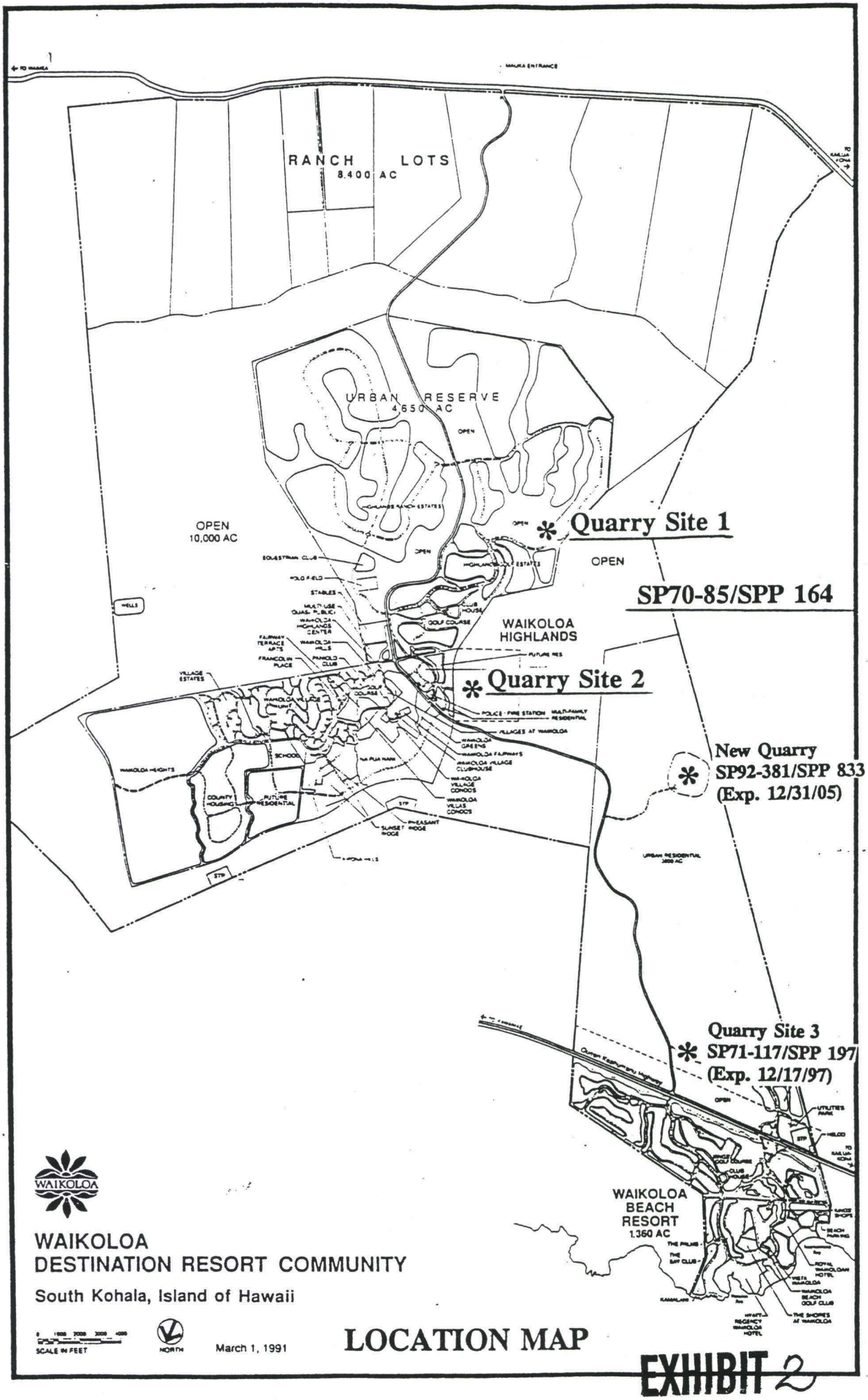
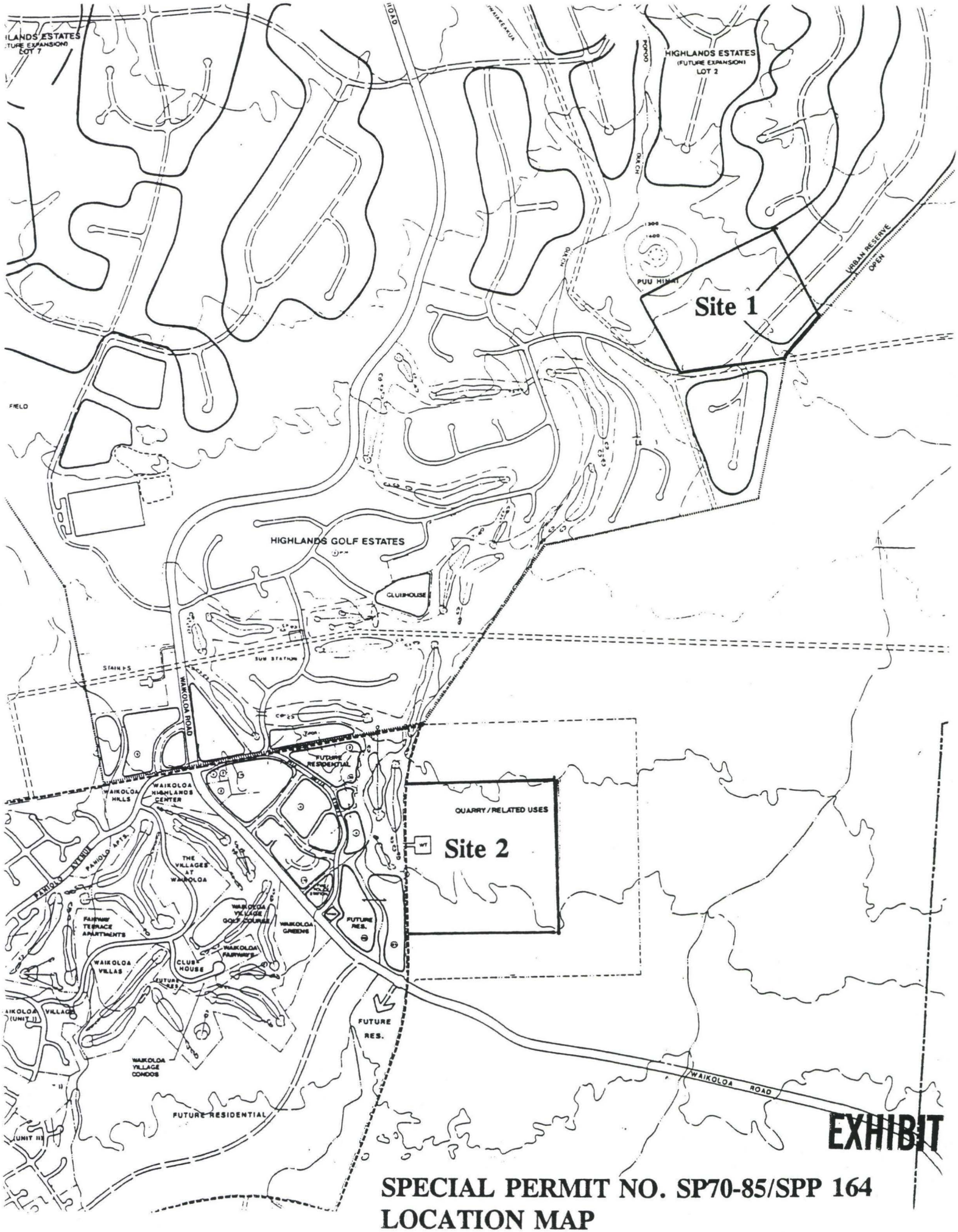


EXHIBIT 1

Figure 1
LOCATION MAP


RANCH LOTS
8,400 AC
URBAN RESERVE
4650 AC
OPEN
10,000 AC
OPEN
* Quarry Site 1
SP70-85/SPP 164
WAIKOLOA
HIGHLANDS
* Quarry Site 2
New Quarry
SP92-381/SPP 833
(Exp. 12/31/05)
Quarry Site 3
SP71-117/SPP 197
(Exp. 12/17/97)
WAIKOLOA
BEACH
RESORT
1,360 AC
WAIKOLOA
DESTINATION RESORT COMMUNITY
South Kohala, Island of Hawaii
SCALE IN FEET
NORTH
March 1, 1991
LOCATION MAP
EXHIBIT 2



EXHIBIT

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

ORIGINAL

PETITION FOR STANDING IN CONTESTED CASE HEARING
(Page 1 of 2)

NAME: _____

ADDRESS: _____
_____
_____

I. STATUS OF PETITIONER

A. Is your interest in this matter clearly distinguishable from that of the general public? Yes ___ No ___

If the answer is "yes", please explain:

_____
_____
_____

If the answer is "no", please explain how the proposed action will nevertheless cause you actual or threatened injury:

_____
_____
_____

B. Are you a government agency whose jurisdiction includes the land involved in the subject request? Yes ___ No ___

If the answer is "yes", please explain the nature of the agency's jurisdiction:

_____
_____
_____

C. Do you lawfully reside on or have some property interest in the land involved in the subject request? Yes ___ No ___

If the answer is "yes", please explain:

_____
_____
_____

APPENDIX A

ORIGINAL

PETITIO. OR STANDING IN CONTESTE. ASE HEARING

D. Are you a person or persons descended from native Hawaiians who inhabited the Hawaiian Islands prior to 1778, who practiced those rights which were customarily and traditionally exercised for subsistence, cultural, or religious purposes?
Yes ___ No ___

If the answer is "yes", please submit any geneological evidence and historical evidence showing the exercise of those rights to support the statement.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

_____
PETITIONER'S SIGNATURE

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this ____ day of _____, 19_, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

_____
Notary Public, State of Hawaii

My commission expires: _____.

APPENDIX A

ORIGINAL

COUNTY OF HAWAII
DEPARTMENT OF FINANCE

REAL PROPERTY TAX DIVISION
75-5706 KUAKINI HWY
KAILUA-KONA, HI 96740

-REAL PROEPRTY TAX CLEARANCE
(rev.12/96)

Date 9/6/2000 TMK(s) 3/6-8-002-016 and 033

This is to certify that Waikoloa Development Co.
(Owner-of-record)
has paid all real property taxes due the County of Hawaii up to and including 12/31/00.

Reference: _____

By _____
Real Property Tax Division

REYNOLDS & REYNOLDS CO. - HAWAII (808) 591-8848 4302541

No. 048974

CARLSMITH BALL
KAILUA-KONA, HAWAII

59-102
1213

Bank of Hawaii
KONA BRANCH
KAILUA-KONA, HAWAII

DATE September 6, 2000

PAY THE SUM OF $ 100.00

TO THE ORDER OF • County Director of Finance

CARLSMITH BALL
By

⑈048974⑈ ⑆121301028⑆ 0057⑈053429⑈

PLEASE DETACH THIS VOUCHER BEFORE DEPOSITING CHECK

Filing Fee for Special Permit Time Extension Request
Client: Waikoloa Development Company

CARLSMITH BALL
P.O. BOX 1720, KAILUA-KONA, HAWAII 96740

No. 048974

PLEASE DETACH THIS VOUCHER BEFORE DEPOSITING CHECK

Filing Fee for Special Permit Time Extension Request
Client: Waikoloa Development Company

CARLSMITH BALL
P.O. BOX 1720, KAILUA-KONA, HAWAII 96740

No. 048974

Stephen K. Yamashiro
Mayor

Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT
25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 A 8:53

September 15, 2000

Robert D. Triantos, Esq.
Carlsmith Ball
P. O. Box 1720
Kailua-Kona, Hawaii 96745-1720

Dear Mr. Triantos:

Special Permit Application (SPP 164)
Applicant: Waikoloa Development Company
Request: Extension of Time to Condition No. 4 of Special Permit No. 164
Tax Map Key: 6-8-2:Portions of 16 (Site 1)

This is to acknowledge receipt of the above-captioned Amendment to Special Permit 164 on September 7, 2000. Enclosed is a receipt for the filing fee.

Please be informed, that in accordance with the Planning Commission's Rule 4. Contested Case Procedure, effective February 17, 1997, within (10) days after filing an application with the Planning Commission, you are required to serve notice of your application on surrounding property owners and lessees of record within 500 feet of the perimeter boundary of the building site, as required in the Hawaii County Zoning Code, Section 25-2-4.

In addition, upon notice by our department that the hearing date has been set, you are again required to notify all owners and lessees of record within 500 feet of the perimeter boundary of the building site. This second notice shall be served within (10) days after receiving notice from the director of the date of the scheduled hearing but not less than ten (10) days prior to the date of the scheduled hearing.

Both notices shall include the following information:

1. Name of the applicant;

EXHIBIT
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2. Precise location of the property involved, including tax map key identification, location map and site plan;

3. Nature of the application and the proposed use of the property;

4. Date on which the application was filed with the director or the commission;

5. Inform the landowner or lessee that they have a right to submit a written request for a contested case procedure. Should they seek to intervene as a party, they shall file a written request on the form, "Petition for Standing in Contested Case Hearing." The request shall be filed with the Planning Commission at 25 Aupuni Street, Room 109, Hilo, Hawaii 96720; and accompanied by a filing fee of $100 payable to the Director of Finance. The required information shall be submitted no later than seven (7) calendar days, prior to the Commission's first scheduled public hearing to consider the application;

6. Inform the landowner or lessee that should they choose not to submit a written request for a contested case procedure, they may express their support/opposition in writing or by oral testimony at the Planning Commission public hearing to be scheduled;

7. Date, time and place that the public hearing will be held to consider the application (include in second notice); and

8. Contact name and phone number should there be any questions.

Please inform the owner that the application is available at the Planning Department for public review.

Prior to the date of the hearing, the applicant is required to file with the Commission certified mail receipts, affidavits, declarations or other similar proof of mailing of both notices.

According to Planning Commission Rule 6 (Special Permits), the Commission shall conduct a public hearing on the request within a period of 90 days from the date of receipt of a properly filed application. The Commission shall act upon the application within thirty days after the close of the hearing or within a longer period as may be agreed upon by the applicant.

As the subject request involved lands greater than 15 acres, the Planning Commission's action will be a recommendation to the State Land Use Commission, who has the final decision on the applicant's request.

We will notify you as to the date of the hearing as soon as it has been determined.

Should you have any questions regarding the above, please do not hesitate to contact Pamela Harlow or Daryn Arai of the West Hawaii office at 327-3510.

Sincerely,

Alice K Kawaha

VIRGINIA GOLDSTEIN
Planning Director

EMM:rld\jkg
p:\wpwin60\jan\pcltr&memo\lwaikdevco.spp

Enclosure

cc: West Hawaii Office

NOTES

RECEIPT DATE SEP 15 2000 NO. 9685

RECEIVED FROM Carlsmith Ball

ADDRESS P.O. Box 1720, K-K 96745-1720

$ 100.00

FOR SPP 16a Time Extension Request f/Fee - Waikoloa Dev. Co. TMK: 6-6-2: Parcel 16 (Site 1)

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID	100	—	CHECK	# 48974	
BALANCE DUE			MONEY ORDER		

BY

©1997 REDIFORM® 8L808

Stephen K. Yamashiro
Mayor

Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT
25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 A 9:54

September 15, 2000

MEMORANDUM

TO:

DPW – Kona	Health
DWS	DOT – Hilo
Police	State LUC
Fire	Dept. of Ag.
Tax Office	NR Soil Conservation
DLNR – Land Div (Hnl)	Kona Office
DLNR – SHPD (Hnl)	
DLNR - Land Mgmt (Hilo)	

FROM: Virginia Goldstein
Planning Director

SUBJECT: Amendment of Special Permit No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Request: Extension of Time to Condition No. 4 of Special Permit No. 164
Tax Map Key: 6-8-2:Portions of 16 (Site 1)

The enclosed application for a request for Time Extension to Condition No. 4 of Special Permit No. 164 is being forwarded for your review. May we please have your written comment by October 13, 2000. Otherwise, we will assume that you have no comments or objections on the request.

Thank you very much.

EMM:rld\jkg
p:\wpwin60\pcltr&memo\Mwaikdevco.spp

Enclosure

EXHIBIT
D

SEP

LAND USE COMMISSION
STATE OF HAWAII

2000 DEC 21 A 9:55

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

September 20, 2000

LD-NAV
Ref.: SPP000164.RCM

2000 SEP 21 PM 2 09
PLANNING DEPARTMENT
COUNTY OF HAWAII

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

Dear Ms. Goldstein:

SUBJECT: Special Permit Docket No. SP70-85 (SPP 164)
Waikoloa Development Company Request for Extension of Time to Condition No 4 of Special Permit No. 164, South Kohala, Hawaii - TMK: 6-8-002: Por. of 016 and 033

Thank you for the opportunity to review and comment on the request for a five-year time extension to Condition No. 4 of the subject Special Permit.

The Department has no comment to offer. Should you have any questions, please feel free to contact Nicholas Vaccaro of the Land Division's Support Services Branch at 808-587-0438.

Very truly yours,

DEAN Y. UCHIDA
Administrator

C: Hawaii District Land Office

EXHIBIT
E

009234

Stephen K. Yamashiro
Mayor

Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT
25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 A 9:59

CERTIFIED MAIL
7099 3220 0002 3094 9205

September 27, 2000

Robert D. Triantos, Esq.
Carlsmith Ball
P. O. Box 1720
Kailua-Kona, Hawaii 96745-1720

Dear Mr. Triantos:

Special Permit Application (SPP 164)
Applicant: Waikoloa Development Company
Request: Extension of Time to Condition No. 4 of Special Permit No. 164
Tax Map Key: 6-8-2:Portions of 16 & 33

This is to inform you that the above request to Special Permit No. 164 has been scheduled for a public hearing and contested case hearing by the Planning Commission. Said hearing, among others, will be commencing on Wednesday, November 1, 2000, (until conclusion, if applicable), at 11:00 a.m. in the Aston Keauhou Beach Resort, Kahaluu Ballroom III, 78-6740 Alii Drive, North Kona, Hawaii. Your presence or the presence of an authorized representative will be appreciated in order that all questions relative to the request may be clarified. A copy of the public notice is attached for your information.

In accordance with the Planning Commission Rule 6 (Special Permits) and pursuant to Rule 4 (Contested Case Procedure), you are required to notify the surrounding property owners and lessees of record of the hearing. The notice shall be served on the owners and lessees of all lots within 500 feet of the perimeter boundary of the building site.

The notice shall include the following information:

1. Name of the applicant;
2. Precise location of the property involved, including tax map key identification, location map and site plan;
3. Nature of the application and the proposed use of the property;
4. Date on which the application was filed with the commission;

009558

EXHIBIT
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SEP 2 7 2000

5. The date, time and place of the public hearing will be held to consider the application.

6. Inform the landowners and lessees of record that they have a right to submit a written request for a contested case procedure. Should they seek to intervene as a party, they shall file a written request no later than seven (7) calendar days, prior to the Commission's first scheduled public hearing to consider the application. Such written request shall be in conformity with the Planning Commission's Rules of Practice and Procedure, Rule 4, relating to Contested Case Procedure, in a form as provided in Rule 4, Appendix A, "Petition for Standing in a Contested Case Hearing." The written request shall be filed with the Planning Commission at 25 Aupuni Street, Room 109, Hilo, Hawaii 96720, and accompanied by a filing fee of $100 payable to the Director of Finance.

7. Inform the landowner or lessee that should they choose not to submit a written request for a contested case procedure, they may express their support/opposition in writing or by oral testimony at the Planning Commission public hearing to be scheduled;

8. Contact name and phone number should there be any questions.

The notice shall be served within ten days after receiving notice from the director of the date, time and place of the scheduled hearing but not less than ten days prior to the date of the scheduled hearing.

Data available from the real property tax office shall be utilized in determining the names and addresses of the affected owners and lessees of record. The applicant shall also provide notice to such other owners and lessees of record when the applicant has actual knowledge of such names or as informed by the Planning Director or Planning Commission.

