

SP71-117 - WAIKOLA DEVELOPMENT CO. (Hawaii)  
Fourth Line Extension





REQUESTED MAILING LIST:

LEGISLATURE:

3rd Senatorial District

Senator Malama Solomon  
State Office Tower, Room 505  
235 S. Beretania St.  
Honolulu, HI 96813

DOCKET NO./PETITIONER:

SP71-117 - WAIKOLOA DEVELOPMENT CO. (HI)  
(Fourth Time Extension)

6th Representative District

Representative Larry Tanimoto  
State Office Tower, Room 1306  
235 S. Beretania St.  
Honolulu, HI 96813

OTHERS:



DOCKET NO./PETITIONER:

PAGE NO. 1

SP71-117 - WAIKOLOA DEVELOPMENT COMPANY (Hawaii)  
(Fourth Time Extension)

DATE

TRANSACTION

10/12/94 - Agenda sent to Senator Malama Solomon & Rep. Larry Tanimoto. Action set for 10/18/94.



MEMO

TO: FILE

FROM: DBK / September 30, 1994

**SUBJECT: LUC CHECKLIST FOR TIME EXTENSION OF SPECIAL USE PERMIT**

DOCKET NO. / PETITIONER:

SP71-117 / WAIKOLOA DEVELOPMENT COMPANY / AMENDMENT TO  
CONDITION NO. 5 (LIFE OF PERMIT)

DATE FILED: SEPTEMBER 20, 1994

ORIGINAL TAX MAP KEY FOR SUBJECT AREA:

6-8-1: por. 5

CURRENT TAX MAP KEY FOR SUBJECT AREA:

6-8-1: por. 5

PROPERTY INTEREST OWNERSHIP:

WAIKOLOA LAND AND CATTLE CO.

PERSONS WITH OTHER PROPERTY INTEREST:

GTE HAWAIIAN TELEPHONE CO. INC. (Easements)

EXISTING CLASSIFICATION:

AGRICULTURAL

CERTIFICATE OF SERVICE ACCURACY:

ALL PARTIES SERVED

|                   |          |
|-------------------|----------|
| EXECUTIVE OFFICER | <u>X</u> |
| PLANNER           | <u>X</u> |

ACREAGE OF PETITION AREA:

APPROX. 309 ACRES

LOCATION:

WAIKOLOA, SOUTH KOHALA, HAWAII



12/31/91-----

INSTR-DESC: LUC R/S

TMB:M910000777

INST-DATE: 02/28/92

REC-DATE:

AREA: 3049.99400 ACRE

FROM: STATE LAND USE COMMISSION

TO: WAIKOLOA DEVELOPMENT CO

SPECIAL PERMIT: SP 71-117

APPROVED: 12/20/1991

PURPOSE: AMENDMENT TO QUARRY OPERATION & ALLIED USES WITHIN

- PROPERTY ZONED AGRICULTURE.

- TERM OF EXTENSION 3 YEARS. (CONFIRMATION OF TERM FORTHCOMING  
- FROM LUC).

OWNERSHIP: NAME

F TC %-OWNER

TITLE-DESC

F 0011 \*WAIKOLOA LAND & CATTLE CO

FOR ASSESSMENT YEAR 1994

-PITT: 500 AREA: 3026.90900 A VALUE: 19968200 EXEMPT:

FOR ASSESSMENT YEAR 1994

-PITT: 600 AREA: 23.08500 A VALUE: 138500 EXEMPT:

FOR ASSESSMENT YEAR 1993

-PITT: 500 AREA: 3026.90900 A VALUE: 33296000 EXEMPT:

FOR ASSESSMENT YEAR 1993

-PITT: 600 AREA: 23.08500 A VALUE: 230900 EXEMPT:

FOR ASSESSMENT YEAR 1992

-PITT: 500 AREA: 3026.90900 A VALUE: 5708100 EXEMPT:

FOR ASSESSMENT YEAR 1992

-PITT: 600 AREA: 23.08500 A VALUE: 230900 EXEMPT:

MAILING ADDRESS: WAIKOLOA LAND & CATTLE CO

150 WAIKOLOA BEACH DRIVE

KAMUELA, HI

96743

SEP 28 3 32 PM '94  
LAND USE COMMISSION  
STATE OF HAWAII

07/24/91-----

INSTR-DESC: GRANT OF PERPETUAL EASEMENT

INST-NO:91-00099499

TMB:T910062803

INST-DATE: 06/21/91

REC-DATE: 07/24/91

AREA: 3049.99400 ACRE

FROM: WAIKOLOA LAND & CATTLE CO

TO: GTE HAWAIIAN TELEPHONE CO INC

GRANTOR DOES HEREBY GRANT AND CONVEY UNTO THE GRANTEE A PERPETUAL RIGHT

AND EASEMENT NECESSARY FOR THE TRANSMISSION AND DISTRIBUTION OF

COMMUNICATIONS AND CONTROL CIRCUITS, OVER, UNDER, UPON, ACROSS AND

THROUGH EASEMENT E-1 AND EASEMENT E-2 AFFECTING LOT 3B POR LOT 3

WAIKOLOA PARCEL 4 SUBD NO 2 (FP 1653)

EASEMENT E-1 ELECTRICAL PURPOSES

EASEMENT E-2 ELECTRICAL PURPOSES POR RP 5671 LCAW 8521-B:1 10,000 SF

DES

F/D: SUBJ/ELEC ESMTS "E-1" & "E-2" 910,000 SF) IN FAVOR OF GTE HAWN

TEL CO INC

OWNERSHIP: NAME

F TC %-OWNER

TITLE-DESC



MAILING ADDRESS: WAIKOLOA LAND & CATTLE CO  
HC02 BOX 5050  
WAIKOLOA, HI

96743

04/26/89-----  
INSTR-DESC: DEED TMB:T890019866  
LIBER/PAGE: 23110/ 119 INST-NO:89-00058236 INST-DATE: 04/25/89  
REC-DATE: 04/26/89  
AREA: 3049.99400 ACRE STATE-CONV-TAX: \$.00  
OTHER-TMKS: 3 6 7 001 005 0000 ETC.

FROM: CAPTA L. P.  
TO: WAIKOLOA LAND & CATTLE CO., A HAWAII LIMITED PARTNERSHIP  
5TH: LOT 3-B POR LOT 3 FP 1653 WAIKOLOA PARCEL 4 SUBDIVISION NO. 2  
3,049.994 AC. DES  
OWNERSHIP: NAME F TC %-OWNER TITLE-DESC  
F 0011 \*WAIKOLOA LAND & CATTLE CO

FOR ASSESSMENT YEAR 1991  
-PITT: 500 AREA: 3026.90900 A VALUE: 5708100 EXEMPT:

FOR ASSESSMENT YEAR 1991  
-PITT: 600 AREA: 23.08500 A VALUE: 230900 EXEMPT:

FOR ASSESSMENT YEAR 1990  
-PITT: 500 AREA: 3026.90900 A VALUE: 3805400 EXEMPT:

FOR ASSESSMENT YEAR 1990  
-PITT: 600 AREA: 23.08500 A VALUE: 178900 EXEMPT:

MAILING ADDRESS: WAIKOLOA LAND & CATTLE CO  
P O BOX 3028 WVS  
KAMUELA, HI

96738

04/26/89-----  
INSTR-DESC: DEED TMB:T890019705  
LIBER/PAGE: 23110/ 56 INST-NO:89-00058235 INST-DATE: 04/25/89  
REC-DATE: 04/26/89  
AREA: 3049.99400 ACRE STATE-CONV-TAX: \$.00  
OTHER-TMKS: 3 6 7 001 005 0000 ETC.

FROM: ATPAC LAND CO. LIMITED PARTNERSHIP  
TO: CAPTA L. P., A HAWAII LIMITED PARTNERSHIP  
5TH: LOT 3-B POR LOT 3 FP 1653 WAIKOLOA PARCEL 4 SUBDIVISION NO. 2  
3,049.994 AC.  
OWNERSHIP: NAME F TC %-OWNER TITLE-DESC  
F 0011 \*CAPTA L P

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



04/24/89-----  
INSTR-DESC: DEED TMB:T890017349  
LIBER/PAGE: 23099/ 109 INST-NO:89-00056682 INST-DATE: 04/21/89

TMK: 3 6 8 001 005 0000

PAGE: 3  
REC-DATE: 04/24/89

AREA: 3049.99400 ACRE STATE-CONV-TAX: \$.00  
OTHER-TMKS: 3 6 7 001 005 0000 ETC.

FROM: ATPAC LAND CO.

TO: ATPAC LAND CO. LIMITED PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP  
6TH: LOT 3-B POR LCAW 8521-B:1 FP 1653 WAIKOLOA PARCEL 4 SUBD II  
3,049.994 AC. DES T.K. 6801-5

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

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

10/07/87-----  
OWNERSHIP: NAME F TC %-OWNER TITLE-DESC  
F 0011 \*ATPAC LAND CO

FOR ASSESSMENT YEAR 1989

-PITT: 500 AREA: 3026.90900 A VALUE: 3805400 EXEMPT:

FOR ASSESSMENT YEAR 1989

-PITT: 600 AREA: 23.08500 A VALUE: 178900 EXEMPT:

FOR ASSESSMENT YEAR 1988

-PITT: 500 AREA: 3026.90900 A VALUE: 3178254 EXEMPT:

FOR ASSESSMENT YEAR 1988

-PITT: 600 AREA: 23.08500 A VALUE: 126968 EXEMPT:

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

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



## TAX MAPS BRANCH HISTORY SHEET

| DATE:                                           |                                                                                                                                                    | DIV.           |   |                                                    |     |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---|----------------------------------------------------|-----|
| LOCATION: Waikoloa, S. Kohala                   |                                                                                                                                                    | Z              | S | PLAT                                               | PAR |
| TITLE: Lot 4 Waikoloa Parcel 4 Subd. F. P. 1435 |                                                                                                                                                    | 6              | 8 | 01                                                 | 5   |
| NO.                                             | GRANTOR, ETC.                                                                                                                                      | AREA OF PARCEL |   | GRANTEE, ETC.                                      |     |
| 8                                               | As shown on tax map                                                                                                                                | 3864.759 Ac    |   | First Hawaiian Bank Trustee                        |     |
| 9                                               | TMB M-197'74-75 JLS/en 3/18/75                                                                                                                     |                |   |                                                    |     |
|                                                 | R/S: Area revised to 3864.758 Ac & subd into Lots 1, 2, & R-1, tog/E, per map of Waikoloa Parcel 4 Subd., F.P. 1435 & assigned parcels as follows: | 3082.376 Ac    |   | do                                                 |     |
|                                                 | To 6801-27 (New) Lot 1 733.936 Ac                                                                                                                  |                |   |                                                    |     |
|                                                 | To 6801-28 (New) Lot R-1 48.446 Ac                                                                                                                 |                |   |                                                    |     |
|                                                 | F/D: Area & bdry; Lot 2, F.P. 1435                                                                                                                 |                |   |                                                    |     |
| 10                                              | Assmt Beneficial Int: Boise Cascade Home & Land Corp to Atpac Land Co Bk 13374 p 365                                                               | do             |   | To: First Hawaiian Bank, Trustee for Atpac Land Co |     |
|                                                 | SCT\$788.50 12/20/78 12/27/78 (TK 6701- 5 et al)                                                                                                   |                |   |                                                    |     |
| 11                                              | TMB M-2'80 WK 3/4/80                                                                                                                               |                |   |                                                    |     |
|                                                 | R/S: Subd Lot 2 F P 1435 into Lots 1 thru 3                                                                                                        | 3063.001 Ac    |   | do                                                 |     |
|                                                 | "Waikoloa Parcel 4 Subd No 2" per F P 1653 tog/E.                                                                                                  |                |   |                                                    |     |
|                                                 | To 6801-28 pickup 1.708 Ac Lot 1                                                                                                                   |                |   |                                                    |     |
|                                                 | -29 New 17.667 Ac Lot 2                                                                                                                            |                |   |                                                    |     |
|                                                 | F/D: Area, bdry, Lot 3, F P 1653                                                                                                                   |                |   |                                                    |     |
| 12                                              | TMB M-49'84 NK/yc 3/9/84                                                                                                                           |                |   |                                                    |     |
|                                                 | R/S: Subd into Lots 3-A & 3-B, tog/E, per survey map approved 3/2/84.                                                                              | 3049.994 Ac    |   | do                                                 |     |
|                                                 | To 6801-43(New), Lot 3-A, 13.007 Ac                                                                                                                |                |   |                                                    |     |
|                                                 | F/D: Area, bdry, Lot 3-B                                                                                                                           |                |   |                                                    |     |
| 13                                              | D: Bk 18824 p643 SCT\$00 2/13/85 8/2/85 DES (TK 6801-5,26,27,29,32,33,34 &35)                                                                      | do             |   | To: Atpac Land Co.                                 |     |

NOTE: INFORMATION ON THIS SHEET IS SUBJECT TO CHANGE



## TAX MAPS BRANCH HISTORY SHEET

3rd Dist DIV.

