



SPECIAL PERMIT	
Petition Received	1/14/81
Maps	
Action Span	1/14/81 - 2/28/81
Action Date	2/25/81
Recordation	8/3/81



STATE OF HAWAII
DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

• • •

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE
Governor

TEOFILO PHIL TACBIAN
Chairman

FREDERICK P. WHITEMORE
Vice Chairman

COMMISSION MEMBERS:

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Lawrence F. Chun
Everett L. Cuskaden
Winona E. Rubin
Toru Suzuki
Robert S. Tamaye
William W. L. Yuen

ESTHER UEDA
Executive Officer

February 4, 1987

Mr. Albert Lono Lyman, Planning Director
County of Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Lyman:

Subject: Land Use Commission Special Permit No. 71-117/
Boise Cascade Recreation Communities Group

Pursuant to your letter dated January 22, 1987, addressed to Goodsill Anderson Quinn & Stifel, this is to clarify the conditions for the subject Special Permit as reflected in the Land Use Commission records.

The conditions imposed by the Land Use Commission on the original permit on December 17, 1971, are as follows:

1. That all State and County standards and appropriate safety measures be taken by the applicant to safeguard vehicular traffic during the entire period of the operation, 24 hours a day.
2. That the applicant shall take every precaution not to create any inconvenience from noise and dust problems during the operation.
3. That the operation be confined within the metes and bounds descriptions as submitted.
4. That this permit shall expire within 5 years from the date of approval by the State Land Use Commission should the agency approve this request. If, at the end of 5 years, the applicant reapplies for the special permit and is denied, or if the applicant fails to reapply for the special permit, then all temporary support facilities, along with equipment, will be removed. A grading plan will then be done and the natural contours will be restored. At the end of quarrying operations, the site shall appear as natural open space and not as a scar on the landscape.

On November 9, 1976, the Land Use Commission approved a 5 year extension for the special permit with the following additional condition:

Mr. Albert Lono L...

February 4, 1987

Page Two

5. Petitioner shall comply with all applicable Department of Health regulations.

Should the stated conditions not be met, the Special Permit shall be deemed null and void.

On May 15, 1981, the Land Use Commission approved a 10-year extension to the subject permit to expire on December 17, 1991, subject to the following additional condition:

6. 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 reevaluate 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.

Should you have any questions on this matter, please contact me or my staff.

Sincerely,



ESTHER UEDA
Executive Officer

EU:to

cc: Mr. Richard T. Ishida
Goodsill Anderson Quinn & Stifel
P.O. Box 3196
Honolulu, HI 96801

GOODSILL ANDERSON QUINN & STIFEL

ATTORNEYS AT LAW

D-216 HUALALAI CENTER
75-170 HUALALAI ROAD
KAILUA-KONA, HAWAII 96740

MAIL ADDRESS: P. O. Box 2639
KAILUA-KONA, HAWAII 96745

MARSHALL M. GOODSILL*
MARTIN ANDERSON*
WILLIAM F. QUINN*
RICHARD E. STIFEL*
HUGH SHEARER*
GENRO KASHIWA
C. JEPSON GARLAND*
CONRAD M. WEISER*
DAVID J. DEZZANI**
RICHARD T. ISHIDA**
ROBERT G. HITE*
RONALD H. W. LUM
DAVID J. REBER
H. MITCHELL D'OLIER
WARREN PRICE III
WILLIAM C. MCCORRISTON
JOHN R. LACY

ROBERT F. HIRANO
CLIFFORD J. MILLER
RONALD K. K. SAKIMURA
THOMAS W. WILLIAMS, JR.
MICHAEL D. TOM
MICHAEL A. SHEA
WILLIAM S. MILLER
JACQUELINE L. S. EARLE
KENNETH A. ROSS**
LANI L. EWART
RANDALL K. STEVERSON
KENNETH K. P. WONG
PATRICIA Y. LEE
BETTINA W. J. LUM
PETER T. KASHIWA
RUSSELL S. KATO

DEWEY H. KIM, JR.
LISA WOODS MUNGER
ERNEST J. T. LOO
BRUCE L. LAMON
LANT A. JOHNSON
STEVEN M. NAKASHIMA
LAWRENCE L. TONG
SHARON R. HIMENO
JAMES J. BICKERTON
VINCENT A. PIEKARSKI
ALAN B. BURDICK
MICHAEL J. O'MALLEY
MARK B. DESMARAIS
SABRINA SHIZUE MCKENNA
KATHRYN S. MATAYOSHI
SCOTT A. MAKUAKANE
WM. W. RAMOS SAUNDERS
PAMELA McALLISTER
LEIGHTON J. H. S. YUEN

DAROLYN HATSUKO LENDIC
CYNTHIA M. NOJIMA
RICHARD B. MILLER
WINONA M. TANAKA**
KIRK H. ANDERSON
JANICE R. MIYAHARA
MIKI OKUMURA
CRAIG S. HARRISON
MARK F. ITO
WAYNE H. MURAOKA
LYN ANZAI
RICHARD K. MIRIKITANI
LINDA A. NULAND-AMES**
AUDREY E. J. NG
PAMELA MURCH BLISS
SHARON B. TAKEUCHI
CHARLES H. Y. DANG
CORINNE S. YEE
ALAN S. FUJIMOTO

* A LAW CORPORATION

** KONA OFFICE

HONOLULU OFFICE
P. O. BOX 3196
HONOLULU, HAWAII 96801
(808) 547-5600

TELECOPIER
(808) 531-2628

TELEPHONE
(808) 329-7731

TELEX
7430246 JEKID

COUNSEL
GARY M. SLOVIN
RANDALL W. ROTH

OF COUNSEL
JAMES M. RICHMOND
JOHN F. RUSSELL
H. BAIRD KIDWELL
WALTER E. BLISS
PAGE M. ANDERSON

January 12, 1987

Mr. Albert L. Lyman
Planning Director
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Re: Request for Amendment
of Special Permit 71-117

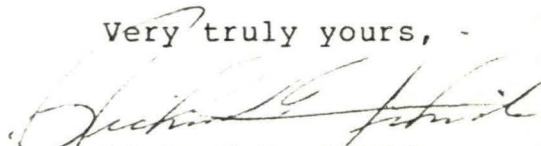
Dear Mr. Lyman:

Since it has been determined that the action of the Planning Commission in 1971, upon reconsideration, recommended that Condition 5, as presently noted on Special Permit 71-117, be removed and deleted and that sale of excavated material not be limited to applicant's own development and that the said action was approved by the Land Use Commission, Transcontinental Development Company requests that Special Permit 71-117 as presently on file be corrected to reflect the actions of the Planning Commission and the Land Use Commission.

The official records apparently are clear that in spite of the Land Use Commission staff's recommendation to disregard the Planning Commission's recommendation to have Condition 5 deleted, the Land Use Commission adopted the recommendation of the Planning Commission as modified at the Planning Commission's meeting held on November 11, 1971.

Due to recent circumstances, we would appreciate a corrected permit be issued as soon as possible.

Very truly yours, -


Richard T. Ishida

RTI:lfo

cc: Transcontinental Development Company
(Fred T. Yamashiro)

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

January 22, 1987

Mr. Richard T. Ishida
Goodsill Anderson Quinn & Stifel
Attorneys At Law
P.O. Box 2639
Kailua-Kona, HI 96745

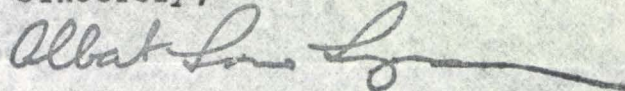
Dear Mr. Ishida:

Special Permit No. 71-117

This is in response to your letter of January 12, 1987, requesting that a corrected Special Permit No. 71-117 be issued. Since the permit involved more than 15 acres of land, the State Land Use Commission is the final authority to issue such a permit. As such, by way of this letter, we are requesting that the State Land Use Commission issue a corrected Special Permit, including all of the conditions attached thereon.

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

Sincerely,



ALBERT LONO LYMAN
Planning Director

NH/ALL:lv

cc: State Land Use Commission w/letter ✓

JAN 23 11 16 AM '87
LAND USE COMMISSION
STATE OF HAWAII

Permanent Record



STATE OF HAWAII
DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE
Governor

TEOFILO PHIL TACBIAN
Chairman

FREDERICK P. WHITTEMORE
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy
Lawrence F. Chun
Everett L. Cuskaden
Winona E. Rubin
Toru Suzuki
Robert S. Tamaye
William W. L. Yuen

ESTHER UEDA
Executive Officer

January 7, 1987

Mr. Carl L. Simons, President
West Hawaii Concrete
P. O. Box 1390
Kailua-Kona, Hawaii 96745-1390

Dear Mr. Simons:

Subject: Special Permit - SP71-117

As requested in your January 5, 1987 letter, we are transmitting to you copies of the following:

- Land Use Commission Staff Report dated December 17, 1971
- Letter from Land Use Commission to County of Hawaii Planning Commission dated December 20, 1971
- Minutes of December 17, 1971 Land Use Commission meeting

Please call our office at 548-4611 if there is any additional information that we may assist you with.

Sincerely,

ESTHER UEDA
Executive Officer

EU:to

Encl.



Division of
West Hawaii Industries, Ltd.
P.O. Box 1390 • Kailua-Kona, Hawaii 96745-1390
SALES OFFICE: (808) 329-3507
ADMINISTRATIVE OFFICE: (808) 329-3561

January 5, 1987

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

Attention: Esther Ueda

Dear Esther:

We would like to obtain copies of Special Permit #71-117 and approval letter and related minutes and staff report.

We understand these are public records. Please advise how we may do this.

Sincerely,

WEST HAWAII CONCRETE

Carl L. Simons
President

CLS:vf

JAN 7 11 20 AM '87
LAND USE COMMISSION
STATE OF HAWAII

COPY

PLANNING COMMISSION
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

CERTIFIED MAIL

October 22, 1986

OCT 23 10 36 AM '86
LAND USE COMMISSION
STATE OF HAWAII

Mr. Alan Okamoto
Nakamoto, Yoshioka & Okamoto
187 Kapiolani Street
Hilo, HI 96720

Dear Mr. Okamoto:

Special Permit No. 71-117
Amendment to Condition No. 5
TMK: 6-8-01:portion of 5

Please be informed that at its meeting on October 16, 1986, the Planning Commission voted on your request to amend condition no. 5 of Special Permit No. 71-117 by deferring the restriction against the off-site sales of batch concrete for a period of six months. Since there were insufficient number of votes to approve your request, the motion was denied. You may appeal the Commission's decision to the Third Circuit Court.

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

Sincerely,

Barbara A. Koi

Barbara A. Koi
Chairperson, Planning Commission

cc: Kenneth Souza
Transcontinental Development Co.
Richard Ishida
Glen Felton
Carl Simons
✓ State Land Use Commission
Corporation Counsel

COPY

PLANNING COMMISSION
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

SEP 5 1 20 PM '86

CERTIFIED MAIL

September 4, 1986

Mr. Alan M. Okamoto
Nakamoto, Yoshioka & Okamoto
187 Kapiolani Street
Hilo, HI 96720

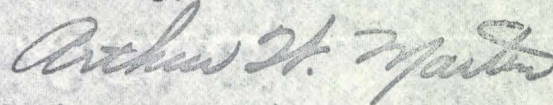
Dear Mr. Okamoto:

Amendment to Condition 5 of Special Permit No. 71-117
Applicant: Waikoloa Concrete and Aggregate, Inc.
Tax Map Key: 6-8-01:portion of 5

The Planning Commission at its meeting on August 28, 1986, denied your application for an amendment to Condition 5 of Special Permit No. 71-117. You may appeal the Commission's decision to the Third Circuit Court.

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

Sincerely,



Arthur W. Martin
Chairman Pro Tem, Planning Commission

cc: Kenneth Souza
Ken Melrose
Richard Ishida
Glen Felton
Carl Simons
✓ State Land Use Commission

GEORGE R. ARIYOSHI
GOVERNOR



JACK K. SUWA
CHAIRMAN, BOARD OF AGRICULTURE

SUZANNE D. PETERSON
DEPUTY TO THE CHAIRMAN

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 So. King Street
Honolulu, Hawaii 96814

Mailing Address:
P. O. Box 22159
Honolulu, Hawaii 96822

April 23, 1986

MEMORANDUM

To: Mr. A. Lono Lyman, Director
Planning Department, County of Hawaii

Subject: Amendment to Special Permit No. 71-117
Quarry operation
Transcontinental Development Co.
TMK: 6-8-01: por. 05 South Kohala, Hawaii
Acres: 309

APR 28 3 13 PM '86
LAND USE COMMISSION
STATE OF HAWAII

The Department of Agriculture has reviewed the subject application and has the following comments to offer.

According to the application, the applicant seeks to amend Special Permit No. 71-117 to allow off-site preparation of construction material for paving, concrete and structural concrete members for the Hyatt Regency Waikoloa resort. These proposed activities apparently require the deletion of Condition No. 5 which the State Land Use Commission attached to the original permit.

The siting and operation of the proposed uses will not adversely affect the agricultural resources of the area nor our plans, programs and other activities relating to agriculture. However, the applicant does not appear to have specifically addressed the guidelines for special permits contained in Land Use Commission District Regulation No. 5-2, which determine whether the proposed use may be permitted as "unusual and reasonable."

Thank you for the opportunity to comment.

A handwritten signature in dark ink, reading "Jack K. Suwa".

JACK K. SUWA
Chairman, Board of Agriculture

cc: LUC

"Support Hawaiian Agricultural Products"

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII
APR 17 2 05 PM '86

April 15, 1986

Mr. Ken Melrose
Project Planner - Waikoloa
P.O. Box 3028 Waikoloa Village Station
Waikoloa, HI 96743-3028

Dear Mr. Melrose:

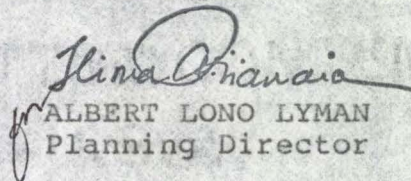
Amendment to Special Permit No. 71-117
Operation to Quarry and Allied Uses
TMK: 6-8-01:Portion of 5

This is to acknowledge receipt of your letter of April 11, 1986, requesting an amendment to Special Permit No. 71-117.

We will inform you as to when the matter will be heard by the Planning Commission as soon as the meeting date has been determined. As you are aware, since the affected area is more than 15 acres in size, final approval of the amendment rests with the State Land Use Commission.