Proof of service to surrounding property owners shall be submitted to the Planning Commission prior to the date of public hearing. Proof may consist of certified mail receipts, affidavits, declarations or the like. The list of names, addresses and tax map keys of those individuals notified shall also be submitted.

Should you have any questions, please contact Daryn Arai or Pamela Harlow of the Planning Department West Hawaii Office at 327-3510.

Sincerely,

Alice S Kawaha

VIRGINIA GOLDSTEIN
Planning Director
Att.
xc: West Hawaii Office

NOTICE OF PUBLIC MEETING AND PUBLIC HEARINGS

PLANNING COMMISSION AGENDA
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of matters to be considered by the Planning Commission of the County of Hawaii in accordance with the provisions of Chapters 91 and 92, Hawaii Revised Statutes, Section 5-4.3 of the Charter of the County of Hawaii, and the Planning Commission's Rules of Practice and Procedure.

DATE: Wednesday, November 1, 2000

TIME: 9:00 a.m.

PLACE: Aston Keauhou Beach Resort, Kahaluu Ballroom III
78-6740 Alii Drive, North Kona

MINUTES – OCTOBER 6, 2000

ADMINISTRATIVE MATTERS BY COMMISSIONERS AND STAFF

Status of appeals filed on Planning Commission decisions - Corporation Counsel
Report of Special Management Area Minor Permit Issued
Miscellaneous

NEW BUSINESS

1. **APPLICANT: PETER MESSMER -** Applications for a State Land Use Boundary Amendment from Agricultural to Urban District and a Change of Zone by changing the district classification from Agricultural (A-20a) to Single Family Residential (RS-10) for approximately 2.421 acres of land. The property is located in the vicinity of K. Takata Store and on the mauka side of Akoni Pule Highway, approximately 800 feet west of its intersection with Kynnersley Road, Puehuehu, North Kohala, Hawaii, TMK: 5-4-2: Portion of 6.

2. **APPLICANT: KAM CENTER SPECIALTY CORP. -** Application for a Change of Zone by changing the district classification from Agricultural (A-20a) to Family Agricultural (FA-3a) for approximately 45.482 acres of land. The properties are located within and adjacent to Kaloko Mauka Subdivision, on the south side of Kaloko Drive at approximately the 2,440-foot elevation, Kaloko and Honokohau 1st, North Kona, Hawaii, TMK: 7-3-24:1 & 2 and 7-4-2:Portion of 8.

3. **APPLICANTS: OWNERS OF PARCEL 9 -** Applications for a State Land Use Boundary Amendment from Agricultural to Urban District, a Change of Zone by changing the district classification from Agricultural (A-20a) to Single Family Residential (RS-15) for approximately 4.606 acres of land, and a Special Management

Area Use Permit for development of a residential subdivision. The property is located on the south side of Kaluna Street, bounded by the Bayview Estates and Hale Kehau Condominium developments, Keauhou, North Kona, Hawaii, TMK: 7-8-11:9.

NEW BUSINESS – 10:00 a.m.

4. **APPLICANT: KAMEHAMEHA INVESTMENT CORPORATION** - Applications for a Special Management Area Use Permit and Use Permit for the development of a new 27-hole golf course, driving range, clubhouse, related maintenance support facilities, and associated improvements and infrastructure. The project area is located within the Keauhou Major Resort Area, on the makai side of Kuakini Highway and mauka of Kaluna Street and Kona Country Club golf course, and extends to the Keauhou 2nd/ Honalo ahupua'a boundary, Kahaluu and Keauhou, North Kona, Hawaii, TMK: 7-8-5: 1, 6, 27, 28, 37, 38 & 39; 7-8-7:4 & 11; and 7-8-10:6, 9, 29, and portions of 30 & 50.

5. **APPLICANT: USCOC OF HAWAII 3, INC., dba United States Cellular** - Application for a Special Permit to allow the existing 150-foot telecommunication monopole tower, antennas, accessory equipment building and accessory structures, and security fence on approximately 1,600 square feet of land within the State Land Use Agricultural District. The project area is located within the Mac Farms property, approximately 0.5 mile on the makai side of Mamalahoa Highway at approximately the 1,253-foot elevation, Kapua, South Kona, Hawaii, TMK: 8-9-11:Portion of 11.

6. **APPLICANT: USCOC OF HAWAII 3, INC., dba United States Cellular** - Application for a Special Permit to allow the existing 135-foot telecommunication lattice tower, antennas, accessory equipment building and accessory structures, co-located facilities of Mobile Communications Corporation of America, and security fence on approximately 1,800 square feet of land within the State Land Use Agricultural District. The property is located on the west side of Mana Road approximately 1,100 feet south of its intersection with Mamalahoa Highway, Puukapu, Waimea, South Kohala, Hawaii, TMK: 6-4-1:Portion of 2.

NEW BUSINESS – 11:00 a.m.

7. **APPLICANT: THOMAS W. PACK** - Application for a Special Permit for the establishment of an arts and craft center, including art gallery, tea room and art classes on approximately 5,000 square feet of land within the State Land Use Agricultural District. The property is located along the north side of Napo'opo'o Road and adjacent to the Old Coffee Mill site, Kahauloa 2nd, South Kona, Hawaii, TMK: 8-2-8:80.

8. **APPLICANT: WAIKOLOA DEVELOPMENT COMPANY** - Request to amend Condition No. 4 (extension of life for Site 1 - Pu'u Hinai) of Special Permit No. 70-85 (SPP164), which established the Pu'u Hinai (Site 1) and the Village (Site 2) quarries and allied uses on approximately 155.6 acres of land within the State Land Use Agricultural District. The property is located to the west of Waikoloa Road and adjacent to the

Waikoloa Highlands development, Waikoloa, South Kohala, Hawaii, TMK: 6-8-02: Portions of 16 & 33.

9. **PLANNING DIRECTOR INITIATED** - Revocation of Special Permit No. 1054, granted to Maryl Group, Inc., which allowed the establishment of a temporary real estate sales office within the State Land Use Agricultural District. The property is located in the Sandalwood Subdivision on the south side of the Kō Uka Street-Kō Uka Place intersection, Lalamilo, South Kohala, Hawaii, TMK: 6-6-10:26.

NEW BUSINESS – 1:30 p.m.

10. **APPLICANT: WHITE SAND BEACH LIMITED PARTNERSHIP** - Application for a Special Management Area Use Permit for the development of an 18-hole golf course, driving range, clubhouse, parking area, pump house, related maintenance support facilities, a small lake, and associated improvements and infrastructure. The project area is located within the Mauna Lani Resort area, approximately 1,000 to 2,000 feet makai of Queen Kaahumanu Highway and adjacent to (mauka) State owned lands and the Puako Petroglyph Field, Waikoloa, South Kohala, Hawaii, TMK: 6-8-1:Portion of 22.

11. **APPLICANT: THE BAY CLUB OWNERSHIP RESORT, INC** - Application for a Special Management Area Use Permit for the development of a recreational/restaurant/ office complex, four single-family dwellings, parking area, other related recreational facilities, and associated improvements and infrastructure. The property is located at the south end of ʻAnaehoʻomalu Bay and abuts the South Kohala-North Kona District boundary, ʻAnaehoʻomalu, South Kohala, Hawaii, TMK: 6-9-7:15.

12. **APPLICANT: M. LUCE CONTRACTING, INC.** - Request to amend Special Permit No. 746 by reconfiguring the boundaries of the existing 14.9-acre quarry site and amend Condition No. 4 (extend life of permit). Special Permit No. 746, granted to Richard Smart Trust dba Parker Ranch, allows the quarry operations and its allied uses on 14.9 acres of land within the State Land Use Agricultural District. The property is located approximately 280 feet mauka of Akoni Pule Highway and approximately 700 feet to the east of the Puakea Bay Ranch entry road, Puakea, North Kohala, Hawaii, TMK: 5-6-01: Portion of 51.

NEW BUSINESS – 2:30 p.m.

13. **APPLICANT: VIPASSANA HAWAII** - Application for a Special Permit for the establishment of the Hawaii Insight Meditation Center on approximately 15 acres of land within the State Land Use Agricultural District. The project area is approximately 2,000 feet makai of Akoni Pule Highway, and adjacent to (west) Halawa Gulch, Napapaa, North Kohala, Hawaii, TMK: 5-3-7:Portion of 1.

ANNOUNCEMENTS

ADJOURNMENT

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the above requests. According to Rule 1 (General Rules) of the Planning Commission, a person desiring to submit oral or written testimony shall indicate her/his name; residence address; and whether the testimony is on her/his behalf or as a representative of an organization or individual. If testimony is being submitted on behalf of an organization, documentation showing membership ratification should accompany the testimony. Written testimony shall be submitted with an original and nine copies prior to testifying. The Commission would appreciate timely submittal to the Planning Department at least one week prior to the hearing date to allow for mailing and thorough Commission review. Testimony which is irrelevant or unduly repetitious may be limited by the Chairperson pursuant to Rule 1.

Maps showing the general location and boundaries of the areas under consideration and/or plans of the proposed developments are on file and open to inspection during office hours at the Planning Department, County Building, 25 Aupuni Street, Room 109, Hilo, Hawaii 96720, and at the Planning Department West Hawaii Office, 75-5706 Kuakini Highway, Suite 109, Kailua-Kona, Hawaii 96740.

Pursuant to Rule 4, Contested Case Procedure, of the County of Hawaii Planning Commission Rules of Practice and Procedure, any person seeking to intervene as a party to a contested case hearing on any agenda Item No.(s) 4 to 8 and 10 to 13, relating to Special Management Area Use Permit, Special Permit and Use Permit, is required to file a written request which must be received in the office of the Planning Department no later than seven (7) calendar days prior to the Planning Commission's first public meeting on the matter. Such written request shall be in conformity with Rule 4, in a form as provided in Rule 4 Appendix A "Petition for Standing in a Contested Case Hearing." The written petition/request shall be filed with the Planning Commission at 25 Aupuni Street, Room 109, Hilo, Hawaii 96720, and accompanied by a filing fee of $100 payable to the Director of Finance. Any party may retain counsel if that person so desires. Rule 4 may be inspected or purchased ($2.50) at the above-cited location.

Any disabled person requiring special assistance or person requiring auxiliary aid and/or services to participate in the hearing should contact the Planning Department at 961-8288 three (3) working days prior to the hearing so that appropriate arrangements can be made.

PLANNING COMMISSION
Richard B. Baker, Jr., Chairman
Geraldine M. Giffin, 1st Vice Chairman
James S. Souza, 2nd Vice Chairman

(HS&CPN: County of Hawaii)
(Publication: October 2, 2000)

DEPARTMENT OF TRANSP ATION
HIGHWAYS DIVISION
HAWAI'I DISTRICT
50 MAKA'ALA STREET
HILO, HAWAI'I 96720
TELEPHONE: (808) 933-8866
FAX: (808) 933-8869

HWY-H 00-2.0794

September 27, 2000

2000 SEP 29 PM 3 26

PLANNING DEPARTMENT
COUNTY OF HAWAII

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 A 10:00

X PLANNING DIRECTOR, COUNTY OF HAWAI'I
___ STATE TRANSPORTATION PLANNING, DOT
___ PLANNING BRANCH, HIGHWAY DIVISION, DOT

FROM: For STANLEY TAMURA, HAWAI'I DISTRICT ENGINEER

SUBJECT: SEE ADJOINING PAGE (if shown). Application No. **SPP 164**

Transmitted as follows:

X We have no objections to this application.
___ Not applicable to State Highway System.
___ Comments of Letter No. _____ dated _____ will stand.
___ For review and comment to County of Hawai'i, Planning.
___ With comments shown below.

MORE INFORMATION NEEDED

___ Drainage and flood patterns at existing drainage structures on State highway.
___ Drawings showing existing driveways with dimensions.
___ Construction plans (for review and approval).
___ Drainage plans and calculations.
___ Traffic Impact Analysis Report (for review and approval).

ACCESS COMMENTS/CONDITIONS

___ Channelization of access intersection.
___ Traffic signalization at _____
___ Street lighting at _____
___ No vehicle access, 10-ft. planting screen easement other than at access points _____
___ Common access driveways for lots _____
___ No access will be allowed from the State Highway.
___ Highway improvements required from this application shall be provided at no cost to the State and shall conform to Hawaii Statewide Uniform Design Manual for Streets and the Specifications for Installation of Miscellaneous Improvements within State Highways.

OTHER COMMENTS/CONDITIONS:

___ No additional storm discharge shall be allowed onto the State's right-of-way.
___ Metes and bounds discrepancy, contact State Highways.
___ Future highway corridor will affect lots:
___ Show control of access along highway.
___ Shall participate in their prorata share of future highway impacts and improvements.
___ Guardrails for all lots (lower ones) that require protection from highway traffic.

ABOVE CONDITIONS EFFECTIVE FOR TWO (2) YEARS FROM DATE SHOWN.

Contact Person: Stephanie Dodge
State Highway Project No.: **COUNTY**

EXHIBIT G

009498

BENJAMIN J. CAYETANO
GOVERNOR

LAND USE COMMISSION
STATE OF HAWAII

2000 DEC 21 P 1:16

ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

2000 SEP 29 PM 3 45
PLANNING DEPARTMENT
COUNTY OF HAWAII

September 27, 2000

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

Dear Ms. Goldstein:

Subject: Amendment to Special Permit No. SP70-85 (SPP 164), Waikoloa Development Company, Extension of Time to Condition No. 4 of Special Permit No. 164, Waikoloa, South Kohala, Hawaii, TMK 6-8-02: por. 16 (Site 1)

We have reviewed the subject request forwarded by your memorandum dated September 15, 2000, and confirm that the subject property was approved for quarry and allied uses in LUC Docket No. SP70-85/Waikoloa Development Company, and that by Order Granting Request to Amend Special Permit dated January 24, 1996, the Land Use Commission (LUC) granted, among other things, an extension of the life of the special permit for both quarry sites 1 and 2 to December 11, 2000.

We understand that in the event the County of Hawaii Planning Commission recommends approval of the subject request, a copy of the decision together with the complete record of the Planning Commission's proceedings will be transmitted to the LUC for final disposition in accordance with §205-6, Hawaii Revised Statutes.

We have no further comments to offer at this time. We appreciate the opportunity to comment on the subject request.

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:aa

EXHIBIT H

CARLSMITH BALL LLP
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS

75-1000 HENRY STREET, SUITE 209
P.O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
TELEPHONE (808) 329-6464 FAX (808) 329-9450
WWW.CARLSMITH.COM
DIRECT DIAL NO. (808) 935-6044

2000 OCT 31 PM 3 53
PLANNING DEPARTMENT
COUNTY OF HAWAII

00 OCT 3 PM 3 00
COUNTY OF HAWAII
PLANNING DEPT.
KONA OFFICE

September 29, 2000

Post-it® Fax Note 7671	Date 10/30	# of pages ▶ 17
To JOAN BRACKETT	From CARLSMITH BALL
Co./Dept.	Co.
Phone #	Phone #
Fax # 961-8742	Fax #

Ms. Virginia Goldstein, Planning Director
Mr. Richard Baker, Chairman
Hawaii County Planning Commission
25 Aupuni Street
Hilo, HI 96720

Re: **Public Hearing Notice to Surrounding Property Owners**
Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

Dear Ms. Goldstein and Mr. Baker:

We have enclosed an affidavit that the **"Public Hearing"** Notice to Surrounding Property Owners regarding the subject application has been sent to all affected property owners. Notification was mailed to know surrounding property owners located within 500 feet of the perimeter boundary of the subject properties as required by Pursuant to Hawaii County Code, Chapter 25 (Zoning Code), Article 2 (Administration and Enforcement), Division 1 (General Administration), Section 25-2-4 (Notice to property owners and lessees of record of pending application)(a)(2)(b) and Planning Commission Rule 6-5.

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 P 1:16

EXHIBIT
I

FILE COPY

CARLSMITH BALL LLP

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS

'00 OCT -2 A10 :51

75-1000 HENRY STREET, SUITE 209
P.O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
TELEPHONE (808) 329-6464 FAX (808) 329-9450
WWW.CARLSMITH.COM
DIRECT DIAL NO. (808) 935-6644

September 29, 2000

Ms. Virginia Goldstein, Planning Director
Mr. Richard Baker, Chairman
Hawaii County Planning Commission
25 Aupuni Street
Hilo, HI 96720

Re: **Public Hearing Notice to Surrounding Property Owners**
Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

Dear Ms. Goldstein and Mr. Baker:

We have enclosed an affidavit that the "**Public Hearing**" Notice to Surrounding Property Owners regarding the subject application has been sent to all affected property owners. Notification was mailed to know surrounding property owners located within 500 feet of the perimeter boundary of the subject properties as required by Pursuant to Hawaii County Code, Chapter 25 (Zoning Code), Article 2 (Administration and Enforcement), Division 1 (General Administration), Section 25-2-4 (Notice to property owners and lessees of record of pending application)(a)(2)(b) and Planning Commission Rule 6-5.

Should you have any questions, please call me.

Very truly yours,

Robert D. Triantos

RHY:rhy
Enclosures:

4072156 1 RDT-1

October 2, 2000

SUBJECT: **Affidavit of Mailing re: Public Hearing Notice to Surrounding Property Owners**
Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

AFFIDAVIT OF MAILING

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

ROBERT D. TRIANTOS, being first duly sworn on oath, deposes and says the following:

1. That he is an attorney with the law firm of Carlsmith Ball LLP, attorney for Owner, WAIKOLOA DEVELOPMENT COMPANY (hereinafter referred to as "Owner").

2. That I have caused to be submitted to the Planning Department and Planning Commission a request for a Time Extension of Condition No. 4 of Special Permit Docket No. SSP70-85 (SPP 164) for that certain real property identified on tax maps of the Third Taxation Division of the State of Hawaii as TMK 6-8-002: portions of 016 and 033 for the Owner.

3. On or about October 4, 2000, I caused to be mailed to the surrounding property owners listed in Exhibit A, at their respective addresses, copies of a letter enclosing a Public Hearing Notice to Surrounding Property Owners, which property owners are located within 500 feet of the perimeter boundary of the subject property, as required by Chapter 25 (Zoning Code), Article 2 (Administration and Enforcement), Section 25-2-4 (Notice to property owners and lessees of record pending application)and Planning Commission Rule 6-5, by depositing said copies in the United States Post Office, Kailua-Kona, Hawaii, postage prepaid.

4. A copy of the Public Hearing Notice mailed to the surrounding property owners is attached hereto as Exhibit B and made a part hereof.

Further affiant sayeth naught.

ROBERT D. TRIANTOS

Subscribed and sworn to before me
this 2nd day of October, 2000.

L S. Willetha T. Archer

Notary Public WILLETHA T. ARCHER
State of Hawaii
Name:
My commission expires: 5-19-03

SPECIAL PERMIT APPLICATION DOCKET NO. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Request: Extension of Time to Condition No. 4 for Quarrying operation at Site 1
Tax Map Key: 6-8-002: portion of 016 and 033

The following is a list of the TAX MAP KEY, LANDOWNER AND MAILING ADDRESS of the above listed properties on file with the Department of Finance, Real Property Tax Division as required by Section 25-2-4(c) within the 500 feet from the perimeter of the above referenced properties:

3-6-8-2-14
Village Assn Waikoloa
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-15
Village Assn Waikoloa
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-17
Waikoloa Land & Cattle Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-2-18
Waikoloa Village Assoc
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-19
Village Assn Waikoloa
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-20
Village Assn Waikoloa
P.O. Box 383910
Waikoloa, HI 96738

3-6-8-2-21
Waikoloa Land & Cattle Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-2-25
Hawaii Electric Light Company, Inc.
P.O. Box 1027
Hilo, Hawaii 96721

3-6-8-2-27
Joint Venture Pmo
P.O. Box 898900
Mililani Town, HI 96789

3-6-8-3-7
Jason North Corporation
C/O 701 5th Ave #5000
Seattle, WA 98104-7079

3-6-8-3-15
Waikoloa Land & Cattle Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-3-20
Waikoloa Land & Cattle Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

EXHIBIT A

3-6-8-3-28
Hiro Enterprises, Inc.
7096 Kalanianaole Hwy
Honolulu, HI 96825

3-6-8-3-29
Waikoloa Development Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-3-32
Waikoloa Development Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

3-6-8-3-37
Waikoloa Development Co
150 Waikoloa Beach Drive
Kamuela, HI 96743

October 2, 2000

Public Hearing Notice to Surrounding Property Owners
Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

Dear Property Owner:

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. The approved 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.