DATE:

Z S PLAT PAR

LOCATION:

Waikoloa, S Kohala, Hawaii

TITLE:

per LCAW 8521-B:1

6 8 01 5

| NO. | PAGE 2                                      | GRANTOR, ETC.        | AREA OF PARCEL | GRANTEE, ETC.                   |
|-----|---------------------------------------------|----------------------|----------------|---------------------------------|
| 4   | As shown on tax maps                        | <i>Richard Smart</i> | 7,500 Ac       | Richard Smart                   |
| 5   | TMB M-277'68, 8/11                          | RYT/jo 12/17/68      |                |                                 |
|     | R/S: 7500.00 Ac to par 1 (9) & cons &       |                      | 4,830.000      | do                              |
|     | resubd as per plan by R.M. Towill Corp      |                      | Ac             |                                 |
|     | dated 5/24/68.                              |                      |                |                                 |
|     | 4,830.000 Ac fr por par 1 (9).              |                      |                |                                 |
|     | F/D: 6801-5; area, bdry & lot 4, por        |                      |                |                                 |
|     | LCAW 8521-B:1                               |                      |                |                                 |
| 6   | TMB M-#131 '72-'73 4/6 JLS 8/21/72          |                      | 4,830.00 Acs.  | do                              |
|     | R/S: Por. 6801-5 sub'd. into Rd. Par. "10"  |                      |                |                                 |
|     | (106.536 Acs.) per map of Kailua-Kawaihae   |                      |                |                                 |
|     | Road (Proj. No. 19 BC-01-71) dated May 30,  |                      |                |                                 |
|     | 1972 with remaining sub-areas of (858.705   |                      |                |                                 |
|     | Acs.) & (3864.759 Acs.).                    |                      |                |                                 |
|     | F/D: sub'd., sub-areas.                     |                      |                |                                 |
| 7   | TMB 9414'72-73                              | RK/en 3/2/73         |                |                                 |
|     | por PAR 10(106.536 Ac) drpd into Rd         |                      | 3864.759 Ac    | do                              |
|     | (Proj No. 19C-01-71)                        |                      |                |                                 |
|     | 858.705 Ac dropped into 6801-26(New)        |                      |                |                                 |
|     | D: Richard Smart To: State of Hawaii        |                      |                |                                 |
|     | Bk 8928 p 284 Cons:\$1. 7/13/72 2/12/73 DES |                      |                |                                 |
|     | F/D: Area & bdry                            |                      |                |                                 |
| 8   | D: Bk 10158 p 264 SGT\$590.45               |                      | do             | To: First Hawaiian Bank Trustee |
|     | 9/26/74 9/26/74 DES                         |                      |                |                                 |
|     | (T.K. 6801-5 & 26)                          |                      |                |                                 |

NOTE: INFORMATION ON THIS SHEET IS SUBJECT TO CHANGE

(cont)



|                                                            |                                                                                                                                                                                                                                                                                                |                                                               |                                               |                  |  |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|-----------------------------------------------|------------------|--|
| SOURCE: M-71'60,<br>(plan by Parker Ranch)                 |                                                                                                                                                                                                                                                                                                | LOC. & TITLE: Waikoloa, S Kohala, Hawaii<br>por LCAW 8521-B:1 |                                               | DIV.<br>6 8 01 5 |  |
| BY: ryt                                                    | DATE: 6/29/60                                                                                                                                                                                                                                                                                  | DEED, ETC:                                                    | TMB NO.                                       |                  |  |
| NO.                                                        | GRANTOR, ETC.                                                                                                                                                                                                                                                                                  | AREA OF PARCEL                                                | GRANTEE ETC.                                  |                  |  |
| 1                                                          | TMB 68'60(6201-50etc),<br>Le: New par fro por par 1(5).<br>Bk 3764 p 1, 10/1/59, 1/18/60.<br>Term: 100 yrs bg 10/1/59,<br>Rent \$30,000 per ann 1st 15 yrs, bg 2/1/63.<br>\$50,000 " " next 15 yrs.<br>\$65,000 " " 15 yrs.<br>\$75,000 " " last 55 yrs.<br>No rent for 1st 3yrs & 4 mos. DES. | 7500.00 Ac                                                    | Richard P Smart<br>(Lanakila Corporation) le. |                  |  |
| 2                                                          | TMB 692'62(6201-50 etc) JT/sy 4/25/62<br>And/Le: Lanakila Corp To: Waimea Properties<br>Inc. Bk 4239 p 411 2/15/62 3/27/62<br>To amend certain paragraphs in lease, etc.<br>KEYED ONLY                                                                                                         | 7500.00 Ac                                                    | do                                            |                  |  |
| 3                                                          | TMB 693'62(6201-50 etc) JT/sy 4/25/62<br>And/Le: Richard P Smart To: Lanakila Corp<br>Bk 4239 p 414 2/15/62 3/27/62 To amend<br>certain paragraphs in lease, etc.<br>KEYED ONLY                                                                                                                | 7,500.00 Ac                                                   | do                                            |                  |  |
| 4                                                          | TMB 759'64(6201-50 etc) YK/sy 3/16/64<br>Surr/Le: Lanakila Corp, lessee To: Richard<br>P Smart Bk 4702 p 526 Cons-31 3/9/64<br>3/9/64                                                                                                                                                          | 7,500.00 Ac                                                   | Richard P Smart                               |                  |  |
| <b>CONTINUED</b>                                           |                                                                                                                                                                                                                                                                                                |                                                               |                                               |                  |  |
| NOTE: LAST AREA & GRANTEE FINAL DATA AS SHOWN ON TAX MAPS. |                                                                                                                                                                                                                                                                                                |                                                               |                                               |                  |  |



ITION FILED: September 20, 1994

Attorney or Representative for Petitioner

CKET NO./PETITIONER:

SP71-117 - WAIKOLOA DEVELOPMENT CO. (Hawaii)  
(Fourth Time Extension)

Ms. Ann Cobb, Planning Coordinator  
Waikoloa Development Co.  
150 Waikoloa Beach Drive  
Kamuela, HI 96743

PH: 885-1000

FAX: 885-8896

COUNTY

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

DATE

INI

10/12/94

Agenda sent to Virginia Goldstein & Ann Cobb, all persons & organizations on the  
Statewide (10/5/94 & Hawaii (10/5/94) mailing lists. Action set for 10/12/94.

fl

11/2/94

Served Order Granting Request For Time Extension to  
Viginia Goldstein and Ann Cobb.

th





January 20, 1998

Mr. Royden Yamasato  
West Hawaii Coordinator  
Planning Department  
County of Hawaii  
75-5706 Kuakini Highway, Suite 108  
Kailua-Kona, Hawaii 96740

1998 JAN 22 A 10:19  
LAND USE COMMISSION  
STATE OF HAWAII

RE: Special Permit No. 71-117 (SPP 197)  
Applicant: Waikoloa Development Co.  
Approved Use: Quarry Operations and Allied Uses (Makai Quarry)  
TMK: 6-8-01: Portion of 5

Dear Mr. Yamasato:

As we noted in previous correspondence, quarry operations at the Makai Quarry ceased and restoration was completed in 1996. Mr. Rodney Nakano and Mr. Daryn Arai of the Planning Department did a pre-closure inspection in January 1994 and asked us to renaturalize portions of the most makai area of the quarry boundaries, closest to Waikoloa Road, where Waikoloa Concrete's operations were once located, in addition to the ongoing restoration work in the main quarry area.

All renaturalization is complete and the Special Permit expired on December 17, 1997. As requested, enclosed are photographs of the restored quarry for your files. Three series of panoramic views are assembled: The makai area where Waikoloa Concrete was located; the middle area where Hawaiian Bitumuls and Hawaiian Cement had their batch plants; and the quarry area where Allied Aggregates mined rock for over 20 years.

We will, of course, welcome your site inspection to verify the completion of the restoration. As the landowner, we are satisfied. We would appreciate a formal written acceptance and notification to the State Land Use Commission of the satisfactory closure of this permit.

Sincerely,

Ken Melrose  
Vice President/Development

ac

Enclosures

c: Thos Rohr (w/out encl.)  
State Land Use Commission (w/out encl.)



December 19, 1997

MEMORANDUM

TO: Esther

FROM: Leo

SUBJECT: LUC Docket No. SP71-117/Waikoloa Development Co.

I have reviewed the conditions imposed by the Commission in its latest decision and order (November 2, 1994), and it appears that the Applicant has complied with all conditions imposed therein.

Regarding the conditions relating to performance (Condition No 2 – vehicular traffic; Condition No. 6 – site restoration plan; Condition No. 7 – traffic, noise, dust; Condition No. 9 – annual monitoring report; and Condition No. 11 – metes and bounds map), they have been complied with in the following manner:

Condition No. 2 and 7: All traffic improvements as required by the Department of Public Works have been completed.

Condition No. 6: The Site Restoration Plan was submitted to the Planning Department on December 1, 1993 and accepted on March 17, 1994. All temporary support facilities have been removed and the site has been graded to blend with surrounding areas.

Condition No. 9 Annual monitoring reports have been filed with the Planning Department with copy to the Commission.

Condition No. 11 A metes and bounds map was filed with the Commission, and acknowledgement by the Commission staff on January 28, 1992. On January 25, 1993, the Planning Department acknowledged receipt of the metes and bounds map.

According to the November 2, 1994 Decision and Order, the Special Permit has expired (December 17, 1997).





LAND USE COMMISSION  
STATE OF HAWAII  
1997 DEC 17 A 10:17

December 16, 1997

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

RE: Special Permit No. 71-117 (SPP 197)  
Applicant: Waikoloa Development Co.  
Approved Use: Quarry Operations and Allied Uses (Makai Quarry)  
TMK: 6-8-01:Portion of 5

Dear Ms. Goldstein:

As required by Condition No. 9 of the State Land Use Commission's Decision and Order in the above-referenced matter, please let this letter serve as the final annual report to the Planning Director of the Hawaii County Planning Department.

In accordance with Condition No. 5, this Special Permit will expire on December 17, 1997. All conditions of approval have been complied with, including restoration of the site in accordance with the site restoration plan approved by the Planning Department on March 17, 1994. No complaints regarding quarry operations, including traffic, noise and dust, have been received. No quarrying occurred at this site within the last year.

Your acceptance of this final report for the Makai Quarry is appreciated. Should you require any further information, please do not hesitate to contact me.

Sincerely,

Ann Cobb  
Planning Coordinator

c: Ken Melrose  
Thos Rohr  
✓ State Land Use Commission





December 12, 1996

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

LAND USE COMMISSION  
STATE OF HAWAII  
DEC 16 10 07 AM '96

RE: Special Permit No. 71-117 (No. 197)  
Applicant: Waikoloa Development Co.  
Approved Use: Quarry Operations and Allied Uses (Makai Quarry)  
TMK: 6-8-01:Portion of 5

Dear Ms. Goldstein:

As required by Condition No. 9 of the State Land Use Commission's Decision and Order in the above-referenced matter, please let this letter serve as the annual report to the Planning Director of the Hawaii County Planning Department.

All conditions of approval have been met or substantially complied with. No complaints regarding quarry operations, including traffic, noise and dust, have been received. Due to the slow down in construction work in the area, no active quarrying has occurred at this site in the past year. Site restoration in accordance with the approved site restoration plan has been completed.

Your acceptance of this report is appreciated. Should you require any further information or have any questions, please do not hesitate to contact me.

Sincerely,

Ann Cobb  
Planning Coordinator

c: Ken Melrose  
Thos Rohr  
State Land Use Commission





December 15, 1994

LAND USE COMMISSION  
STATE OF HAWAII  
DEC 16 1 43 PM '94

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

RE: Annual Report for Special Permit No. 71-117 (No. 197)  
Quarry Operation and Allied Uses (Makai Quarry)  
Waikoloa, South Kohala, Island of Hawaii  
TMK: 6-8-01:portion of 5

Dear Ms. Goldstein:

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

On August 25, 1994, the Planning Commission of the County of Hawaii voted to forward a favorable recommendation to the State Land Use Commission for an amendment to Condition No. 5, the life of the permit, which would extend the life of the special permit for three years, or until December 17, 1997. The State Land Use Commission, following its hearing on the matter on October 18, 1994, granted the request to amend Condition 5 to extend the life of the permit until December 17, 1997. The Land Use Commission's Order Granting the Request for Time Extension was filed and effective on November 2, 1994.

As required by Condition 6 of the Permit, a site restoration plan was submitted to the Planning Department on December 1, 1993. Following a Planning Department staff site inspection, the plan was amended and resubmitted on February 9, 1994, and was accepted by the Planning Department on March 17, 1994. Site restoration, as set forth in that plan, is currently in process and will be ongoing for the remainder of the life of the special permit as part of the operation of the active quarry.



Ms. Virginia Goldstein  
December 15, 1994  
Page Two

All other conditions of approval have been and will continue to be complied with. Noise and dust during operations are kept to a minimum. To the best of our knowledge no complaints have been received. As reported last year, the metes and bounds map required by Condition 11 was submitted to the Land Use Commission and the Planning Department in 1992 and has been accepted by both agencies.

Your acceptance of this report is appreciated. Should you require any further information or have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann Cobb", followed by a long horizontal flourish.

Ann Cobb  
Planning Coordinator

cc: Mr. Ken Melrose - Waikoloa Land Company  
Mr. Thos Rohr - Waikoloa Land Company  
✓ State Land Use Commission



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
 )  
WAIKOLOA DEVELOPMENT COMPANY )  
 )  
For the Establishment of a Quarry )  
Operation 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 )  
Number: 6-8-01: portion of 5 )  
\_\_\_\_\_ )

DOCKET NO. SP71-117

ORDER GRANTING REQUEST  
FOR TIME EXTENSION

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

NOV 02 1994

Date

by

  
Executive Officer

ORDER GRANTING REQUEST FOR TIME EXTENSION

NOV 28 55 AM '94  
LAND USE COMMISSION  
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

|                                    |   |                        |
|------------------------------------|---|------------------------|
| In the Matter of the Petition of   | ) | DOCKET NO. SP71-117    |
|                                    | ) |                        |
| WAIKOLOA DEVELOPMENT COMPANY       | ) | ORDER GRANTING REQUEST |
|                                    | ) | FOR TIME EXTENSION     |
| For the Establishment of a Quarry  | ) |                        |
| Operation 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  | ) |                        |
| Number: 6-8-01: portion of 5       | ) |                        |
|                                    | ) |                        |

ORDER GRANTING REQUEST FOR TIME EXTENSION

On June 27, 1994, Waikoloa Development Company ("Applicant") filed a Request for Time Extension ("Request") with the County of Hawaii Planning Department ("Planning Department").