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

Sincerely,


ALBERT LONO LYMAN
Planning Director

NH:lv

cc: State Land Use Commission ✓

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: See Agencies List below

Date: April 15, 1986

From:  Planning Director

Subject: Amendment to Special Permit No. 71-117
Applicant: Transcontinental Development Co.
Operation to Quarry and Allied Uses
TMK: 6-8-01:Portion of 5 (LUC 197)

The attached amendment request to Special Permit No. 71-117 is being transmitted for your review and comments. May we please have your written comments by April 29, 1986.

Thank you very much.

NH:lv
Att.

cc: State Land Use Commission w/att.
Deputy Managing Director w/att.

Agencies List

DPW
DWS
Highways
Health
R & D
Police
Fire
Mauna Kea SWCD
Dept. of Agriculture
Helco - Engineering Div.
Real Property Tax Div.
Waimea-Kawaihae Community Assoc.
Puako Community Assoc.
Masa

LAND USE COMMISSION
STATE OF HAWAII
APR 17 2 05 PM '86



April 11, 1986

Mr. Albert Lono Lyman
Planning Director
County of Hawaii
25 Aupuni Street
Hilo, HI 96720

RE: AMENDMENTS TO SPECIAL PERMIT NO. 71-117

Dear Mr. Lyman:

We wish to request the following amendments to the Special Permit for our makai quarry:

- 1) Clarification of "allied uses" to include AC batching plant, concrete batching plant, and precast/prestressed concrete facilities as well as the stated screening plant, rock crusher and scales. And,
- 2) Deletion of Condition #5 which reads: "The materials removed from the subject site shall be restricted to use within their own development."

The ambitious Hyatt Regency Waikoloa Hotel (HRW) project is proposed to be constructed within a very short 28-month building schedule. Due to the complexity of the improvements at the hotel site, it is not possible to allocate areas for the facilities to produce the paving, concrete, and structural concrete members on site. To meet the tight schedule and control the costs of the hotel, the contractors are proposing to produce the aggregates, concrete, paving, and structural concrete products all at the site of our makai quarry, which has ready access to existing roadways and to the development site. An operation independent of the hotel construction is proposed. The efficiencies of locating these "allied uses" near the production of the aggregates they require is a valuable element in the success of the HRW project.

The principle focus of our quarrying and allied uses is to provide products required for our own projects as part of the long-range development of Waikoloa. The ability to sell products to off-property projects will allow the operator of the quarry to even out production levels to maintain cost efficient operations and to amortize the set up costs over a broader base. The state-of-the-art equipment required to meet the exacting needs of complex construction projects necessitates level production rates for cost efficient operation.

Mr. Albert Lono Ly
April 11, 1986
Page 2

No condition limiting off-property sales exists in our other special permit No. 70-85 for our mauka quarries. In November 1974, subsequent to the original approval of S.P. No. 71-117, the Planning Commission approved our request to delete this limiting condition. The State Land Use Commission, however, did not feel that our original application adequately addressed the need for off-property sales and upheld the condition. We believe that the market conditions have changed sufficiently to warrant deletion of this restriction. The growth of the South Kohala Coast is beginning to mature and an efficient operation for the production of the needed rock products will be an economic benefit for all of the developments along the coast. This full product facility, within a few miles of the majority of pending construction in West Hawaii, is definitely needed.

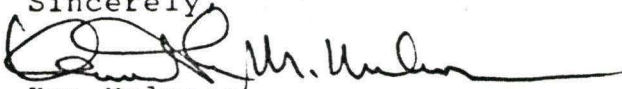
Once established, it is our intention to have the facilities retained at the quarry throughout the life of the permit to accomodate future development at Waikoloa and neighboring resorts. We request that, when approved, these changes become incorporated as part of our original permit.

Further, we believe that the reasons for approval of the original Special Permit are still valid. The permitted area is unsuited for agricultural ventures and we are not proposing to alter the essential character of the land or its use. As such, the quarry is not contrary to the objectives of the Land Use Law and Regulations. No health regulation, infractions, or adverse effects on adjoining properties due to quarrying operations have occurred to date. We are the owner of all adjoining properties and have a vested interest in continuing to minimize inconveniences to surrounding properties.

The quarrying and allied uses will not unreasonably burden public agencies. In fact, in the past, the public has benefited by controlled costs in the construction of Queen Ka'ahumanu Highway as a result of aggregates produced at this quarry. Water is available nearby, from the Waikoloa Water Company, a privately-owned public utility. The roadway adjacent to the quarry is designed to safely handle the increased traffic and the intersection of Waikoloa Road and Queen Ka'ahumanu Highway will soon be improved using private funds.

In anticipation that a public hearing will be required, the filing fee of \$100 is attached. As the commencement of construction for the HRW hotel is imminent, we would like to ask for an expeditions disposition of this amendment request. If you require further information, or if questions arise, please do not hesitate to call on me.

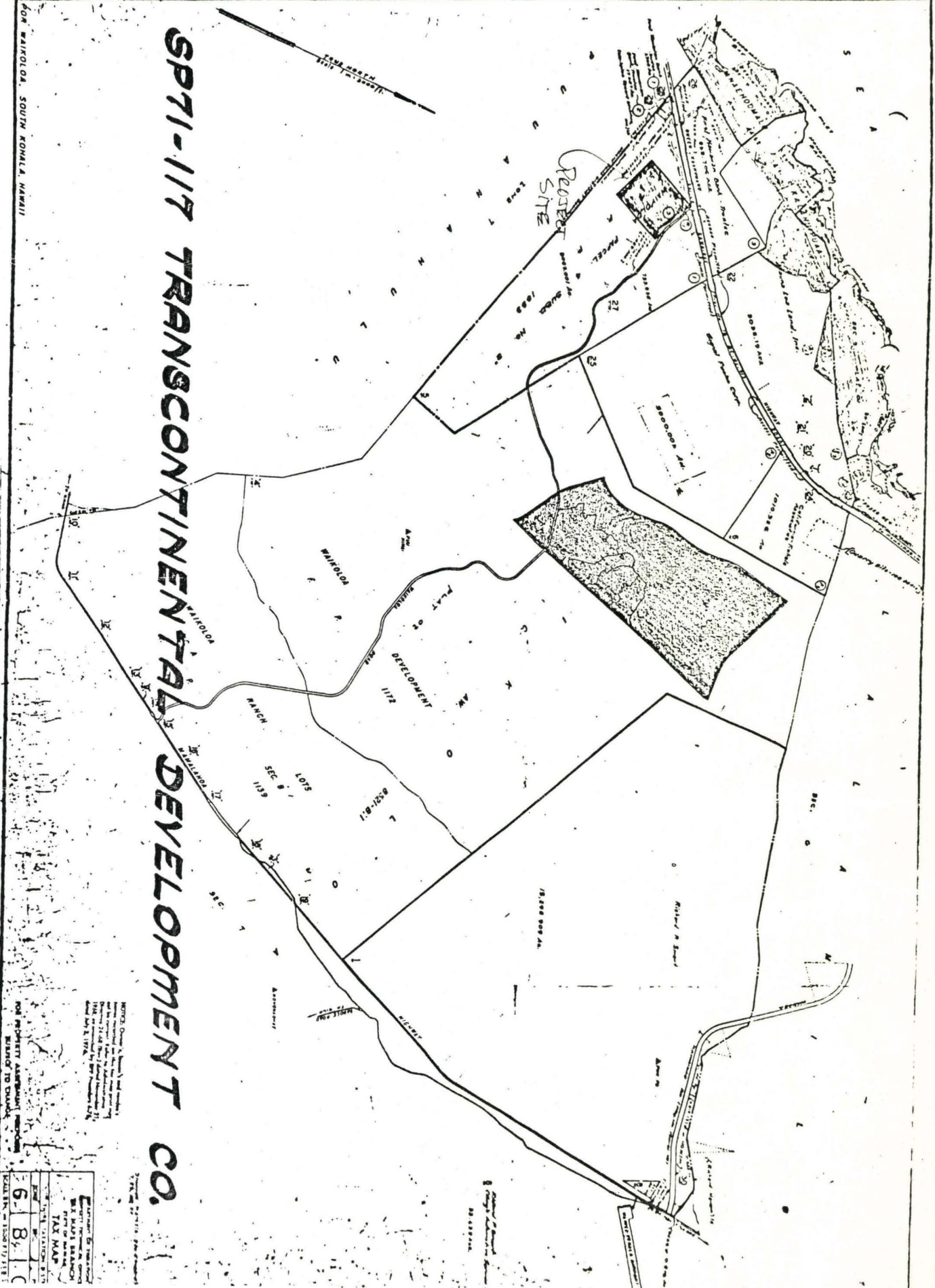
Sincerely,


Ken Melrose
Project Planner

cc: Bob Diffley
Will Sanburn

FOR WAIKOLA, SOUTH KOHOLA, HAWAII

SP71-117 TRANSCONTINENTAL DEVELOPMENT CO.



NOTES: Owner's Survey and Plat
 were recorded in the public records
 of Hawaii on the 21st day of
 January 1968. The Survey and Plat
 were prepared by the Surveyor
 and are subject to the provisions of
 the Act of 1968.

EXAMINED BY SURVEYOR DATE	
TAX MAP	
6	8
1	1

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition) DOCKET NO. SP71-117
for an Extension of Time to)
the Special Permit of)
TRANSCONTINENTAL DEVELOPMENT)
CO. (formerly Boise Cascade))
_____)

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

MAY 15 1981

Date

by 
Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)	DOCKET NO. SP71-117
for an Extension of Time to)	
the Special Permit of)	FINDINGS OF FACT,
TRANSCONTINENTAL DEVELOPMENT)	CONCLUSIONS OF LAW AND
CO. (formerly Boise Cascade))	DECISION AND ORDER
)	
_____)	

The Land Use Commission of the State of Hawaii, having duly considered the entire record in the above entitled matter, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Petitioner has filed for a ten (10) years time extension of the Special Permit which allows quarry operations and allied uses on 309 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-01: portion of 5.

2. The subject site, identified as the Makai Quarry, is located approximately 2,000 feet mauka (southwest) of the Queen Kaahumanu Highway where it intersects Waikoloa Road. It consists of a rectangular area 3,350 feet by 4,020 feet, situated at an elevation of 200 feet above sea level.

3. The Special Permit was originally granted on December 17, 1971 by the Land Use Commission, with a condition that it would expire within 5 years from the date of approval. On November 9, 1976, the Land Use Commission granted a time extension of five (5) years which extended the expiration date to December 17, 1981.

4. The Petitioner has stated that completion of all three development increments at Waikoloa will take at least ten more years and will require construction material from the subject quarry for the duration.

5. The request for time extension was discussed by the Hawaii County Planning Commission at a public hearing on November 25, 1980. Claude Jenkins, representing the Petitioner, spoke in support of the request. The Hawaii County Planning Department recommended that the time extension request be approved subject to all the conditions that were stipulated in granting the original Special Permit, including compliance with applicable Department of Health regulations and with an added condition to further protect surrounding properties from traffic, noise, or dust problems that may result from quarrying operations. No other persons testified concerning the request.

6. Based upon the reasons cited by the Petitioner, and the findings and recommendations of the Planning Department, the Hawaii County Planning Commission voted unanimously to forward a favorable recommendation to the State Land Use Commission subject to the added condition outlined by the planning staff.

7. The complete record of the Special Permit petition was received at the Land Use Commission office on January 14, 1981. The Land Use Commission took action on the request on February 25, 1981 by approving the time extension request subject to the conditions stipulated in the granting of the original Special Permit including compliance with applicable Department of Health regulations, and subject to the additional condition proposed by the Hawaii Planning Commission.

CONCLUSIONS OF LAW

1. As required under Rule 9-3 of the Rules of Practice and Procedure of the Land Use Commission, the Petitioner has shown that unusual circumstances warrant the granting of the requested time extension.

2. The granting of the time extension is not violative of Hawaii Revised Statutes, Chapter 205-6 and State Land Use Commission District Regulations, Part V.

DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit No. 71-117 which allows quarry operations and allied used on 309 acres of a land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-01: Portion of 5, be amended to extend the expiration date from December 17, 1981 to December 17, 1991. This time extension of ten (10) years is granted subject to the following added condition:

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

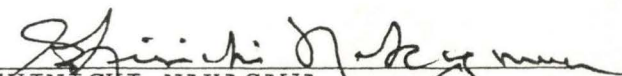
any claims which are made that the applicant is creating an inconvenience. If the Planning Director finds that the evidence submitted shows sufficient cause to re-evaluate the Special Permit, he shall transmit such evidence to the Planning Commission who shall hold a public hearing to gather evidence 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.

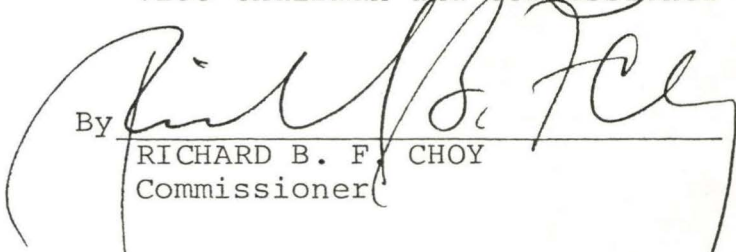
That should the stated conditions not be met, the Special Permit may be deemed null and void.

DATED: Honolulu, Hawaii, May 5, 1981.

LAND USE COMMISSION

By 
C. W. DUKE
Chairman and Commissioner

By 
SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By 
RICHARD B. F. CHOY
Commissioner

By 
SHINSEI MIYASATO
Commissioner

By *Mitsuo Oura*
MITSUO OURA
Commissioner

By *Carol B. Whitesell*
CAROL B. WHITESELL
Commissioner

P24 4463417

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO			
Willis Sanburn			
STREET AND NO.			
P.O., STATE AND ZIP CODE			
POSTAGE			\$
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	75 ¢
		SPECIAL DELIVERY	¢
	RETURN RECEIPT SERVICE	RESTRICTED DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED	60 ¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES			\$ 2.04

POSTMARK OR DATE



PS Form 3611, Jan. 1979

● **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

☒ Show to whom and date delivered. \$

☐ Show to whom, date and address of delivery... \$

☐ **RESTRICTED DELIVERY**

Show to whom and date delivered. \$

☐ **RESTRICTED DELIVERY.**

Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

Willis Sanburn

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

4463417

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee

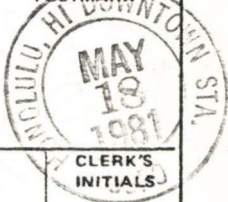
☐ Authorized agent

4.

DATE OF DELIVERY

5-18-81

POSTMARK



5.

ADDRESS (Complete only if requested)

6.

UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

P24 4463416

RECEIPT FOR CERTIFIED MAIL

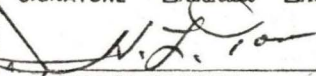
NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO				
Sidney Fuke				
STREET AND NO.				
P.O., STATE AND ZIP CODE				
POSTAGE			\$ 86	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE		75 c
		SPECIAL DELIVERY		c
	RETURN RECEIPT SERVICE	RESTRICTED DELIVERY		c
		SHOW TO WHOM AND DATE DELIVERED		60 c
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		c
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		c
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		c	
TOTAL POSTAGE AND FEES			\$ 221	
POSTMARK OR DATE				



PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one.) ☒ Show to whom and date delivered. \$ ☐ Show to whom, date and address of delivery. \$ ☐ RESTRICTED DELIVERY Show to whom and date delivered. \$ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery. \$ ____ (CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: Sidney Fuke		
3. ARTICLE DESCRIPTION:		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	446316	
(Always obtain signature of addressee or agent)		
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent 		
DATE OF DELIVERY		POSTMARK
5-18-81		MAY 19 1981
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)	DOCKET NO. SP71-117
for an extension of Time to)	
the Special Permit of)	
TRANSCONTINENTAL DEVELOPMENT)	
COMPANY (formerly Boise)	
Cascade))	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's
Decision and Order was served upon the following by certified mail:

SIDNEY FUKE, Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

WILLIS SANBURN, Director of Business Relations
Suite 1801
Financial Plaza of the Pacific
130 Merchant Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 15th day of May, 1981.



GORDAN Y. FURUTANI
Executive Officer

March 11, 1981

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

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on February 25, 1981, the Land Use Commission voted to approve a request by Transcontinental Development Company (formerly Boise Cascade) SP71-117 for a 10-year time extension to allow the continuation of quarry operations and allied uses on approximately 309 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-01: portion of 5.

Approval of this extension is subject to the conditions stipulated in the granting of the original Special Permit, including compliance with applicable Department of Health regulations and subject to the additional condition imposed by the Hawaii County Planning Commission. Please be advised that the petitioner's failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit. The Land Use Commission will not consider any request for time extension which is filed after the stipulated commencement or expiration dates.

A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP71-117 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encl.
cc. Willis H. Sanburn

March 10, 1981

Mr. Willis H. Sanburn
Director of Business Relations
Suite 1801
Financial Plaza of the Pacific
130 Merchant Street
Honolulu, Hawaii 96813

Dear Mr. Sanburn:

Re: SP70-085 - Transcontinental Development Company
SP71-117 - Transcontinental Development Company

The original of the attached letters are on file in the office of the Hawaii Planning Department, 25 Aupuni Street, Hilo, Hawaii.

Please be advised that failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit. The Land Use Commission will not consider any request for time extension which is filed after the stipulated commencement or expiration dates.

Copies of the staff memorandum are herewith enclosed for your information. The Land Use Commission's Decision and Order on the above Special Permits will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encls.

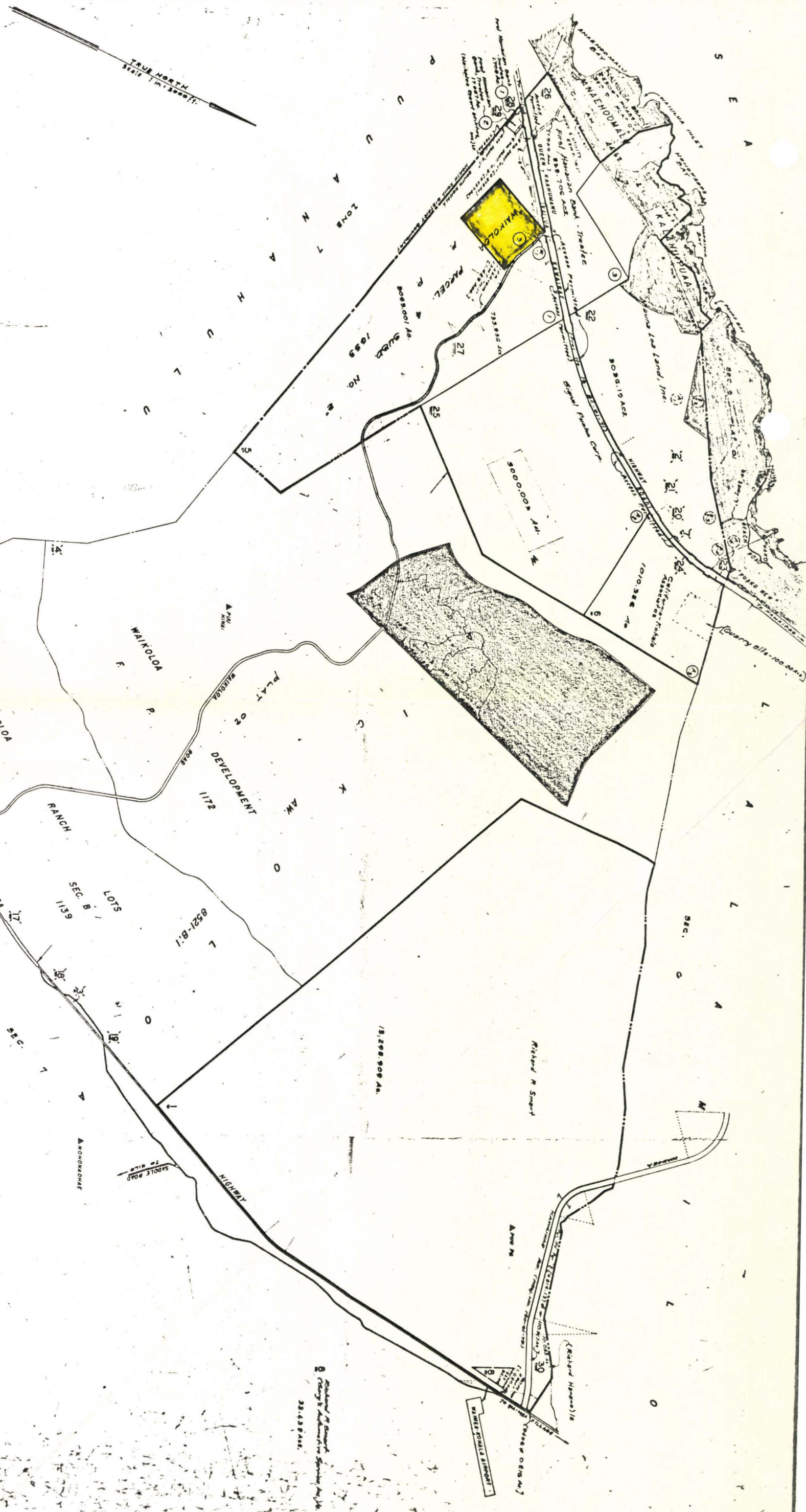
FOR WAIKOLOA, SOUTH KOHALA, HAWAII

SP71-117 TRANSCONTINENTAL DEVELOPMENT CO.

NOTICE: Owner's name and address must be recorded on this tax map print and be correct. Refer to Administrative Directive 24-108 (Rev.) dated November 21, 1968 as amended by HFR Procedure 4-76, dated July 2, 1974.

FOR PROPERTY ASSESSMENT PURPOSES
BUILDING TO CHANGE

DEPARTMENT OF TAXATION PROPERTY TECHNICAL OFFICE TAX MAPS BRANCH STATE OF HAWAII TAX MAP			
DOE	SEC	PLAT	
6	8	01	
SCALE: 1" = 3000 FT. FEB 13 1971			



March 11, 1981

Department of Planning and
Economic Development
State of Hawaii
250 South High Street
Honolulu, Hawaii 96813

Attention: Mr. Hideto Kono, Director

Gentlemen:

At its meeting on February 25, 1981, the Land Use Commission voted to approve a request by Transcontinental Development Company (formerly Boise Cascade) SP71-117 for a 10-year time extension to allow the continuation of quarry operations and allied uses on approximately 309 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-01: portion of 5.

Approval of this extension is subject to the conditions stipulated in the original Special Permit and subject to the additional condition imposed by the Hawaii Planning Commission.

Please note that a copy of the Land Use Commission's Decision and Order on this matter will be on file at the Commission's office at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy

cc: Department of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Tax.
Division of Land Management, DLNR
Office of Environmental Quality Control

STATE OF HAWAII
LAND USE COMMISSION

Approved
AUG 5 1981

Minutes of Meeting

Conference Rooms 322 B & C
Kalanimoku Building
Honolulu, Hawaii

February 25, 1981 - 9:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
Richard Choy
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell

COMMISSIONERS ABSENT: George Pascua
Edward Yanai
William Yuen

STAFF PRESENT: Gordan Furutani, Executive Officer
Joseph Chu, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Chief Clerk

Ray Russell, Court Reporter

ACTION

A80-492 - F & N CORPORATION

Chairman Duke announced that today the Commission will determine whether the defects of the subject petition as determined by the Land Use Commission on September 17, 1980 have been cured.

A chronological summary of the petition was presented by Mr. Furutani, Executive Officer, and a description of the property was offered by staff planner.

Mr. Clifford Lum, attorney representing petitioner, responded to questions from the Commissioners regarding the ownership of the property and assured that documentation of the authorization to represent the various owners will be transmitted to the Commission prior to the hearing date.

Vice Chairman Nakagawa moved that the defect in Docket A80-492, F & N Corporation, had been cured and that the petition be accepted by the Land Use Commission. It was seconded by Commissioner Oura and unanimously carried.

SP70-85 - TRANSCONTINENTAL DEVELOPMENT CO.

To allow a 10-year extension of quarry operations and allied uses at Waikoloa, South Kohala, Hawaii

A description of the location and characteristics of the subject property, and a summary of the staff report were presented by staff planner. Responses were also made to questions which were raised concerning noise and dust complaints and the need for the 10-year permit to quarry the site.

Commissioner Oura moved to approve the 10-year extension request by Transcontinental Development Co., SP70-85 for quarry operation from December 11, 1980 to December 11, 1990, subject to all conditions stipulated in the granting of the original special permit, including compliance with applicable Department of Health regulations. The motion was seconded by Vice Chairman Nakagawa.

Commissioner Choy moved to amend the motion to allow a 5-year extension and request petitioner to come before the Commission again after that time. Commissioner Whitesell seconded the motion.

Commissioner Oura felt that petitioner's request was justified since it was meeting a need for the construction of the golf course, roads, etc., and Commissioner Whitesell agreed with his views.

Commissioner Choy withdrew his amendment and Commissioner Whitesell, seconder of the motion, voiced no objections.

The original motion to approve the 10-year extension request was unanimously passed.

✓ SP71-117 - TRANSCONTINENTAL DEVELOPMENT CO.

To allow a 10-year extension of quarry operations at Waikoloa, South Kohala, Hawaii

The area under petition was pointed out by the staff planner on the USGS and tax maps. A summary of the staff report was also presented.

Questions regarding vegetative restoration of the quarried area, the additional condition imposed by the County were discussed.

It was moved by Commissioner Oura to extend the expiration date of December 17, 1981 to December 17, 1991 on SP-117, Transcontinental Development Co., subject to all conditions stipulated

in the granting of the original special permit, including compliance with applicable Department of Health Regulations and the additional condition imposed by the Hawaii County Planning Commission. The motion was seconded by Commissioner Whitesell and unanimously carried.

SP78-309 - PARADISE HUI HANALIKE

To amend conditions 4 and 5 relating to certain parking requirements at the Hawaiian Paradise Park Subdivision community center complex at Keeau, Puna, Hawaii

The location of the subject property was pointed out by staff planner who also presented a resume of the staff memo.

Commissioner Oura moved to approve the amendment of conditions 4 and 5 of SP78-309, subject to all conditions recommended by the Hawaii County Planning Commission. It was seconded by Vice Chairman Nakagawa and carried.

A80-494 - JOHN A. HARVEY, III) Motion to Defer Hearing
A80-500 - KAPALAOA, INC.)

Vice Chairman Nakagawa moved, seconded by Commissioner Oura, to go into executive session to get clarification on a legal point. The motion was carried and the Commission was in executive session from 10:34 a.m. to 11:07 a.m.

11:07 a.m.

Vice Chairman Nakagawa moved to consider Item 5, A80-494, John A. Harvey, III and Item 6, A80-500, Kapalaoa, Inc. simultaneously due to the similarity of the requests. The motion was seconded by Commissioner Oura and carried.

Appearances

Arnold Abe, Attorney representing both petitioners

Annette Chock, Deputy Attorney General, representing DPED

Sidney Fuke, Planning Director, Hawaii Planning Department

Each party presented arguments relative to the motion filed by petitioner to defer the hearings on subject petitions. Mr. Abe also offered rebuttal to the arguments.

At 11:40 a.m., Vice Chairman Nakagawa was excused due to a prior commitment.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP71-117 - Transcontinental Dev.
Co. (formerly Boise Cascade) DATE February 25, 1981

PLACE Conf. Room 322-B
Kalanimoku Building TIME 9:00 am.
Honolulu, Hawaii

	NAME	YES	NO	ABSTAIN	ABSENT
	NAKAGAWA, SHINICHI	X			
M	OURA, MITSUO	X			
	MIYASATO, SHINSEI	X			
	CHOY, RICHARD B. F.	X			
	PASCUA, GEORGE R.				X
	YANAI, EDWARD				X
S	WHITESELL, CAROL	X			
	YUEN, WILLIAM W. L.				X
	DUKE, CHARLES	X			

Comments:

I move that the expiration date of December 17, 1981 be extended to December 17, 1991, as requested by Transcontinental Dev. Co. (SP71-117), subject to the conditions stipulated in the granting of the original Special Permit, including compliance with applicable Department of Health regulations and subject to the additional condition imposed by the Hawaii County Planning Commission.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission DATE: February 25, 1981

FROM: Staff

SUBJECT: SP71-117 - Transcontinental Development Company (formerly
Boise Cascade) Extension of Time Condition

Transcontinental Development Company (TDC) is requesting a time extension to Special Permit 71-117 which was originally approved by the Land Use Commission on December 17, 1971, allowing the establishment of quarry operations and allied uses on 309 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-01: Portion of 5. For the Commission's information, a location map is attached. (Attachment #1).

The subject Site #3, identified as the Makai Quarry, is located approximately 2,000 feet mauka of the Queen Kaahumanu Highway. It consists of a rectangular area 3,350 feet by 4,020 feet, situated at an elevation of 200 feet above sea level. The Anaehoomalu Urban District is located about 1.5 miles west of the subject area, and the Waikoloa Urban District is approximately 3.5 miles toward the northeast. Basalt (blue rock) and 'a'a cinders are the primary products of this quarry. The basalt from this site is of better quality (harder) than that found in the mauka Village Quarry. Location wise, this site has the advantage of being closer to the developing resort areas along the beach.