On January 24, 1996, the State Land Use Commission approved an amendment to Special Permit SP70-85, Condition No. 5 to allow for an extension of the life of the Special Permit for the 2 Quarry sites for five years until December 11, 2000.

Pursuant to Hawaii County Planning Commission Rule No. 6 (Special Permit), Section 6-8, Waikoloa Development Company, as owner of Site 1, is requesting a five-year time extension, until December 11, 2005, to Condition 4, life of the above-referenced Special Permit for Site 1. As lessee of Site 2, Owner intends to terminate activities at that Site on December 11, 2000, as required by Condition 5.

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. **(SEE ATTACHED EXHIBIT MAPS)**

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 that the applicant transferred to the Waikoloa Village Association in 1985 and leased back through the year 2000. As the lease will expire on December 31, 2000, the applicant intends to terminate operations at this site in compliance with Condition 5. **(SEE ATTACHED EXHIBIT MAPS)**

Special Permit No. 92-381 (SPP 833), approved effective January 19, 1993, allows quarrying activities on 219.990 acres of land located approximately 2.5 miles makai, or southwest, of Site 1. Operations at this quarry commenced on July 1, 1999. Operation of Site 1 is not expected to conflict with or duplicate operations at this new Waikoloa quarry, as Site 1 is a cinder and cinder/soil quarry, while the new Waikoloa quarry is a rock quarry.

EXHIBIT B

Exhibit 1: Regional Location Map
Exhibit 2: Waikoloa Destination Resort Community Quarry Site Location Map
Exhibit 3: Special Permit No. SP70-85/SSP 164 Quarry Site1 and 2 Location Map

The request for the Special Permit Time Extension of Condition No. 4 was submitted to the Planning Department on September 7, 2000.

This is the Public Hearing Notice for the Special Permit Time Extension of Condition No. 4 by the Applicant, Waikoloa Development Company.

We wish to inform you that the Planning Commission will consider the application at a public hearing. This public hearing is scheduled for :

Date: Wednesday, November 1, 2000
Time: 11:00 A.M, New Business, Item No. 8
Place: Aston Keauhou Beach Resort, Kahaluu Ballroom III
78-6740 Alii Drive
Kailua-Kona, Hawaii

A copy of the public hearing notice has been enclosed for your information.
To provide input on this matter to the Planning Commission, you may:

A. Submit written testimony to the Planning Commission prior to the public hearing, or present verbal testimony at the scheduled public hearing; and/or
B. Request for a contested case hearing. If you wish to request a contested case hearing and seek to intervene as a party to the public hearing, you must file a written request on the enclosed form, **"PETITION FOR STANDING IN CONTESTED CASE HEARING,"** no later than (seven) 7 calendar days prior to the Commission's first scheduled public hearing to consider the application. The petition for standing in contested case hearing must be accompanied by a filing fee of $100.00 and filed with the Planning Commission at 25 Aupuni Street, Room 109, Hilo, Hawaii, 96720. Copy enclosed.

We respectfully request your support of our application.

Should you have any questions or wish to review the Special Permit Application and the proposal on the Special Permit Application Time Extension Request, the application and plans are available for public inspection at the Planning Department office in Hilo and the West Hawaii Planning office in the Hanama Place complex. Their telephone number is 327-3510 and their fax number is 327-3563. Written comments may be sent to the Planning Department, Suite 109, at 25 Aupuni Street, Hilo, Hawaii, 96720 or at 75-5706 Kuakini Highway, Suite 109, Kailua-Kona, Hawaii, 96740.

If you have any other questions related to the application, please call Robert D. Triantos, Esq. at 329-6464. We will try to answer any question you may have relative to the applicant's Special Permit time extension request.

EXHIBIT B

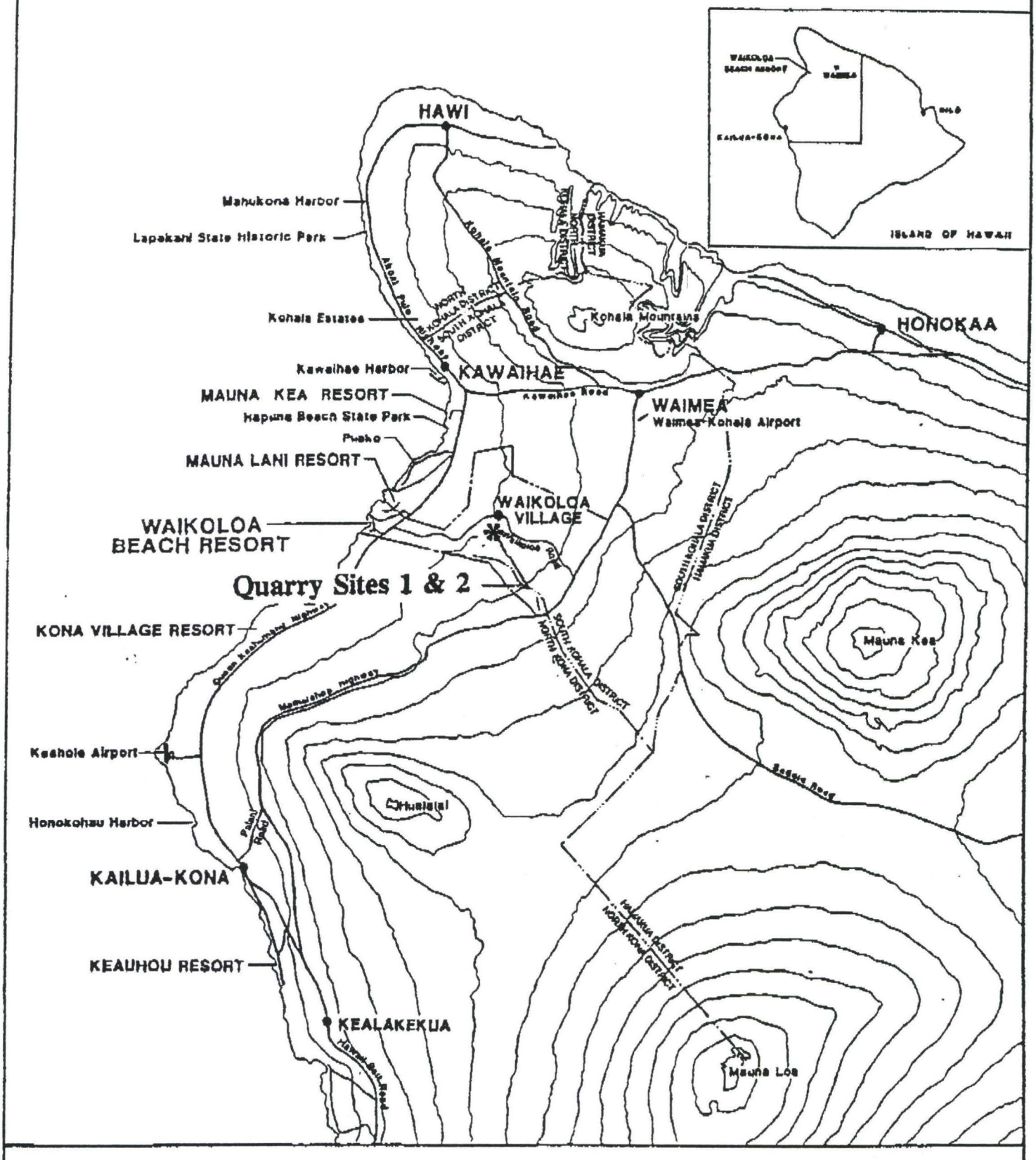
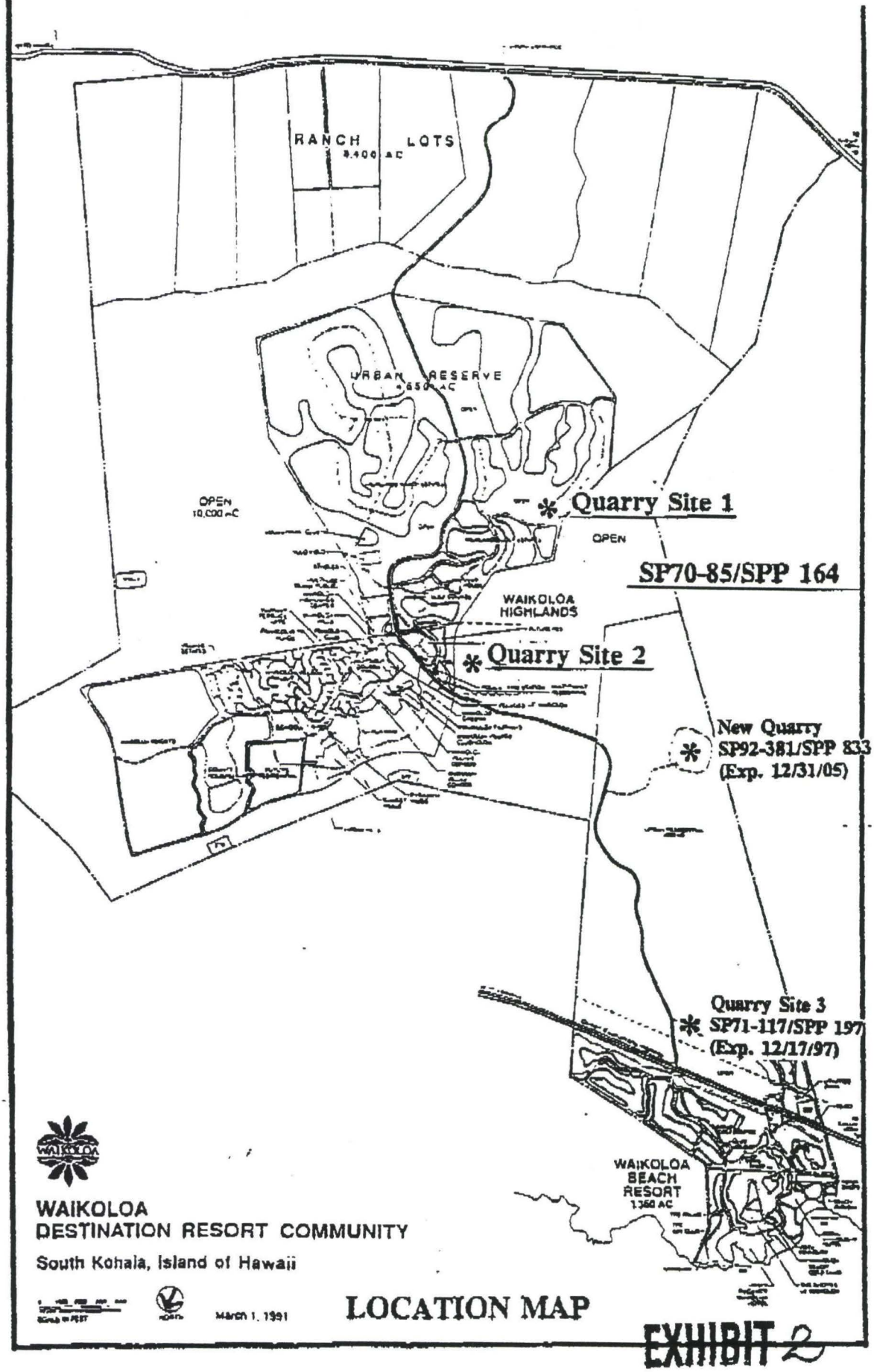
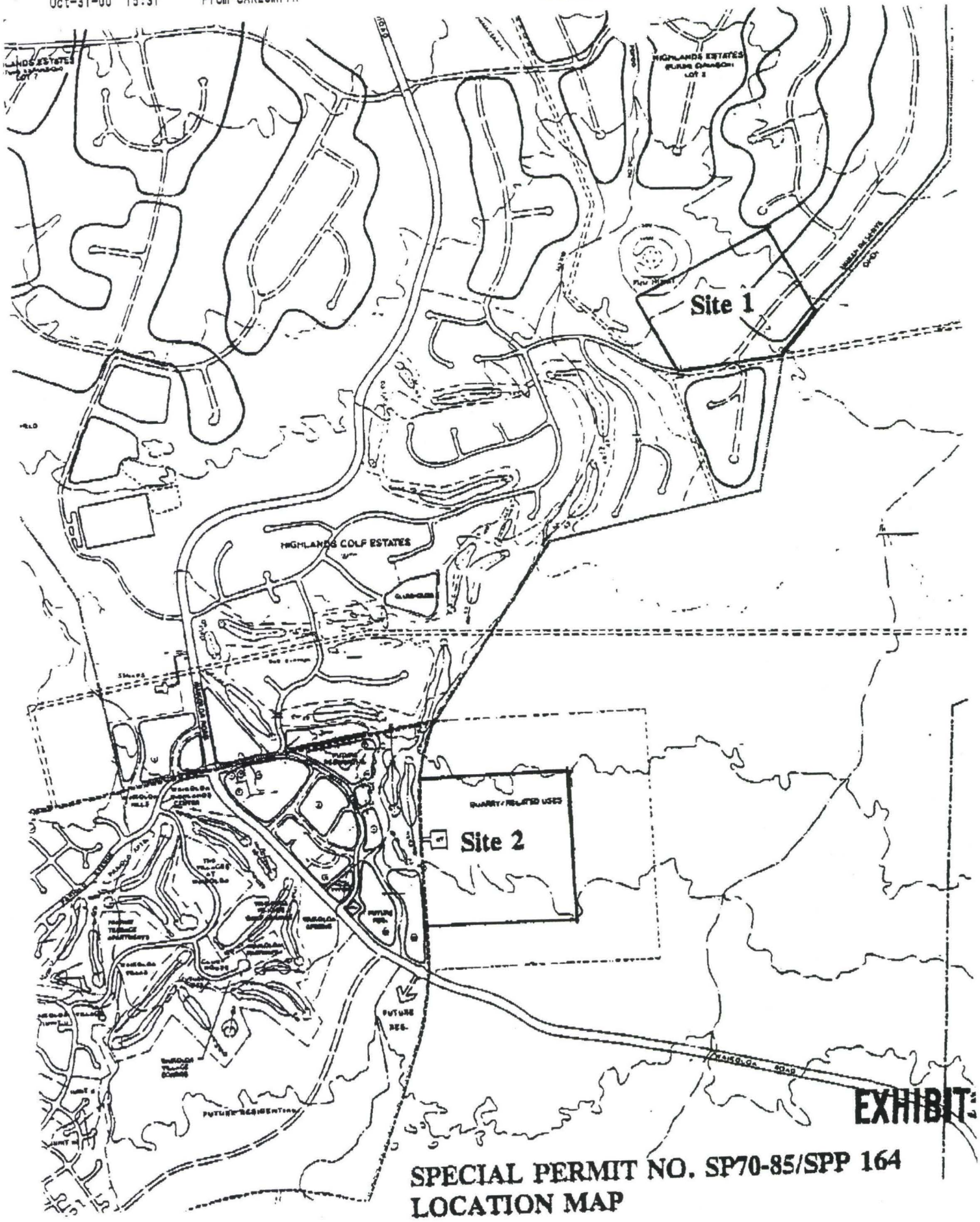


EXHIBIT 1

Figure 1
LOCATION MAP


RANCH LOTS
8,400 AC
URBAN RESERVE
650 AC
OPEN
10,000 AC
Quarry Site 1
OPEN
SP70-85/SPP 164
WAIKOLOA HIGHLANDS
Quarry Site 2
New Quarry
SP92-381/SPP 833
(Exp. 12/31/05)
Quarry Site 3
SP71-117/SPP 197
(Exp. 12/17/97)
WAIKOLOA BEACH RESORT
1,360 AC
WAIKOLOA
DESTINATION RESORT COMMUNITY
South Kohala, Island of Hawaii
March 1, 1991
LOCATION MAP
EXHIBIT 2



EXHIBIT

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

PETITION FOR STANDING IN CONTESTED CASE HEARING

NAME: _____

ADDRESS: _____

_____

_____

I. STATUS OF PETITIONER

A. Is your interest in this matter clearly distinguishable from that of the general public? Yes ___ No ___

If the answer is "yes", please explain:

_____

_____

_____

If the answer is "no", please explain how the proposed action will nevertheless cause you actual or threatened injury:

_____

_____

_____

B. Are you a government agency whose jurisdiction includes the land involved in the subject request? Yes ___ No ___

If the answer is "yes", please explain the nature of the agency's jurisdiction:

_____

_____

_____

C. Do you lawfully reside on or have some property interest in the land involved in the subject request? Yes ___ No ___

If the answer is "yes", please explain:

_____

_____

_____

APPENDIX A

PETITION FOR STANDING IN CONTESTED CASE HEARING

(Page 2 of 2)

D. Are you a person or persons descended from native Hawaiians who inhabited the Hawaiian Islands prior to 1778, who practiced those rights which were customarily and traditionally exercised for subsistence, cultural, or religious purposes?
Yes ___ No ___

If the answer is "yes", please submit any geneological evidence and historical evidence showing the exercise of those rights to support the statement.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____
PETITIONER'S SIGNATURE

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this ___ day of _____, 19__, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

_____
Notary Public, State of Hawaii

My commission expires: _____.

APPENDIX A

A01NOV00-agd

NOTICE OF PUBLIC MEETING AND PUBLIC HEARINGS

PLANNING COMMISSION AGENDA
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of matters to be considered by the Planning Commission of the County of Hawaii in accordance with the provisions of Chapters 91 and 92, Hawaii Revised Statutes, Section 5-4.3 of the Charter of the County of Hawaii, and the Planning Commission's Rules of Practice and Procedure.

DATE: Wednesday, November 1, 2000

TIME: 9:00 a.m.

PLACE: Aston Keauhou Beach Resort, Kahaluu Ballroom III
78-6740 Alii Drive, North Kona

MINUTES – OCTOBER 6, 2000

ADMINISTRATIVE MATTERS BY COMMISSIONERS AND STAFF

Status of appeals filed on Planning Commission decisions - Corporation Counsel
Report of Special Management Area Minor Permit Issued
Miscellaneous

NEW BUSINESS

1. **APPLICANT: PETER MESSMER** - Applications for a State Land Use Boundary Amendment from Agricultural to Urban District and a Change of Zone by changing the district classification from Agricultural (A-20a) to Single Family Residential (RS-10) for approximately 2.421 acres of land. The property is located in the vicinity of K. Takata Store and on the mauka side of Akoni Pule Highway, approximately 800 feet west of its intersection with Kynnersley Road, Puehuehu, North Kohala, Hawaii, TMK: 5-4-2: Portion of 6.

2. **APPLICANT: KAM CENTER SPECIALTY CORP.** - Application for a Change of Zone by changing the district classification from Agricultural (A-20a) to Family Agricultural (FA-3a) for approximately 45.482 acres of land. The properties are located within and adjacent to Kaloko Mauka Subdivision, on the south side of Kaloko Drive at approximately the 2,440-foot elevation, Kaloko and Honokohau 1st, North Kona, Hawaii, TMK: 7-3-24:1 & 2 and 7-4-2:Portion of 8.

3. **APPLICANTS: OWNERS OF PARCEL 9** - Applications for a State Land Use Boundary Amendment from Agricultural to Urban District, a Change of Zone by changing the district classification from Agricultural (A-20a) to Single Family Residential (RS-15) for approximately 4.606 acres of land. and a Special Management

Area Use Permit for development of a residential subdivision. The property is located on the south side of Kaluna Street, bounded by the Bayview Estates and Hale Kehau Condominium developments, Keauhou, North Kona, Hawaii, TMK: 7-8-11:9.