In its Request, the Applicant stated that it proposed to phase out operations at the quarry site by the end of 1994, and transfer operations to the site approved under LUC Docket No. SP92-381. However, the Applicant stated that due to continuing weak economic conditions and the slow construction market, the development of the new quarry has been inhibited.

The Applicant proposed a three-year time extension for the life of the permit which would allow for continued use of the quarry while planning and construction of the new quarry site is completed, allow for an orderly transition of operations between the two sites, and allow for the restoration of the quarry site under this Special Permit in accordance with an approved restoration plan.



On August 24, 1994, the County of Hawaii Planning Commission ("Planning Commission") conducted a public hearing on the Request.

On August 24, 1994, the Planning Commission, after due deliberation, unanimously voted to send a favorable recommendation to the Land Use Commission ("LUC") to grant Petitioner's Request. The Planning Commission recommended that Condition No. 5 of the Findings of Fact, Conclusions of Law, and Decision and Order issued by the LUC on December 20, 1991 ("Decision and Order") be amended as follows (Deletions bracketed, additions underscored):

5. This permit shall remain in effect until [December 17, 1994.] December 17, 1997.

On September 20, 1994, the LUC received the entire record of the County's proceedings on the Request.

The Request, having come on for hearing on October 18, 1994 at the LUC's meeting at Honolulu, Oahu, and the LUC having considered the arguments, both written and oral, from the respective parties, and for good cause shown,

HEREBY GRANTS Applicant's Request for Time Extension by amending Condition No. 5 of the Decision and Order, to read as follows:

5. This permit shall remain in effect until December 17, 1997.

IT IS HEREBY FURTHER ORDERED that the remaining conditions imposed in the Findings of Fact, Conclusions of Law,

and Decision and Order issued by the LUC on December 20, 1991 are hereby reaffirmed and continue to be in effect.



DOCKET NO. SP71-117 - WAIKOLOA DEVELOPMENT COMPANY

Done at Honolulu, Hawaii, this 2nd day of November 1994,  
per motions on October 18, 1994 and November 1, 1994.

LAND USE COMMISSION  
STATE OF HAWAII

By Allen K. Hoe  
ALLEN K. HOE  
Chairperson and Commissioner

By Allen Y. Kajioka  
ALLEN Y. KAJIOKA  
Vice Chairperson and Commissioner

By Eusebio Lapenia, Jr.  
EUSEBIO LAPENIA, JR.  
Vice Chairperson and Commissioner

By (absent)  
M. CASEY JARMAN  
Commissioner

By Lloyd F. Kawakami  
LLOYD F. KAWAKAMI  
Commissioner

By (absent)  
JOANN N. MATTSON  
Commissioner

By Renton L. K. Nip  
RENTON L. K. NIP  
Commissioner

By Trudy K. Senda  
TRUDY K. SENDA  
Commissioner

Filed and effective on  
November 2, 1994

Certified by:

Elton Wada  
Executive Officer

By Elton Wada  
ELTON WADA  
Commissioner

P 889 334 657



# Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

Sent to

**Ann Cobb**

Street & No.

**150 Waikoloa Beach Dr.**

P.O., State & ZIP Code

**Kamuela 96743**

Postage

**\$ .75**

Certified Fee

**1.00**

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing  
to Whom, & Date Delivered

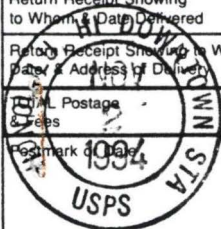
**1.00**

Return Receipt Showing to Whom,  
Date, & Address of Delivery

Total Postage  
& Fees

**\$ 2.75**

Postmark or Date



PS Form 3800, June 1990

SP71-117, SP92-381/WAIKOLOA DEVELOPMENT COMPANY



Is your RETURN ADDRESS completed on the reverse side?

**SENDER: SP71-117, SP92-381/WAIKOLOA DEVELOPMENT**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

**COMPANY**

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
  2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

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

4a. Article Number

P 889 334 657

4b. Service Type

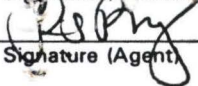
- |                                               |                                                         |
|-----------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                        |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                            |
| <input type="checkbox"/> Express Mail         | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

11 3 94



5. Signature (Addressee)



6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

P 889 334 658



# Certified Mail Receipt

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

Sent to

Virginia Goldstein

Street & No.

25 Aupuni Street

P.O., State & ZIP Code

Hilo 96720

Postage

\$ .75

Certified Fee

1.00

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing  
to Whom & Date Delivered

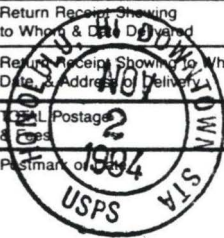
1.00

Return Receipt Showing to Whom,  
Date, & Address of Delivery

TOTAL Postage  
& Fees

\$ 2.75

Postmark of Date



SP71-117, SP92-381/WAIKOLOA DEVELOPMENT COMPANY



Is your RETURN ADDRESS completed on the reverse side?

**SENDER:** SP71-117, SP92-381/WAIKOLOA DEVELOPMENT

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

**COMPANY**

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
  2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

Ms. Virginia Goldstein  
Planning Director  
Hawaii County Planning Dept.  
25 Aupuni Street  
Hilo, HI 96720

4a. Article Number

P 889 334 658

4b. Service Type

- |                                               |                                                         |
|-----------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                        |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                            |
| <input type="checkbox"/> Express Mail         | <input type="checkbox"/> Return Receipt for Merchandise |

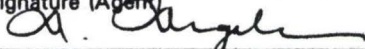
7. Date of Delivery

11-3-94

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)



Thank you for using Return Receipt Service.

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

|                                    |   |                        |
|------------------------------------|---|------------------------|
| In the Matter of the Petition of   | ) | DOCKET NO. SP71-117    |
|                                    | ) |                        |
| WAIKOLOA DEVELOPMENT COMPANY       | ) | CERTIFICATE OF SERVICE |
|                                    | ) |                        |
| For the Establishment of a Quarry  | ) |                        |
| Operation 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  | ) |                        |
| Number: 6-8-01: portion of 5       | ) |                        |
|                                    | ) |                        |

CERTIFICATE OF SERVICE

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

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

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

DATED:      Honolulu, Hawaii, this 2nd day of November 1994.

  
\_\_\_\_\_  
ESTHER UEDA  
Executive Officer



Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

OCT 13 1994

LAND USE COMMISSION  
STATE OF HAWAII  
OCT 17 2 02 PM '94

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

Dear Ms. Ueda:

LUC Docket No. SP71-117/Waikoloa Development Company  
Special Permit No. 197

We have received your letter of September 26, 1994 requesting clarification of the Planning Commission's recommendation regarding the applicant's request for an extension of time on the life of the Special Permit. The applicant clearly requested an extension of time for the life of the Special Permit, however, what appears to be originally a typographical error had been carried forth throughout our proceedings. It is the recommendation of the Planning Commission that the Special Permit remain in effect until December 17, 1997.

We hope this clarifies the record on what the Planning Commission considered and what its recommendation is. Meanwhile, should you have any questions on this matter, please feel free to contact Rodney Nakano of the Planning Department at 961-8288.

Sincerely,

*Rodney K. Nakano*

Wilton Wong, Vice Chairman  
Planning Commission

RKN:jdk  
LWaiko02.RKN

xc: Ms. Ann Cobb  
Planning Commission  
West Hawaii Office



PAGE 1 OF 2

## M E M O R A N D U M

**TO:** LEO ASUNCION  
State Land Use Commission

**FAX:** (808) 587-3827

**FROM:** Ann Cobb

**SUBJECT:** LUC DOCKET NO. SP71-117/WAIKOLOA DEVELOPMENT CO.

**DATE:** October 14, 1994

Attached is a copy of the Planning Commission's response to Esther Ueda's request for clarification dated September 26, 1994. The original was mailed to Ms. Ueda yesterday.

We have received the copy of the Land Use Commission's October 18, 1994 meeting agenda. Mr. Ken Melrose, Vice President of Development and Planning for Waikoloa, will be present at that meeting.

## Attachment

**c:** Ken Melrose  
Hawaii County Planning Commission,  
Attn: Mr. Rodney Nakano

LAND USE COMMISSION  
STATE OF HAWAII  
OCT 14 12 07 PM '94



Stephen K. Yamashiro  
Mayor



County of Hawaii  
PLANNING COMMISSION

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

RECEIVED

OCT 13 1994

WAIKOLOA  
PLANNING OFFICE

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

Dear Ms. Ueda:

LUC Docket No. SP71-117/Waikoloa Development Company  
Special Permit No. 197

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We hope this clarifies the record on what the Planning Commission considered and what its recommendation is. Meanwhile, should you have any questions on this matter, please feel free to contact Rodney Nakano of the Planning Department at 961-8288.

Sincerely,

*Rodney K. Nakano*

Wilton Wong, Vice Chairman  
Planning Commission

RKN:jdk  
LWaiko02.RKN

cc: Ms. Ann Cobb  
Planning Commission  
West Hawaii Office

|                                          |                    |                |
|------------------------------------------|--------------------|----------------|
| Post-It™ brand fax transmittal memo 7871 |                    | # of pages = 1 |
| To Ann Cobb                              | From R. Nakano     |                |
| Co. Waikoloa Land                        | Co. Planning Dept. |                |
| Dept.                                    | Phone # 961-8288   |                |

10/17/94  
LUC, EAL



STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms 322 B and C  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, Hawaii

October 18, 1994

*approved  
11/14/94*

COMMISSIONERS PRESENT:

Allen K. Hoe  
Allen Y. Kajioka  
Trudy K. Senda  
Eusebio Lapenia, Jr.  
Renton L.K. Nip  
Lloyd Kawakami  
Elton Wada

COMMISSIONERS ABSENT:

JoAnn Mattson  
M. Casey Jarman

STAFF PRESENT:

Esther Ueda, Executive Officer  
Winfred K.T. Pong, Esq.,  
Deputy Attorney General  
Bert Saruwatari, Staff Planner  
Leo Asuncion, Jr., Staff Planner  
Kathy Yonamine, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Evelyn Miyata, Court Reporter

Chairperson Hoe called the meeting to order.

ACTION

A93-698 - CHARLES P. BOOTH, SANDRA E. BOOTH, EDWARD D. BRUFFEY,  
AND SHARON L. BRUFFEY (Oahu)

Chairperson Hoe announced that the Commission would take action to consider reclassifying approximately 15,384.915 square feet of land currently in the Conservation District into the Agricultural District at Waimea, Waialua, Oahu to increase the size of an existing agricultural lot.

Appearances

Cindy Ching, Esq., Attorney for Petitioner

Edward Bruffey, Petitioner



Sharon Bruffey, Petitioner

Lorene Maki, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Benjamin Matsubara, Esq., Hearings Officer

The Planning Department, City and County of Honolulu, was not present to the proceeding at this time, but had previously notified the Commission that they were in support of the hearings officer's recommendations.

Benjamin Matsubara, Esq., Hearings Officer, presented his report and recommendations to the Commissioners.

Commissioner Kajiooka moved to approve the hearings officer's report and recommendations regarding Docket No. A93-698 - Charles P. Booth, et al. The motion was seconded by Commissioner Wada and polled as follows:

Ayes: Commissioner Kajiooka, Nip, Senda, Wada, Kawakami, Lapenia, and Hoe.

A93-700 - OBAYASHI HAWAII CORPORATION (Oahu)

Presiding Officer Kawakami announced that the Commission would take action to consider reclassifying approximately 57.3 acres of land currently in the Agricultural District into the Urban District at Paumalu-Pupukea, Koolauloa, Oahu for single-family residential, elderly rental housing, water reclaim facility, and community facility.

Appearances

Lyle Harada, Esq., Attorney for Petitioner

Lloyd Yoshioka, Attorney for Petitioner

Robyn Loudermilk, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Kamuela Price, Intervenor

Maui Loa, Intervenor



The Planning Department, City and County of Honolulu, was not present to the proceeding at this time, but had previously notified the Commission that they were in support of the boundary amendment request by Petitioner.

Chairperson Hoe moved to go into executive session to consult with our Deputy Attorney General on legal matters concerning the admittance of public witness statements and testimonies after the close of the hearing. The motion was seconded by Commissioner Lapenia and unanimously approved by voice votes.

Chairperson Hoe moved that the record remain closed and all public witness letters and comments received after the close of the hearing on July 28, 1994 not be admitted into evidence by the Commission. The motion was seconded by Commissioner Kajioka and unanimously carried by voice votes.

Closing arguments were heard from Mr. Harada, Mr. Mitsuda, Mr. Price, and Maui Loa.

It was determined by Presiding Officer Kawakami that all of the Commissioners present were eligible to participate in the action on the petition.

Chairperson Hoe moved to approve the petition by Obayashi Hawaii Corporation subject to eighteen conditions. The motion was seconded by Commissioner Lapenia and polled as follows:

Ayes: Commissioners Hoe, Wada, Kajioka, Lapenia, Nip, Senda, and Kawakami.

SP89-371 - CHRISTIAN BROADCASTING ASSOCIATION (Molokai)

Chairperson Hoe announced that the Commission would take action to consider a time extension request to continue to operate a radio transmission facility on approximately 30 acres of land situated within the Agricultural District at Kaluakoi, Molokai.

Appearances

Del Gibbs, for Petitioner



The Planning Department, County of Maui, notified the Commission staff that they would not be present to the proceeding at this time.

Arguments were heard from Mr. Gibbs. After hearing arguments, questions were asked by the Commissioners.