The original petitioner, Boise Cascade, has transferred its development holdings and their relate permits to Transcontinental Development Company.

A condition of approval of the orginal SP71-117 was that it was to expire within 5 years from the date of approval by the State Land Use Commission. However, as recommended by the County Planning Commission, the Land Use Commission granted a five (5) year time extension at its meeting on November 9, 1976.

By letter dated September 26, 1980, Mr. Willis H. Sanburn, petitioner's Director of Business Relations, has requested that the expiration date of December 17, 1981 be extended to December 17, 1991. In support of this 10-year extension request, Mr. Sanburn stated the following:

By letter dated September 26, 1980, Mr. Willis H. Sanburn, petitioner's Director of Business Relations, has requested that the expiration date of December 17, 1981 be extended to December 17, 1991. In support of this 10-year extension request, Mr. Sanburn stated the following:

"This quarry is currently supplying the material for the development of the infrastructure and golf course and Waikoloa Beach Resort. We anticipate the work on the first increment of development will be completed in the summer of 1981. However, there remains at least three more increments to be completed, which will be done as the resort developes (sic). They are the balance of Increment 1, Waikoloa Beach Resort; Increment 2 for which incremental zoning has already been approved; and finally Increment 3 which lies between the Kaahumanu Highway and the King's Trail.

"This phased development was contemplated at the time our SMA and related permits were received.

"As you know, the 548-room Sheraton Royal Waikoloa Hotel is now under construction, along with the Robert Trent Jones golf course, roads and related infrastructure. We have just received the final bids on the golf course clubhouse and that should be under construction shortly.

"We look forward to a gradual development of Waikoloa Beach Resort over the next several years with the completion of Increment 1 followed by the development and completion of Increment 2 and finally Increment 3. This development will take at least 10 years. Therefore, we respectfully request a 10-year extension of Special Permit SP71-117 from December 17, 1981 to December 17, 1991. All the conditions established by the Planning Commission at its meeting on October 14, 1971 and adopted by the Land Use Commission are being adhered to."

For the Commission's information, the Special Permit form which lists the findings and conditions of the original SP71-117 approval is attached. (Attachment #2)

At its meeting on November 25, 1980, the Hawaii County Planning Commission voted to recommend in favor of the ten year extension based on the following findings:

"That the subject quarry site is a necessary and integral part of the applicant's overall development. The material which is obtained from the site is used to meet various construction needs. The subject quarry is currently supplying the material for the development of the infrastructure and golf course at the Waikoloa Beach Resort.

"The applicant's development is an on-going project, and the need for the quarry operations and the related uses allowed by

the Special Permit will continue some time into the future. The 548-room Sheraton Royal Waikoloa Hotel is now under construction, along with the golf course, roads and related infrastructure. There remains at least three more increments of development which will take at least 10 years to complete.

"In addition, it is determined that approval of the continuation of the quarry operations and related uses will contribute to the applicant's compliance with the intent, purpose and requirements of land use changes which have been previously approved. The continuance of these operations and uses will have minimal adverse effects on the public health and welfare."

"It is further recommended that approval of the extension request be subject to all conditions stipulated in the granting of the original Special Permit including compliance with applicable Department of Health regulations. In addition, every precaution must be taken by the applicant so as not to create any inconvenience to surrounding properties in regard to traffic, noise and dust problems during the quarrying operations. Should the quarrying operations have an adverse effect on surrounding properties, sufficient and documented evidence may be submitted to the Planning Director to support any claims which are made that the applicant is creating an inconvenience. If the Planning Director finds that the evidence submitted shows sufficient cause to re-evaluate the Special Permit, he shall transmit such evidence to the Planning Commission who shall hold a public hearing to gather evidence relative to the impact of the quarrying operations on surrounding lands. Upon receiving any complaint which is accompanied by documented evidence relative to the impact of the quarry operations, the applicant shall cease operations until a determination is made as to whether operations can continue or the Special Permit is to be revoked.

"Should the stated conditions not be met, the Special Permit may be deemed null and void."

For the Commission's information, a copy of the transcript of the Hawaii County Planning Commission hearing of November 25, 1980 dealing with this request is appended as Attachment #3.

SOURCE: L. S. O.



COUNTY OF HAWAII
PLANNING COMMISSION

RECEIVED

Applicant Boise Cascade Recreation Communities Group
Date of Public Hearing September 16, 1971
Date of Decision October 14, 1971
Meeting Place Plann. Dept's Conf. Rm., Cty. Bldg
Date Decision and Findings Forwarded to IUC

SP 71-117

State of Hawaii
LAND USE COMMISSION

SPECIAL PERMIT

The Planning Commission of the County of Hawaii pursuant to consideration required by the provisions of Act 204, SLM 1963, hereby transmits the decision and findings of the above special permit request to use the following described property:

The subject site is part of the 31,000 acre development situated within the State Land Use Agricultural District located at Waikoloa, S. Kohala, Hawaii, TMK 6-8-015 for the following purpose(s):

To allow the operation of a quarry site, including allied uses such as a portable screening plant, rock crusher and scales on an area of approximately 309 acres.

The Commission decided to: Recommend approval of the special permit request on the basis of the following findings:

1. That the desired use would not adversely affect surrounding property. The proposed use may be looked upon as being of a temporary nature, and highly desirable for the development of the entire project.
2. That such use would not unreasonably burden public agencies to provide additional services.
3. That the proposed use will not substantially alter or change the essential character of the land and the present use.
4. That the proposed use will make the highest and best use of the land involved for the public welfare. The quarry operation and allied uses will be of great benefit and convenience to the development of the Waikoloa project.

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 period of the operation, 24 hours a day.
2. That the applicant shall take every precaution not to create any inconvenience from noise and dust problems during the operation.
3. That the operation be confined within the metes and bounds descriptions as submitted.
4. That this permit shall expire within 5 years from the date of approval by the State Land Use Commission should the agency approve this request. If, at the end of 5 years, the applicant reapplies for the special permit and is denied, or if the applicant fails to reapply for the special permit, then all temporary support facilities, along with equipment, will be removed. A grading plan will then be done and the natural contours will be restored. At the end of quarrying operations, the site shall appear as natural open space, and not as a scar on the landscape.
5. The materials removed from the subject site shall be restricted to use within their own development.

(Signed)

Chairman, Planning Commission

cc D. W. Korth, Jr.
Walt Southward

Attachment #2

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
November 25, 1980

A regularly advertised public hearing on the application of Transcontinental Development Company was called to order at 3:46 p.m. in the Kona Surf Hotel, Mauna Loa Conference Room, Keauhou, North Kona, Hawaii, with Chairman William J. Paris, Jr. presiding.

PRESENT:	William J. Paris, Jr.	ABSENT:	Ex-officio Member
	Glenn Frias		H. William Sewake
	Clyde Imada		
	Roy Kagawa		
	Bert H. Nakano		
	Alfredo Orita		
	George Ponte		
	Charles H. Sakamoto		
	Tina Whitmarsh		

Sidney M. Fuke, Planning Director
Norman Hayashi, Staff Planner
Brian Nishimura, Staff Planner

Robert Yanabu, representing Ex-officio Member Edward Harada
Ben Tsukazaki, Deputy Corporation Counsel

and approximately 7 people in attendance

CHAIRMAN: The first item is a public hearing on the request by Transcontinental Development Company for a time extension to Special Permit No. 71-117 (LUC 197) which allowed the establishment of quarry operations and allied uses on 390 acres of land situated within the State Land Use Agricultural District. The area involved is located mauka of the Queen Kaahumanu Highway and along the Waikoloa Road, Waikoloa, South Kohala, TMK: 6-8-01: Portion of 5.

NISHIMURA: (Oriented the Commission of the subject location on the presentation map and presented background and recommendation for approval with conditions, on file.)

CHAIRMAN: Thank you, Brian. In other words, they're asking for the extension until December 17, 1991?

NISHIMURA: Yes.

CHAIRMAN: Gosh, couldn't it be easier if we went to the end of the year instead of breaking it off, or is it just because ten years to the day falls on that time?

SP 71-117
Attachment #3.
EXHIBIT J

NISHIMURA: That's correct. I mean that's how the previous time condition was stipulated, exactly ten years to the day that the original permit was granted; and the subsequent extensions, or extension, had been granted as such. And that's why the request is being made in that fashion.

CHAIRMAN: Commissioners, do you have any questions? Is the applicant present or his representative? Will you please come forward, sir. Do you swear to tell the truth in the testimony that you're about to give on this application now before the Hawaii County Planning Commission?

JENKINS: I do.

CHAIRMAN: If the extension is given, oh, will you state your name into the microphone for the record please.

JENKINS: My name is Claude Jenkins.

CHAIRMAN: Thank you, Claude. If the extension is given, do you think this will suffice all the construction that's going on in the area or will you have to come in again?

JENKINS: Temporarily, I think it will. We may have to come in. Judging from the past history, why, ten years is not a very long period for this type of construction.

CHAIRMAN: Okay, thank you. Commissioners, do you have any questions?

ORITA: Mr. Chairman.

CHAIRMAN: Go ahead, Commissioner Orita.

ORITA: Claude, let me ask you this.

JENKINS: Yes.

ORITA: Because you didn't anticipate it would be taking this long, is there enough materials within that quarry site for another ten years?

JENKINS: Very definitely. Yeah, we have supplied all of our, I'd say 80 percent of the construction materials used on Queen Kaahumanu Highway, plus all of the roads that we have developed makai of the village from that particular quarry. Yeah, there's ample material there.

ORITA: Thank you.

NISHIMURA: Mr. Chairman, staff would like to ask a question.

CHAIRMAN: Go ahead.

NISHIMURA: Will you be able to meet the conditions as recommended by the staff's recommendation?

JENKINS: Why, sure.

NISHIMURA: Thank you.

CHAIRMAN: Thank you, Claude. Is there any further questions? If not, this is a public hearing. Is there anyone here desiring to give testimony from the public? If not, Commissioners, it'd be in order to close the hearing.

KAGAWA: I move.

ORITA: Second.

CHAIRMAN: Its been moved and seconded to close the public hearing. Is there any further discussion? All those in favor signify by saying aye?

COMMISSIONERS: Aye.

CHAIRMAN: Contrary minded, same sign? Public hearing is closed.

This is 309 acres so our role will be advisory to the State Land Use Commission and the request for extension is from December 17, 1981, to December 17, 1991. What is your pleasure, gentlemen?

WHITMARSH: Mr. Chairman?

CHAIRMAN: Excuse me, what is your pleasure, Commissioners? Go ahead, Commissioner Whitmarsh.

WHITMARSH: I yield to Deputy Corporation Counsel.

CHAIRMAN: All right.

TSUKAZAKI: Thank you for yielding. I just wanted to get the staff's intentions in its recommendation that the applicant take every precaution to avoid creating any inconvenience to surrounding properties. The way it's contained in this report, I'm not sure if the staff wanted that added as a specific condition of the extension request or if it was just intended to be information, that it be communicated to the applicant.

NISHIMURA: Our intention was to include it as an additional condition which was not part of the original conditions approved as part of its Special Permit 117.

TSUKAZAKI: Thank you.

CHAIRMAN: Thank you, Mr. Corporation Counsel. Now, Commissioner Whitmarsh.

WHITMARSH: Mr. Chairman?

CHAIRMAN: Commissioner Whitmarsh, go ahead.

WHITMARSH: I move to forward a favorable recommendation to the State Land Use Commission for the reasons and with the conditions as outlined by the staff.

CHAIRMAN: Its been moved by Commissioner Whitmarsh to forward a favorable recommendation to the State Land Use Commission for the reasons and conditions as outlined by the staff.

ORITA: Second the motion, Mr. Chairman.

CHAIRMAN: Seconded by Commissioner Orita. Is there any further discussion? If not, staff?

NISHIMURA: (Took roll call vote.) Mr. Chairman, nine ayes, motion carries.

CHAIRMAN: We will be forwarding a favorable recommendation to the State Land Use Commission. It will rest in their hands.

The public hearing adjourned at 4:00 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T:



William J. Paris, Jr.
Chairman, Planning Commission

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission DATE: February 25, 1981

FROM: Staff

SUBJECT: SP71-117 - Transcontinental Development Company (formerly
Boise Cascade) Extension of Time Condition

Transcontinental Development Company (TDC) is requesting a time extension to Special Permit 71-117 which was originally approved by the Land Use Commission on December 17, 1971, allowing the establishment of quarry operations and allied uses on 309 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-01: Portion of 5. For the Commission's information, a location map is attached. (Attachment #1).

The subject Site #3, identified as the Makai Quarry, is located approximately 2,000 feet mauka of the Queen Kaahumanu Highway. It consists of a rectangular area 3,350 feet by 4,020 feet, situated at an elevation of 200 feet above sea level. The Anaehoomalu Urban District is located about 1.5 miles west of the subject area, and the Waikoloa Urban District is approximately 3.5 miles toward the northeast. Basalt (blue rock) and 'a'a cinders are the primary products of this quarry. The basalt from this site is of better quality (harder) than that found in the mauka Village Quarry. Location wise, this site has the advantage of being closer to the developing resort areas along the beach.

The original petitioner, Boise Cascade, has transferred its development holdings and their relate permits to Transcontinental Development Company.

A condition of approval of the original SP71-117 was that it was to expire within 5 years from the date of approval by the State Land Use Commission. However, as recommended by the County Planning Commission, the Land Use Commission granted a five (5) year time extension at its meeting on November 9, 1976.

By letter dated September 26, 1980, Mr. Willis H. Sanburn, petitioner's Director of Business Relations, has requested that the expiration date of December 17, 1981 be extended to December 17, 1991. In support of this 10-year extension request, Mr. Sanburn stated the following:

By letter dated September 26, 1980, Mr. Willis H. Sanburn, petitioner's Director of Business Relations, has requested that the expiration date of December 17, 1981 be extended to December 17, 1991. In support of this 10-year extension request, Mr. Sanburn stated the following:

"This quarry is currently supplying the material for the development of the infrastructure and golf course and Waikoloa Beach Resort. We anticipate the work on the first increment of development will be completed in the summer of 1981. However, there remains at least three more increments to be completed, which will be done as the resort develops (sic). They are the balance of Increment 1, Waikoloa Beach Resort; Increment 2 for which incremental zoning has already been approved; and finally Increment 3 which lies between the Kaahumanu Highway and the King's Trail.

"This phased development was contemplated at the time our SMA and related permits were received.

"As you know, the 548-room Sheraton Royal Waikoloa Hotel is now under construction, along with the Robert Trent Jones golf course, roads and related infrastructure. We have just received the final bids on the golf course clubhouse and that should be under construction shortly.