NEW BUSINESS – 10:00 a.m.

4. **APPLICANT: KAMEHAMEHA INVESTMENT CORPORATION** - Applications for a Special Management Area Use Permit and Use Permit for the development of a new 27-hole golf course, driving range, clubhouse, related maintenance support facilities, and associated improvements and infrastructure. The project area is located within the Keauhou Major Resort Area, on the makai side of Kuakini Highway and mauka of Kaluna Street and Kona Country Club golf course, and extends to the Keauhou 2nd/ Honalo ahupua'a boundary, Kahaluu and Keauhou, North Kona, Hawaii, TMK: 7-8-5: 1, 6, 27, 28, 37, 38 & 39; 7-8-7:4 & 11; and 7-8-10:6, 9, 29, and portions of 30 & 50.

5. **APPLICANT: USCOC OF HAWAII 3, INC., dba United States Cellular** - Application for a Special Permit to allow the existing 150-foot telecommunication monopole tower, antennas, accessory equipment building and accessory structures, and security fence on approximately 1,600 square feet of land within the State Land Use Agricultural District. The project area is located within the Mac Farms property, approximately 0.5 mile on the makai side of Mamalahoa Highway at approximately the 1,253-foot elevation, Kapua, South Kona, Hawaii, TMK: 8-9-11:Portion of 11.

6. **APPLICANT: USCOC OF HAWAII 3, INC., dba United States Cellular** - Application for a Special Permit to allow the existing 135-foot telecommunication lattice tower, antennas, accessory equipment building and accessory structures, co-located facilities of Mobile Communications Corporation of America and security fence on approximately 1,800 square feet of land within the State Land Use Agricultural District. The property is located on the west side of Mana Road approximately 1,100 feet south of its intersection with Mamalahoa Highway, Puukapu, Waimea, South Kohala, Hawaii, TMK: 6-4-1:Portion of 2.

NEW BUSINESS – 11:00 a.m.

7. **APPLICANT: THOMAS W. PACK** - Application for a Special Permit for the establishment of an arts and craft center, including art gallery, tea room and art classes on approximately 5,000 square feet of land within the State Land Use Agricultural District. The property is located along the north side of Napo'opo'o Road and adjacent to the Old Coffee Mill site, Kahauloa 2nd, South Kona, Hawaii, TMK: 8-2-8:80.

8. **APPLICANT: WAIKOLOA DEVELOPMENT COMPANY** - Request to amend Condition No. 4 (extension of life for Site 1 - Pu'u Hinai) of Special Permit No. 70-85 (SPP164), which established the Pu'u Hinai (Site 1) and the Village (Site 2) quarries and allied uses on approximately 155.6 acres of land within the State Land Use Agricultural District. The property is located to the west of Waikoloa Road and adjacent to the

Waikoloa Highlands development, Waikoloa, South Kohala, Hawaii, TMK: 6-8-02: Portions of 16 & 33.

9. **PLANNING DIRECTOR INITIATED** - Revocation of Special Permit No. 1054, granted to Maryl Group, Inc., which allowed the establishment of a temporary real estate sales office within the State Land Use Agricultural District. The property is located in the Sandalwood Subdivision on the south side of the Kō Uka Street-Kō Uka Place intersection, Lalamilo, South Kohala, Hawaii, TMK: 6-6-10:26.

NEW BUSINESS – 1:30 p.m.

10. **APPLICANT: WHITE SAND BEACH LIMITED PARTNERSHIP** - Application for a Special Management Area Use Permit for the development of an 18-hole golf course, driving range, clubhouse, parking area, pump house, related maintenance support facilities, a small lake, and associated improvements and infrastructure. The project area is located within the Mauna Lani Resort area, approximately 1,000 to 2,000 feet makai of Queen Kaahumanu Highway and adjacent to (mauka) State owned lands and the Puako Petroglyph Field, Waikoloa, South Kohala, Hawaii, TMK: 6-8-1:Portion of 22.

11. **APPLICANT: THE BAY CLUB OWNERSHIP RESORT, INC** - Application for a Special Management Area Use Permit for the development of a recreational/restaurant/ office complex, four single-family dwellings, parking area, other related recreational facilities, and associated improvements and infrastructure. The property is located at the south end of 'Anaeho'omalu Bay and abuts the South Kohala-North Kona District boundary, 'Anaeho'omalu, South Kohala, Hawaii, TMK. 6-9-7:15.

12. **APPLICANT: M. LUCE CONTRACTING, INC.** - Request to amend Special Permit No. 746 by reconfiguring the boundaries of the existing 14.9-acre quarry site and amend Condition No. 4 (extend life of permit). Special Permit No. 746, granted to Richard Smart Trust dba Parker Ranch, allows the quarry operations and its allied uses on 14.9 acres of land within the State Land Use Agricultural District. The property is located approximately 280 feet mauka of Akoni Pule Highway and approximately 700 feet to the east of the Puakea Bay Ranch entry road, Puakea, North Kohala, Hawaii, TMK: 5-6-01: Portion of 51.

NEW BUSINESS – 2:30 p.m.

13. **APPLICANT: VIPASSANA HAWAII** - Application for a Special Permit for the establishment of the Hawaii Insight Meditation Center on approximately 15 acres of land within the State Land Use Agricultural District. The project area is approximately 2,000 feet makai of Akoni Pule Highway, and adjacent to (west) Halawa Gulch, Napapaa, North Kohala, Hawaii, TMK: 5-3-7:Portion of 1.

ANNOUNCEMENTS

ADJOURNMENT

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the above requests. According to Rule 1 (General Rules) of the Planning Commission, a person desiring to submit oral or written testimony shall indicate her/his name; residence address; and whether the testimony is on her/his behalf or as a representative of an organization or individual. If testimony is being submitted on behalf of an organization, documentation showing membership ratification should accompany the testimony. Written testimony shall be submitted with an original and nine copies prior to testifying. The Commission would appreciate timely submittal to the Planning Department at least one week prior to the hearing date to allow for mailing and thorough Commission review. Testimony which is irrelevant or unduly repetitious may be limited by the Chairperson pursuant to Rule 1.

Maps showing the general location and boundaries of the areas under consideration and/or plans of the proposed developments are on file and open to inspection during office hours at the Planning Department, County Building, 25 Aupuni Street, Room 109, Hilo, Hawaii 96720, and at the Planning Department West Hawaii Office, 75-5706 Kuakini Highway, Suite 109, Kailua-Kona, Hawaii 96740.

Pursuant to Rule 4, Contested Case Procedure, of the County of Hawaii Planning Commission Rules of Practice and Procedure, any person seeking to intervene as a party to a contested case hearing on any agenda Item No.(s) 4 to 8 and 10 to 13, relating to Special Management Area Use Permit, Special Permit and Use Permit, is required to file a written request which must be received in the office of the Planning Department no later than seven (7) calendar days prior to the Planning Commission's first public meeting on the matter. Such written request shall be in conformity with Rule 4, in a form as provided in Rule 4 Appendix A "Petition for Standing in a Contested Case Hearing." The written petition/request shall be filed with the Planning Commission at 25 Aupuni Street, Room 109, Hilo, Hawaii 96720, and accompanied by a filing fee of $100 payable to the Director of Finance. Any party may retain counsel if that person so desires. Rule 4 may be inspected or purchased ($2.50) at the above-cited location.

Any disabled person requiring special assistance or person requiring auxiliary aid and/or services to participate in the hearing should contact the Planning Department at 961-8288 three (3) working days prior to the hearing so that appropriate arrangements can be made.

PLANNING COMMISSION
Richard B. Baker, Jr., Chairman
Geraldine M. Giffin, 1st Vice Chairman
James S. Souza, 2nd Vice Chairman

(HS&CPN: County of Hawaii)
(Publication: October 2, 2000)

Stephen K. Yamashiro
Mayor

Wayne G. Carvalho
Police Chief

James S. Correa
Deputy Police Chief

County of Hawaii
POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawaii 96720-3998
(808) 935-3311 • Fax (808) 961-2702

2000 OCT 4 PM 4 28
PLANNING DEPARTMENT
COUNTY OF HAWAII

October 2, 2000

TO : VIRGINIA GOLDSTEIN, PLANNING DIRECTOR

FROM : THOMAS J. HICKCOX, ASSISTANT POLICE CHIEF, FIELD OPERATIONS BUREAU

SUBJECT : AMENDMENT OF SPECIAL PERMIT NO. SP70-85 (SPP 164)
APPLICANT: WAIKOLOA DEVELOPMENT COMPANY
REQUEST: EXTENSION OF TIME TO CONDITION NO. 4 OF SPECIAL PERMIT NO. 164
TAX MAP KEY: 6-8-2: PORTIONS OF 16 (SITE 1)

Staff has reviewed the above-referenced application and does not believe the request will adversely impact police services in the area.

DW:lk

EXHIBIT
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009427

DEPARTMENT OF PUBLIC WO[illegible]S
COUNTY OF HAWAII
HILO, HAWAII

DATE: October 4, 2000

2000 OCT 6 PM
PLANNING DEPARTMENT
COUNTY OF HAWAII

Memorandum

TO : Virginia Goldstein, Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief
Engineering Division

SUBJECT : Amendment To Special Permit No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Location: South Kohala, HI
TMK: 3 / 6-8-2: Por. 16 (Site 1)

We have reviewed the subject application and have no comments on or objections to the request.

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 P 1:16

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE

copy: ENG-HILO
PLNG-KONA

EXHIBIT
K

003447

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII
25 AUPUNI STREET • HILO, HAWAII 96720
TELEPHONE (808) 961-8660 • FAX (808) 961-8657

2000 OCT 12 PM 4 0

PLANNING DEPARTME
COUNTY OF HAWAII

October 10, 2000

TO: Ms. Virginia K. Goldstein, Planning Director
Planning Department

FROM: Milton D. Pavao, Manager

SUBJECT: AMMENDMENT OF SPECIAL PERMIT NO. SP70-85 (SPP 164)
APPLICANT – WAIKOLOA DEVELOPMENT COMPANY
TAX MAP KEY: 6-8-002:PORTIONS OF 016 (SITE 1)

We have reviewed the subject application and since the quarry is in the service area of a private water system and the continued use of the quarry would not affect any of our water systems, we have no requirements.

If there are any questions, please contact our Water Resources and Planning Branch at 961-8665.

Sincerely yours,

Milton D. Pavao, P.E.
Manager

BCM:gms

copy – Waikoloa Development Company
Carlsmith Ball LLP

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 P 1:16

EXHIBIT
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... Water brings progress...

LAND USE COMMISSION
STATE OF HAWAII

2000 DEC 21 P 1:17

COUNTY OF HAWAII PLANNING DEPARTMENT
BACKGROUND REPORT

WAIKOLOA DEVELOPMENT COMPANY
AMENDMENT TO SPECIAL PERMIT NO. 70-85 (SPP 164)

Waikoloa Development Company is requesting an amendment to Condition No. 4 (extension of life for Site 1 – Pu'u Hinai) of Special Permit No. 70-85 (SPP 164), which established the Pu'u Hinai (Site 1) and the Village (Site 2) quarries and allied uses on approximately 155.6 acres of land within the State Land Use Agricultural District. The property is located to the west of Waikoloa Road and adjacent to the Waikoloa Highlands development, Waikoloa, South Kohala, Hawaii. TMK: 6-8-02: Portions of 16 and 33.

PLANNING COMMISSION ACTION

1. **Authority:** Since the requested amendment to Special Permit No. 70-85 affect uses on lands greater than 15 acres, the Planning Commission's action on this amendment request will be as a recommendation to the State Land Use Commission, who will render a final decision regarding the applicant's request.

HISTORICAL PERSPECTIVE

2. **September 30, 1970** - Planning Commission forwarded a favorable recommendation to the State Land Use Commission (SLUC) of a request by Boise Cascade Recreation Communities Corporation, the former owner of the project site, to operate two quarry sites on the subject properties (formerly TMK: 6-8-01:portion of 4), including a screening plant, rock crusher, scales, AC batching plant, concrete batching plant, and equipment repair facilities. This favorable recommendation 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 problems 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

EXHIBIT
M

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."

3. **December 11, 1970** - Effective date of Decision and Order by the SLUC, which approved Special Permit No. 70-85 (SPP 164) to operate two quarry sites including a screening plant, rock crusher, scales, AC batching plant, concrete batching plant, and equipment repair facilities, subject to the conditions as set forth by the Planning Commission. Pursuant to Condition No. 4, Special Permit No. 70-85 will expire on December 11, 1975.

4. **December 23, 1975** – At the request of the applicant and with a favorable recommendation by the Planning Commission, the SLUC approved an extension to the life of the permit until December 11, 1980, subject to all conditions originally stipulated in the granting of Special Permit No. 70-85. A new condition was imposed requiring the applicant to comply with applicable Department of Health regulations.

5. **May 5, 1981** – At the request of the applicant and a favorable recommendation by the Planning Commission, the SLUC approved an extension to the life of the Special Permit No. 70-85 until December 11, 1990, "*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."

6. **March 6, 1991** – At the request of the applicant and with a favorable recommendation by the Planning Commission, the SLUC approved: (1) an extension to the life of Special Permit No. 70-85 to December 11, 1995; (2) reduce the size of Quarry Site 1 (TMK: 6-8-02: 16) from 69 acres to 63.6 acres; and (3) reduce the scope of quarrying activities at Site 2 (TMK: 6-8-02: 33) by deleting rock crushing and asphalt and concrete batch plant operations and allowing only removal of existing stockpiled materials and equipment storage and repair, subject to the following conditions, which replaced 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 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."

7. **October 25, 1995:** The Planning Commission forwards a favorable recommendation to the State Land Use Commission regarding the applicant's request for various amendments to Special Permit No. 70-85 that includes the following:

a. amendments to Condition Nos. 5 and 6 to allow for an extension of the life of the permit for Quarry Sites 1 and 2 for five (5) years until December 11, 2000;

b. a reduction in the size of Quarry Site 2 from 92 acres to 89 acres to exclude Waikoloa Sanitary Sewer Co.'s Utility Baseyard approved under Special Permit No. 908;

c. restoration of active quarrying uses at Site 2 to facilitate restoration of the site; and

d. amendment of Condition No. 4 to clarify that only quarrying activities (defined to include loading, hauling, rock crushing, asphalt and concrete batch operations, and the use of explosives) are restricted to certain hours and days and to allow quarrying activities between the hours of 8:00 a.m. and 3:30 p.m. on Saturdays.

8. **December 14, 1995:** SLUC Decision and Order granting the approval of the applicant's various amendment requests to Special Permit No. 70-85, subject to the following conditions of approval:

"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 in map and written form of Site 2 shall be filed with the Planning Department and the Land Use Commission within one year from the effective date of this Order.

"3. The quarrying 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, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday.

"4. Quarrying operations at Site 1 shall be terminated by December 11, 2000, 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.

"5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first.

"6. Upon termination of 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 Hawai'i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

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

"8. An annual monitoring report shall be submitted to the Hawai'i 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 Hawai'i Planning Commission that the quarry use will have an adverse impact on surrounding properties.

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

APPLICANT'S REQUEST

9. The applicant's request consist of the following components:

a. The life of Special Permit No. 70-85, as specified by Condition No. 4, be extended until December 11, 2005 for Site 1 (Pu'u Hinai Quarry).

b. Terminate quarrying activities at Site 2 (Village Quarry) by December 11, 2000 as currently specified by Condition No. 4.

ACTIONS TO BE CONSIDERED BY PLANNING COMMISSION

10. Based on the applicant's request, the Planning Commission must consider the following actions:

a. Deletion of Conditions Nos. 2, 3 and 5 as they deal with the operations of Site 2 (Village Quarry), which will terminate on December 11, 2000;

b. Amend Condition No. 4 to reflect an extension to the life of Special Permit No. 70-85 to December 11, 2005;

c. Amend language of Condition No. 6 to ensure the proper grading and re-vegetation of Site 2 (Village Quarry) upon its termination; and

d. Re-alphabetize conditions of approval to reflect the various amendments.

11. The applicant's reasons for the request and a status report on its compliance with the conditions of approval of Special Permit No. 70-85 is attached as **Exhibit A**.

AGENCIES' COMMENTS

12. **Department of Public Works (October 4, 2000 Memo):**

"We have reviewed the subject application and have no comments on or objections to the request."

13. **Department of Water Supply (October 10, 2000 Memo):**

"We have reviewed the subject application and since the quarry is in the service area of a private water system and the continued use of the quarry would not affect any of our water systems, we have no requirements."

14. **Police Department (October 2, 2000 Memo):**

"Staff has reviewed the above-referenced application and does not believe the request will adversely impact police services in the area."

15. **Department of Land and Natural Resources-Land Division (September 20, 2000 Letter):**

"Thank you for the opportunity to review and comment on the request for a five-year time extension to Condition No. 4 of the subject Special Permit.

"The Department has no comment to offer."

16. **Department of Transportation (September 27, 2000 Letter):**

"We have no objections to this application."

17. **State Land Use Commission (September 27, 2000 Letter):**

"We have reviewed the subject request forwarded by your memorandum dated September 15, 2000, and confirm that the subject property was approved for quarry and allied uses in LUC Docket No. SP70-85/Waikoloa Development Company, and that by Order Granting Request to Amend Special Permit dated January 24, 1996, the Land Use Commission (LUC) granted, among other things, an extension of the life of the special permit for both quarry sites 1 and 2 to December 11, 2000.

"We understand that in the event the County of Hawaii Planning Commission recommends

approval of the subject request, a copy of the decision together with the complete record of the Planning Commission's proceedings will be transmitted to the LUC for final disposition in accordance with §205-6, Hawaii Revised Statutes.

"We have no further comments to offer at this time. We appreciate the opportunity to comment on the subject request."

AGENCIES - NO RESPONSE

18. Fire Department, Real Property Tax Division, Department of Health, Department of Agriculture, Natural Resources Soil Conservation Service

PUBLIC COMMENTS

19. The Department has not received any written comments or objections from the general public or adjacent landowners on the subject application.

ORIGINAL

CARLSMITH BALL LLP

ATTORNEYS AT LAW
A LIMITED LIABILITY LAW PARTNERSHIP

75-1000 HENRY STREET, SUITE 209
P.O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
TELEPHONE (808) 329-6464 FAX (808) 329-9450
WWW.CARLSMITH.COM

'00 SEP 7 AM 10 30

COUNTY OF HAWAII
PLANNING DEPT.
KONA OFFICE

September 6, 2000

Ms. Virginia Goldstein, Planning Director
County of Hawaii Planning Department
Mr. Richard Baker, Chairperson
County of Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

RE: Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

Dear Ms. Goldstein & Mr. Baker:

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.

EXHIBIT A

ORIGINAL

Pursuant to Hawaii County Planning Commission Rule No. 6 (Special Permit), Section 6-8, Waikoloa Development Company, as owner of Site 1, hereby requests a five-year time extension, to December 11, 2005, to Condition 4, life of the above-referenced Special Permit for Site 1. As lessee of Site 2, Owner intends to terminate activities at that Site on December 11, 2000, as required by Condition 5.

We have enclosed the following for the Special Permit Application Time Extension Request:

1. A letter of authorization from the owner, Waikoloa Development Company.
2. Twenty (20) copies of a written statement of the affected condition, the length of time requested; and the reasons for the request.
3. Twenty (20) copies of a Regional Location Map
4. Twenty (20) copies of Waikoloa Destination Resort Community Location Map
5. Twenty (20) copies of a Special Permit No. SP70-85/SSP 164 Quarry Site Location Map
6. Twenty (20) copies of Quarry Site 1 Site Plan
7. Twenty (20) copies of Quarry Site 2 Site Plan
8. Twenty (20) copies of of Amendment to SP 70-85 approved by the Land Use Commission on January 24, 1996.
9. A list of the current surrounding property owners within 500 feet from the Department of Finance, Real Property Tax Division;
10. A letter to the Planning Director and Planning Commission Chairman certifying the mailing of the "First Notice" to the surrounding property owners by enclosed Affidavit and attached exhibits;
11. A Certification of Clearance form dated September 6, 2000 showing no outstanding delinquencies from the Department of Finance, Real Property Tax Division.
12. A check for $100 for the Special Permit amendment application filing fee.