Commissioner Wada moved to approve Petitioner's request subject to the conditions imposed by the Maui Planning Commission and the following conditions:

Condition No. 9 - "That the Applicant, KAIM Radio, be required to identify areas of impact in communication or health and develop an appropriate mitigation plan within a 60-day period of any changes in approved operating power levels or frequencies above 50 kw are initiated."

Condition No. 10 - "The Applicant shall timely provide without any prior notice, annual reports to the Maui County Planning Department and the Land Use Commission in connection with the status of the subject project and the applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission."

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

Ayes: Commissioners Wada, Senda, Nip, Lapenia, Kawakami, Kajioka, and Hoe.

SP92-381 - WAIKOLOA DEVELOPMENT COMPANY (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider a time extension request to allow quarry operations and related uses on approximately 220 acres of land situated within the Agricultural District at Waikoloa, South Kohala, Hawaii.

Appearances

Ken Melrose, for Petitioner

Virginia Goldstein, Director



The Commission was advised that Ernestine Felton had called indicating her concerns on the special use permit by Waikoloa Development Co.

Arguments were heard from Mr. Melrose and Ms. Goldstein.

Commissioner Lapenia moved to approve the time extension subject to amendment to Condition No. 2 as follows:

Condition No. 2 - "Final plan approval for the quarry operation shall be secured from the Planning Department on or before January 19, 1997. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans for the quarry operation shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures and parking associated with the proposed quarry operations."

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

Ayes: Commissioners Lapenia, Kajioaka, Kawakami, Nip, Senda, Wada, and Hoe.

SP71-117 - WAIKOLOA DEVELOPMENT CO. (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider a time extension request to allow for continued operations while the planning and construction of the new site are completed; to allow for an orderly transition of operations between the two sites; and to allow for the restoration of the present site on approximately 309 acres within the Agricultural District at Waikoloa, South Kohala, Hawaii.

Appearances

Ken Melrose, for Petitioner

Virginia Goldstein, Director

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



MINUTES - October 18, 1994

Page 6

Commissioner Lapenia moved to approve a time extension with the amendment of Condition No. 5 as follows: "This permit shall remain in effect until December 17, 1997." The motion was seconded by Commissioner Kawakami and polled as follows:

Ayes: Commissioners Lapenia, Kajioka, Kawakami, Nip, Senda, Wada, and Hoe.

#### MISCELLANEOUS

##### 1. ADOPTION OF MINUTES

Commissioner Senda moved to approve the minutes for the meeting dates of October 6, 1994 and October 7, 1994. The motion was seconded by Commissioner Wada and unanimously approved by voice votes.

##### 2. ADOPTION OF DECISION AND ORDER

Commissioner Lapenia moved to adopt the Decision and Order for Docket No. SP73-159 - TOYAMA GARDENS HAWAII, INC. dba NANI MAU GARDENS, INC. (Hawaii) (6th Amendment). The motion was seconded by Commissioner Kawakami and unanimously approved by voice votes.

The meeting was adjourned at 11:47 a.m.



STATE OF HAWAII  
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

October 18, 1994 - 9:00 a.m.

Conference Rooms 322 B and C  
Third Floor, Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, Hawaii

OCT 11 2 45 PM '94

LIEUTENANT GOVERNOR'S  
OFFICE

A G E N D A

I. ACTION

1. A93-698 - CHARLES P. BOOTH, SANDRA E. BOOTH, EDWARD D. BRUFFEY, AND SHARON L. BRUFFEY (Oahu)

To consider reclassifying approximately 15,384.915 square feet of land currently in the Conservation District into the Agricultural District at Waimea, Waialua, Oahu to increase the size of an existing agricultural lot.

2. A93-700 - OBAYASHI HAWAII CORPORATION (Oahu)

To consider reclassifying approximately 57.3 acres of land currently in the Agricultural District into the Urban District at Paumalu-Pupukea, Koolauloa, Oahu for single-family residential, elderly rental housing, water reclamation facility, and community facility.

3. SP89-371 - CHRISTIAN BROADCASTING ASSOCIATION (Molokai)  
(Time Extension)

To consider a time extension request to continue to operate a radio transmission facility on approximately 30 acres of land situated within the Agricultural District at Kaluakoi, Molokai.

4. SP92-381 - WAIKOLOA DEVELOPMENT COMPANY (Hawaii)

To consider a time extension request to allow quarry operations and related uses on approximately 220 acres of land situated within the Agricultural District at Waikoloa, South Kohala, Hawaii.



5. ✓ SP73-117 - WAIKOLOA DEVELOPMENT COMPANY (Hawaii)

To consider a time extension request to allow for continued operations while the planning and construction of the new site are completed; to allow for an orderly transition of operations between the two sites; and to allow for the restoration of the present site on approximately 309 acres within the Agricultural District at Waikoloa, South Kohala, Hawaii.

III. MISCELLANEOUS

1. Adoption of Minutes
2. Adoption of Decision and Order (SP73-159 - TOYAMA GARDENS HAWAII, INC. dba NANI MAU GARDENS, INC. (6th Amendment)



Z 779 076 900



# Receipt for Certified Mail

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

Sent to

Virginia Goldstein

Street and No.

25 Aupuni Street, Room 1

P.O., State and ZIP Code

Hilo, HI 96720

Postage

\$ .29

Certified Fee

1.00

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Return Receipt Showing  
to Whom & Date Delivered

1.00

Return Receipt Showing to Whom,  
Date, and Addressee's Address

TOTAL Postage  
& Fees

\$ 2.29

Postmark or Date

PS Form 3800, March 1993



SP71-117 & SP92/381/WAIKOLC

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

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

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

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

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

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

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

102595-93-Z-0478



Is your RETURN ADDRESS completed on the reverse side?

## SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
  2. ☐ Restricted Delivery
- Consult postmaster for fee.

### 3. Article Addressed to:

Virginia Goldstein  
Planning Director  
Plng. Dept. County of HI  
25 Aupuni Street, Room 109  
Hilo, HI 96720

### 4a. Article Number

Z 779 076 900

### 4b. Service Type

- |                                               |                                                         |
|-----------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                        |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                            |
| <input type="checkbox"/> Express Mail         | <input type="checkbox"/> Return Receipt for Merchandise |

### 7. Date of Delivery

10-13-94

### 5. Signature (Addressee)

### 8. Addressee's Address (Only if requested and fee is paid)

### 6. Signature (Agent)

*A. Anger*

SP71-117 & SP92-381/WAIKOLA DEPT.  
Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



Print your name, address and ZIP Code here

• State of Hawaii  
LAND USE COMMISSION  
Rm. 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813 •





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

October 10, 1994

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

Dear Ms. Goldstein:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

SP71-117/WAIKOLOA DEVELOPMENT COMPANY (Hawaii)  
SP92-381/WAIKOLOA DEVELOPMENT COMPANY (Hawaii)

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

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Esther Ueda".

ESTHER UEDA  
Executive Officer

EU:fl

Enclosure



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

October 10, 1994

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

Dear Ms. Cobb:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

SP92-381/WAIKOLOA DEVELOPMENT COMPANY (Hawaii)  
SP71-117/WAIKOLOA DEVELOPMENT COMPANY (Hawaii)

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ESTHER UEDA  
Executive Officer

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Enclosure





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

October 3, 1994

TO: Land Use Commission  
FROM: *Esther Ueda*  
Staff  
SUBJECT: Summary of LUC Docket No. SP71-117/Waikoloa Development  
Company (Amendment to Condition No. 5)

**PROCEDURAL MATTERS**

The Special Permit amendment request (hereinafter "Amendment") to extend the life of the Special Permit (hereinafter "Permit"), subject to the other conditions of the Permit, was received by the County of Hawaii Planning Department (hereinafter "Planning Department") on June 27, 1994, from Waikoloa Development Company ("Applicant").

On August 24, 1994, the County of Hawaii Planning Commission (hereinafter "Planning Commission") conducted a public hearing on the Amendment.

At its meeting held on August 24, 1994, the Planning Commission unanimously voted to send a favorable recommendation to the Land Use Commission (hereinafter "LUC"), for the Amendment to the Permit. The record of the County's proceeding on the Amendment was received by the LUC on September 20, 1994.

In a letter dated September 26, 1994, the LUC staff requested the County's clarification of which condition the Planning Commission recommended amending since the application and other sections in the record referred to Condition No. 4, and the time limit condition is Condition No. 5.

**BACKGROUND**

On September 16, 1971, the Planning Commission held a public hearing to consider the request of Boise Cascade Recreation Communities Group (BCRCC) to establish and operate a quarry site, including allied uses such as portable screening plant, rock crusher, and scales on approximately 309 acres within the State Land Use Agricultural District.

On October 14, 1971, the Planning Commission forwarded a favorable recommendation to the LUC on the BCRCC request 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 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 description as submitted.
4. That this permit shall expire within 5 years from the date of approval be 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 the equipment shall be removed. A grading plan will then be done and the natural contours shall be restored. At the end of quarrying operations, the site shall appear as a 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.

On November 11, 1971, BCRCC requested the Planning Commission to reconsider its decision, specifically to Condition No. 5 listed above. The Planning Commission subsequently decided to delete Condition No. 5 in its recommendation to the LUC and that the monitoring of materials removed can be performed by the Planning Department.

On December 11, 1971, the Special Permit was approved by the LUC subject to Condition Nos. 1 through 4 above.

#### First Amendment

On September 30, 1976, the Planning Commission voted to approve and favorably recommend to the LUC that a 5-year extension be granted to the Applicant (now Boise Cascade Realty Group) subject to all conditions of the original Special Permit approval and that the Applicant shall comply with all applicable Department of Health regulations and that if the stated conditions are not met, the Special Permit shall be deemed null and void.



On November 9, 1976, the LUC approved the extension of the life of the Special Permit to December 17, 1981, subject to all conditions originally imposed and the conditions recommended by the Planning Commission (DOH regulations compliance and non-compliance with conditions).

#### Second Amendment

On November 25, 1980, the Planning Commission held a public hearing on the Applicant's (now Transcontinental Development Company) request for a second time extension for the life of the Special Permit. The Applicant's request proposed an extension of 10 years, until December 17, 1991.

The Planning Department recommended that the extension request be granted subject to the conditions previously imposed by the LUC, including compliance with Department of Health requirements. Also recommended was a provision for the Planning Director to review any claims that the Applicant was creating an inconvenience in operation of the quarry.

The Planning Commission subsequently recommended approval of the 10 year time extension to the LUC, adopting the recommendations of the Planning Department.

On February 25, 1981, the LUC acted to approve the time extension on the Special Permit to December 17, 1991, subject to the recommended conditions from the Planning Commission. The Decision and Order on this amendment was issued on May 5, 1981.

#### Third Amendment

On June 26, 1991, the Applicant (now Waikoloa Development Company) filed a request for a 3 year time extension to Condition No. 4 with the Planning Department.

On October 9, 1991, the Planning Commission held a public hearing on the proposed amendment and subsequently recommended approval of the time extension to the LUC, subject to 10 conditions.

On December 5, 1991, the LUC acted to approve the Applicant's request for a 3 year time extension for the Special Permit, until December 17, 1994, subject to the following conditions:

1. The applicant, successors or assigns shall be responsible for complying with all stated conditions of approval.
2. That all State and County standards and appropriate safety measures be taken by the applicant to safeguard

vehicular traffic during the entire period of operation, 24 hours a day.

3. That the applicant shall take every precaution not to create any inconvenience from noise and dust problems during the operation.
4. That the operation be confined within the metes and bounds description as submitted.
5. This permit shall remain in effect until December 17, 1994.
6. The applicant shall submit a Site Restoration Plan for review and approval by the Planning Department, in consultation with the Department of Public Works, one year prior to the expiration date of the permit. All temporary support facilities and equipment shall be removed and the site shall be graded to blend with the surrounding areas prior to the expiration date of the permit.
7. 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.
8. Comply with applicable laws, rules, regulations, and requirements.
9. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the status of compliance with conditions of approval. This condition shall remain in effect until the expiration of the permit.



10. Should any if the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.
11. The applicant shall submit a metes and bounds map of the Permit area to the County of Hawaii and the Commission.

#### DESCRIPTION OF THE PROPERTY AND SURROUNDING AREAS

The Permit Area, consisting of approximately 309 acres, is located approximately 18 miles northeast of Keahole Airport and 5 miles southwest of Waikoloa Village. The Permit Area is identified as TMK: 6-8-01: por. 5 (hereinafter "Property").

The Property is located on the south side of Waikoloa Road, approximately 2,000 feet mauka of the intersection of Waikoloa Road and Queen Kaahumanu Highway. Access to the Property is from Waikoloa Road.

The Property and surrounding area is owned in fee by Waikoloa Land and Cattle Company.

The Property is currently being utilized as a quarry (known as "Site 3" or "Makai Quarry"), and its primary products are basaltic (blue) rock and A'a cinders. The quarry is situated at the 200 foot elevation and is adjacent to the Waikoloa Airstrip.

To the east of the Property are two existing quarries and a proposed quarry site. The existing quarries, Pu'u Hinai Quarry and Village Quarry, were both approved under LUC Docket No. SP70-85. In 1991, the LUC amended the life of the Special Permit for both quarries until December 11, 1995.

The proposed quarry site was approved by the LUC on January 19, 1993 under LUC Docket No. SP92-381. This site encompasses approximately 220 acres, and is proposed to replace all existing quarries in the area.

The Soil Conservation Service (SCS) classifies the Property as having A'a Lava (rLV) soils.

The Land Study Bureau's Overall Master Productivity Rating (with "A" being the best and "E" as the worst) rates the lands of the Property as "E" lands or "very poor" for agricultural productivity.

The Property is not classified under the Agricultural Lands of Importance to the State of Hawaii (ALISH) system.

According to the Flood Insurance Rate Map (FIRM), the Property is identified as being outside of the 500-year flood plain (Zone X).