"We look forward to a gradual development of Waikoloa Beach Resort over the next several years with the completion of Increment 1 followed by the development and completion of Increment 2 and finally Increment 3. This development will take at least 10 years. Therefore, we respectfully request a 10-year extension of Special Permit SP71-117 from December 17, 1981 to December 17, 1991. All the conditions established by the Planning Commission at its meeting on October 14, 1971 and adopted by the Land Use Commission are being adhered to."

For the Commission's information, the Special Permit form which lists the findings and conditions of the original SP71-117 approval is attached. (Attachment #2)

At its meeting on November 25, 1980, the Hawaii County Planning Commission voted to recommend in favor of the ten year extension based on the following findings:

"That the subject quarry site is a necessary and integral part of the applicant's overall development. The material which is obtained from the site is used to meet various construction needs. The subject quarry is currently supplying the material for the development of the infrastructure and golf course at the Waikoloa Beach Resort.

"The applicant's development is an on-going project, and the need for the quarry operations and the related uses allowed by

the Special Permit will continue some time into the future. The 548-room Sheraton Royal Waikoloa Hotel is now under construction, along with the golf course, roads and related infrastructure. There remains at least three more increments of development which will take at least 10 years to complete.

"In addition, it is determined that approval of the continuation of the quarry operations and related uses will contribute to the applicant's compliance with the intent, purpose and requirements of land use changes which have been previously approved. The continuance of these operations and uses will have minimal adverse effects on the public health and welfare."

"It is further recommended that approval of the extension request be subject to all conditions stipulated in the granting of the original Special Permit including compliance with applicable Department of Health regulations. In addition, every precaution must be taken by the applicant so as not to create any inconvenience to surrounding properties in regard to traffic, noise and dust problems during the quarrying operations. Should the quarrying operations have an adverse effect on surrounding properties, sufficient and documented evidence may be submitted to the Planning Director to support any claims which are made that the applicant is creating an inconvenience. If the Planning Director finds that the evidence submitted shows sufficient cause to re-evaluate the Special Permit, he shall transmit such evidence to the Planning Commission who shall hold a public hearing to gather evidence relative to the impact of the quarrying operations on surrounding lands. Upon receiving any complaint which is accompanied by documented evidence relative to the impact of the quarry operations, the applicant shall cease operations until a determination is made as to whether operations can continue or the Special Permit is to be revoked.

"Should the stated conditions not be met, the Special Permit may be deemed null and void."

For the Commission's information, a copy of the transcript of the Hawaii County Planning Commission hearing of November 25, 1980 dealing with this request is appended as Attachment #3.

SOURCE:
SOURCE: 4-9-61

Zone 7



COUNTY OF HAWAII
PLANNING COMMISSION

RECEIVED

Applicant Boise Cascade Recreation Com-
munities Group
Date of Public Hearing September 16, 1971
Date of Decision October 14, 1971
Meeting Place Plann. Dept's Conf. Rm., Cty
Date Decision and Findings Forwarded Bldg
to IUC

SP 71-117

State of Hawaii
LAND USE COMMISSION

SPECIAL PERMIT

The Planning Commission of the County of Hawaii pursuant to consideration required by the provisions of Act 204, SLH 1963, hereby transmits the decision and findings of the above special permit request to use the following described property:

The subject site is part of the 31,000 acre development situated within the State Land Use Agricultural District located at Waikoloa, S. Kohala, Hawaii, TMK 6-8-01 for the following purpose(s):

To allow the operation of a quarry site, including allied uses such as a portable screening plant, rock crusher and scales on an area of approximately 309 acres.

The Commission decided to: Recommend approval of the special permit request on the basis of the following findings:

1. That the desired use would not adversely affect surrounding property. The proposed use may be looked upon as being of a temporary nature, and highly desirable for the development of the entire project.
2. That such use would not unreasonably burden public agencies to provide additional services.
3. That the proposed use will not substantially alter or change the essential character of the land and the present use.
4. That the proposed use will make the highest and best use of the land involved for the public welfare. The quarry operation and allied uses will be of great benefit and convenience to the development of the Waikoloa project.

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 period of the operation, 24 hours a day.
2. That the applicant shall take every precaution not to create any inconvenience from noise and dust problems during the operation.
3. That the operation be confined within the metes and bounds descriptions as submitted.
4. That this permit shall expire within 5 years from the date of approval by the State Land Use Commission should the agency approve this request. If, at the end of 5 years, the applicant reapplies for the special permit and is denied, or if the applicant fails to reapply for the special permit, then all temporary support facilities, along with equipment, will be removed. A grading plan will then be done and the natural contours will be restored. At the end of quarrying operations, the site shall appear as natural open space, and not as a scar on the landscape.
5. The materials removed from the subject site shall be restricted to use within their own development.

cc D. W. Korth, Jr.
Walt Southward

(Signed)

Chairman, Planning Commission

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
November 25, 1980

A regularly advertised public hearing on the application of Transcontinental Development Company was called to order at 3:46 p.m. in the Kona Surf Hotel, Mauna Loa Conference Room, Keauhou, North Kona, Hawaii, with Chairman William J. Paris, Jr. presiding.

PRESENT:	William J. Paris, Jr.	ABSENT:	Ex-officio Member
	Glenn Frias		H. William Sewake
	Clyde Imada		
	Roy Kagawa		
	Bert H. Nakano		
	Alfredo Orita		
	George Ponte		
	Charles H. Sakamoto		
	Tina Whitmarsh		

Sidney M. Fuke, Planning Director
Norman Hayashi, Staff Planner
Brian Nishimura, Staff Planner

Robert Yanabu, representing Ex-officio Member Edward Harada
Ben Tsukazaki, Deputy Corporation Counsel

and approximately 7 people in attendance

CHAIRMAN: The first item is a public hearing on the request by Transcontinental Development Company for a time extension to Special Permit No. 71-117 (LUC 197) which allowed the establishment of quarry operations and allied uses on 390 acres of land situated within the State Land Use Agricultural District. The area involved is located mauka of the Queen Kaahumanu Highway and along the Waikoloa Road, Waikoloa, South Kohala, TMK: 6-8-01: Portion of 5.

NISHIMURA: (Oriented the Commission of the subject location on the presentation map and presented background and recommendation for approval with conditions, on file.)

CHAIRMAN: Thank you, Brian. In other words, they're asking for the extension until December 17, 1991?

NISHIMURA: Yes.

CHAIRMAN: Gosh, couldn't it be easier if we went to the end of the year instead of breaking it off, or is it just because ten years to the day falls on that time?

SP-71-117
Attachment #3.
CARIBBEAN J

NISHIMURA: That's correct. I mean that's how the previous time condition was stipulated, exactly ten years to the day that the original permit was granted; and the subsequent extensions, or extension, had been granted as such. And that's why the request is being made in that fashion.

CHAIRMAN: Commissioners, do you have any questions? Is the applicant present or his representative? Will you please come forward, sir. Do you swear to tell the truth in the testimony that you're about to give on this application now before the Hawaii County Planning Commission?

JENKINS: I do.

CHAIRMAN: If the extension is given, oh, will you state your name into the microphone for the record please.

JENKINS: My name is Claude Jenkins.

CHAIRMAN: Thank you, Claude. If the extension is given, do you think this will suffice all the construction that's going on in the area or will you have to come in again?

JENKINS: Temporarily, I think it will. We may have to come in. Judging from the past history, why, ten years is not a very long period for this type of construction.

CHAIRMAN: Okay, thank you. Commissioners, do you have any questions?

ORITA: Mr. Chairman.

CHAIRMAN: Go ahead, Commissioner Orita.

ORITA: Claude, let me ask you this.

JENKINS: Yes.

ORITA: Because you didn't anticipate it would be taking this long, is there enough materials within that quarry site for another ten years?

JENKINS: Very definitely. Yeah, we have supplied all of our, I'd say 80 percent of the construction materials used on Queen Kaahumanu Highway, plus all of the roads that we have developed makai of the village from that particular quarry. Yeah, there's ample material there.

ORITA: Thank you.

NISHIMURA: Mr. Chairman, staff would like to ask a question.

CHAIRMAN: Go ahead.

NISHIMURA: Will you be able to meet the conditions as recommended by the staff's recommendation?

JENKINS: Why, sure.

NISHIMURA: Thank you.

CHAIRMAN: Thank you, Claude. Is there any further questions? If not, this is a public hearing. Is there anyone here desiring to give testimony from the public? If not, Commissioners, it'd be in order to close the hearing.

KAGAWA: I move.

ORITA: Second.

CHAIRMAN: Its been moved and seconded to close the public hearing. Is there any further discussion? All those in favor signify by saying aye?

COMMISSIONERS: Aye.

CHAIRMAN: Contrary minded, same sign? Public hearing is closed.

This is 309 acres so our role will be advisory to the State Land Use Commission and the request for extension is from December 17, 1981, to December 17, 1991. What is your pleasure, gentlemen?

WHITMARSH: Mr. Chairman?

CHAIRMAN: Excuse me, what is your pleasure, Commissioners? Go ahead, Commissioner Whitmarsh.

WHITMARSH: I yield to Deputy Corporation Counsel.

CHAIRMAN: All right.

TSUKAZAKI: Thank you for yielding. I just wanted to get the staff's intentions in its recommendation that the applicant take every precaution to avoid creating any inconvenience to surrounding properties. The way it's contained in this report, I'm not sure if the staff wanted that added as a specific condition of the extension request or if it was just intended to be information, that it be communicated to the applicant.

NISHIMURA: Our intention was to include it as an additional condition which was not part of the original conditions approved as part of its Special Permit 117.

TSUKAZAKI: Thank you.

CHAIRMAN: Thank you, Mr. Corporation Counsel. Now, Commissioner Whitmarsh.

WHITMARSH: Mr. Chairman?

CHAIRMAN: Commissioner Whitmarsh, go ahead.

WHITMARSH: I move to forward a favorable recommendation to the State Land Use Commission for the reasons and with the conditions as outlined by the staff.

CHAIRMAN: Its been moved by Commissioner Whitmarsh to forward a favorable recommendation to the State Land Use Commission for the reasons and conditions as outlined by the staff.

ORITA: Second the motion, Mr. Chairman.

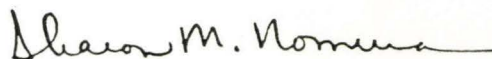
CHAIRMAN: Seconded by Commissioner Orita. Is there any further discussion? If not, staff?

NISHIMURA: (Took roll call vote.) Mr. Chairman, nine ayes, motion carries.

CHAIRMAN: We will be forwarding a favorable recommendation to the State Land Use Commission. It will rest in their hands.

The public hearing adjourned at 4:00 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T:



William J. Paris, Jr.
Chairman, Planning Commission

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

February 25, 1981 - 9:00 a.m.
Conference Rooms 322 B & C
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

REC'D. BY

1981 FEB 18 AM 10 07

LI. GOVERNOR'S OFFICE

R E V I S E D A G E N D A

I. ACTION

1. A80-492 - F & N Corp. (Hawaii)

To determine whether the defects of the subject petition as determined by the Land Use Commission on September 17, 1980 are cured.

2. SP70-85 - Transcontinental Development Co. (formerly Boise Cascade)
(Time Extension) (Hawaii)

To allow a 10-year extension of quarry operations and allied uses at two sites on approximately 162 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

✓ 3. SP71-117 - Transcontinental Development Co. (formerly Boise Cascade)
(Time Extension) (Hawaii)

To allow a 10-year extension of quarry operations and allied uses on 309 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

4. SP78-309 - Paradise Hui Hanalike (Hawaii)

To amend Conditions 4 and 5 relating to certain parking requirements at the Hawaiian Paradise Park Subdivision community center complex situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii.

5. A80-494 - John A. Harvey, III (Hawaii)

Motion to Defer Hearing on a request to reclassify approximately 130.945 acres of land presently in the Agricultural District into the Urban District at Puua 1st and 2nd, North Kona, Hawaii for residential subdivision.

6. A80-500 - Kapalaoa, Inc. (Hawaii)

Motion to Defer Hearing on a request to reclassify approximately 15.5 acres of land presently in the Conservation District into the Urban District at Puuanahulu, North Kona, Hawaii for resort development.

7. A76-411 - A & B Properties, Inc. (Kauai)

Motion to amend certain conditions of Decision and Order in connection with the reclassification of certain lands at Eleele, Kauai.

II. MISCELLANEOUS

1. ~~Adoption of Minutes~~
2. Tentative Meeting Schedule

2/18/81 - A copy of this revised agenda was mailed to all interested parties, persons and organizations on the attached mailing lists:

1. STATEWIDE
2. OAHU
3. HAWAII
4. MAUI
5. KAUAI
6. MOLOKAI

STATE OF HAWAII
LAND USE COMMISSION
Old Federal Building
Room 104
335 Merchant Street
Honolulu, Hawaii 96813

February 10, 1981

Mr. Sidney Fuke
Planning Director
Hawaii County Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

Please note that petitions

SP70-85 - Transcontinental Development Co. (Time Extension)

SP71-117 - Transcontinental Development Co. (Time Extension)

SP78-309 - Paradise Hui Hanalike (Amend Conditions 4 and 5)

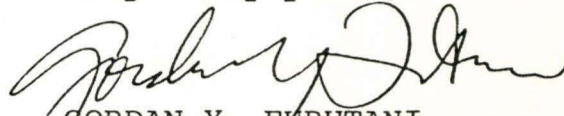
A80-494 - John A. Harvey, III (Motion to Defer Hearing)

A80-500 - Kapalaoa, Inc. (Motion to Defer Hearing)

will be considered at that time.

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

Very truly yours,


GORDAN Y. FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Old Federal Building
Room 104
335 Merchant Street
Honolulu, Hawaii 96813

February 10, 1981

Mr. Willis H. Sanburn
Director of Business Relations
Suite 1801, Financial Plaza of the Pacific
130 Merchant Street
Honolulu, Hawaii 96813

Dear Mr. Sanburn:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

Please note that petitions

✓ SP70-85 - TRANSCONTINENTAL DEVELOPMENT CO. (Time Extension)

✓ SP71-117 - TRANSCONTINENTAL DEVELOPMENT CO. (Time Extension)

will be considered at that time.

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

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

February 25, 1981 - 9:00 a.m.
Conference Rooms 322 B & C
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

(See Revised agenda)

REC'D. BY

1981 FEB 9 AM 10 58

LI. GOVERNOR'S OFFICE

A G E N D A

I. ACTION

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To amend Conditions 4 and 5 relating to certain parking requirements at the Hawaiian Paradise Park Subdivision community center complex situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii.