We hereby respectfully request your favorable consideration of this petition for an extension to Condition 4, the life of the Special Permit for Site 1, until December 11, 2005, subject to the other conditions of the present permit which are applicable to this Site 1.

ORIGINAL

Please forward all correspondences on the above referenced matter to my attention.

Should you have any questions, please call me at 329-6464.

Very truly yours,

Robert D. Triantos

RDT:rhy
Enclosure
cc: Steven S.C. Lim
Thos Rohr, Waikoloa Development Company
Waikoloa Village Association

ORIGINAL

Fee Owner and/or Applicant's Letter of Authorization

Tax Map Key: (3) 6-8-002: Portion of 016 and 033
District of South Kohala
Island, County and State of Hawaii

The undersigned is the authorized representative fee owner of and/or applicant for the real property above-identified, and hereby authorizes the law firm of Carlsmith Ball LLP, to apply for, execute and process any and all County, State and federal governmental permit applications, and to participate in proceedings related to said real property.

This authorization may be signed in counterparts, each of which shall be considered an original, and the counterparts shall together constitute one and the same authorization. A photostatic or facsimile copy of this executed authorization shall also be considered as effective and valid as the original.

WAIKOLOA DEVELOPMENT COMPANY

By _____
MYRON YAMASATO
Its Authorized Representative

Address: 150 Waikoloa Beach Drive
Waikolo, Hawaii 96738

Subscribed and sworn to before me
this 6th day of Sept., 2000.

_____
Notary Public, State of Hawaii
Name: Ilona Haggarty
My commission expires: 4/18/03

ORIGINAL

September 6, 2000

Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02:Portions of 16 (Site 1) and 33 (Site 2)

Background and Reasons for Request

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.

On January 24, 1996, the State Land Use Commission approved an amendment to Special Permit SP70-85, Condition No. 5 to allow for an extension of the life of the Special Permit for the 2 Quarry sites for five years until December 11, 2000. **(SEE EXHIBIT F)**

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. **(SEE EXHIBIT B, C, & D)**

Adjacent land to the northwest (makai) is zoned RA-la 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 2005. 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 combination paved and gravel road within a 50-foot wide easement. To the best of our knowledge, there has not been any traffic or other problems related to the access road or its intersection with Waikoloa Road. A locked gate restricts entry to the road.

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 that the applicant transferred to the Waikoloa Village Association in 1985 and leased back through the year 2000. As the lease will expire on December 31, 2000, the applicant intends to terminate operations at this site in compliance with Condition 5. **(SEE EXHIBIT B, C & E)**

Special Permit No. 92-381 (SPP 833), approved effective January 19, 1993, allows quarrying activities on 219.990 acres of land located approximately 2.5 miles makai, or southwest, of Site 1. Operations at this quarry commenced on July 1, 1999. Operation of Site 1 is not expected to conflict with or duplicate operations at this new Waikoloa quarry, as Site 1 is a cinder and cinder/soil quarry, while the new Waikoloa quarry is a rock quarry.

Compliance with Conditions

All conditions of approval have been and will continue to be complied with, as follows:

- " 1. The Applicant, 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 throughout the term of this Special Permit and any extensions thereof.

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

Compliance. A metes and bounds map and description of Quarry Site 2 was submitted to the Planning Department and the Land Use Commission on January 6, 1997. By letter dated January 7, 1997, the Land Use Commission acknowledged that we have complied with this condition, as did the Planning Department in its letter dated April 15, 1997. This condition has been satisfied.

• " 3. The quarrying 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, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday."

Compliance. This condition has been met. All activities at Site 2 will cease on or before December 11, 2000, as required by Condition 5 below.

• " 4. Quarrying operations at Site 1 shall be terminated by December 11, 2000, 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."

Compliance. Applicant is hereby requesting a 5 year time extension until December 11, 2005 to this condition, as this is the only source of this type of material in Waikoloa. This material has been, and is, intended to be used for, among other projects, the future Highlands Golf Estates & Golf Course project. A subdivision application for the final increment of adjacent RA-zoned lands has not been initiated, nor is one contemplated at this time.

• " 5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first."

Compliance. This condition will be complied with.

• " 6. Upon termination of 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. This condition will be complied with. At Site 2, removal of stockpiled material is complete and renaturalization is in process. Appropriate documentation evidencing compliance will be submitted to the Planning Department within 90 days of December 11, 2000.

- " 7. 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.

- " 8. 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 com-plaints 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 condition has been and will continue to be complied with.

- " 9. 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 have been, and will continue to be, met in a timely fashion.

Reasons for Time Extension Request

While less than 4,000 cubic yards of material has been removed from Site 1 during the past five years, due to the minimal development taking place in the area, the cinder and topsoil available at Site 1 continue to be valuable resources. These materials are not available elsewhere at Waikoloa, and are necessary for the construction of the planned Highlands Golf Estates and Highlands Golf Course projects, as well as for other projects in the region.

Conclusion

Continued quarry operations at Site 1 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 this site. 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 to Condition 4, the life of the Special Permit for Site 1, until December 11, 2005, subject to the other conditions of the present permit which are applicable to this Site 1.

ORIGINAL

List of Exhibits

A. Regional Location Map

B. Waikoloa Destination Resort Community Location Map

C. Special Permit No. SP70-85/SSP 164 Quarry Site Location Map

D. Quarry Site 1 Site Plan

E. Quarry Site 2 Site Plan

F. Copy of Amendment to SP 70-85 approved by the Land Use Commission on January 24, 1996.

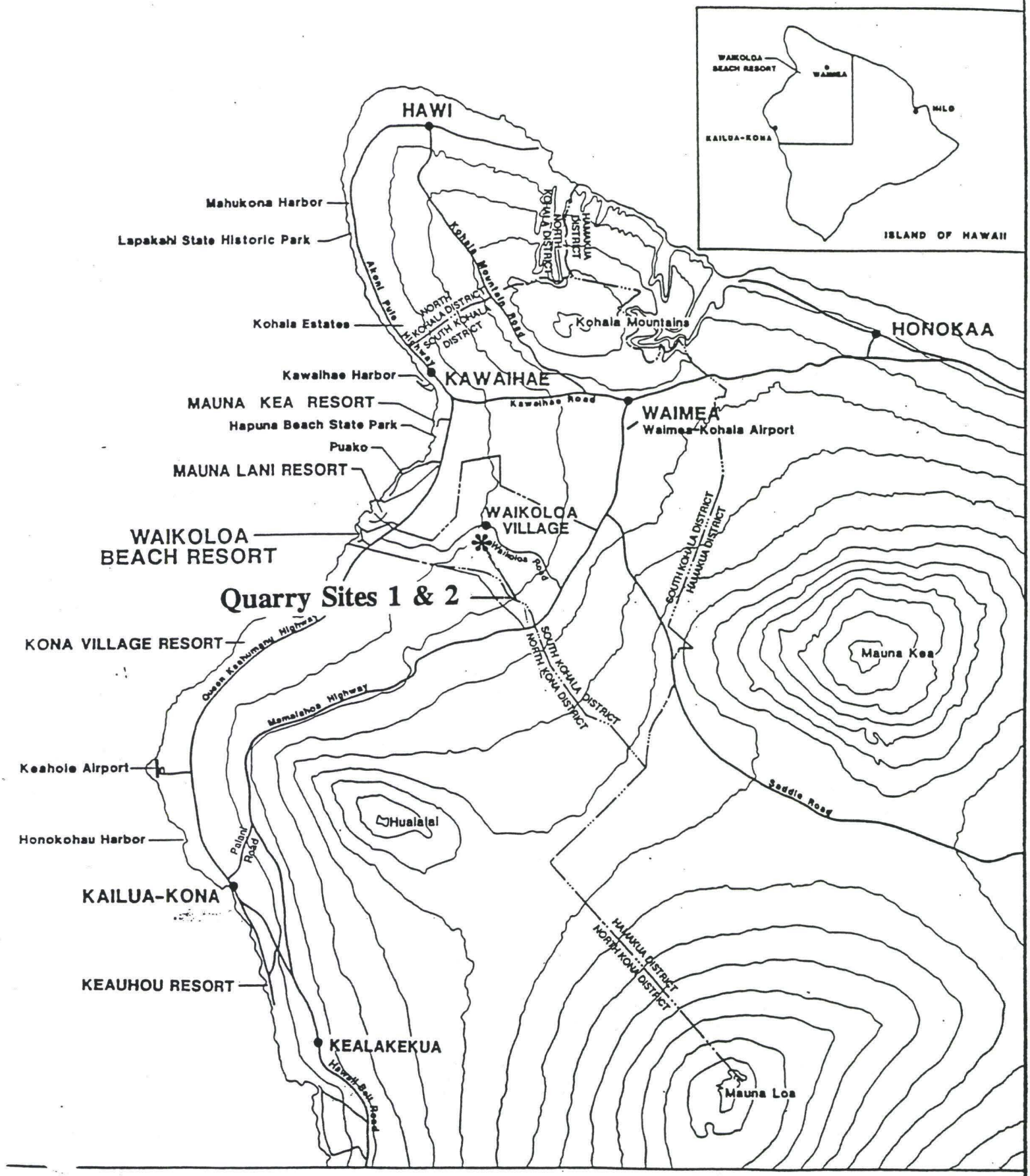
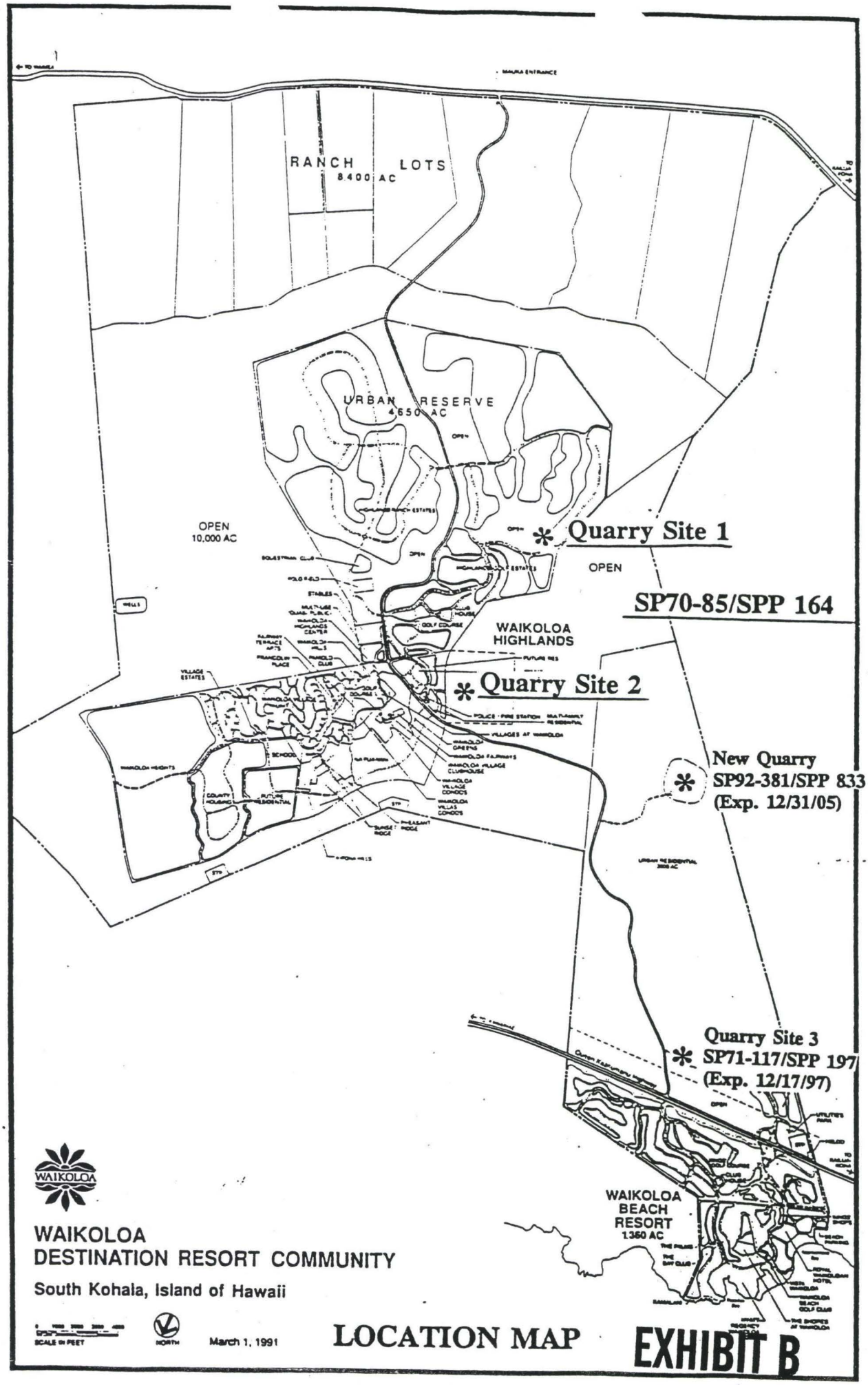


EXHIBIT A

Figure 1
LOCATION MAP


RANCH LOTS
8400 AC
URBAN RESERVE
4650 AC
OPEN
10,000 AC
OPEN
WAIKOLOA
HIGHLANDS
* Quarry Site 1
SP70-85/SPP 164
* Quarry Site 2
New Quarry
SP92-381/SPP 833
(Exp. 12/31/05)
Quarry Site 3
SP71-117/SPP 197
(Exp. 12/17/97)
WAIKOLOA
BEACH
RESORT
1360 AC
WAIKOLOA
DESTINATION RESORT COMMUNITY
South Kohala, Island of Hawaii
SCALE IN FEET
NORTH
March 1, 1991
LOCATION MAP
EXHIBIT B

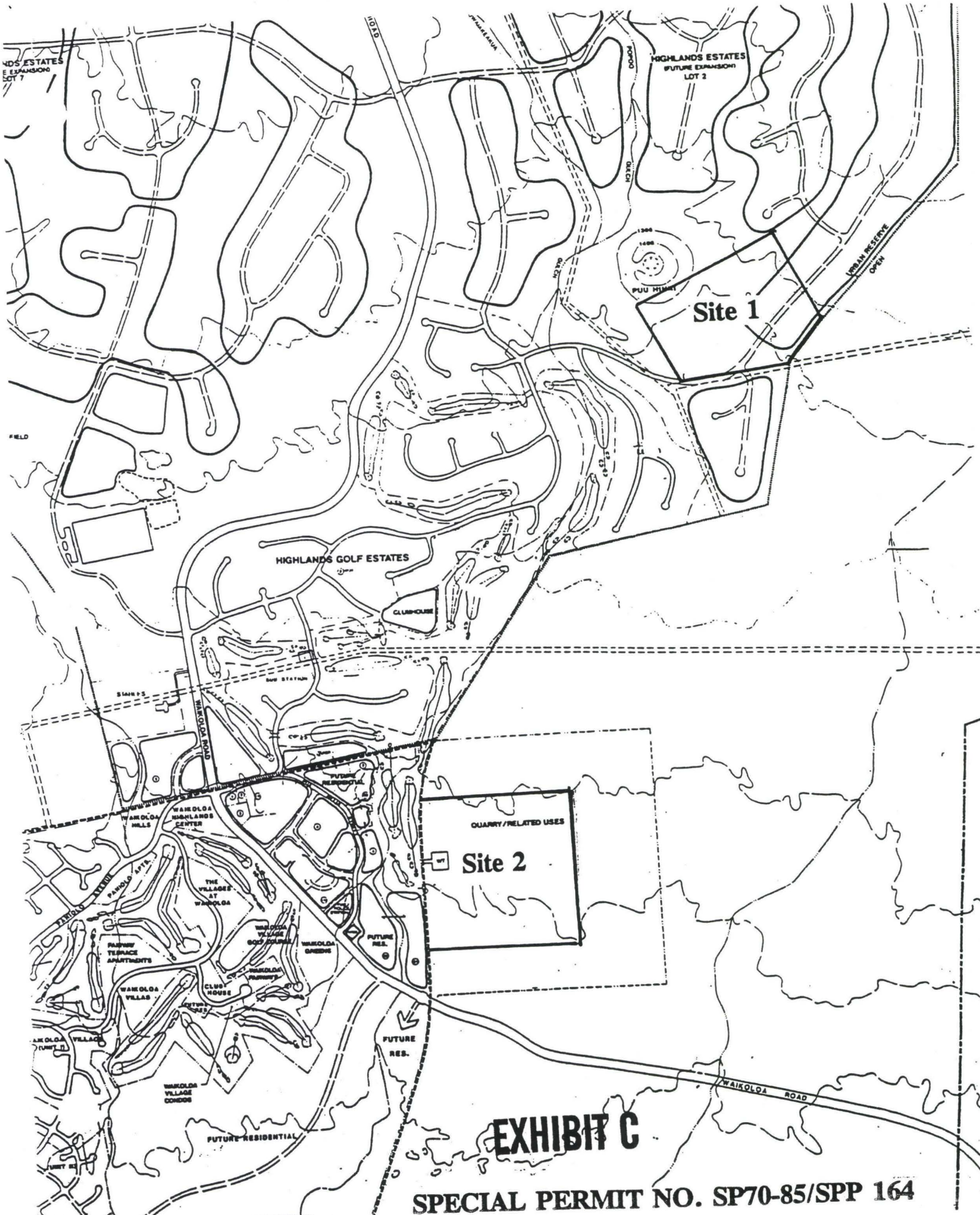


EXHIBIT C

SPECIAL PERMIT NO. SP70-85/SPP 164

HILO BAY

KEAUKAHA

COCONUT ISLAND

WAIAKEA

KUHIO BAY

REEDS BAY

WAILUI

LELEIWI

KAMEHAMEHA AVENUE

LEILANI ST.

RAILROAD AVENUE

KINOOLE STREET

KILAUEA AVENUE

KANOELEHUA AVENUE

WAINAKO ST.

AIHAI ST.