Although the Property is within the Coastal Zone Management Area, it is not within the Special Management Area (SMA) established by the County of Hawaii.

#### STATE AND COUNTY PLANS AND PROGRAMS

The State Land Use District Boundary Map, Quadrangle H-15 (Puu Hinai), designates the Property in the Agricultural District.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map of the County of Hawaii designates the Property and surrounding area as Urban Expansion and the current zoning for the Property is Unplanned (U).

#### SUMMARY OF REQUEST

The Applicant is requesting the amendment of Condition No. 5 which states:

"This permit shall remain in effect until December 17, 1994."

This condition was imposed by the LUC in its Findings of Fact, Conclusions of Law, and Decision and Order dated December 20, 1991.

The Applicant proposes a 3-year time extension for the life of the Permit, until December 17, 1997.

#### NEED FOR PROPOSED AMENDMENT

The Applicant proposed to phase out operations at the Makai Quarry site prior to the end of 1994, and transfer operations to the site approved under LUC Docket No. SP92-381.

However, due to continuing weak economic conditions and the slow construction market, the development of the new quarry has been inhibited.

Furthermore, required restoration of the Makai Quarry is proposed to occur as the quarry operator "worked" its way out of the Makai Quarry, in accordance with a plan approved by the Planning Department on March 17, 1994. The slow construction



market has not allowed the restoration plan to proceed as quickly as expected by the Applicant.

The Applicant expects that the 3 year time extension will:

- 1) Allow for continued operations while planning and construction of the new quarry site is completed;
- 2) Allow for an orderly transition of operations between the two sites; and
- 3) Allow for the restoration of the quarry site under this Special Permit in accordance with the approved restoration plan.

#### SUMMARY OF STATE AND COUNTY AGENCY COMMENTS

##### State Agencies

The Department of Health commented that there were no additional concerns to those made previously by the Department.

The Department of Land and Natural Resources had no objections to the Applicant's request.

The Department of Transportation, Highways Division - Hawaii District noted that the Applicant's request was not applicable for review by DOT.

##### County Agencies

The Department of Water Supply commented that the water system in the area of the Permit is privately owned and operated.

The Police Department reviewed the request and does not foresee any adverse effect should the request be granted.

The Fire Department had no objections or comments on the Special Permit.

The County Tax Office, and Department of Public Works had no comments to offer.

#### CONFORMANCE WITH SPECIAL USE PERMIT TESTS

In support of the Amendment, the Planning Department provided the following in its recommendation to the Planning Commission (LUC Exhibit 16):

- (A) The amendment request shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the commission.

The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development and of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The project site is comprised of A'a Lava which have been classified as "E" (Very Poor) for agricultural productivity by the Land Study Bureau's Detailed Land Classification System. The State Land Use Commission, in its approval of Special Permit No. 197 to allow the establishment of a quarry, found that the quarry would be an unusual and reasonable use of land within the State Land Use Agricultural District. The existing quarry has been in continual use since its approval in 1971. Continued use of the quarry for an additional three years will not displace any agricultural activity nor diminish the extremely limited agricultural potential of the surrounding region. Therefore, the requested amendment would not be contrary to the objectives of the State Land Use Law for the Agricultural District.

- (B) The amendment request would not adversely affect surrounding property.

The Waikoloa airstrip is located in relatively close proximity to the quarry site. Waikoloa Village is the nearest residential-commercial development. These areas are located at a reasonable distance from the quarry site and should provide an adequate buffer from noise, dust and other potential irritants. To allow the quarry to operate for an additional three years should not affect surrounding properties. This fact has been demonstrated by the absence of complaints filed with the Planning Department regarding operational nuisances generated by the quarry since it commenced operation over 22 years ago. Conditions of approval within Special Permit No. 197 would require the applicant to minimize any adverse traffic, noise and dust impacts to surrounding areas. Should the amendment request be approved, these requirements will continue to regulate the extended quarry operations to ensure such potential impacts are minimized.

- (C) The amendment request would not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, police and fire protection.



Access, water and other essential utilities and services are available to the project site. Consulted agencies had no objection to the request.

- (D) The amendment request will not substantially alter or change the essential character of the land and the present use.

To allow for the continued use of the quarry for 3 additional years will not substantially change the character of the area which has been developed over the past 20+ years as a quarry. This is more evident with the existing and proposed quarries located mauka of the project site. Implementation of the approved Site Restoration Plan will attempt to restore, as much as possible, the general physical characteristics of the area and the removal of man-made implements.

- (E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

As previously mentioned, soils within the project sites are not suitable for many types of agriculture. The nature of the request is to allow for the continued operation of the existing quarry for an additional three years. The area of the approved quarry will not be expanded nor will new uses be introduced.

#### PLANNING COMMISSION RECOMMENDATION

At its meeting of August 24, 1994, the Planning Commission recommended approval of the Amendment to the LUC, and Condition No. 5 was amended to read as follows:

"5. This permit shall remain in effect until December 17, 1997."

All other conditions of the Permit were to remain unchanged.

## LISTING OF EXHIBITS

### **SP71-117/WAIKOLOA DEVELOPMENT COMPANY (AMENDMENT TO CONDITION NO. 5)**

#### LUC EXHIBIT NO.

#### ITEM

- |    |                                                                                                                                                                                                                                                                                                                         |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| -- | Letter dated September 19, 1994 from Wilton Wong to Esther Ueda.                                                                                                                                                                                                                                                        |
| 1  | Letter dated June 24, 1994 from Ann Cobb to Virginia Goldstein.<br>(County Exhibit 1)                                                                                                                                                                                                                                   |
| 2  | Letter dated July 9, 1994 from Virginia Goldstein to Ann Cobb.<br>(County Exhibit 2)                                                                                                                                                                                                                                    |
| 3  | Memorandum dated July 9, 1994 from Virginia Goldstein to<br>Department of Public Works-Kona, Police Department, Tax Office,<br>Health Department, Department of Transportation, Department of<br>Water Supply, Fire Department, Department of Land and Natural<br>Resources, and West Hawaii Office. (County Exhibit 3) |
| 4  | Comment from Hawaii County Tax Office. (County Exhibit 4)                                                                                                                                                                                                                                                               |
| 5  | Comment from Department of Transportation, Highways Division -<br>Hawaii District. (County Exhibit 5)                                                                                                                                                                                                                   |
| 6  | Comment letter dated July 14, 1994 from Department of Water Supply,<br>County of Hawaii. (County Exhibit 6)                                                                                                                                                                                                             |
| 7  | Comment letter dated July 21, 1994 from County of Hawaii Police<br>Department. (County Exhibit 7)                                                                                                                                                                                                                       |
| 8  | Comment letter dated July 26, 1994 from Chief Sanitarian, Hawaii<br>District, Department of Health. (County Exhibit 8)                                                                                                                                                                                                  |
| 9  | Comment letter dated July 27, 1994 from County of Hawaii Fire<br>Department. (County Exhibit 9)                                                                                                                                                                                                                         |
| 10 | Memorandum dated July 28, 1994 from Department of Public Works.<br>(County Exhibit 10)                                                                                                                                                                                                                                  |
| 11 | Letter dated August 2, 1994 from Virginia Goldstein to Ann Cobb.<br>(County Exhibit 11)                                                                                                                                                                                                                                 |



- 12 Letter dated August 10, 1994 from Ann Cobb to Virginia Goldstein. (County Exhibit 12)
- 13 Comment letter dated August 11, 1994 from Department of Land and Natural Resources to Virginia Goldstein. (County Exhibit 13)
- 14 Items submitted at August 24, 1994 meeting of Hawaii County Planning Commission. Items include:
- 1) Letter dated November 16, 1971 from Mauricio Valera, Jr. to Tatsuo Fujimoto;
  - 2) Minutes of December 17, 1971 meeting of the Land Use Commission;
  - 3) Letter dated February 4, 1987 from Esther Ueda to Albert Lono Lyman. (County Exhibit 14)
- 15 County of Hawaii Planning Department Background Report. (County Exhibit 15)
- 16 County of Hawaii Planning Department Recommendation. (County Exhibit 16)
- 17 Hawaii County Planning Commission's Vote Record of August 24, 1994 on Amendment to Special Permit No. 197. (County Exhibit 17)
- 18 August 24, 1994 transcript of proceedings on amendment to Special Permit No. 197 before the Hawaii County Planning Commission. (County Exhibit 18)
- 19 Letter dated September 19, 1994 from Wilton Wong, Vice Chairman, Hawaii County Planning Commission to Ann Cobb.
- 20 Letter dated September 26, 1994 from Esther Ueda to Wilton Wong requesting clarification of condition amended.



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

October 3, 1994

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

Dear Ms. Goldstein:

Subject: Special Permit No. 71-117/Waikoloa Development  
Company

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Esther Ueda", with a long, sweeping flourish extending to the right.

ESTHER UEDA  
Executive Officer

EU:th

Att.





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

October 3, 1994

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

Dear Ms. Cobb:

Subject: Special Permit No. 71-117/Waikoloa Development  
Company

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Sincerely,

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ESTHER UEDA  
Executive Officer

EU:th

Att.

Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

SEP 19 1994

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

Dear Ms. Ueda:

Special Permit No. 197  
Applicant: Waikoloa Development Company  
Request: Amendment to Condition No. 4 (Life of Permit)  
Tax Map Key: 6-8-1:Portion of 5

---

In accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, we are transmitting the decision and findings of the County Planning Commission for Waikoloa Development Company's request to amend Special Permit No. 197 which allows quarry operations and allied uses on approximately 390 acres of land within the State Land Use Agricultural District. The project site is located on the south (Kona) side of Waikoloa Road approximately 2000 feet mauka of its intersection with Queen Kaahumanu Highway, Waikoloa, South Kohala, Hawaii.

The Planning Commission at its duly advertised public hearing held on August 24, 1994, at the Kona Surf Hotel, Kamehameha Ball Room, 78-128 Ehukai Street, Keauhou, North Kona, Hawaii, discussed the subject request and voted to recommend approval of the amendment to the Land Use Commission. Enclosed is the entire docket on the amendment request.

SEP 20 12 04 PM '94  
LAND USE COMMISSION  
STATE OF HAWAII



Ms. Esther Ueda, Executive Officer  
Page 2

Should you have any questions, please feel free to contact Rodney Nakano or Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Wilton Wong, Vice Chairman  
Planning Commission

RKN:jdk  
LWaiko03.PC

Enclosure (list of exhibits/exhibits)

xc: Ms. Ann Cobb  
Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Plan Approval Section

LIST OF EXHIBITS  
WAIKOLOA DEVELOPMENT COMPANY  
AMENDMENT REQUEST FOR SPECIAL PERMIT NO. 197

1. 06/24/94 Letter to Virginia Goldstein, Planning Director,  
from Ann Cobb with copy of Location Map.
2. 07/09/94 Letter to Ann Cobb from Virginia Goldstein.
3. 07/09/94 Memorandum to agencies from Planning Director.
4. Comments from Real Property Tax Office.
5. Comments from State Highways-Hawaii District.
6. 07/14/94 Memorandum from H. William Sewake, Manager,  
Department of Water Supply.
7. 07/21/94 Memorandum from Victor V. Vierra, Chief of Police.
8. 07/26/94 Memorandum from Harold Matsuura, Chief Sanitarian,  
Department of Health-Hawaii District.
9. 07/27/94 Memorandum from Nelson M. Tsuji, Fire Chief.
10. 07/28/94 Memorandum from Galen Kuba, Acting Division Chief,  
Department of Public Works-Engineering Division.
11. 08/02/94 Letter to Ann Cobb from Virginia Goldstein with  
copies of "Notice of Public Meeting and Public  
Hearings" and certified receipts.
12. 08/10/94 Letter to Virginia Goldstein from Ann Cobb with  
copy of "Notice Planning Commission Hearing".
13. 08/11/94 Letter to Virginia Goldstein from Keith W. Ahue,  
Department of Land and Natural Resources.
14. Documents submitted at Planning Commission  
Hearing, August 24, 1994.
15. Planning Department-Background Report.
16. Planning Department-Recommendation.
17. 08/24/94 Record of Voting, Planning Commission.
18. 08/24/94 Hearing Transcript.

RKN:jdk  
FWaiko01.JDK







June 24, 1994

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

RE: Special Permit No. 71-117 (SPP 197)  
Applicant: Waikoloa Development Co.  
Establish Quarry Operations and Allied Uses --  
Amendment to Condition No. 4, Request for Time Extension  
TMK: 6-8-01:Portion of 5

Dear Ms. Goldstein:

Waikoloa Development Co., as agent for landowner Waikoloa Land & Cattle Co., requests a three year extension, to December 17, 1997, to the life of the Special Permit which allows quarrying and related uses on 309 acres within Lot 3B, located within the State Land Use Agricultural district. Enclosed are the \$100 application fee and 16 copies of this request, with location map.

Reason for Request

It has been the plan of the applicant to phase out operations at this quarry site, prior to the end of 1994, and to transfer them to the proposed new quarry site, which is located approximately 3 miles southeast (mauka) of the makai quarry and which was approved in January 1993 under Special Permit No. 833. However, continuing weak economic conditions and a slow construction market have inhibited the development of the new quarry.

In addition, it has been the applicant's intent that the required restoration of the Makai Quarry would occur as the quarry operator "worked" its way out of the quarry, in accordance with the plan approved by the Planning Department on March 17, 1994. Again because of the slow construction market, this work has not been able to proceed as quickly as expected.

The three year time extension will: Allow for continued operations while the planning and construction of the new site are completed; allow for an orderly transition of operations between the two sites; and allow for the restoration of the present site in accordance with the approved Site Restoration Plan.

cc: 82



Ms. Virginia Goldstein  
June 24, 1994  
Page Two

### Background

The makai quarry site approved under this Special Permit has been actively quarried since 1971 and supplies aggregates and concrete ready-mix products to Waikoloa and projects along the coast. Although the decrease in the number of construction projects in the area has resulted in a reduction in aggregate production, the quarry remains a necessary and integral part of the overall development of Waikoloa.