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Motion to Defer Hearing on a request to reclassify approximately 15.5 acres of land presently in the Conservation District into the Urban District at Puuanahulu, North Kona, Hawaii for resort development.

II. MISCELLANEOUS

1. Adoption Minutes
2. Meeting Schedule

2/10/81 - A copy of this agenda was mailed to all persons and organizations on the attached mailing lists:

1. STATEWIDE
2. OAHU
3. HAWAII
4. MAUI
5. KAUAI
6. MOLOKAI



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

January 12, 1981

Mr. Gordan Furutani
Executive Officer
Land Use Commission
190 South King Street
Suite 1795
Honolulu, Hawaii 96813

Dear Mr. Furutani:

Request for a Time Extension
Special Permit No. 71-117 (LUC 197)
Transcontinental Development Company
(formerly Boise Cascade Home & Land Corp.)
TMK: 6-8-01:Portion of 5

The Planning Commission at its duly held public hearing on November 25, 1980, considered the above request for a time extension to Special Permit No. 71-117 (LUC 197) which allowed the establishment of quarry operations and allied uses on 309 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

The Commission voted to recommend the approval for a ten-year extension until December 17, 1991, to the Land Use Commission. Enclosed is the entire docket on the above request.

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

Sincerely,

William J. Paris, Jr.
WILLIAM J. PARIS, JR.
Chairman, Planning Commission

lgv
Enclosure

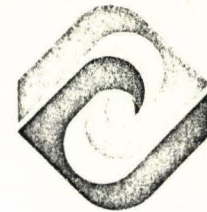
cc: Mr. Willis H. Sanburn
Chief Engineer, Public Works
Kona Services Office
Department of Health

JAN 14 10 05 AM '81
LAND USE COMMISSION
STATE OF HAWAII

LIST OF EXHIBITS: TRANSCONTINENTAL DEVELOPMENT COMPANY SP71-117
(formerly Boise Cascade Home and Land Corporation) (LUC 197)

- A. Letter of Time Extension Request to Planning Department from the petitioner (9/26/80) on Quarry Permits
- B. Letter of Time Extension Request, Makai Quarry (SP71-117) to Planning Department from the petitioner (9/26/80)
- C. Departmental acknowledgement letter of time extension requests to the petitioner (10/2/80)
- D. Enclosed filing fee of \$200.00 (letter dated 10/10/80)
- E. Letter of Public Hearing Notice to the petitioner (11/13/80)
- E-1. Public Hearing Notice
- F. Staff Background
- G. Staff Recommendation
- H. Voting Sheet-Nov. 25, 1980
- I. Minutes, November 25, 1980
- J. Transcript, November 25, 1980

Suite 1801
Financial Plaza of the Pacific
130 Merchant Street
Honolulu, Hawaii 96813
808/531-8131



Waikoloa
on the Kohala Coast

September 26, 1980

Mr. Sidney Fuke
Director of Planning
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Re: Time Extension - Quarry Permits
Mauka & Makai - Waikoloa

As we discussed I am submitting separate requests for 10-year extensions on our Makai and Mauka quarry permits. Because Waikoloa is an on going project and we foresee development over the next 10 years, it seems appropriate to request 10-year extensions on these permits and to consider them all at one time in the interest of saving time and effort by your department, the Planning Commission and the Land Use Commission.

As we have previously informed you, Waikoloa and its related permits have been transferred from the various Boise Cascade entities to Transcontinental Corporation and the development is now being carried on by Transcontinental Development Co., a partnership between Transcontinental Corporation and Bass Brothers Enterprises. Therefore, the new extension should be in the name of Transcontinental Development Co.

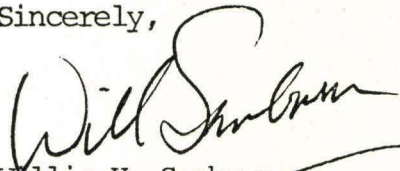
If you think it best, we can arrange to have all three quarry permits expire on the same time making village permit extension request for 11 years rather 10 years. I should also mention that it is likely the Mauka Quarry #2 will fall within the industrial area which we will be setting up in the near future. However, in view of the fact the permit runs out before the necessary permits for the industrial area could be obtained, I think it is wise to include this quarry in the request for extension.

EXHIBIT A

Mr. Sidney Fuke
Director of Planning
Planning Department
County of Hawaii
September 26, 1980
Page 2--

If you need any additional information or any way I can help, please don't hesitate to let me know. Thanks very much for your consideration and help.

Sincerely,

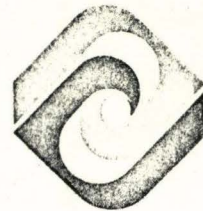
A handwritten signature in dark ink, appearing to read "Will Sanburn", with a long horizontal flourish extending to the right.

Willis H. Sanburn
Director of Business Relations

WHS/fn

cc: Land Use Commission
Jim Lium
Ron Boeddeker
Ron Lum

Suite 1801
Financial Plaza of the Pacific
130 Merchant Street
Honolulu, Hawaii 96813
808/531-8181



Waikoloa
on the Kohala Coast

September 26, 1980

Mr. Sidney Fuke
Director of Planning
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Re: Time Extension Request - Makai Quarry, Waikoloa
(SP 71-117) TMK: 6-8-01: Por. 05

The referenced Special Permit for the operation of the Makai Quarry at Waikoloa, granted by the Land Use Commission on December 17, 1971 and extended for five (5) years by the Land Use Commission December 12, 1976, will expire December 17, 1981.

This quarry is currently supplying the material for the development of the infrastructure and golf course at Waikoloa Beach Resort. We anticipate the work on the first increment of development will be completed in the summer of 1981. However, there remains at least three more increments to be completed, which will be done as the resort develops. They are the balance of Increment 1, Waikoloa Beach Resort; Increment 2 for which incremental zoning has already been approved; and finally Increment 3 which lies between the Kaahumanu Highway and the King's Trail.

This phased development was contemplated at the time our SMA and related permits were received.

As you know, the 548-room Sheraton Royal Waikoloa Hotel is now under construction, along with the Robert Trent Jones golf course, roads and related infrastructure. We have just received the final bids on the golf course clubhouse and that should be under construction shortly.

We look forward to a gradual development of Waikoloa Beach Resort over the next several years with the completion of Increment 1 followed by the development and completion of Increment 2 and finally Increment 3. This development will take at least 10 years. Therefore, we respectfully request a 10-year extension of Special Permit SP 71-117 from December 17, 1981 to December 17, 1991. All the conditions established by the Planning Commission at its meeting on October 14,

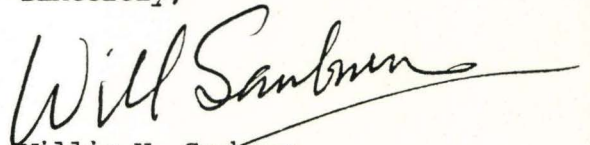
EXHIBIT B

Mr. Sidney Fuke
Director of Planning
Planning Department
County of Hawaii
September 26, 1980
Page 2--

1971 and adopted by the Land Use Commission are being adhered to.

Should you require additional information or any of your staff or members of the commission wish to make an on-site investigation of the quarry, please let me know.

Sincerely,

A handwritten signature in dark ink, reading "Will Sanburn", with a long horizontal flourish extending to the right.

Willis H. Sanburn
Director of Business Relations

WHS/fn
cc: Land Use Commission
Jim Lium
Ron Boeddeker
Ron Lum

October 2, 1980

Mr. Willis H. Sanburn
Suite 1801
Financial Plaza of the Pacific
130 Merchant Street
Honolulu, HI 96813

Dear Mr. Sanburn:

Time Extension Requests - SP70-85 and SP71-117
Quarry Activities
Tax Map Key: 6-8-01:4 and Portion 5

This is to acknowledge receipt of your letters of September 26, 1980, requesting time extensions to Special Permit 70-85 and Special Permit 71-117.

Since public hearings must be conducted for these requests, please remit a total filing fee of \$200.00 (\$100.00 per request). Upon receipt of the filing fee, we will schedule the requests for a public hearing with the Planning Commission.

Should you have any questions, please feel free to contact Norman Hayashi or Brian Nishimura of this office at 961-8288.

Sincerely,

Sidney Fuke
SIDNEY FUCE
Director

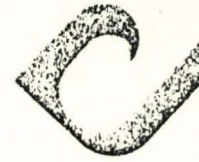
NH:wkm

cc: Land Use Commission

EXHIBIT C

OCT 3 1980

Suite 1801
Financial Plaza of the Pacific
130 Merchant Street
Honolulu, Hawaii 96813
808/531-8181



Waikoloa
on the Kohala Coast

October 10, 1980
Ref: Your letter of 10/2/80

Mr. Sidney Fuke
Director of Planning
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Subject: Time Extension Requests - SP70-85 & SP71-117
Quarry Activities
TMK: 6-8-01:04 and Portion 5

Thank you for your letter of October 2 relative to our requests for time extension of the subject matter. As you requested enclosed is our filing fee check of \$200.00. As soon as a public hearing of our requests has been scheduled with the Planning Commission, please let us know.

Sincerely,

PLANNING DEPARTMENT County of Hawaii 25 Aupuni Street Hilo, Hawaii 96720	RECEIPT		Date <u>Oct 20</u> 19 <u>80</u>	8654
	Received From <u>Mr. & Mrs. J. F. Fuke</u>			
	Address <u>Munich, Hawaii, Box 3028, Waikoloa 96743</u>			
	<u>Two Hundred and 00/100</u> Dollars \$ <u>200.00</u>			
	For <u>Time Extension Requests of 70-85 & SP71 117</u> <u>TMK: 6-8-01:04 and Portion 5</u>			
ACCOUNT		HOW PAID		
AMT. OF ACCOUNT		CASH		
AMT. PAID		CHECK	<u>200</u>	
BALANCE DUE		MONEY ORDER		
		By <u>Kenichi Matsunaga</u>		

8K808 Rediform

EXHIBIT D

November 13, 1980

Mr. Willis H. Sanburn
Suite 1801
Financial Plaza of the Pacific
130 Merchant Street
Honolulu, HI 96813

Dear Mr. Sanburn:

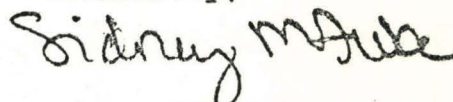
Notice of Public Hearings
Petitioner: Transcontinental Development Company
Amendments to Special Permit Nos. 71-117 and 70-85
Tax Map Key 6-8-01:Portions of 4 and 5

This is to inform you that the above requests have been scheduled for public hearings. Said hearings among others will be held beginning at 2:30 p. m. on Tuesday, November 25, 1980, in the Kona Surf Hotel, Mauna Loa Conference Room, Keauhou, North Kona, Hawaii.

The presence of a representative will be appreciated in order that all questions relative to the requests may be clarified.

A copy of the hearing notice and agenda is enclosed for your information.

Sincerely,



Sidney M. Fuke
Planning Director

smn

Enclosure

cc: State Land Use Commission

EXHIBIT E

NOV 13 1980

PUBLIC HEARINGS
PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii and Rule 9, "Special Management Area Rules and Regulations of the County of Hawaii."

PLACE: Kona Surf Hotel, Mauna Loa Conference Room, Keauhou, North Kona, Hawaii

DATE: Tuesday, November 25, 1980

TIME: 10:00 a.m. (Item No. 1)
2:30 p.m. (Item Nos. 2-5)
7:00 p.m. (Item No. 6)

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

1. PETITIONER: MICHAEL MATSUKAWA/ALVA USHIRODA, ET AL
LOCATION: Kealahakua Village, Halekii, South Kona.
TMK: 8-1-03:40 and 57
PURPOSE: Continuation of a public hearing on a request for a declaratory ruling regarding certain uses allowed by the Planning Director on properties zoned Village Commercial (CV).
2. PETITIONER: TRANSCONTINENTAL DEVELOPMENT COMPANY
LOCATION: Mauka of the Queen Kaahumanu Highway and along the Waikoloa Road, Waikoloa, South Kohala.

EXHIBIT E-1

- TMK: 6-8-01:Portion of 5
- PURPOSE: Request for a time extension to Special Permit No. 71-117 (LUC 197) which allowed the establishment of quarry operations and allied uses on 309 acres of land situated within the State Land Use Agricultural District.
3. PETITIONER: TRANSCONTINENTAL DEVELOPMENT COMPANY
- LOCATION: Vicinity of the Waikoloa Village, Waikoloa, South Kohala.
- TMK: 6-8-01:Portion of 4
- PURPOSE: Request for a time extension to Special Permit No. 70-85 (LUC 164) which allowed the operation of two quarry sites and allied uses on lands situated within the State Land Use Agricultural District.
4. PETITIONER: CHARLES CHAMBERLAND
- LOCATION: Along the mauka side of Alii Drive and across from Oneo Bay, Kailua Village, Hienaloli, North Kona.
- TMK: 7-5-09:31.
- PURPOSE: Request for a time extension to Condition No. 1 of SMA Use Permit No. 115 which allowed the development of a 60-unit condominium project and related improvements.
5. PETITIONER: C. M. CABRAL & ASSOCIATES

- LOCATION: Along the west side of Opelo Road and approximately 600 feet south of the Kawaihae Road-Opelo Road intersection, adjacent and to the north of the Hale Waimea Apartment Complex, Waimea Homesteads, South Kohala.
- TMK: 6-5-09:25 & 26.
- PURPOSE: Planned Development Permit (PDP) to allow the development of a 40-unit condominium project.
6. PETITIONER: WALLACE KOBAYASHI
- LOCATION: Along the west side of Palani Road, across from the Palani Road-Laimana Road intersection, and in the vicinity of the Kealakehe School Complex, Kealakehe Homesteads, North Kona.
- TMK: 7-4-14:112
- PURPOSE: Continuation of a public hearing for a change of zone for 1.02 acres of land from a Single Family Residential - 10,000 square foot (RS-10) to a Neighborhood Commercial - 20,000 square foot (CN-20) zoned district.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during

office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION,
WILLIAM J. PARIS, JR., Chairman
By SIDNEY M. FUKU
Planning Director

(Hawaii Tribune-Herald: November 14 and 23, 1980)

TIME EXTENSION: TRANSCONTINENTAL DEVELOPMENT COMPANY (SP 71-117)

Transcontinental Development Company has submitted a request for a time extension to Special Permit No. 71-117 (LUC 197) which allowed the establishment of quarry operations and allied uses on 309 acres of land situated within the State Land Use Agricultural District. The area involved is located mauka of the Queen Kaahumanu Highway and along the Waikoloa Road, Waikoloa, South Kohala, TMK: 6-8-01:Portion of 5.