VOLCANO ROAD

To Keaau

HOOLULU PARK

HILO MUNICIPAL GOLF COURSE

Unplanned

Drag Strip

South Hilo
Puna District Boundary

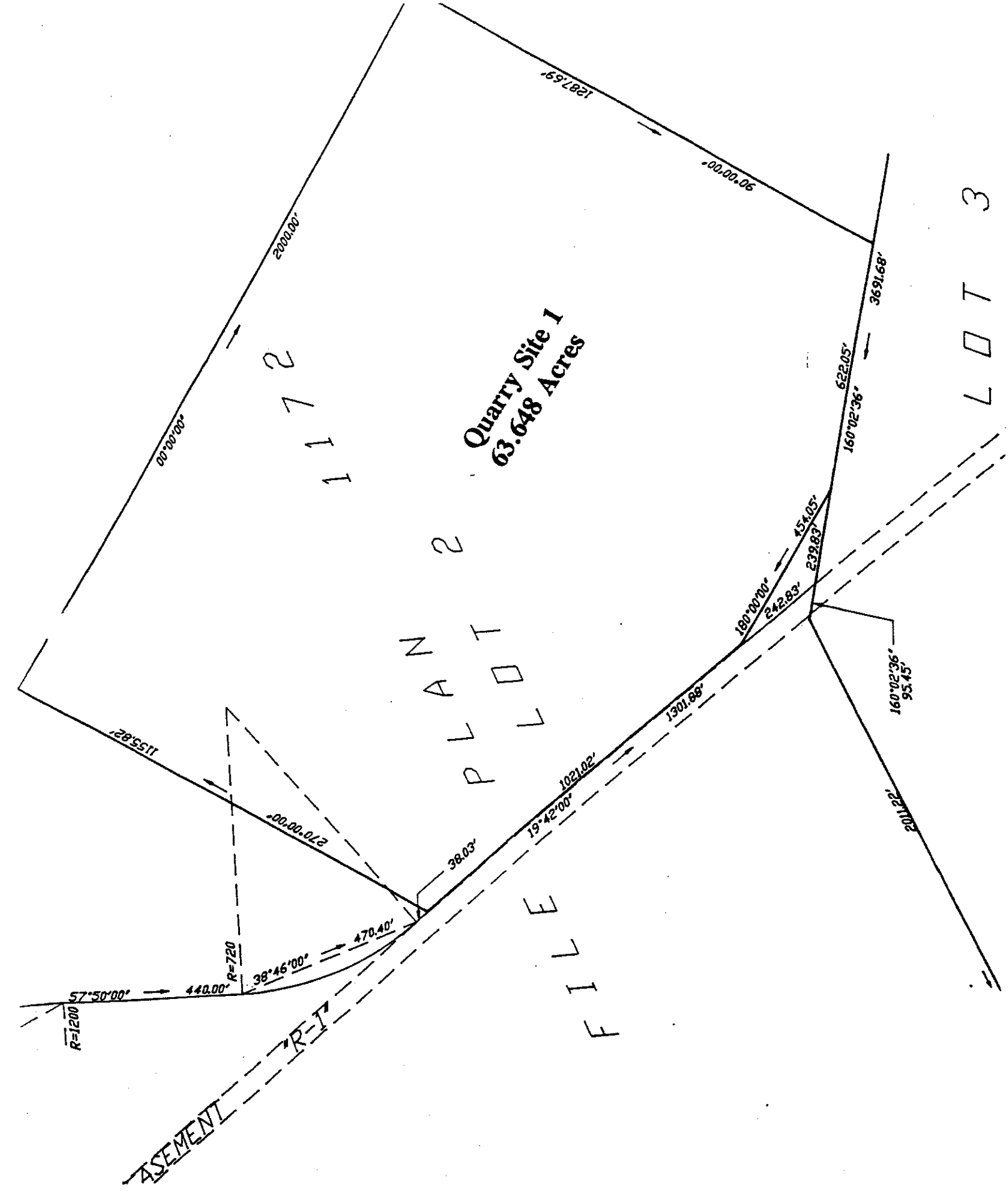
COUNTY OF HAWAII
Dept. of Parks & Recreation
SPECIAL PERMIT

SCALE 0 1000 2000 3000 4000 FEET

NORTH

CITY OF HILO

EXHIBIT 5



SPECIAL PERMIT NO. SP70-85/SPP 164 **EXHIBIT D**

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

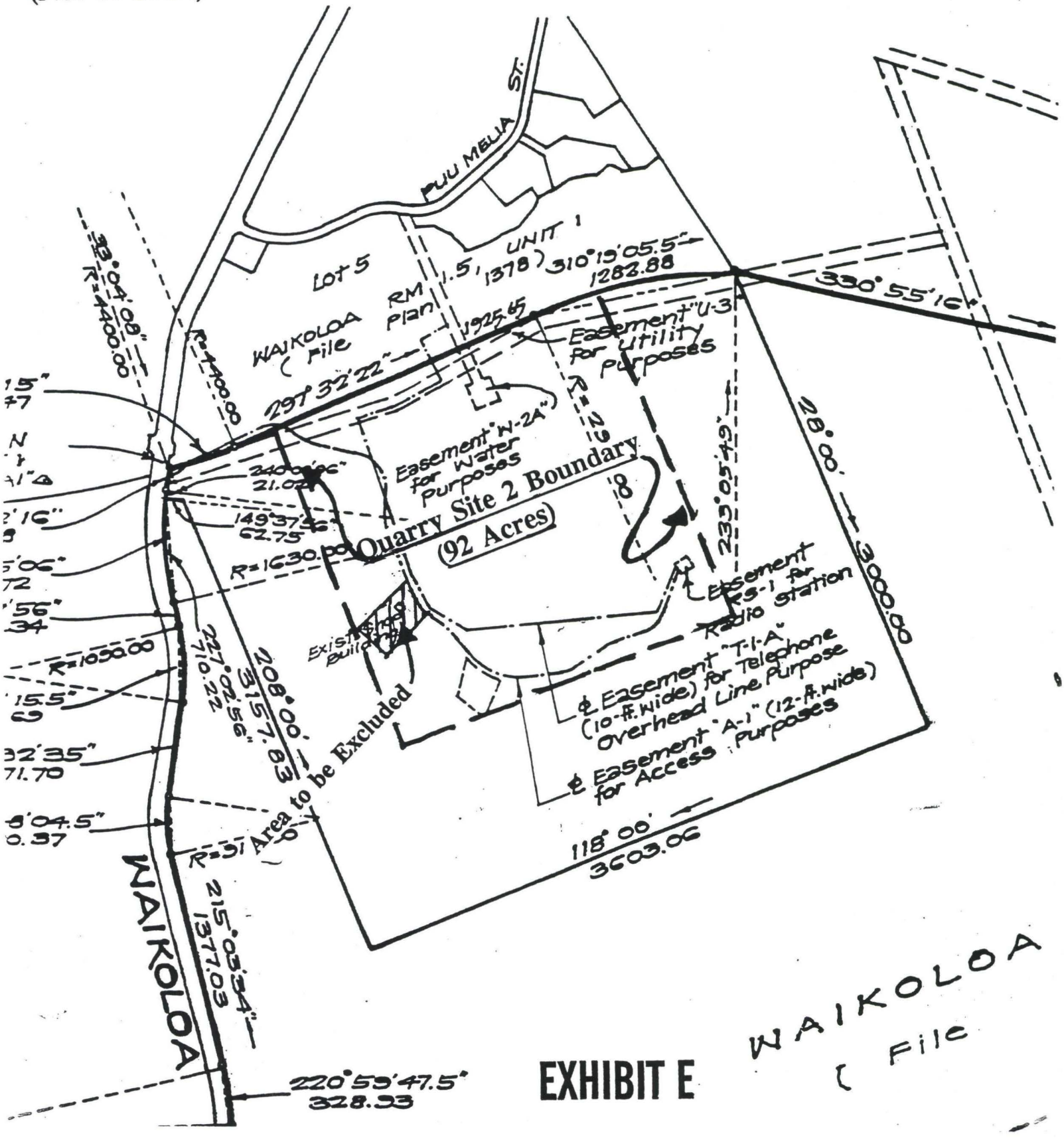


EXHIBIT E

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of WAIKOLOA DEVELOPMENT COMPANY For an Amendment to the Special Permit Which Established the Pu'u Hinai and the Village Quarries and Allied Uses on Approximately 155.6 Acres of Land Within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawai'i, TMK 6-8-02: por. 16 and por. 33	DOCKET NO. SP70-85 ORDER GRANTING REQUEST TO AMEND SPECIAL PERMIT

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

JAN 24 1996 by
Date Executive Officer

LAND USE COMMISSION
STATE OF HAWAII
JAN 24 11 07 AM '96

ORDER GRANTING REQUEST TO AMEND SPECIAL PERMIT

EXHIBIT F

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of WAIKOLOA DEVELOPMENT COMPANY For an Amendment to the Special Permit Which Established the Pu'u Hinai and the Village Quarries and Allied Uses on Approximately 155.6 Acres of Land Within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawai'i, TMK 6-8-02: por. 16 and por. 33	DOCKET NO. SP70-85 ORDER GRANTING REQUEST TO AMEND SPECIAL PERMIT

ORDER GRANTING REQUEST TO AMEND SPECIAL PERMIT

On September 5, 1995, the Hawai'i County Planning Department ("Planning Department") received a request from Waikoloa Development Company ("Applicant") in LUC Docket No. SP70-85/Waikoloa Development Company to 1) amend Condition Nos. 5 and 6 to allow for an extension of the life of the Special Permit for the Pu'u Hinai Quarry ("Site 1") and the Village Quarry ("Site 2") for five years until December 11, 2000; 2) reduce the size of Site 2 from 92 acres to 89 acres to exclude the Waikoloa Sanitary Sewer Co.'s utility baseyard approved under County Special Permit No. 908; 3) restore active quarrying uses at Site 2 to facilitate restoration of the site; and, 4) amend Condition No. 4 to clarify that only quarrying activities (defined to include loading, hauling, rock crushing, asphalt and concrete batch operations, and the use of explosives) are restricted to certain hours and days, and to allow quarrying

EXHIBIT F

activities between the hours of 8:00 a.m. and 3:30 p.m. on Saturdays ("Request").

On October 25, 1995, the Hawai'i County Planning Commission ("Planning Commission") conducted a hearing on the Applicant's Request.

On October 25, 1995, after due deliberation, the Planning Commission recommended approval of the Applicant's Request to the Land Use Commission ("Commission"), subject to the following 9 conditions to replace the previous 10 conditions imposed by the Commission in its Findings of Fact, Conclusions of Law, and Decision and Order issued on March 6, 1991:

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

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

3. The quarrying 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, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday.

4. Quarrying operations at Site 1 shall be terminated by December 11, 2000, 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.

5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first.

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

EXHIBIT F

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.

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

8. 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.

9. 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.

On November 9, 1995, the Commission received and accepted for consideration the complete record of the Planning Commission's record on the Applicant's Request.

The Applicant's Request, having come on for hearing on December 14, 1995, at the Commission's meeting in Honolulu, Hawai'i, and the Commission having considered the arguments by the respective parties in this proceeding, and for good cause shown,

HEREBY GRANTS the Applicant's Request. The Findings of Fact, Conclusions of Law, and Decision and Order issued in

EXHIBIT F

Special Permit Docket Number SP70-85/Waikoloa Development Company on March 6, 1991, shall be amended as follows:

ORDER

IT IS HEREBY ORDERED that the Applicant's Request in Special Permit Docket Number SP70-85/Waikoloa Development Company to 1) amend Condition Nos. 5 and 6 to allow for an extension of the life of the Special Permit for Site 1 and Site 2 for five years until December 11, 2000; 2) reduce the size of Site 2 from 92 acres to 89 acres to exclude the Waikoloa Sanitary Sewer Co.'s utility baseyard approved under County Special Permit No. 908; 3) restore active quarrying uses at Site 2 to facilitate restoration of the site; and, 4) amend Condition No. 4 to clarify that only quarrying activities (defined to include loading, hauling, rock crushing, asphalt and concrete batch operations, and the use of explosives) are restricted to certain hours and days, and to allow quarrying activities between the hours of 8:00 a.m. and 3:30 p.m. on Saturdays, on land designated within the State Land Use Agricultural District, at Waikoloa, South Kohala, Hawai'i, identified as TMK 6-8-02: por. 16 and por. 33, and approximately shown on Exhibit "A" attached hereto and incorporated by reference herein, is hereby approved and 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 metes and bounds description in map and written form of Site 2 shall be filed with the Planning Department and

EXHIBIT F

the Land Use Commission within one year from the effective date of this Order.

3. The quarrying 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, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday.

4. Quarrying operations at Site 1 shall be terminated by December 11, 2000, 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.

5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first.

6. Upon termination of 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 Hawai'i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

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

EXHIBIT F

8. An annual monitoring report shall be submitted to the Hawai'i 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 Hawai'i Planning Commission that the quarry use will have an adverse impact on surrounding properties.

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

EXHIBIT F

DOCKET NO. SP70-85 - WAIKOLOA DEVELOPMENT COMPANY

Done at Honolulu, Hawaii, this 24th day of January 1996, per motions on December 14, 1995 and January 19, 1996.

LAND USE COMMISSION
STATE OF HAWAII

By _____
ALLEN K. HOE
Chairperson and Commissioner

By _____
TRUDY K. SENDA
Vice Chairperson and Commissioner

By _____
RUPERT K. CHUN
Commissioner

By _____
M. CASEY JARMAN
Commissioner

By _____
LLOYD F. KAWAKAMI
Commissioner

By _____
MERLE A. K. KELAI
Commissioner

By (absent)
EUSEBIO LAPENIA, JR.
Commissioner

Filed and effective on
January 24, 1996

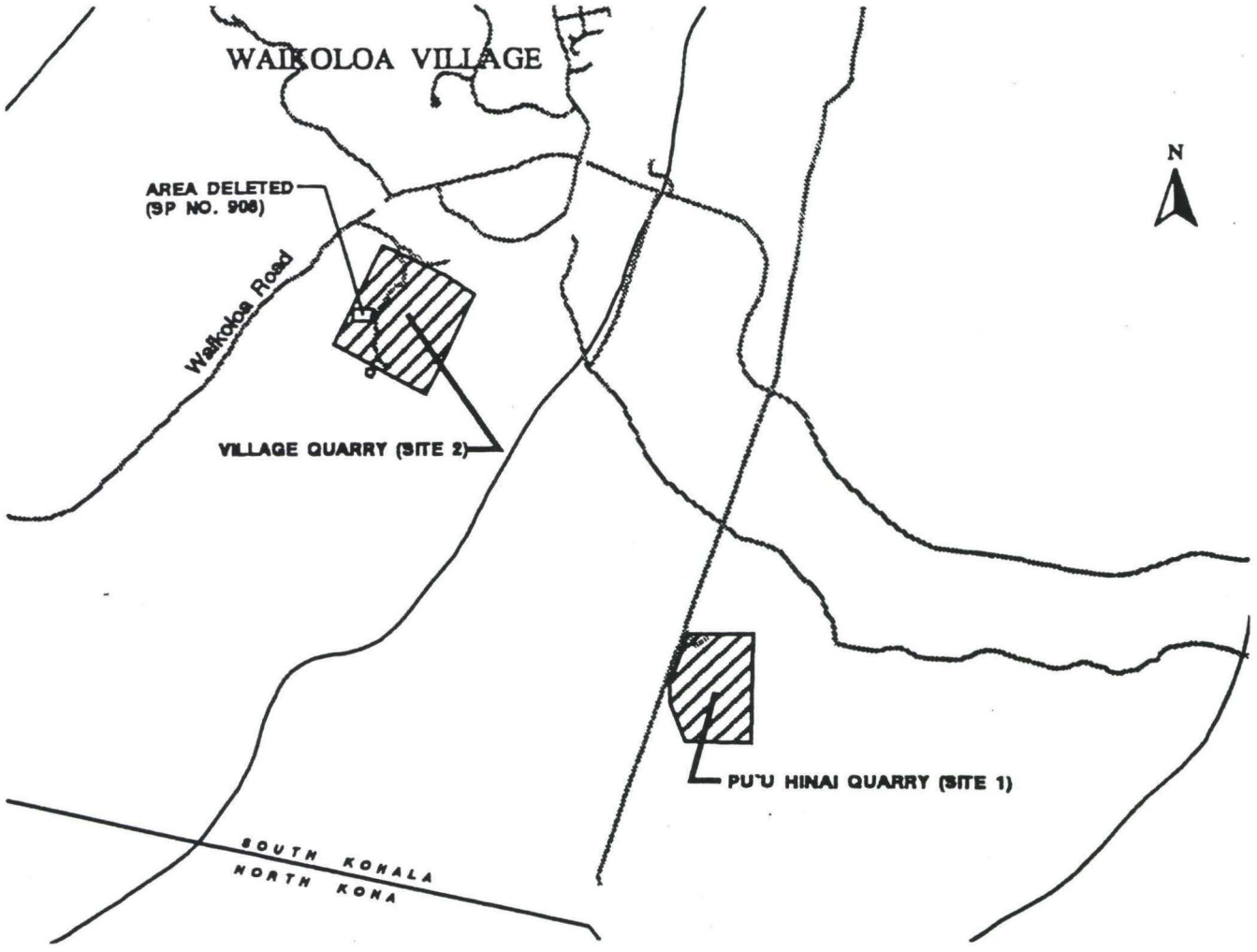
Certified by:

_____
Executive Officer

By _____
JOANN N. MATTSON
Commissioner

By (absent)
ELTON WADA
Commissioner

EXHIBIT F



DOCKET NO. SP70-85 / WAIKOLOA DEVELOPMENT COMPANY

LOCATION MAP

TAX MAP KEY: 6-8-02: por. 16 and por. 33

Waikoloa, South Kohala, Hawai`i

PERMIT AREA

2000 0 2000 4000 6000 Feet

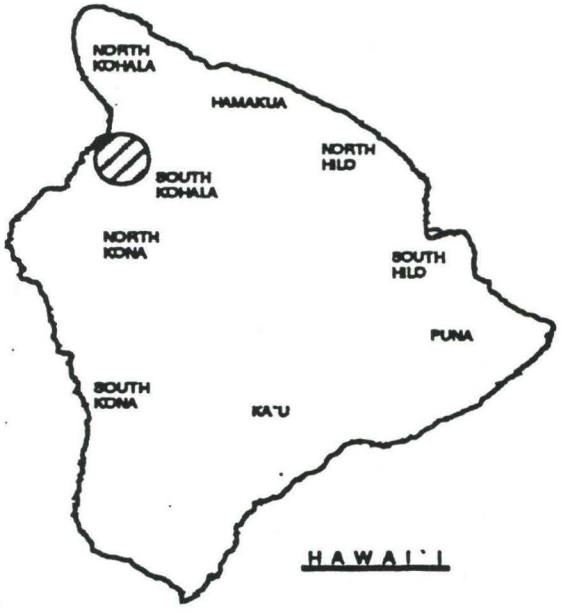


EXHIBIT E

EXHIBIT "A"

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of WAIKOLOA DEVELOPMENT COMPANY For an Amendment to the Special Permit Which Established the Pu'u Hinai and the Village Quarries and Allied Uses on Approximately 155.6 Acres of Land Within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawai'i, TMK 6-8-02: por. 16 and por. 33	)	DOCKET NO. SP70-85 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Request to Amend Special Permit was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

CERT. VIRGINIA GOLDSTEIN, Planning Director
Planning Department, County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

CERT. RICHARD D. WURDEMAN, ESQ.
Corporation Counsel
County of Hawaii
The Hilo Lagoon Center
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720

CERT. ANN COBB, Planning Coordinator
Waikoloa Development Company
150 Waikoloa Beach Drive
Kamuela, Hawaii 96743

DATED: Honolulu, Hawaii, this 24th day of January 1996.

ESTHER UEDA
Executive Officer

EXHIBIT F

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 P 1:17

COUNTY OF HAWAII PLANNING DEPARTMENT
RECOMMENDATION

WAIKOLOA DEVELOPMENT COMPANY
AMENDMENTS TO SPECIAL PERMIT NO. 70-85 (SPP 164)

Upon review of the requests against the guidelines for amending a Special Permit, the Planning Director is recommending that the Planning Commission forward a **favorable recommendation** of these requests to the State Land Use Commission to allow for (1) the extension to the life of the permit for Site 1 (Pu'u Hinai Quarry) for five years, to December 11, 2005; and (2) to terminate all quarrying and related activities at Site 2 (Village Quarry) as of December 11, 2000. Since this recommendation is made without the benefit of public testimony, the Director reserves the right to modify and/or alter this position based upon additional information presented at the public hearing. This favorable recommendation is based upon the following findings:

Approval of the requested amendments to Special Permit No. 70-85 will not be contrary to the objectives sought to be accomplished by the State Land Use Law and its regulations. The granting of this request will continue to promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. 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. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural uses. The State Land Use Commission, in its approval of Special Permit No. 70-85 in 1970, found that the quarrying activities were consistent with the objectives sought to be accomplished by the State Land Use Law. The continued operation of Site 1 (Pu'u Hinai Quarry) until December 11, 2005 will not compromise the basic tenants that supported the approval of the Special Permit by the State Land Use Commission. The applicant will continue to operate the Pu'u Hinai Quarry in a manner and within the limitations as specified by Special Permit No. 70-85. The termination of

EXHIBIT
N

Amended by PC at 11/1/00 hrg.

quarrying activities at Site 2 (Village Quarry) will certainly not be contrary to the State Land Use Law since it will once again make these lands available for other potential uses as provided for under the State Land Use Law.