Over the last year the quarry provided approximately 6,000 tons per month of aggregates and 2,000 cubic yards per month of concrete to developments along the Kohala Coast and in Waikoloa Village. These products are provided for resort, residential, and infrastructure development, including the recently completed Waikoloa Elementary School project and the Hapuna Prince Hotel. The central location of the quarry continues to be a critical element in providing cost effective services to the region.

### Compliance with Conditions

All conditions of approval have been and will continue to be complied with. Noise and dust during operations are kept to a minimum. To the best of our knowledge no complaints have been received.

In compliance with Conditions 2 and 7 of the Special Permit regarding vehicular traffic, and at the request and in compliance with the requirements of the Department of Public Works, the quarry access road has been reconfigured and paved at its intersection with Waikoloa Road.

As required by Condition 6 of the Permit, a site restoration plan was submitted to the Planning Department on December 1, 1993. Following a site inspection by Planning Department staff, a revised site restoration plan was submitted on February 9, 1994 and was accepted by the Planning Department on March 17, 1994.

By letter dated January 25, 1993, the Planning Department acknowledged their acceptance of the metes and bounds map of the quarry site which was submitted in compliance with Condition No. 11 of the Permit on January 24, 1992. The Land Use Commission had previously acknowledged receipt and compliance on January 28, 1992.

Ms. Virginia Goldstein  
June 24, 1994  
Page Three

Conclusion

Continued quarry operations will neither unreasonably burden public agencies nor adversely affect public health or welfare or adjoining properties. We have received no complaints relative to the impact of quarrying activities on surrounding properties. The conditions of the Special Permit have been and will continue to be complied with throughout the life of the permit.

We hereby respectfully request your favorable consideration of this petition for an extension of the life of the Special Permit, subject to the other conditions of the present permit, until December 17, 1997.

Respectfully submitted,

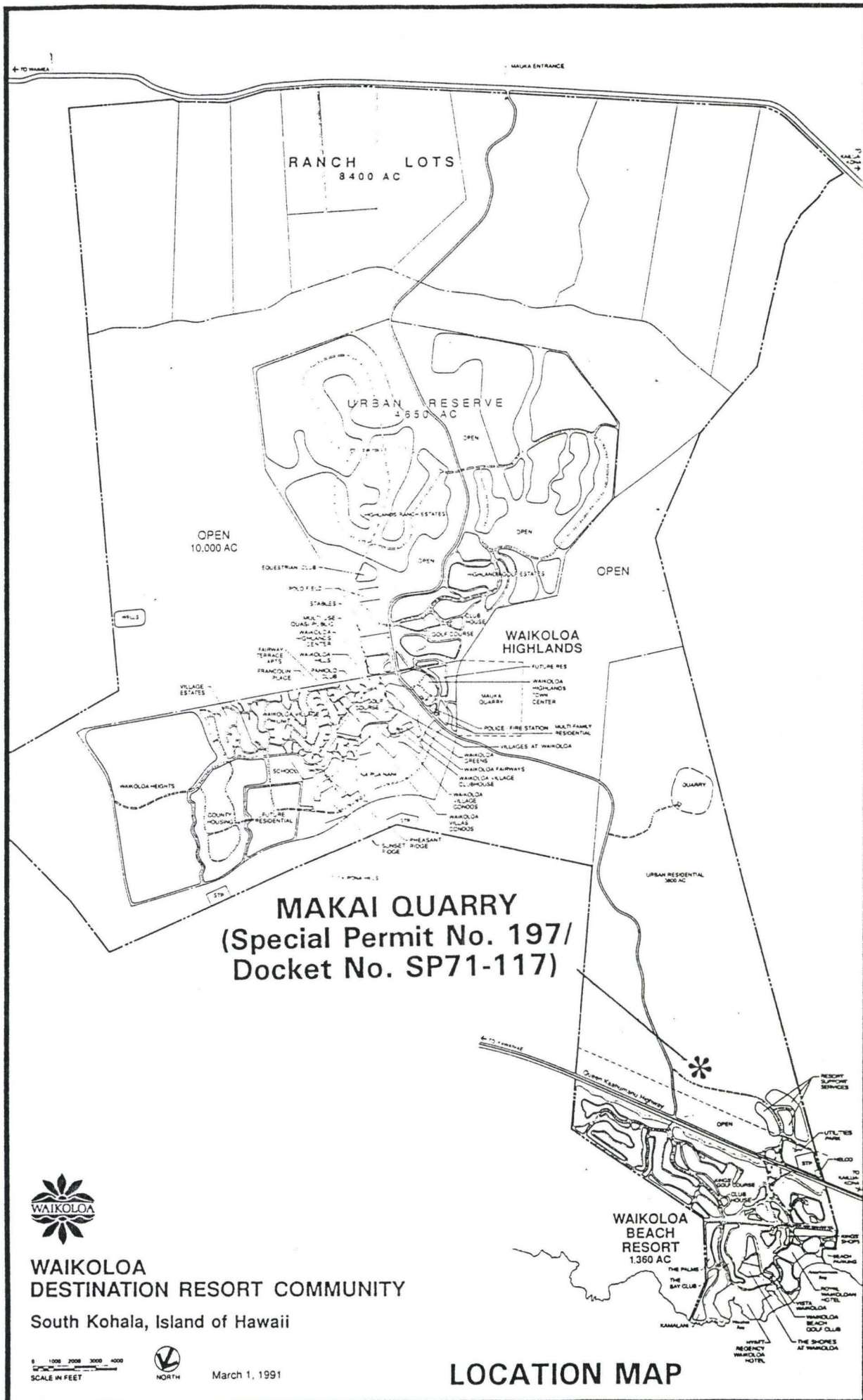
A handwritten signature in dark ink, appearing to read "Ann Cobb", with a long, sweeping horizontal stroke extending to the right.

Ann Cobb  
Planning Coordinator

Enclosures

c: Mr. Ken Melrose  
Mr. Thos Rohr





**MAKAI QUARRY**  
(Special Permit No. 197/  
Docket No. SP71-117)



**WAIKOLOA**  
**DESTINATION RESORT COMMUNITY**  
South Kohala, Island of Hawaii

0 1000 2000 3000 4000  
SCALE IN FEET



March 1, 1991

**LOCATION MAP**

REDIFORM 8L808/01808

# RECEIPT

DATE 7/12 19 94 No. 5874

RECEIVED FROM Waikoloa Devel. Co., Ltd. Partnership

ADDRESS 150 Waikoloa Beach Dr. Kamuela, HI 96743

One Hundred and no/100 DOLLARS \$ 100.00

FOR filing fee - (SPP 197)

TMK: 68-01: Por. of 5

| ACCOUNT         |  | HOW PAID                      |  |
|-----------------|--|-------------------------------|--|
| AMT. OF ACCOUNT |  | CASH                          |  |
| AMT. PAID       |  | <del>CASH</del> <u>100.00</u> |  |
| BALANCE DUE     |  | MONEY ORDER                   |  |

BY M. Niman





July 9, 1994

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

Dear Ms. Cobb:

Special Permit No. 71-117 (SPP 197)  
Applicant: Waikoloa Development Company  
Approved Use: Establish Quarry and Allied Uses  
Request: Amendment to Condition No. 4 (Life of Permit)  
Tax Map Key: 6-8-01: Portion of 5

This is to acknowledge receipt on June 27, 1994, of the above-described request for an amendment to Condition No. 4 to allow for an extension to the life of the permit until December 17, 1997. Enclosed is your receipt for the filing fee.

According to the Planning Commission's Rule No. 6, relating to Special Permit Procedures, the Planning Commission shall conduct a public hearing on the request within a period of not more than ninety (90) days from the date of receipt of the application. The Commission shall then act on the application within a period of thirty (30) days after the close of the public hearing.

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

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

"(b) Promptly after the Commission's fixing a date for the public hearing, the petitioner shall mail a notice of the application and hearing to owners of interests in properties located within three hundred feet of the



Ms. Ann Cobb  
Page 2  
July 9, 1994

perimeter boundary of the affected property and to owners of interests in other properties which the Planning Commission may find to be directly affected by the proposed request. Such notice shall state:

- (1) Name of the petitioner;
- (2) Precise location of the property(ies) involved;
- (3) Nature of the proposed use; and
- (4) Date, time and place of the hearing.

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

Please be advised that we shall be confirming your notification of owners against our records. Prompt submittal of proof of mailing will ensure that we have adequate time to check the notification.

Should you have any questions, please contact Daryn Arai or Rodney Nakano of this department at 961-8288.

Sincerely,



VIRGINIA GOLDSTEIN  
Planning Director

DSA:boa  
Enclosure (receipt)  
LWaiko14.DSA

xc: Planning Commission  
West Hawaii Office





July 9, 1994.

MEMORANDUM

TO: See Listing Below

FROM: Planning Director V.G.

SUBJECT: Special Permit No. 71-117 (SPP 197)  
Applicant: Waikoloa Development Company  
Approved Use: Establish Quarry and Allied Uses  
Request: Amendment to Condition No. 4 (Life of Permit)  
Tax Map Key: 6-8-01: Portion of 5

The attached application for an amendment to Condition No. 4 (Life of Permit) is being forwarded for your review. May we please have your written comments by July 30, 1994. Otherwise, we will assume that you have no comments or objections on the request.

Thank you very much.

DSA:boa  
4370D  
Attachment

|                                     |                              |
|-------------------------------------|------------------------------|
| xc: Department of Public Works-Kona | Department of Water Supply   |
| Police Department                   | Fire Department              |
| Tax Office                          | Department of Land & Natural |
| Health Department                   | Resources                    |
| Department of Transportation        | West Hawaii Office           |





Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Norman Olesen  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

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

July 9, 1994

#### MEMORANDUM

TO: See Listing Below  
FROM: Planning Director *[Signature]*  
SUBJECT: Special Permit No. 71-117 (SPP 197)  
Applicant: Waikoloa Development Company  
Approved Use: Establish Quarry and Allied Uses  
Request: Amendment to Condition No. 4 (Life of Permit)  
Tax Map Key: 6-8-01: Portion of 5

The attached application for an amendment to Condition No. 4 (Life of Permit) is being forwarded for your review. May we please have your written comments by July 30, 1994. Otherwise, we will assume that you have no comments or objections on the request.

Thank you very much.

DSA:boa  
4370D  
Attachment

xc: Department of Public Works-Kona  
Police Department  
Tax Office  
Health Department  
Department of Transportation

Department of Water Supply  
Fire Department  
Department of Land & Natural  
Resources  
West Hawaii Office

There are no comments at this time.

Sincerely,

*[Signature]*

Real Property Appraiser V.

69020

EXHIBIT 4





Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Norman Olesen  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

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

July 9, 1994

#### MEMORANDUM

TO: See Listing Below

FROM: Planning Director *[Signature]*

SUBJECT: Special Permit No. 71-117 (SPP 197)  
Applicant: Waikoloa Development Company  
Approved Use: Establish Quarry and Allied Uses  
Request: Amendment to Condition No. 4 (Life of Permit)  
Tax Map Key: 6-8-01: Portion of 5

The attached application for an amendment to Condition No. 4 (Life of Permit) is being forwarded for your review. May we please have your written comments by July 30, 1994. Otherwise, we will assume that you have no comments or objections on the request.

Thank you very much.

DSA:boa  
4370D  
Attachment

xc: Department of Public Works-Kona  
Police Department  
Tax Office  
Health Department  
Department of Transportation

Department of Water Supply  
Fire Department  
Department of Land & Natural  
Resources  
West Hawaii Office

State Highways - Hawaii District

NOT APPLICABLE

EXHIBIT 5

10294

RECEIVED  
DEPT. OF TRANS.  
94 JUL 13 P 1:08  
HAWAII DISTRICT







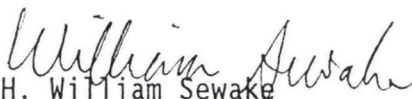
DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

25 AUPUNI STREET • HILO, HAWAII 96720  
TELEPHONE (808) 969-1421 • FAX (808) 969-6996

July 14, 1994

TO: Planning Department  
FROM: H. William Sewake, Manager  
SUBJECT: SPECIAL PERMIT NO. 71-117 (SPP 197)  
APPLICANT - WAIKOLOA DEVELOPMENT COMPANY  
TAX MAP KEY 6-8-01:PORTION 05

We have reviewed the subject application. Please be informed that the water system in the area is privately owned and operated.

  
H. William Sewake  
Manager

WA

CG225

... *Water brings progress...*

EXHIBIT 6

Stephen K. Yamashiro  
Mayor



Victor V. Vierra  
Chief of Police

Francis C. DeMorales  
Deputy Chief of Police

## County of Hawaii

### POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawaii 96720-3998  
(808) 935-3311 • Fax (808) 961-2702

July 21, 1994

TO : VIRGINIA GOLDSTEIN, PLANNING DIRECTOR  
FROM : VICTOR V. VIERRA, CHIEF OF POLICE  
SUBJECT: SPECIAL PERMIT NO. 71-117 (SPP 197)  
APPLICANT: WAIKOLOA DEVELOPMENT COMPANY  
APPROVED USE: ESTABLISH QUARRY AND ALLIED USES  
REQUEST: AMENDMENT TO CONDITION NO. 4  
(LIFE OF PERMIT)  
TMK: 6-8-01: PORTION OF 5

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

LM:sk

cc: South Kohala Police

C9578

EXHIBIT 7





JOHN WAIHEE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 916  
HILO, HAWAII 96721-0916

Peter A. Sybinsky, Ph.D.  
~~XXXXXXXXXX~~  
DIRECTOR OF HEALTH

DATE: July 26, 1994  
TO: Planning Director, County of Hawaii  
FROM: Chief Sanitarian, Hawaii District  
SUBJECT: Special Permit No. 71-117 (SPP 197)  
Applicant: Waikoloa Development Company  
Approved Use: Establish Quarry and Allied Uses  
Request: Amendment to Condition No. 4 (Life of Permit)  
Tax Map Key: 6-8-01: Portion of 5

There are no additional concerns to those made previously.