Special Permit 71-117 was granted by the State Land Use Commission on December 17, 1971 and allowed the operation of a quarry and allied uses such as portable screening plant, rock crusher and scales within the State Land Use Agricultural District.

In support of this request the petitioner stated, in part, the following:

"This quarry is currently supplying the material for the development of the infrastructure and golf course and Waikoloa Beach Resort. We anticipate the work on the first increment of development will be completed in the summer of 1981. However, there remains at least three more increments to be completed, which will be done as the resort developes [sic]. They are the balance of Increment 1, Waikoloa Beach Resort; Increment 2 for which incremental zoning has already been approved; and finally Increment 3 which lies between the Kaahumanu Highway and the King's Trail.

"This phased development was contemplated at the time our SMA and related permits were received.

EXHIBIT ~~A~~ F

"As you know, the 548-room Sheraton Royal Waikoloa Hotel is now under construction, along with the Robert Trent Jones golf course, roads and related infrastructure. We have just received the final bids on the golf course clubhouse and that should be under construction shortly.

"We look forward to a gradual development of Waikoloa Beach Resort over the next several years with the completion of Increment 1 followed by the development and completion of Increment 2 and finally Increment 3. This development will take at least 10 years. Therefore, we respectfully request a 10-year extension of Special Permit SP 71-117 from December 17, 1981 to December 17, 1991. All the conditions established by the Planning Commission at its meeting on October 14, 1971 and adopted by the Land Use Commission are being adhered to."

For the Commissioners' information, a five (5) year time extension to Special Permit 71-117 was previously granted by the Land Use Commission, as recommended by the County Planning Commission, on November 9, 1976. The reasons for granting the original time extension can be briefly summarized as follows:

1. The quarry sites are a necessary and integral part of the applicant's overall development.
2. The applicant's development is an on-going project and the need for the quarry operations will continue some time into the future.

3. The approval of continued quarry operations will contribute to the applicant's compliance with the intent, purpose and requirements of land use changes previously approved.
4. The continuance of the quarry operations will have minimal adverse effects on the public health and welfare.

In addition, there is one other quarry site within the Waikoloa development. This quarry site was the subject of the time extension request of the previous item on the agenda.

None of the cooperating agencies had any comments on or objections to the subject request.

RECOMMENDATION: TRANSCONTINENTAL DEVELOPMENT CO. - Time Extension
(SP 71-117)

Upon review of the subject request for a ten-year extension until December 17, 1991, to continue the operation of a quarry and related uses on 309 acres of land, staff is recommending that it be approved based on the following findings:

That the subject quarry site is a necessary and integral part of the applicant's overall development. The material which is obtained from the site is used to meet various construction needs. The subject quarry is currently supplying the material for the development of the infrastructure and golf course at the Waikoloa Beach Resort.

The applicant's development is an on-going project, and the need for the quarry operations and the related uses allowed by the Special Permit will continue some time into the future. The 548-room Sheraton Royal Waikoloa Hotel is now under construction, along with the golf course, roads and related infrastructure. There remains at least three more increments of development which will take at least 10 years to complete.

In addition, it is determined that approval of the continuation of the quarrying operations and related uses will contribute to the applicant's compliance with the intent, purpose and requirements of land use changes which have been previously approved. The continuance of these operations and uses will have minimal adverse effects on the public health and welfare.

EXHIBIT #9

It is further recommended that approval of the extension request be subject to all conditions stipulated in the granting of the original Special Permit including compliance with applicable Department of Health regulations. In addition, every precaution must be taken by the applicant so as not to create any inconvenience to surrounding properties in regard to traffic, noise and dust problems during the quarrying operations. Should the quarrying operations have an adverse effect on surrounding properties, sufficient and documented evidence may be submitted to the Planning Director to support any claims which are made that the applicant is creating an inconvenience. If the Planning Director finds that the evidence submitted shows sufficient cause to re-evaluate the Special Permit, he shall transmit such evidence to the Planning Commission who shall hold a public hearing to gather evidence relative to the impact of the quarrying operations on surrounding lands. Upon receiving any complaint which is accompanied by documented evidence relative to the impact of the quarry operations, the applicant shall cease operations until a determination is made as to whether operations can continue or the Special Permit is to be revoked.

Should the stated conditions not be met, the Special Permit may be deemed null and void.

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date 11/25/80

Petitioner Transcontinental Development Co. SP-117

 Preliminary hearing Public hearing Request Action

ACTION: ✓ Approve
 Deny
 Defer
 Continue
 Schedule for public hearing

Other: _____

Commissioners	Aye	No	Excused	Abstain	Absent
IMADA, CLYDE	✓				
KAGAWA, ROY	✓				
NAKANO, BERT	✓				
ORITA, FRED 2 nd	✓				
SAKAMOTO, CHARLES	✓				
WHITMARSH, TINA M	✓				
FRIAS, GLENN	✓				
PONTE, GEORGE	✓				
PARIS, WILLIAM J. JR. (CHRM.)	✓				

EXHIBIT H

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
November 25, 1980

The Planning Commission met in regular session at 10:08 a.m. in the Kona Surf Hotel, Mauna Loa Conference, Room, Keauhou, North Kona, Hawaii, with Chairman William J. Paris, Jr. presiding.

PRESENT: William J. Paris, Jr. ABSENT: Ex-officio Member
Glenn Frias H. William Sewake
Clyde Imada (From 1:52 p.m.)
Roy Kagawa
Bert H. Nakano
Alfredo Orita
George Ponte
Charles H. Sakamoto
Tina Whitmarsh

Sidney M. Fuke, Planning Director
Norman Hayashi, Staff Planner
Brian Nishimura, Staff Planner

Robert Yanabu, representing Ex-officio Member Edward Harada
Ben Tsukazaki, Deputy Corporation Counsel

and approximately 15 people at 10:08 a.m., 26 people at 1:45 p.m., and 7 people at 3:46 p.m. were in attendance

All those testifying were duly sworn in.

AMENDMENT TO Application of Hiroshi Matsuyama for an amend-
SP78-305 ment to SP78-305 (LUC 394) to allow the second
HIROSHI MATSUYAMA floor addition for a fast foods outlet, beauty
KALAOA 5TH, shop, manager's quarters, post office and a
NORTH KONA real estate or insurance office. The original
 permit was a country general store and a service
station facility on 0.85 acre of land situated within the State Land
Use Agricultural District. The area involved is located along the
mauka side of the Hawaii Belt Highway, approximately 300 feet south
of the Kona Palisades Drive, Kalaoa 5th, North Kona, TMK: 7-3-05:27.

Staff noted the petitioner's November 14, 1980, letter limiting the second floor addition to a manager's quarters and storage area and the letter from the Department of Water Supply essentially saying they had no objections to the amended request. Staff then stated based upon these two letters, they had no objections to the amended request.

The petitioner's representative, Richard Ishida, assured the Commission that there has been no change to the building since the original application was approved. However, they would now like to lower the ceiling and add another floor. He added that no additional grading work will be necessary for the second floor.

The petitioner, Alvin Chee, showed a rendering of the project. He stated he would be able to comply with the conditions as amended by the staff, noting that instead of 34 units they are going with 25, at a selling price of approximately \$325,000 to \$425,000.

Upon the Director's questioning, Mr. Chee stated he was agreeable to the following added condition: "That a cash fee equivalent to the estimated cost of an 8-foot wide pedestrian easement and improvements thereon running the length of the subject property from Alii Drive to the shoreline shall be deposited with the County of Hawaii Finance Director prior to issuance of building permit. The amount of said fee shall be determined by the Planning Director or an independent land appraiser. Should an independent appraiser be used, the cost of the appraisal shall be borne by the petitioner. Said fee shall be deposited to a public access fund for the North Kona District and shall be used to acquire, maintain or improve shoreline accesses in the North Kona District."

The following is a recapitulation of those testifying on the application:

F. A. McCallum, representing Roy & M. Hargraves, Vernon Brown, and M. V. Finch, read and presented written testimony dated November 25, 1980, against the project, on file.

Elizabeth Von Beck, on behalf of the Kona Conservation Group, said she felt the traffic problem, overbuilding of condominiums, and ruining of hotel businesses should be considered very strongly before anymore condominiums are approved anywhere.

Bob Linderd expressed his concern that the model prepared by the petitioner was inaccurate and that a large portion of the project would be inundated if there is a storm of the magnitude that occurred last January.

It was moved by Commissioner Orita and seconded by Commissioner Ponte that the hearing be continued to allow the petitioner time to redesign their plans to meet with the staff's suggested conditions of approval; motion was carried with Commissioner Sakamoto voting no.

RECESS: The Chair called a short recess at 3:37 p.m.

RECONVENED: The meeting reconvened at 3:46 p.m. to take up the public hearings scheduled for 2:30 p.m.

AMENDMENT TO
SP NO. 71-117
WAIKOLOA,
SOUTH KOHALA Public hearing on the request by Transcontinental Development Company for a time extension to Special Permit No. 71-117 (LUC 197) which allowed the establishment of quarry operations and allied uses on 309 acres of land situated within the State Land Use Agricultural District. The area involved is located mauka of the Queen Kaahumanu Highway and along the Waikoloa Road, Waikoloa, South Kohala, TMK: 6-8-01: Portion of 5.

Staff oriented the Commission of the subject location on the presentation map and presented background and recommendation for approval with conditions, on file.

The petitioner's representative, Claude Jenkins, said he thought they would be able to comply with the conditions as outlined by the staff and said he felt they had sufficient material for another ten years.

There was no one testifying on the application.

It was moved by Commissioner Kagawa and seconded by Commissioner Orita that the public hearing be closed; motion was carried.

Upon Deputy Corporation Counsel's inquiry, staff clarified that it was their intent to include as an additional condition that the petitioner take every precaution to avoid creating any inconvenience to surrounding properties.

It was moved by Commissioner Whitmarsh and seconded by Commissioner Orita to send a favorable recommendation to the State Land Use Commission for the reasons and with the conditions as outlined by the staff. A roll call vote was taken and motion carried with nine ayes.

AMENDMENT TO Public hearing on the request by Transcon-
SP NO. 70-85 tinental Development Company for a time
WAIKOLOA, extension to Special Permit No. 70-85
SOUTH KOHALA (LUC 164) which allowed the operation of
 two quarry sites and allied uses on lands
situated within the State Land Use Agricultural District. The
areas involved are situated in the vicinity of the Waikoloa
Village, Waikoloa, South Kohala, TMK: 6-8-01:Portion of 4.

Staff oriented the Commission of the subject locations on the presentation map.

Upon the staff's suggestion, it was moved by Commissioner Nakano and seconded by Commissioner Frias to dispense with the reading of the background report; motion was carried.

Staff presented recommendation for approval with conditions, on file.

The petitioner's representative, Claude Jenkins, noted that the lower quarry is located approximately 5/8 to 3/4 of a mile away from the village.

For the Commission's information, Mr. Jenkins pointed out that they are unable to obtain the same type of material by operating one quarry as these two quarries essentially have different types of material. He added that the boulders taken (possibly 1,500 cubic yards out of 60,000 cubic yards) are used to fill the voids and that they are required to contour the land back to normal shape after the operation.

There was no one testifying on the application.

Upon the Deputy Corporation Counsel's inquiry, staff pointed out that the extension was requested on October 10, 1980.

It was moved by Commissioner Nakano and seconded by Commissioner Kagawa to close the public hearing; motion was carried.

It was moved by Commissioner Orita and seconded by Commissioner Whitmarsh to send a favorable recommendation to the State Land Use Commission for the reasons and with the conditions as outlined by the staff. A roll call vote was taken and motion carried with nine ayes.

AMENDMENT TO	Public hearing on the request by Charles
SMA NO. 115	Chamberland for a time extension to Condition
CHARLES CHAMBERLAND	No. 115 which allowed the development of a
<u>HIENALOLI,</u>	60-unit condominium project and related
NORTH KONA	improvements. The area involved is located
	along the mauka side of Alii Drive and across
	from Oneo Bay, Kailua Village, Hienaloli, North Kona, TMK: 7-5-09:31.

Staff summarized the background and presented recommendation for approval with conditions, on file.

Planning Director Fuke explained that although the petitioner is requesting an extension of six months, staff is recommending a one-year time extension to avoid perhaps another time extension request because of the nature of archaeological work that is needed to be done and the possible impact it may have to the existing proposed development.

The petitioner, Charles Chamberland, said he felt he would be able to meet the time extension of one year and comply with all of the conditions proposed. He pointed out that in the event there is some archaeological structure that may not be removed or would be disturbed by their project, then ostensibly they would have to make some adjustments; however, at present they do not know if there are any and where these items are located.

There was no one testifying on the application.

It was moved by Commissioner Whitmarsh and seconded by Commissioner Ponte that the public hearing be closed; motion was carried.

It was moved by Commissioner Sakamoto and seconded by Commissioner Whitmarsh that the request be approved for the reasons and with the conditions as outlined by the staff. A roll call vote was taken and motion carried with eight ayes (Commissioners Frias, Imada, Kagawa, Nakano, Ponte, Sakamoto, Whitmarsh and Chairman Paris) and one no (Commissioner Orita). Chairman Paris said his vote on the original application was no; however, since the application has already been approved, he was now voting aye.

PDP	Public hearing on the application of C. M.
C. M. CABRAL	Cabral and Associates for a Planned Develop-
<u>AND ASSOCIATES</u>	ment Permit (PDP) to allow the development
WAIMEA HOMESTEADS,	of a 40-unit condominium project. The area
SOUTH KOHALA	involved is located along the west side of
	Opelo Road and approximately 600 feet south
	of the Kawaihae Road-Opelo Road intersection, adjacent and to
	the north of the Hale Waimea Apartment Complex, Waimea Homesteads,
	South Kohala, TMK: 6-5-09:25 and 26.

Staff presented background, noting the Department of Public Works' verbal comments that they would like Opelo Road to be increased

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
November 25, 1980

A regularly advertised public hearing on the application of Transcontinental Development Company was called to order at 3:46 p.m. in the Kona Surf Hotel, Mauna Loa Conference Room, Keauhou, North Kona, Hawaii, with Chairman William J. Paris, Jr. presiding.