The State Land Use Commission found in 1970 that the quarry activities were **an unusual and reasonable use of land within the State Land Use Agricultural District**. The existing quarries have been in use since approved in 1970. Continued use of the Pu'u Hinai Quarry for an additional five years will not displace any agricultural activity nor diminish the limited agricultural potential of the surrounding region. Furthermore, the termination of quarrying activities at Village Quarry will make these lands available for potential agricultural uses. **Therefore, the requested amendment would not be contrary to the objectives of the State Land Use Law for the Agricultural District. The request to amend Special Permit No. 70-85 will not adversely affect surrounding properties.** In the 30 years that these quarries have been in operation, the Planning Department is not aware of any complaint received from surrounding communities and properties that were the result of quarrying operations. Conditions of approval within Special Permit No. 70-85 requires that quarrying activities within the Pu'u Hinai Quarry terminate upon the subdivision of adjacent Residential-Agricultural (RA)-zoned lands within the proposed Highlands residential and golf course development or the expiration of the life of this permit, whichever comes first. This condition of approval will be preserved as part of this approval recommendation. The termination of quarrying activities at the Village Quarry will further reduce the possibility of any potential adverse impact upon surrounding lands.

The amendment request will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection. The Pu'u Hinai Quarry operations do not require the provision of public utilities. Access to this quarry site is available and adequate to accommodate current and future needs. No additional burden on police or fire protection is anticipated. Consulted agencies had no objection to the request.

The amendment request will not substantially alter or change the essential character of the land and the present use. To allow for continued use of the Pu'u Hinai Quarry for an additional five years will not substantially alter the character of the areas which has been developed as a quarry for the past 30 years. Conditions of approval requires grading of the quarry site to blend with the surrounding area and its re-vegetation upon termination of quarrying activities. A condition of approval will be included as part of this favorable recommendation to also ensure that proper grading and re-vegetation of the Village Quarry site be completed within 90 days from the date of termination of operations.

In its approval of Special Permit No. 70-85 in 1970, the State Land Use Commission found that **the land upon which the quarries were established is not suitable for the uses permitted within the district.** The State Land Use Commission also found that **the establishment of quarries within this particular location is consistent with the applicable goals, policies and standards of the Hawaii County General Plan.** To approve the extension to the life of the permit and to terminate quarrying activities at the Village Quarry will not be contrary to these original findings.

In consideration of the above, it is recommended that a favorable recommendation be forwarded to the State Land Use Commission for the:

a. Deletion of Conditions Nos. 2, 3 and 5 as they deal with the operations of Site 2 (Village Quarry), which will terminate operations on December 11, 2000;

b. Amendment to Condition No. 4 to reflect an extension to the life of Special Permit No. 70-85 to December 11, 2005;

c. Amendment to the language of Condition No. 6 to ensure the proper grading and re-vegetation of Site 1 (Pu'u Hinai) and Site 2 (Village) quarries upon termination of operations; and

d. Re-alphabetizing the conditions of approval to reflect the various amendments.

This favorable recommendation is subject to the following amended conditions of approval (new material is underscored and material to be deleted is bracketed):

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 in map and written form of Site 2 shall be filed with the Planning Department and the Land Use Commission within one year from the effective date of this Order.

3. The quarrying 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, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday.]

[4]2. Quarrying operations at Site 1 (Pu'u Hinai Quarry) shall be terminated by December 11, [2000]2005, 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.

[5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first.]

[6]3. Upon termination of operations or abandonment of any portion of [the affected sites]Site 1 (Pu'u Hinai Quarry) and Site 2 (Village Quarry), 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 Hawai'i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

[7]4. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

[8]5. An annual monitoring report shall be submitted to the Hawai'i 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 Hawai'i Planning Commission that the quarry use will have an adverse impact on surrounding properties.

[9]6. Should any of the conditions not be met or substantially complied with in a timely fashion, the Hawai'i County Planning Director shall initiate procedures to revoke the permit.

WAIKOLOA DEVELOPMENT COMPANY'S RESPONSE TO THE FOLLOWING:

No 21124 (CIV. NOS 96-189K & 96-190K)
PLAN TO PROTECT, Appellant/Cross-Appellants
vs.
STATE OF HAWAI'I, LAND USE COMMISSION
Appellees/Appellees

00 OCT 31 PM 4 31
PLANNING DEPARTMENT
COUNTY OF HAWAII

(NO. 21162 (CIV. NO. 96-190K)

Ka Pa'akai O Ka' Aina v. Land Use Commission

REPORT TO THE COUNTY OF HAWAII PLANNING COMMISSION REGARDING THE PROTECTION OF VALUED CULTURAL, HISTORICAL OR NATURAL RESOURCES INCLUDING TRADITIONAL AND CUSTOMARY NATIVE HAWAIIAN RIGHTS EXERCISED IN THE PETITION AREA.

Special Permit Docket No. SP70-85 (SPP 164)
Applicant: Waikoloa Development Company
Applicant's Agent: Robert D. Triantos, Carlsmith Ball LLP
Request: Extension of Time to Condition No. 4 for Quarrying Operations at Site 1
TMK: 6-8-02: Portions of 16 (Site 1) and 33 (Site 2)

BACKGROUND:

December 11, 1970 · 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.

January 24, 1996. The State Land Use Commission approved an amendment to Special Permit SP70-85, Condition No 5 to allow for an extension of the life of the Special Permit for the 2 Quarry sites for five years until December 11, 2000.

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC

CURRENT REQUEST

The request before the Planning Commission is a Time Extension Request for Quarry Site 1 to Condition No. 4 of Special Permit No. SP70-85, that was issued by the Land Use Commission approximately 30 years ago. In addition, Quarry Site No. 2, also issued in this Special Permit will be terminated by December 11, 2000

EXHIBIT
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KA PA' AKAI O KA' AINA ISSUES:

Based on the above findings and the historical record of the Special Permit, the Applicant presents the following statements qualify in response with the requirements of the Hawaii State Supreme Court's criteria in the Ka Pa' Akai O Ka' Aina case.

1. The identity and scope of "valued cultural, historical, or natural resources" in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;

Discussion: An archaeological Survey prepared for Boise Cascade Properties of the Petition Area (Quarry Site 1) was conducted by PARI (Paul H. Rosendahl, Ph.D., Inc) dated June 1972. Based on that report,(a copy of which has been attached), there were no valued cultural, historical, or natural resources in the Petition area, nor were there any traditional and cultural customary native Hawaiian rights being exercised in the Petition area.

2. The extent to which those resources – including traditional and customary native Hawaiian rights – will be affected or impaired by the proposed action; and

Discussion: As no valued cultural, historical or natural resources and no traditional and customary native Hawaiian rights were found or being practiced in the Petition area, these rights will not be affected or impaired by the proposed action.

3. The feasible action, if any, to be taken by the Planning Commission to reasonably protect native Hawaiian rights if they are found to exist.

Discussion: There is no feasible action to be taken by the Planning Commission other than to require that if in the future, any valued cultural, historical, natural resources and/or traditional and customary native Hawaiian rights are discovered in the Petition area, that the Applicant will report this matter to the State of Hawaii, Department of Land and Natural Resources, Historic Preservation Division for review and assessment.

WAIKOLOA DEVELOPMENT COMPANY

By Its Authorized Representative

Print Name: THOS ROHR

Date: October 31, 2000

RECORD OF VOTING

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 P 1:17

PLANNING COMMISSION
COUNTY OF HAWAII

DATE: NOV 0 1 2000

APPLICANT: Waikoloa Development Company - Amendment to SPP 164

PUBLIC HEARING: ☐ **CLOSE** 1ST _____ 2ND _____

☐ **CONTINUE** 1ST _____ 2ND _____

☐ **REOPEN** 1ST _____ 2ND _____

☐ **OTHER** _____

☐ **REMARKS** _____

ACTION:

☐ **APPROVE** 1ST _____ 2ND _____

☑ Favorable **~~APPROVE~~ WITH AMENDMENTS** 5-1

☐ **DENY**

☐ **AFFIRM**

☐ **OTHER** to SLUC as recommended by PD

☐ **REMARKS** as amendment to Rec

COMMISSIONERS:	AYE	NO	EXCUSED	ABSTAIN
BAKER, Richard	✓			
(2) FUJIKAWA, Earl	✓			
GIFFIN, Geraldine			✓	
KUBOTA, Florence			✓	
MINA, Aurelio	✓			
MOSHER, Mildred			✓	
SMITH, Francis		✓		
(1) SOUZA, James	✓			
TOGASHI, Grant	✓			

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LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 P 1:17

PLANNING COMMISSION
COUNTY OF HAWAII

HEARING TRANSCRIPT
NOVEMBER 1, 2000

A regularly advertised hearing on the application of WAIKOLOA DEVELOPMENT COMPANY was called to order at 3:24 p.m. in the Aston Keauhou Beach Resort, Kahaluu Ballroom III, 78-6740 Alii Drive, North Kona, Hawaii, with Chairman Richard B. Baker, Jr. presiding.

PRESENT: Richard Baker, Jr.
Earl Fujikawa
Aurelio C. Mina, Jr.
Francis Smith
James Souza
Grant Togashi

ABSENT & EXCUSED: Geraldine Giffin
Florence Kubota
Mildred Mosher

Virginia Goldstein, Planning Director
Alice Kawaha, Staff Planner
Daryn Arai, Staff Planner
Pam Harlow, Staff Planner

Al Jeremiah, Deputy Corporation Counsel
Glenn Ahuna representing Department of Water Supply
Kiran Emler representing Department of Public Works

And approximately 28 people from the public in attendance

APPLICANT: WAIKOLOA DEVELOPMENT COMPANY- Request to Amend Condition No. 4 (extension of life for Site1 – Pu'u Hinai) of Special Permit No. 70-85 (SPP164), which established the Pu'u Hinai (Site 1) and the Village (Site 2) quarries and allied uses on approximately 155.6 acres of land within the State Land Use Agricultural District. The property is located to the west of Waikoloa Road and adjacent to the Waikoloa Highlands development, Waikoloa, South Kohala, Hawaii, TMK: 6-8-02; Portions of 16 & 33.

BAKER: Next agenda item, No. 8, is the application of Waikoloa Development Company, is a request to amend Condition No. 4 (extension of life for Site 1 – Pu'u Hinai) of Special Permit No. 70-85 (SPP164), which established the Pu'u Hinai (Site 1) and the Village (Site 2) quarries and allied uses on approximately 155.6 acres of land within the State Land Use Agricultural District. Staff.

ARAI: Thank you, Mr. Chairman. Looking at the site plan here, this black line running from the top of page to the bottom is Waikoloa Road, in this direction

EXHIBIT
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toward the Mamalahoa Highway, in this direction toward Queen Kaahumanu Highway. This line here is Paniolo Drive as it enters Waikoloa Village. Waikoloa Village quarry is situated here, the Village Quarry, I should say, as indicated in the pink color. The project site consists of two quarries, first is the Pu'u Hinai quarry consisting of roughly sixty-three and one half (63.5) acres and here is the Village Quarry, Site 2 consisting of roughly eighty-nine (89) acres. The applicant is requesting that Special Permit Number 164 be amended, to allow the continued operation of Site 1 of Pu'u Hinai Quarry for an additional five years to December 2005. The applicant will be conducting its quarry operations in a manner consistent with operational restrictions currently contained within Special Permit No. 164. The second component of the applicant's request is to terminate quarry operations at Site No. 2 or the Village Quarry. They will terminate operations as of December 11th of this year.

The Planning Director is recommending that the Commission forward a favorable recommendation of the applicant's request to the State Land Use Commission who will make the final decision regarding this amendment request. I should note that, as part of the Director's favorable recommendation, we are preserving the conditions as currently imposed. I mean, we are maintaining the operational restrictions as currently imposed by Special Permit No. 164 and modifying the language simply to recognize the termination of operations at this Site. I should also note, however, that the conditions will still require that upon termination of activities here the applicant regrade the site to a non-hazardous condition and revegetate -. At this time, I stand ready to answer any questions that you may have.

BAKER: Commissioner Togashi

TOGASHI: Thank you, Mr. Chairman. I think you should also modify the language on the first page of the recommendation, three lines from the bottom. It says you have basic tenants, it should be tenets, t-e-n-e-t-s.

ARAI: Thank you very much.

BAKER: Any other Commissioners have any other questions? Hearing none, will the applicant and their representative please come forward. Anyone else from the public wishing to testify on their item, please stand. Will you raise your right hand. Do you swear or affirm to testify truthfully before the Hawaii County Planning Commission?

TESTIFIERS: I do.

BAKER: Your name and your address. State your name.

LIM: Good afternoon, Mr. Chairman and members of the Commission. Steven Lim representing Waikoloa Development Company. With me today is Mr. Derrick Fukumoto. Essentially this is a request for time extension on Site No. 1 and permission to allow Site No. 2 to be canceled pursuant to the terms of the existing permit. We are agreeable. We received a copy of the background report and recommendations from the Planning Department and have no comments and agree with the proposed recommendation for

approval. The Waikoloa Development submitted additional information regarding the Ka Pa'akai case, and essentially rechecked the project area. This Site 1, in particular, and Site 2 have been created over the years periodically. Currently there are no grading operations on the site now. They are done through temporary permits, quarrying permits, through various contractors. Because of those activities there are no valued cultural, historical or natural resources in the petition area; and, therefore, there is no need to impose any conditions with respect to protecting those issues of traditional and customary native Hawaiian rights which might be exercised in the area. Like many of the large development areas owned by one owner the access has been restricted to the site; and we are not aware of any native Hawaiian practitioners or other cultural practices being practiced on the property. I will be open for any further questions, if the Commission has any.

BAKER: Commissioners, any questions to the applicant about the, or their representative about the quarry operation? Commissioner Souza.

SOUZA: No, not yet.

BAKER: Not yet. I thought you had a question.

SOUZA: No.

BAKER: No. How about any other Commissioners, do you have any other questions about the quarry? Hearing none, now I will ask the question. How long more is the life of the quarry? What's the projected life?

LIM: I think that the Pu'u Hinai Site No. 1 has not been significantly quarried. What the Waikoloa Development Company is anticipating, like as you see probably from other applications on your agenda, is that development for larger projects in golf courses has started to kick up and, therefore, generating the need for cinder soil material, for fill material. So I do not think that it has been significantly touched with regard to the cinder soil issue; and I think that the useful life will depend on how and what kind of contracts they will get into. I have understand -. I have seen a couple of cinder soil quarries go down in a course of two to three years if they have a large project to service. The expected life for five years we anticipate will give us a better handle on the existing developments coming on board, both for Waikoloa Development and possibly for other projects.

BAKER: So, at present, this quarry is in operation at this time?

LIM: Not currently being quarried right now. What they do is once the, and they have a couple of residential projects for Waikoloa, below Queen Kaahumanu Highway near the ocean that will require some of the fill and some topping material. They have also the other permit that was issued in 1993, which is primarily the rock and gravel quarry, which is located below Waikoloa Village. This particular quarry, Site No. 1, is primarily for cinder soil material.

I guess my last comment would be, I do not know if it is going to be required by the State Land Use Commission, but to the extent necessary since we are dropping Site No. 2 which is about 92 acres, to the extent necessary, we would ask that the request also include maybe a reduction of the petition area to 63.648 acres of Site No. 1. The Land Use Commission may or may not require that, but I would like to put that into the record. So that when we get up there I can argue that we addressed that issue at the Planning Commission level.

BAKER: Another question is who works this quarry? Who is the contractor that is working this quarry?

LIM: Right now the Waikoloa Development is the owner of the quarry, but they do not have any current contractors right now.

BAKER: So they will be taking it out to bid?

LIM: Typically, yes. The way that they have operated, at least to my understanding, is that they have various contractors come in when needed for certain projects, so that they do not have a full time quarry operator as you might see.

BAKER: So it is not a full-time quarry operation?

LIM: Right.

BAKER: Okay, so it is on an as-need basis, depending on the projects?

LIM: Yes, that's correct.

BAKER: Okay. Commissioners, any other questions?

SMITH: Yes.

BAKER: Commissioner Smith.

SMITH: So this material is not just for your own usage, you are selling to others, is that correct?

LIM: It depends on the projects; but yes, they have sold to others.

SMITH: So, essentially, you are in the business of selling material to outside people, not just for yourself, is that correct?

LIM: That has happened in the past. I think what the proposal, the reason, the initial reason for the quarry at that site was that they had the Highlands project, which was something in excess of 700 lots, and a golf course right near this particular site.

That is why they went to get the initial quarry permits in 1970. So those projects are still on the books, they have not been built out yet though.

SMITH: Do you know if they are any special requirements of mining operations?

LIM: I do not understand the question.

SMITH: When you do it for self, you have certain regulations. But when you do it for sale, you step up to a higher level.

LIM: Right. I think they have to comply with Department of Health's air regulations and those types of things. That's what they've required of their contractors.

SMITH: What I think is that the Waikoloa Development Company is not qualified to run this pit. We need somebody that has the background. So I think that person, that they should actually come in here for this permit and not Waikoloa Development themselves.

LIM: This is an extension on a permit granted 30 years ago to Waikoloa Development so they have been the applicant for all years and received numerous times extensions, so that is all we are requesting at this point in time.

BAKER: What was the prior time frame on the quarry at that time?

LIM: The last action on this time extension -.

BAKER: Was it five years?

LIM: Was in 1996.

BAKER: So that it is every five years?

LIM: Every five years, yes. I think a lot of it has to do with the fact that over the past ten years, we have not seen too much demand for quarry materials; and maybe in the past year, we have started to see that kick up.

BAKER: So you are not in objection, you are in favor of continuing the five-year request, or is that what you are asking for?

LIM: We are asking for Site 1 for five more years until 2006.

BAKER: And to close Site 2?

LIM: And to close Site 2, yes.

BAKER: So, Commissioners, that is what is the subject before us, is Sites 1 and 2. Any other questions, Commissioners? Hearing none, anyone in the public wants to testify on this agenda item? Any other questions? Commissioner Souza.

SOUZA: Mr. Chairman, I move that the Planning Commission forward a favorable recommendation of the amendments to Special Permit 70-85 (SPP164) to the State Land Use Commission to allow for: (1) The extension to the life of the permit for Site 1, Pu'u Hinai Quarry for five (5) years to the December 11, 2005; and (2) to terminate all quarrying and related activities at Site 2, Village Quarry, as of December 11, 2000, for the reasons and with the conditions as listed by the Planning Director.

FUJIKAWA: I second.

BAKER: A motion was made by Commissioner Souza, and was seconded by Commissioner Fujikawa, to approve and make a favorable recommendation for Special Permit No. 70-85 (SPP164) to the State Land Use Commission to allow for the extension of life for the permit of Site 1 for five (5) years to December 11, 2005 and; (2) to terminate all quarrying and related activities on Site 2 Village Quarry as of December 11, 2000. Any discussion? Commissioner Mina.

MINA: Mr. Chairman, if we deny this application, what would happen?

BAKER: If we deny this application, what would happen? Let me ask staff that.

ARAI: You would be denying the request to amend the permit. So if that amendment request is denied then all operations will terminate.

GOLDSTEIN: You cannot deny it. It has to go through.

ARAI: Oh, I am sorry. If the Commission denies the applicant's amendment request, then all operations will terminate as of December 11, 2000, as currently conditioned by the permit.

BAKER: Okay, does that answer your question?

MINA: Yes.

BAKER: Any other decisions?

LIM: Mr. Chairman, I am sorry, I just want to clarify the motion as well. And does the motion include the amendment made by Commissioner Togashi to the recommendation regarding tenet?

BAKER: Regarding the housekeeping?

LIM: I mean, yes, housekeeping. Okay.