  
HAROLD MATSUURA  
Chief Sanitarian, Hawaii District

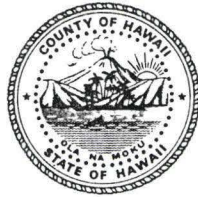
09773

EXHIBIT 8





Stephen K. Yamashiro  
Mayor



Nelson M. Tsuji  
Fire Chief

## County of Hawaii

### FIRE DEPARTMENT

466 Kinoole Street • Hilo, Hawaii 96720-2983  
(808) 961-8297 • Fax (808) 961-6920

July 27, 1994

To: Virginia Goldstein, Planning Director  
From: Nelson M. Tsuji, Fire Chief  
SUBJECT: SPECIAL PERMIT NO. 71-117 (SPP 197)  
APPLICANT: WAIKOLOA DEVELOPMENT COMPANY  
APPROVED USE: ESTABLISH QUARRY AND ALLIED USES  
REQUEST: AMENDMENT TO CONDITION NO. 4 (LIFE OF PERMIT)  
TAX MAP KEY: 6-8-01: PORTION OF 5

We have no objections or comments on the above-referenced Special Permit.

  
NELSON M. TSUJI  
Fire Chief

NMT/mo

69709



EXHIBIT 9



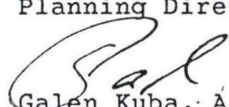


DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE  
July 28, 1994

Memorandum

TO : Planning Director

FROM :  Galen Kuba, Acting Division Chief  
Engineering Division

SUBJECT: Special Permit No. 71-117 (SPP 197)  
Applicant: Waikoloa Development Company  
Location: Waikoloa, South Kohala, HI  
TMK: 6-8-01: Portion of 5

We have reviewed the subject application and have no comments.

TWP:sls

cc: Engineering - Hilo  
Engineering - Kona  
Planning - Kona

10168

EXHIBIT 10





Z 779 076 904



# Receipt for Certified Mail

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

Sent to  
Ms. Ann Cobb, Planning Co  
Street and No.  
150 Waikoloa Beach Drive  
Post Office and ZIP Code  
Kamuela, Hawaii 96743

|                                                                  |         |
|------------------------------------------------------------------|---------|
| Postage                                                          | \$ .29  |
| Certified Fee                                                    | 1.00    |
| Special Delivery Fee                                             |         |
| Restricted Delivery Fee                                          |         |
| Return Receipt Showing<br>to Whom & Date Delivered               | 1.00    |
| Return Receipt Showing to Whom,<br>Date, and Addressee's Address |         |
| TOTAL Postage<br>& Fees                                          | \$ 2.29 |
| Postmark or Date                                                 |         |

PS Form 3800, March 1993



SP71-117 & SP92-381/WAIKOLOA



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

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

102595-93-Z-0478

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



Print your name, address and ZIP Code here

State of Hawaii  
LAND USE COMMISSION  
Rm. 104, Old Federal Bldg.  
335 Merchant Street  
Honolulu, Hawaii 96813



Is your RETURN ADDRESS completed on the reverse side?

# SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

## 3. Article Addressed to:

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

## 4a. Article Number

Z 779 076 904

## 4b. Service Type

- |                                               |                                                         |
|-----------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                        |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                            |
| <input type="checkbox"/> Express Mail         | <input type="checkbox"/> Return Receipt for Merchandise |

## 7. Date of Delivery

10 13 94

CS

## 5. Signature (Addressee)

## 6. Signature (Agent)

## 8. Addressee's Address (Only if requested and fee is paid)

SP71-117 & SP92-381 / WAIKOLOA  
Thank you for using Return Receipt Service.

Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Norman Olesen  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

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

#### CERTIFIED MAIL

August 2, 1994

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

Dear Ms. Cobb:

Special Permit No. 197

Applicant: Waikoloa Development Company

Request: Amendment to Condition No. 4 (Life of Permit)

Tax Map Key: 6-8-1:Portion of 5

This is to inform you that the above amendment to Special Permit No. 833 has been scheduled for a public hearing by the Planning Commission. Said hearing, among others, will be held beginning at 2:30 p.m. on Wednesday, August 24, 1994, in the Kona Surf Hotel, Convention Center, Koa Room, 78-128 Ehukai Street, Keauhou, North Kona, Hawaii. The presence of a representative will be appreciated in order that all questions relative to the request may be clarified. A copy of the public notice is attached for your information.

According to the Planning Commission Rule 6 (Special Permits), you are required to notify all owners of interests in properties within 300 feet of the perimeter boundary of the entire property of the hearing. The notice shall include the date, time, and place of the hearing and the specific request. The Hawaii County Department of Finance, Real Property Tax Division's records shall be used to determine the affected surrounding property owners. The Commission shall not conduct a hearing if this requirement has not been complied with.

Prior to the date of the hearing, the applicant shall file with the Planning Commission an affidavit or other similar proof of mailing of said notice. Such proof shall include the name of the landowner, tax

EXHIBIT 11

60500

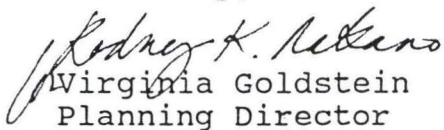


Ms. Ann Cobb  
August 2, 1994  
Page 2

map key identification, and a copy of the notice sent to the surrounding property owner. Please be advised that we shall be confirming your notification of owners against our records. Prompt submittal of proof of mailing will ensure that we have adequate time to check the notification.

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

Sincerely,

  
Virginia Goldstein  
Planning Director

RKN:smn

Att.

F:\WP60\SMN\PCC94-3\LWAIKOL01.SMN

NOTICE OF PUBLIC MEETING AND PUBLIC HEARINGS

PLANNING COMMISSION MEETING  
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of matters, among others, to be considered by the Planning Commission of the County of Hawaii in accordance with the provisions of Chapters 91 and 92, Hawaii Revised Statutes, Section 5-4.3 of the Charter of the County of Hawaii, and the Planning Commission's Rules of Practice and Procedures.

PLACE: Kona Surf Hotel, Convention Center, Koa Room,  
78-128 Ehukai Street, Keauhou, North Kona

DATE: Wednesday, August 24, 1994

MINUTES

May 19, 1994

June 30, 1994

ADMINISTRATIVE MATTERS BY COMMISSIONERS AND STAFF

ANNOUNCEMENTS

NEW BUSINESS - 1:30 p.m.

1. Application of KENAI AIR HAWAII, INC. for a Special Permit to establish a heliport and related facilities. The property is located mauka of Queen Kaahumanu Highway, mauka of the Mauna Kea Fairways, Ouli, South Kohala,  
TMK: 6-2-1: Portion of 51.  
Public Hearing Status: Open
2. Application of KIEWIT PACIFIC CO. for a Use Permit to store explosives in approved magazines at the quarry behind West Hawaii Concrete on approximately 89 acres of land in a General Industrial (MG-5a) zoned district. The property is



located approximately 3500 feet mauka of the Queen Kaahumanu Highway approximately 500 north of its intersection with Kealakehe Parkway, Honokohau 2nd, North Kona,

TMK: 7-4-08:26 & 49.

Public Hearing Status: Open

3. Application of THE COFFEE SHACK, LTD. to amend Special Permit No. 556 to allow an Espresso Bar, Ice Coffee drinks and the preparation of food on approximately 2.42 acres of land within the State Land Use Agricultural District. Special Permit No. 556 was issued to allow the receiving, weighing and storage of coffee as well as to allow a retail outlet for coffee and other related products. The project site is located on the makai side of Mamalahoa Highway approximately 2 miles south of the Napoopoo Junction, Kahauloa 2nd, South Kona, TMK: 8-3-3:19.

Hearing status: Open

4. Application of BHAGAVAN S. BURITZ, DBA SHOJIN INVESTMENT PROPERTIES to amend Special Permit No. 684 to allow wholesale, storage and manufacturing of food products and drinks and ancillary uses on approximately 1.0 acre of land within the State Land Use Agricultural District. Special Permit No. 684 was issued to allow the establishment of a wholesale warehouse facility in a 9000 square foot building. The project site is located on the makai side of Mamalahoa

Highway adjacent to and west of the Department of Water Supply's Honuaino pump site, Honuaino 4th, North Kona, TMK: 7-9-11:25.

Hearing status: Open

NEW BUSINESS - 2:30 p.m.

5. Application of RICHARD SMART REVOCABLE PERSONAL TRUST for a Special Permit to establish a wastewater treatment plant on approximately 14.94 acres of land within the State Land Use Agricultural district. The project site is located approximately one mile makai of the Mamalahoa Highway in the vicinity of the Waimea-Kohala Airport and 500 south of the Lalamilo Farm Lots, Waikoloa, South Kohala,

TMK: 6-8-1:Portion of 1

Public Hearing Status: Open

6. Application of WAIKOLOA DEVELOPMENT COMPANY to amend Special Permit No. 197 which allows quarry operations and allied uses on approximately 390 acres of land within the State Land Use Agricultural District. The project site is located on the south (Kona) side of Waikoloa Road approximately 2000 feet mauka of its intersection with Queen Kaahumanu Highway, Waikoloa, South Kohala, TMK: 6-8-1:Portion of 5.

Hearing status: Open

7. Application of WAIKOLOA DEVELOPMENT COMPANY to amend Special Permit No. 833 which allows quarry operations and related uses on approximately 220 acres of land within the State Land Use Agricultural District. The project site is located



on the south (Kona) side of Waikoloa Road approximately 2 miles mauka of its intersection with Queen Kaahumanu Highway, Waikoloa, South Kohala, TMK: 6-8-1:Portion of 5.  
Hearing status: Open

8. Application of DONALD AND CAROLE SWANGEL for a Special Permit to establish a four-bedroom bed and breakfast on approximately 2 acres of land within the State Land Use Agricultural District. The project site is located on the east (Naalehu) side of Leilani Parkway midway between Coral Parkway and Luau Drive, Hawaiian Ocean View Estates, Kahuku, Kau, TMK: 9-2-3:46.

Public Hearing Status: Open

#### ADJOURNMENT

If you require an accommodation or auxiliary aid and/or services to participate in this meeting (i.e., sign language interpreter, large print), please call 961-8288.

The purpose of the public notice is to afford all interested persons a reasonable opportunity to be heard on the above requests. According to Rule 1 (General Rules) of the Planning Commission, a person desiring to submit oral or written testimony shall indicate her/his name; residence address; and whether the testimony is on her/his own behalf or as a representative of an organization or individual. If testimony is being submitted on behalf of an organization, documentation showing membership ratification should accompany the testimony. Written testimony shall be submitted with an original and nine copies prior to

testifying. The Commission would appreciate timely submittals to the Planning Department at least one week prior to the hearing date to allow for mailing and thorough Commission review. Testimony which is irrelevant or unduly repetitious may be limited by the Chairperson pursuant to Rule 1.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and in the Planning Department's West Hawaii Office at 75-5706 Kuakini Highway, Suite 108, in Kailua-Kona, Hawaii, and are open to inspection during office hours.

PLANNING COMMISSION  
Donald Manalili, Chairman

(Hawaii Tribune Herald: August 14, 1994)  
(West Hawaii Today: August 14, 1994)



P 008 113 132



**Receipt for Certified Mail**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

|                                                               |         |
|---------------------------------------------------------------|---------|
| Sent to<br><i>Ann Cobb</i>                                    |         |
| Street and No.<br><i>150 Waikoloa Beach Dr.</i>               |         |
| P.O., State and ZIP Code<br><i>Kamuela, HI 96743</i>          |         |
| Postage                                                       | \$ .52  |
| Certified Fee                                                 | 1.00    |
| Special Delivery Fee                                          |         |
| Restricted Delivery Fee                                       |         |
| Return Receipt Showing to Whom & Date Delivered               | 1.00    |
| Return Receipt Showing to Whom, Date, and Addressee's Address |         |
| TOTAL Postage & Fees                                          | \$ 2.52 |
| Postmark Date<br><i>1994</i>                                  |         |

58P 197 + 833 - Waikoloa Dev Co  
 PS Form 3811 June 1991

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

*Ann Cobb  
Waikoloa Dev Co  
150 Waikoloa Beach Dr.  
Kamuela, HI 96743*

4a. Article Number

*P 008 113 132*

4b. Service Type

- |                                               |                                                         |
|-----------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                        |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                            |
| <input type="checkbox"/> Express Mail         | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

*8 8 94*

5. Signature (Addressee)

*Ann Cobb*

6. Signature (Agent)

*John Charles*

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.







August 10, 1994

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

RE: Affidavit of Notification  
Time Extension to Condition No. 4 (Life of Permit)  
of Special Permit No. 197 (71-117)  
Applicant: Waikoloa Development Co.  
TMK: 6-8-01:por. of 5

Dear Ms. Goldstein:

We have received your notification of the scheduling of the public hearing before the Planning Commission on the above subject. Said hearing, among others, will be held beginning at 2:30 p.m. on Wednesday, August 24, 1994, in the Kona Surf Hotel, Convention Center, Koa Room, 78-128 Ehukai Street, Keauhou, North Kona, Hawaii. Our representative will be present.