PRESENT:	William J. Paris, Jr.	ABSENT:	Ex-officio Member
	Glenn Frias		H. William Sewake
	Clyde Imada		
	Roy Kagawa		
	Bert H. Nakano		
	Alfredo Orita		
	George Ponte		
	Charles H. Sakamoto		
	Tina Whitmarsh		

Sidney M. Fuke, Planning Director
Norman Hayashi, Staff Planner
Brian Nishimura, Staff Planner

Robert Yanabu, representing Ex-officio Member Edward Harada
Ben Tsukazaki, Deputy Corporation Counsel

and approximately 7 people in attendance

CHAIRMAN: The first item is a public hearing on the request by Transcontinental Development Company for a time extension to Special Permit No. 71-117 (LUC 197) which allowed the establishment of quarry operations and allied uses on 390 acres of land situated within the State Land Use Agricultural District. The area involved is located mauka of the Queen Kaahumanu Highway and along the Waikoloa Road, Waikoloa, South Kohala, TMK: 6-8-01: Portion of 5.

NISHIMURA: (Oriented the Commission of the subject location on the presentation map and presented background and recommendation for approval with conditions, on file.)

CHAIRMAN: Thank you, Brian. In other words, they're asking for the extension until December 17, 1991?

NISHIMURA: Yes.

CHAIRMAN: Gosh, couldn't it be easier if we went to the end of the year instead of breaking it off, or is it just because ten years to the day falls on that time?

EXHIBIT J

NISHIMURA: That's correct. I mean that's how the previous time condition was stipulated, exactly ten years to the day that the original permit was granted; and the subsequent extensions, or extension, had been granted as such. And that's why the request is being made in that fashion.

CHAIRMAN: Commissioners, do you have any questions? Is the applicant present or his representative? Will you please come forward, sir. Do you swear to tell the truth in the testimony that you're about to give on this application now before the Hawaii County Planning Commission?

JENKINS: I do.

CHAIRMAN: If the extension is given, oh, will you state your name into the microphone for the record please.

JENKINS: My name is Claude Jenkins.

CHAIRMAN: Thank you, Claude. If the extension is given, do you think this will suffice all the construction that's going on in the area or will you have to come in again?

JENKINS: Temporarily, I think it will. We may have to come in. Judging from the past history, why, ten years is not a very long period for this type of construction.

CHAIRMAN: Okay, thank you. Commissioners, do you have any questions?

ORITA: Mr. Chairman.

CHAIRMAN: Go ahead, Commissioner Orita.

ORITA: Claude, let me ask you this.

JENKINS: Yes.

ORITA: Because you didn't anticipate it would be taking this long, is there enough materials within that quarry site for another ten years?

JENKINS: Very definitely. Yeah, we have supplied all of our, I'd say 80 percent of the construction materials used on Queen Kaahumanu Highway, plus all of the roads that we have developed makai of the village from that particular quarry. Yeah, there's ample material there.

ORITA: Thank you.

NISHIMURA: Mr. Chairman, staff would like to ask a question.

CHAIRMAN: Go ahead.

NISHIMURA: Will you be able to meet the conditions as recommended by the staff's recommendation?

JENKINS: Why, sure.

NISHIMURA: Thank you.

CHAIRMAN: Thank you, Claude. Is there any further questions? If not, this is a public hearing. Is there anyone here desiring to give testimony from the public? If not, Commissioners, it'd be in order to close the hearing.

KAGAWA: I move.

ORITA: Second.

CHAIRMAN: Its been moved and seconded to close the public hearing. Is there any further discussion? All those in favor signify by saying aye?

COMMISSIONERS: Aye.

CHAIRMAN: Contrary minded, same sign? Public hearing is closed.

This is 309 acres so our role will be advisory to the State Land Use Commission and the request for extension is from December 17, 1981, to December 17, 1991. What is your pleasure, gentlemen?

WHITMARSH: Mr. Chairman?

CHAIRMAN: Excuse me, what is your pleasure, Commissioners? Go ahead, Commissioner Whitmarsh.

WHITMARSH: I yield to Deputy Corporation Counsel.

CHAIRMAN: All right.

TSUKAZAKI: Thank you for yielding. I just wanted to get the staff's intentions in its recommendation that the applicant take every precaution to avoid creating any inconvenience to surrounding properties. The way it's contained in this report, I'm not sure if the staff wanted that added as a specific condition of the extension request or if it was just intended to be information, that it be communicated to the applicant.

NISHIMURA: Our intention was to include it as an additional condition which was not part of the original conditions approved as part of its Special Permit 117.

TSUKAZAKI: Thank you.

CHAIRMAN: Thank you, Mr. Corporation Counsel. Now, Commissioner Whitmarsh.

WHITMARSH: Mr. Chairman?

CHAIRMAN: Commissioner Whitmarsh, go ahead.

WHITMARSH: I move to forward a favorable recommendation to the State Land Use Commission for the reasons and with the conditions as outlined by the staff.

CHAIRMAN: Its been moved by Commissioner Whitmarsh to forward a favorable recommendation to the State Land Use Commission for the reasons and conditions as outlined by the staff.

ORITA: Second the motion, Mr. Chairman.

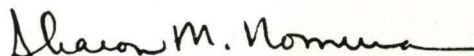
CHAIRMAN: Seconded by Commissioner Orita. Is there any further discussion? If not, staff?

NISHIMURA: (Took roll call vote.) Mr. Chairman, nine ayes, motion carries.

CHAIRMAN: We will be forwarding a favorable recommendation to the State Land Use Commission. It will rest in their hands.

The public hearing adjourned at 4:00 p.m.

Respectfully submitted,



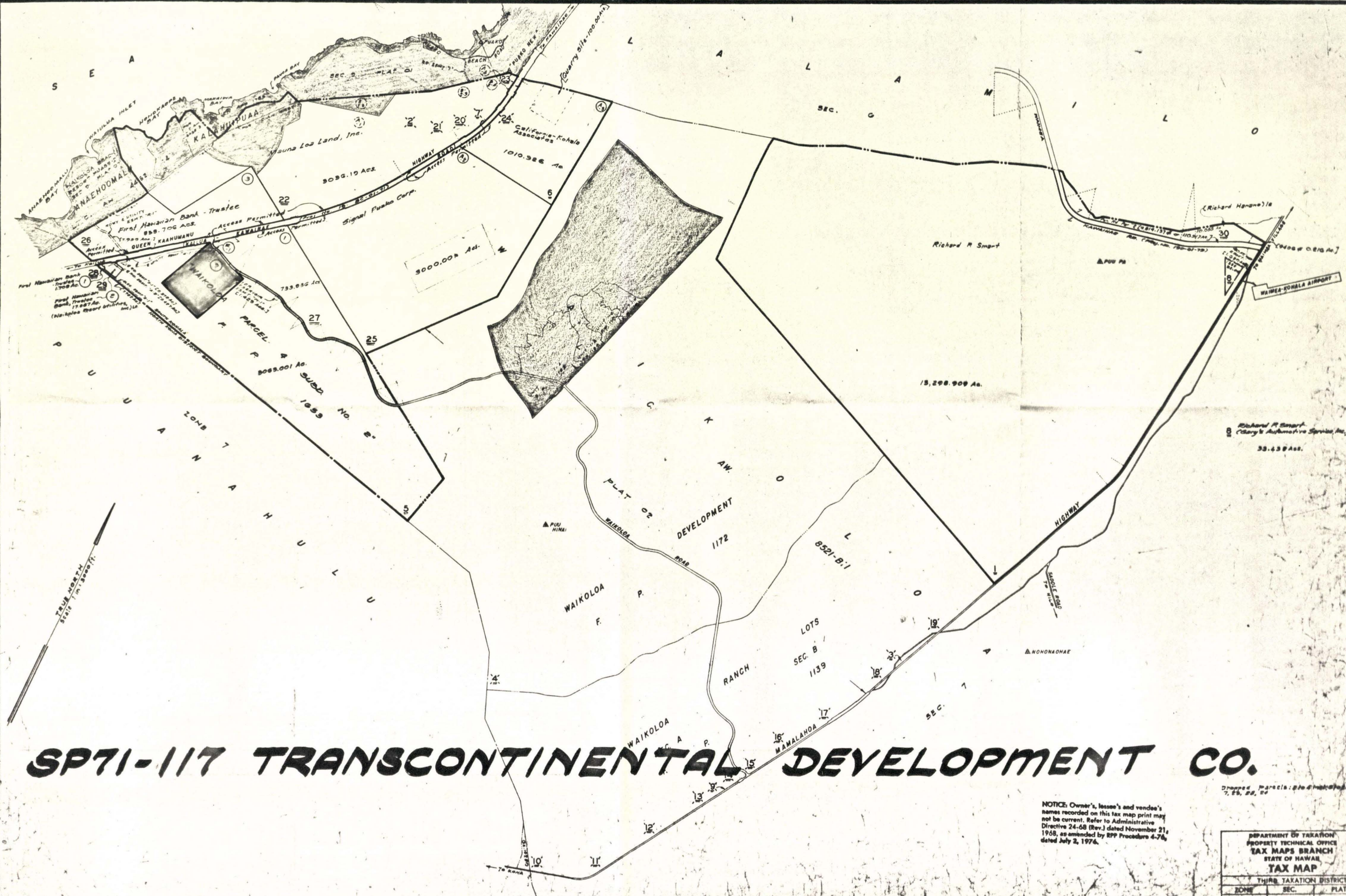
Sharon M. Nomura
Secretary

A T T E S T:



William J. Paris, Jr.
Chairman, Planning Commission

SP71-117
LUC Maps



SP71-117 TRANSCONTINENTAL DEVELOPMENT CO.

NOTICE: Owner's, lessee's and vendee's names recorded on this tax map print may not be current. Refer to Administrative Directive 24-68 (Rev.) dated November 21, 1968, as amended by RPP Procedure 4-76, dated July 2, 1974.

DEPARTMENT OF TAXATION		
PROPERTY TECHNICAL OFFICE		
TAX MAPS BRANCH		
STATE OF HAWAII		
TAX MAP		
THIRD TAXATION DISTRICT		
ZONE	SEC.	PLAT
6	8	01
SCALE: 1 IN. = 3000 FT. / FEB 13, 1971		

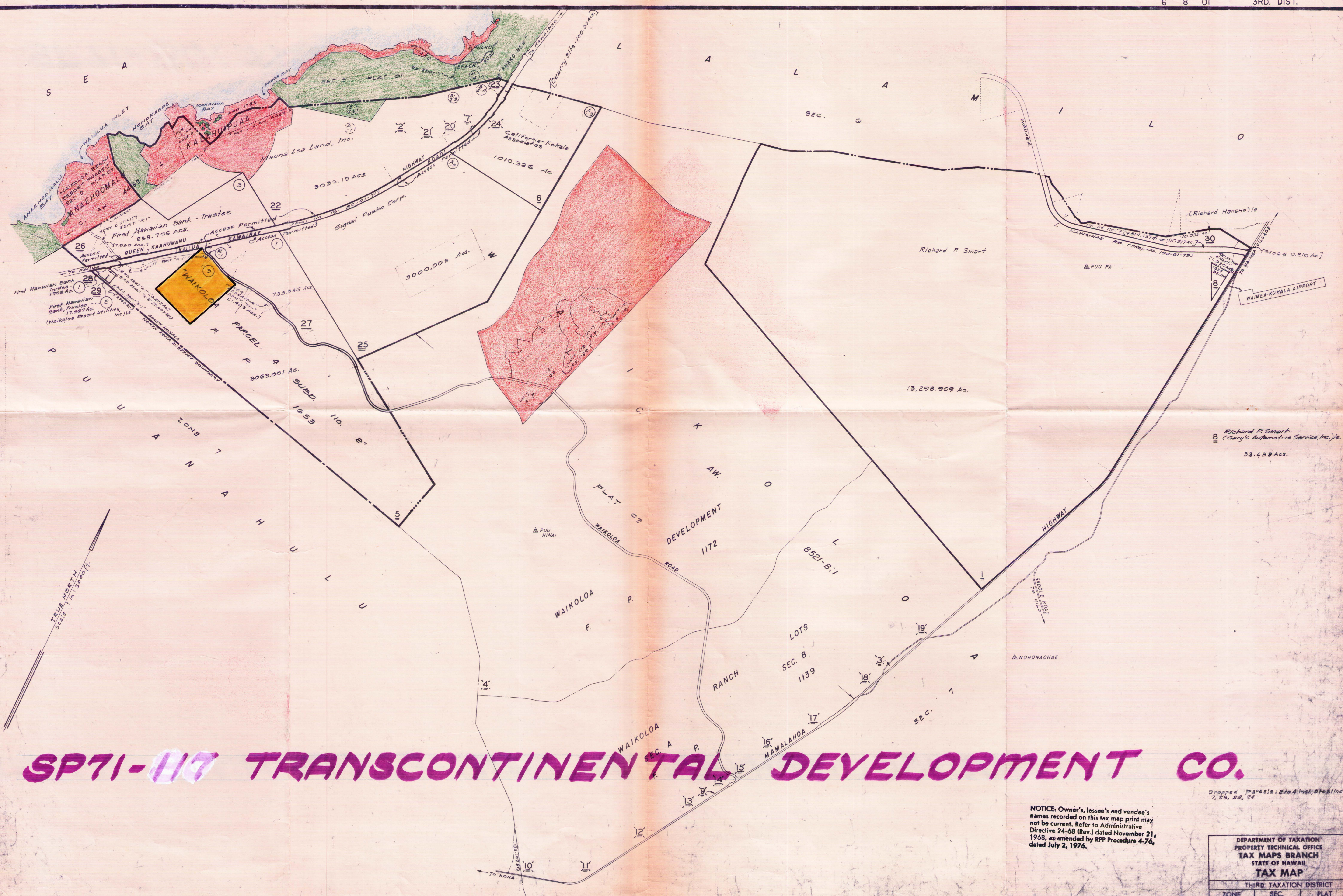
FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

DWG. NO. 3001
DATE: MARCH 3, 1971
BY: H.M. - RT
SOURCE: U.S.G.S. MAP FILE MAPS ETC.

FOR WAIKOLOA, SOUTH KOHALA, HAWAII

(Keep in LLC map envelope)
Master SP71-117

DATE: MARCH 3, 1971
BY: H.M. - RT
DWG. NO. 000
SOURCE: U.S. G.S. MAP FILE PLANS, ETC.



SP71-117 TRANSCONTINENTAL DEVELOPMENT CO.

NOTICE: Owner's, lessee's and vendee's names recorded on this tax map print may not be current. Refer to Administrative Directive 24-68 (Rev.) dated November 21, 1968, as amended by RPP Procedure 4-76, dated July 2, 1976.

DEPARTMENT OF TAXATION PROPERTY TECHNICAL OFFICE TAX MAPS BRANCH STATE OF HAWAII TAX MAP		
THIRD TAXATION DISTRICT		
ZONE	SEC.	PLAT
6	8	01
SCALE: 1 IN. = 3000 FT. FEB 13 1981		

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

FOR WAIKOLOA, SOUTH KOHALA, HAWAII