CHAIRMAN: I am pretty sure that is standard. Any other discussions. Carrying on. Staff.

ARAI: Call the roll. Commissioner Souza?

SOUZA: Aye.

ARAI: Commissioner Fujikawa?

FUJIKAWA: Aye.

ARAI: Commissioner Mina?

MINA: Aye.

ARAI: Commissioner Smith?

SMITH: No.

ARAI: Commissioner Togashi?

TOGASHI: Aye.

ARAI: Chairman Baker?

BAKER: Aye.

ARAI: Mr. Chairman, motion to forward a favorable recommendation to the State Land Use Commission carries with five aye votes, one no.

BAKER: We will be sending you in the mail the report.

LIM: Thank you.

BAKER: Yes, sir.

FUKUMOTO: On behalf of the Waikoloa Land Company, I would like to thank the Commission for all your hard work that you have done for us. We understand how difficult the position you are in; and we appreciate all your efforts and what you have done for Waikoloa Land Company.

BAKER: Thank you.

The discussion ended at 3:40 p.m.

Respectfully submitted,

Sharon M. Nomura

Sharon M. Nomura, Secretary

Stephen K. Yamashiro
Mayor

County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
7000 0600 0024 2903 8780

NOV 30 2000

LAND USE COMMISSION
STATE OF HAWAII
2000 DEC 21 P 1:17

Robert D. Triantos, Esq.
Carlsmith Ball
P.O. Box 1720
Kailua-Kona, HI 96745-1720

Dear Mr. Triantos:

Special Permit Application (SPP 164)
Applicant: Waikoloa Development Company
Request: Extension of Time to Condition No. 4 of Special Permit No. 164
Tax Map Key: 6-8-2:Portions of 16 and 33

The Planning Commission at its duly held public hearing on November 1, 2000, voted to send a favorable recommendation to the State Land Use Commission for the above-referenced request to amend Condition No. 4 (extension of life for Site 1 – Pu'u Hinai) of Special Permit No. 70-85 which established the Pu'u Hinai (Site 1) and the Village (Site 2) quarries and allied uses on approximately 155.6 acres of land within the State Land Use Agricultural District. The property is located to the west of Waikoloa Road and adjacent to the Waikoloa Highlands development, Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

Approval of the requested amendments to Special Permit No. 70-85 will not be contrary to the objectives sought to be accomplished by the State Land Use Law and its regulations. The granting of this request will continue to promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. 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. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural uses. The State Land Use Commission, in its approval of Special Permit No. 70-85 in 1970, found that the quarrying activities were consistent with the objectives sought to be accomplished by the State Land Use Law. The continued operation of Site 1 (Pu'u Hinai Quarry) until December 11, 2005 will not compromise the basic tenents that supported the approval of the Special Permit by the State Land Use Commission. The applicant

EXHIBIT
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will continue to operate the Pu'u Hinai Quarry in a manner and within the limitations as specified by Special Permit No. 70-85. The termination of quarrying activities at Site 2 (Village Quarry) will certainly not be contrary to the State Land Use Law since it will once again make these lands available for other potential uses as provided for under the State Land Use Law.

The State Land Use Commission found in 1970 that the quarry activities were an unusual and reasonable use of land within the State Land Use Agricultural District. The existing quarries have been in use since approved in 1970. Continued use of the Pu'u Hinai Quarry for an additional five years will not displace any agricultural activity nor diminish the limited agricultural potential of the surrounding region. Furthermore, the termination of quarrying activities at Village Quarry will make these lands available for potential agricultural uses. Therefore, the requested amendment would not be contrary to the objectives of the State Land Use Law for the Agricultural District. The request to amend Special Permit No. 70-85 will not adversely affect surrounding properties. In the 30 years that these quarries have been in operation, the Planning Department is not aware of any complaint received from surrounding communities and properties that were the result of quarrying operations. Conditions of approval within Special Permit No. 70-85 requires that quarrying activities within the Pu'u Hinai Quarry terminate upon the subdivision of adjacent Residential-Agricultural (RA)-zoned lands within the proposed Highlands residential and golf course development or the expiration of the life of this permit, whichever comes first. This condition of approval will be preserved as part of this approval recommendation. The termination of quarrying activities at the Village Quarry will further reduce the possibility of any potential adverse impact upon surrounding lands.

The amendment request will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection. The Pu'u Hinai Quarry operations do not require the provision of public utilities. Access to this quarry site is available and adequate to accommodate current and future needs. No additional burden on police or fire protection is anticipated. Consulted agencies had no objection to the request.

The amendment request will not substantially alter or change the essential character of the land and the present use. To allow for continued use of the Pu'u Hinai Quarry for an additional five years will not substantially alter the character of the areas which has been developed as a quarry for the past 30 years. Conditions of approval requires grading of the quarry site to blend with the surrounding area and its re-vegetation upon termination of quarrying activities. A condition of approval will be included as part of this favorable recommendation to also ensure that proper grading and re-vegetation of

the Village Quarry site be completed within 90 days from the date of termination of operations.

In its approval of Special Permit No. 70-85 in 1970, the State Land Use Commission found that the land upon which the quarries were established is not suitable for the uses permitted within the district. The State Land Use Commission also found that the establishment of quarries within this particular location is consistent with the applicable goals, policies and standards of the Hawaii County General Plan. To approve the extension to the life of the permit and to terminate quarrying activities at the Village Quarry will not be contrary to these original findings.

In consideration of the above, it is recommended that a favorable recommendation be forwarded to the State Land Use Commission for the:

a. Deletion of Conditions Nos. 2, 3 and 5 as they deal with the operations of Site 2 (Village Quarry), which will terminate operations on December 11, 2000;

b. Amendment to Condition No. 4 to reflect an extension to the life of Special Permit No. 70-85 to December 11, 2005;

c. Amendment to the language of Condition No. 6 to ensure the proper grading and re-vegetation of Site 1 (Pu'u Hinai) and Site 2 (Village) quarries upon termination of operations; and

d. Re-alphabetizing the conditions of approval to reflect the various amendments.

This favorable recommendation is subject to the following amended conditions of approval (new material is underscored and material to be deleted is bracketed):

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 in map and written form of Site 2 shall be filed with the Planning Department and the Land Use Commission within one year from the effective date of this Order.

3. The quarrying 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, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active

noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday.]

[4]2. Quarrying operations at Site 1 (Pu'u Hinai Quarry) shall be terminated by December 11, [2000]2005, 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.

[5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first.]

[6]3. Upon termination of operations or abandonment of any portion of [the affected sites]Site 1 (Pu'u Hinai Quarry) and Site 2 (Village Quarry), 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 Hawai'i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

[7]4. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

[8]5. An annual monitoring report shall be submitted to the Hawai'i 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 Hawai'i Planning Commission that the quarry use will have an adverse impact on surrounding properties.

[9]6. Should any of the conditions not be met or substantially complied with in a timely fashion, the Hawai'i County Planning Director shall initiate procedures to revoke the permit.

This recommendation 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.

Should you have any questions, please contact Daryn Arai of the Planning Department West Hawaii Office at 327-3510 or Alice Kawaha of the Planning Department Hilo Office at 961-8288.

Sincerely,

James Sousa

for Richard B. Baker, Jr., Chairman
Planning Commission

Lwaikoloadevcospp164PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
Kazu Hayashida, Director/DOT-Highways, Honolulu
Steven S. C. Lim, Esq.

EXHIBIT S
SP70-85 (SPP164
WAIKOLOA DEV. CO.

LAND USE COMMISSION MAPS

6 8 02 3RD. DIST.

INSET "A"
Scale 1 in = 200 ft.

INSET "C"
SCALE: 1 IN. = 200 FT.

INSET "D"
SCALE: 1 IN. = 400 FT.

INSET "B"
Scale 1 in = 200 ft.

PLAT 01

WAIKOLOA F. P. 1435

WAIKOLOA SEC. A F. P.

WAIKOLOA F. P.

WAIKOLOA SEC. B F. P. 1139

WAIKOLOA SEC. C F. P. 1280

PUU NIHAI

PUUANAHULU ZONE

MAMALAHOA HIGHWAY

SOUTH KOHALA BOUNDARY

LALAMILO SEC. O

Waikoloa Village Assn.

Waikoloa Development Co.

WAIKOLOA ELEMENTARY SCHOOL SUBD.

WAIKOLOA ELEM SCHOOL Exec Ord 3682

STATE OF HAWAII (Dept of Education)

(Transcontinental Development Co.) 16

Hawaii Electric Light Co., Ltd.

Waikoloa Village Association

Waikoloa Land & Cattle Co.

First Hawaiian Bank, Trustee

Alpac Land Co.

Marciana V. Mangilian Estate Guadalupe T-Pe

Bishops Trust Co. Ltd., Trustee 5th Sec.

Waikoloa Land Co., Inc. 11-76

Bank Nishioka Investment Syndicate-20% Et. ux Nishioka Investment Syndicate-25% Ursula Nunes Co-Investment Syndicate-15% Trina Nishioka Investment Syndicate-10%

Globe Corporation

Waikoloa Ranchlands, Inc.

Waikoloa Land & Cattle Co.

VILLAGE SCHOOL SUBDIVISION

WAIKOLOA SITE 173.900 Ac.

KAMAKOA GULCH WATER RECLAMATION FACILITY SITE EASEMENT

SUNSET RIDGE AT WAIKOLOA PHASE II UNIT 1

WAIKOLOA LOT 6-A-1-B-2, PHASE 2

WAIKOLOA SEWAGE TREATMENT PLANT

UNIT 1-A 1188

UNIT 1-B F.P. 1180

UNIT 1-C F.P. 1100

UNIT 1-D F.P. 1101

UNIT 2-A-1 F.P. 1375

LOT SUBD 1967

866.564 Ac.

1689.792 Ac.

2443.784 Ac.

2153.442 Ac.

4007.804 Acs.

1742.003 Acs.

1154.102 Acs.

1070.208 Acs.

912.223 Acs.

740.870 Acs.

802.031 Acs.

668.740 Acs.

532.556 Ac.

400.041 Acs.

1100.682 Acs.

651.851 Ac.

249.548 Ac.

154.815 Ac.

153.871 Ac.

14.830 Acs.

6.309 Ac.

3.712 Ac.

2.112 Ac.

22.471 Ac.

18.000 Ac.

81.577 Ac.

31.322 Acs.

24.335 Ac.

10.250 Acs.

County of Hawaii

Hawaii Housing Authority (Ka Kumu Limited Partnership) Lessee (Hawaii Housing Authority) Sub-lessee

TRUE NORTH Scale 1" = 2000 ft.

NOTE: Parcels 1, 7, 10, 12, 13, 21 owned by First Hawaiian Bank, Trustee for Alpac Land Co. unless otherwise noted

NOTE: Easements E-1, E-7, E-4, E-6, C, E-7 are for ELEC. C. TEL. purposes. Easements A, E-3, E-5, E-6 are for ELEC. SUB-STATION purposes.

Parcels dropped: 24, 23, 34, 33, 36,

RECEIVED JAN 02 2001 State of Hawaii LAND USE COMMISSION

DEPARTMENT OF TAXATION
PROPERTY TECHNICAL OFFICE
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP

THIRD TAXATION DISTRICT

ZONE	SEC.	PLAT
6	8	02

SCALE: 1 IN. = 2000 FT.

FOR PROPERTY ASSESSMENT PURPOSES SUBJECT TO CHANGE

DEC 27 2000

FILE COPY

SP70-85 WAIKOLOA DEVELOPMENT COMPANY

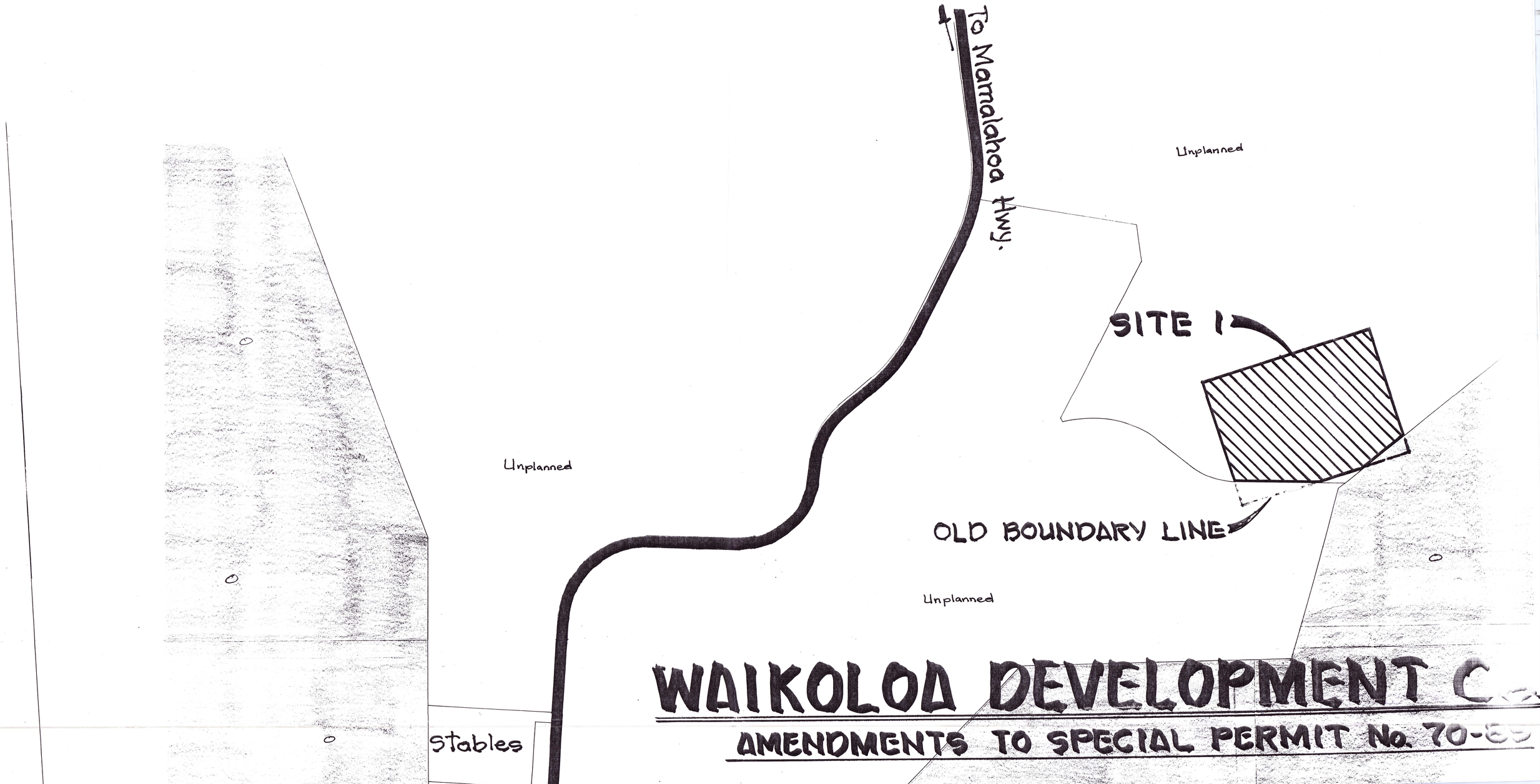
SOURCE: F.P. 130 & 1172

DATE: MARCH 3, 1971

DWG. NO.: 6028

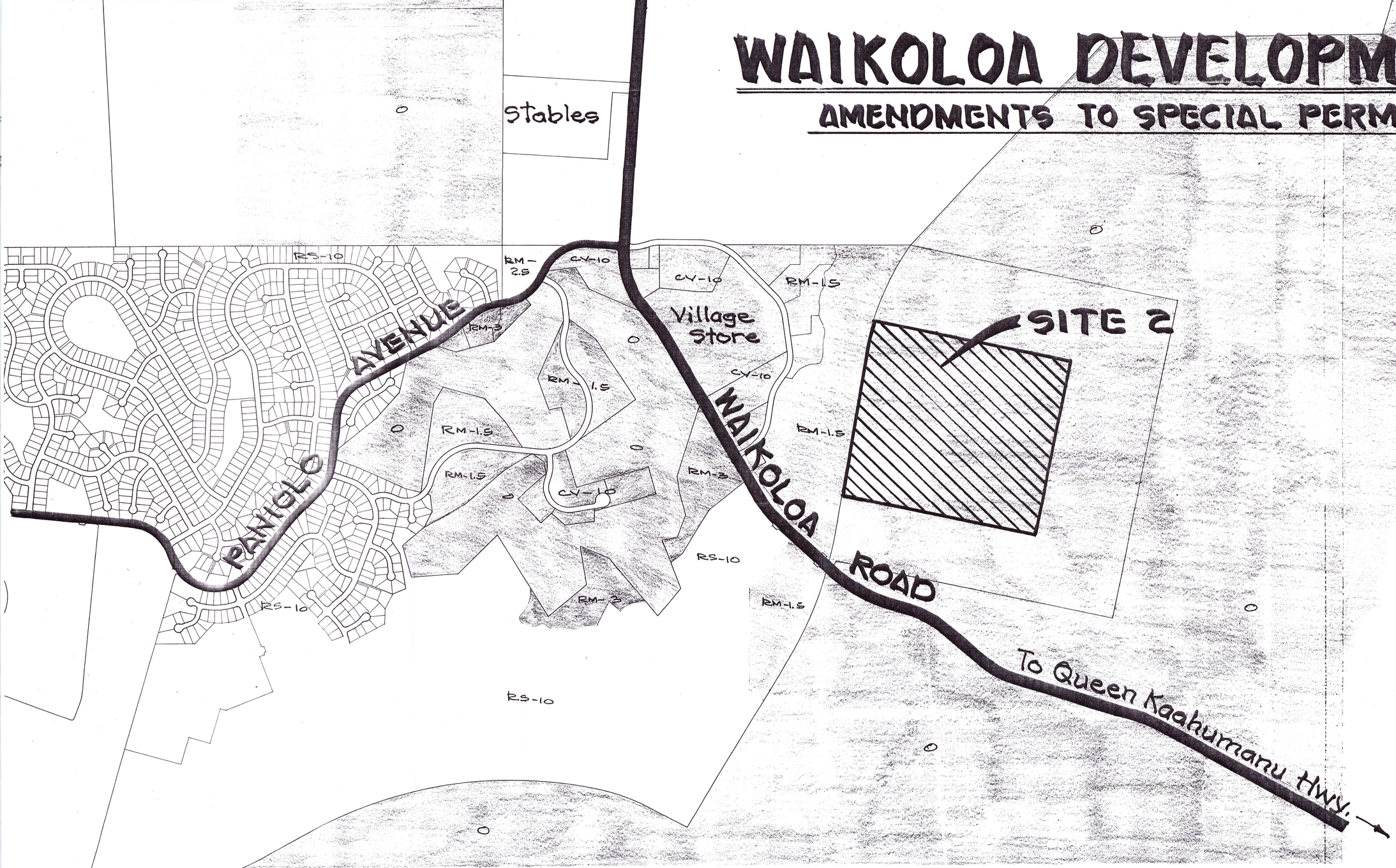
BY: M.N.N. R.T.

POR. WAIKOLOA, SOUTH KOHALA, HAWAII, (Formerly por. 6 8 01)


To Mamalahoa Hwy.
Unplanned
SITE I
OLD BOUNDARY LINE
Unplanned
Unplanned
Stables
WAIKOLOA DEVELOPMENT C
AMENDMENTS TO SPECIAL PERMIT No. 70-

WAIKOLOA DEVELOPMENT C

AMENDMENTS TO SPECIAL PERMIT No. 70-85



LAND USE COMMISSION
STATE OF HAWAII
2009 DEC 21 A 9:04
ORIGINAL

500 0 500 1000 1500
SCALE IN FEET

NORTH

WAIKOLOA VILLAGE

EXHIBIT S
Waikoloa Dev. Co.
SPP 164 (70-85)
TMK: 6-8-2:por16&33