As required under Rule 6 of the Planning Commission, we mailed notification of this hearing to all property owners within 300 feet of TMK: 6-8-01:portion of 5, as listed below, on Wednesday, August 10, 1994.

|           |                                                                                                                                   |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------|
| 6-8-01:28 | Hawaiian Electric Light<br>Company, Inc.<br>P. O. Box 1027<br>Hilo, Hawaii 96721                                                  |
| 6-8-02:15 | Waikoloa Village Association<br>P. O. Box 383910<br>Waikoloa, Hawaii 96738                                                        |
| 6-9-03:02 | Waikoloa Homesites Venture<br>Attn: Mr. Larry Hansen<br>Suite 1510, Pacific Tower<br>1001 Bishop Street<br>Honolulu, Hawaii 96813 |

10084

Ms. Virginia Goldstein  
August 10, 1994  
Page Two

7-1-03:01 & 02

State of Hawaii  
c/o DLNR-Land Management Division  
P. O. Box 936  
Hilo, Hawaii 96721

F. Newell Bohnett, Lessee  
Puuwaawaa Ranch  
P. O. Box 1536  
Kailua-Kona, Hawaii 96745

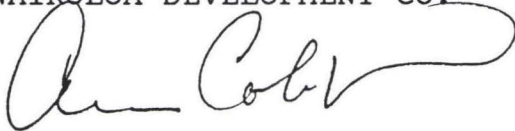
Queen Kaahumanu  
Highway

State of Hawaii  
c/o DOT-Highways Division  
P. O. Box 4277  
Hilo, Hawaii 96720

The other adjacent lands are owned either by the County of Hawaii, the various agencies of which we assume have been apprised of the hearing date as part of the application process, or by Waikoloa Development Co. or its affiliated companies, Waikoloa Land & Cattle Co., Waikoloa Resort Utilities, or Waikoloa Properties, Inc.

Sincerely,

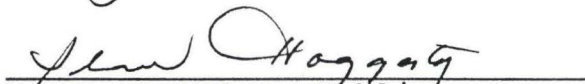
WAIKOLOA DEVELOPMENT CO.



Ann Cobb  
Planning Coordinator

Subscribed and sworn to before  
me this 10<sup>th</sup> day of  
August, 1994

*L.S.*

  
Notary Public

My Commission Expires: 4/15/95

Enclosure (Notice)  
cc w/enclosure:  
Mr. Ken Melrose  
Mr. Thos Rohr



NOTICE  
PLANNING COMMISSION HEARING  
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of a matter, among others, to be considered by the Planning Commission of the County of Hawaii in accordance with the provisions of Chapters 91 and 92, Hawaii Revised Statutes, Section 5-4.3 of the Charter of the County of Hawaii, and the Planning Commission's Rules of Practice and Procedures.

PLACE: Kona Surf Hotel  
Convention Center, Koa Room  
78-128 Ehukai Street  
Keauhou, North Kona, Hawaii

DATE: Wednesday, August 24, 1994

TIME: 2:30 p.m.

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

APPLICANT: WAIKOLOA DEVELOPMENT CO.

LOCATION: The project site is located on the south (Kona) side of Waikoloa Road approximately 2000 feet mauka of its intersection with Queen Kaahumanu Highway, Waikoloa, South Kohala.

TMK: 6-8-01:Portion of 5

PURPOSE: To amend Condition No. 4 (Life of Permit) of Special Permit No. 197 which allows quarry operations and allied uses on approximately 390 acres of land within the State Land Use Agricultural District.

Maps showing the general location and boundary of the area under consideration and/or plans of the proposed development are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and in the Planning Department's West Hawaii Office at 75-5706 Kuakini Highway, Suite 108, in Kailua-Kona, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

(Hawaii Tribune Herald: August 14, 1994)  
(West Hawaii Today: August 14, 1994)







DEPUTIES  
JOHN P. KEPFELER, II  
DONA L. HANA'IKE

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

REF:OCEA:BKW

P. O. BOX 621  
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
CONSERVATION AND  
ENVIRONMENTAL AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

FILE NO.: 95-028  
DOC. NO.: 4794

The Honorable Virginia Goldstein, Director  
Planning Department  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

AUG 11 1994

Dear Ms. Goldstein:

SUBJECT: Time Extension Application for Special Permit No. 71-117  
(SPP 197): Waikoloa Development Co., Waikoloa, South Kohala,  
Hawaii; TMK: 6-9-01: por. 5

We have reviewed the information for the subject time extension transmitted by your memorandum dated July 9, 1994, and appreciate the additional time to review this matter. We have no objections to the subject request.

Thank you for the opportunity to comment on this matter.

Please feel free to call Steve Tagawa at our Office of Conservation and Environmental Affairs, at 587-0377, should you have any questions.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Keith W. Ahue".  
KEITH W. AHUE

10429

EXHIBIT 13





COPY

PLANNING DEPARTMENT  
25 AUPUNI STREET

COUNTY OF HAWAII  
HILO, HAWAII 96720

1  
7.20  
7.20  
7.20

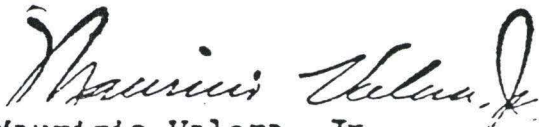
November 16, 1971

Mr. Tatsuo Fujimoto  
Executive Officer  
Land Use Commission  
P. O. Box 2359  
Honolulu, HI 96804

Re: Special Permit Application of Boise Cascade Recreation  
Communities, Tax Map Key 6-8-01:5 (Quarry Site)

Please refer to our recommendations of the above application  
which was rendered on our decision meeting of October 14, 1971.

This is to inform you that the Planning Commission at its  
meeting of November 11, 1971 reconsidered the fifth condition  
imposed on the permit. It was voted to allow the sale of exca-  
vated material and not limit the use to their own development;  
and with this allowance, it was recommended that an annual check  
be made by the staff to see that there is a reasonable control  
on the excavation.



Mauricio Valera, Jr.  
Vice Chairman  
For  
O. W. Efurd, Jr.  
Chairman

lat

cc D. W. Korth, Jr.  
Walt Southward

Submitted at 8/24/94 hearing

8/24 SA

EXHIBIT 14



STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Lecture Hall, Kailua High School  
Kailua, Oahu

December 17, 1971 - 2:00 p.m.

APPROVED  
FEB 5 1972

Commissioners Present: Goro Inaba, Chairman  
Alexander Napier  
Shelley Mark  
Sunao Kido  
Leslie Wung  
Tanji Yamamura  
Stanley Sakahashi

Commissioner Absent: Eddie Tangen, Vice Chairman

Staff Present: Tatsuo Fujimoto, Executive Officer  
Ah Sung Leong, Planner  
Walton Hong, Deputy Attorney General  
Dora Horikawa, Stenographer

Chairman Inaba swore in persons wishing to testify during today's proceedings.

ACTION

SPECIAL PERMIT APPLICATION BY BOISE CASCADE RECREATION COMMUNITIES GROUP (SP71-117) TO OPERATE QUARRY, INCLUDING ALLIED USES AT WAIKOLOA, SOUTH KOHALA, HAWAII

Mr. Ah Sung Leong, staff planner, presented the staff memo recommending approval of the special permit, based on staff's findings, subject to the four conditions established by the Hawaii County Planning Commission, and subject also to the fifth condition which was reconsidered and deleted by the Hawaii County Planning Commission (see copy of report on file).

Mr. Leong described the subject property on the district map.

December 17, 1971

Mr. Walt Southward, Manager of Public Affairs for Boise Cascade, commended the staff for its comprehensive summary of petitioner's request. However, he requested that the Land Use Commission concur with the Hawaii County Planning Commission's recommendation that condition #5 be deleted, since it would be mutually advantageous for the petitioner as well as its neighboring industrial establishments, if petitioner were allowed the flexibility of selling quarry material removed from the subject site. He added that Boise Cascade did not anticipate going into the quarry business but the availability of quarry material may help to lower the operation cost for some adjacent industry.

In response to questions raised by staff and the Commissioners, Mr. Southward advised that initially 100% of the material will be used by the petitioner, and that there were presently two quarries located in the general area.

Commissioner Sakahashi moved that the special permit be approved with the deletion of condition #5 restricting the sale of quarry material, subject to the conditions imposed by the Hawaii County Planning Commission. The motion was seconded by Commissioner Kido and unanimously carried.

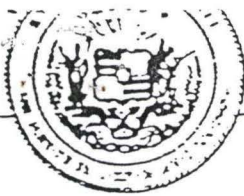
SPECIAL PERMIT APPLICATION BY CONCRETE INDUSTRIES (SP71-118)  
TO OPERATE A PORTABLE CONCRETE BATCHING PLANT AT HONOKOWAI,  
MAUI

Mr. Fujimoto, Executive Officer, read the staff report recommending approval of this request subject to the conditions imposed by the Maui County Planning Commission, as amended, and with the further conditions imposed by the Land Use Commission (see copy of report on file).

Mr. Fujimoto confirmed that a copy of the letter from the State Department of Transportation concurring with the suitable access to the Honoapiilani Highway was on file in the records.

In response to a point raised by Commissioner Kido, Mr. Fujimoto advised that petitioner had indicated that water would be obtained from the County water system, but in the event this is not feasible, he will resolve the matter with Amfac who are the owners of the property.





LAND USE COMMISSION

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

TEDFIDU PHIL TABIAN  
Chairman

FREDERICK P. WHITTEMORE  
Vice Chairman

COMMISSION MEMBERS

Richard B. F. Choy  
Lawrence F. Chun  
Everett L. Cuskaden  
Winona C. 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:

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





**DRAFT**  
**SUBJECT TO CHANGE**

BWaiko02.DSA-8/8/94

**COUNTY OF HAWAII PLANNING DEPARTMENT**  
**BACKGROUND REPORT**

**WAIKOLOA DEVELOPMENT COMPANY**  
**AMENDMENT TO CONDITION NO. 4 (Life of Permit)**  
**SPECIAL PERMIT NO. 197 (SP71-117)**

WAIKOLOA DEVELOPMENT COMPANY is requesting an amendment to Special Permit No. 197, which allows the establishment of quarry operations and allied uses on approximately 390 acres of land situated within the State Land Use Agricultural District. The project site is located on the south (Kona) side of Waikoloa Road approximately 2,000 feet mauka of its intersection with Queen Kaahumanu Highway, Waikoloa, South Kohala, TMK: 6-8-01: Portion of 1.

**PLANNING COMMISSION ACTION**

1. **Authority:** Since the requested amendment to Special Permit No. 197 affects uses on lands greater than 15 acres, the Planning Commission's action on this amendment request will be a recommendation to the State Land Use Commission, who will have the final decision regarding the petitioner's request.

**RELEVANT BACKGROUND INFORMATION**

2. **October 14, 1971** - Planning Commission forwards a favorable recommendation to the State Land Use Commission (SLUC) of a request by Boise Cascade Recreation Communities Corporation (BCRCC), the former landowner, to establish and operate a 309-acre quarry site, including related uses such as a portable screening plant, rock

Exhibit No. 15



crusher and scales. Favorable recommendation of the request was subject to the following conditions:

- "1. That all State and County standards and appropriate safety measures be taken by the applicant to safeguard vehicular traffic during the entire period of 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 description 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 the equipment shall be removed. A grading plan will then be done and the natural contours shall be restored. At the end of quarrying operations, the site shall appear as a 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."
3. **November 11, 1971** - Planning Commission considers a request by BCRCC to reconsider the restriction on the use of excavated material as specified by Condition No. 5. The Planning Commission votes to recommend to the SLUC that Condition No. 5 be deleted to not limit the use of excavated material, with a provision that an annual check be made by Planning Department staff to see that there is reasonable control on the excavation.
4. **December 17, 1971** - Effective date of Decision and Order by the SLUC, which approved Special Permit No. 197 (SP71-177) to allowed the establishment of quarry operations and allied uses within the project site subject to Condition Nos. 1 through 5

as detailed above. The SLUC voted to include Condition No. 5 as it felt that the restriction was "justified and reasonable, and should be imposed for the reason that all of the evidence submitted by the petitioner in substantiation of his request relates to the needs of the Waikoloa project. No evidence has been submitted to justify the use of the quarried material for other projects, nor was there any mention in the application that the material was partly intended for commercial purposes."

5. **November 9, 1976** - Effective date of Decision and Order by the SLUC to extend the life of Special Permit No. 197 for 5 years until December 17, 1981, subject to an additional requirement that "the 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."
6. **May 5, 1991** - Effective date of Decision and Order by the SLUC to allow for an extension to the life of Special Permit No. 197 for 10 years until December 17, 1991, subject to the following additional conditions:

"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



quarrying 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."

7. **May & June 1986** - Planning Commission hearings conducted on request by Transcontinental to delete Condition No. 5 to allow for the use of excavated material for developments not associated with the petitioner. At the request of Transcontinental, the Commission, at its June 12, 1986, meeting, voted to withdraw the request to delete Condition No. 5 from further consideration.
8. **August 28, 1986** - Planning Commission votes to deny a request by the petitioner to suspend the limitations imposed by Condition No. 5 for a period of one year to allow for the off-site sale of batch concrete produced at the quarry.
9. **October 16, 1986** - Planning Commission votes to deny a request by the petitioner to suspend the limitations imposed by Condition No. 5 for a period of 6 months to allow for the off-site sale of batch concrete produced at the quarry.
10. **December 20, 1991** - Effective date of Decision and Order by SLUC to amend Condition No. 4 to allow for an extension to the life of Special Permit No. 197 of 3 years until December 17, 1994, subject to the following conditions of approval:
  - "1. The applicant, successors or assigns shall be responsible for complying with all stated conditions of approval.
  - "2. That all State and County standards and appropriate safety measures be taken by the applicant to safeguard vehicular traffic during the entire period of operation, 24 hours a day.

- "3. That the applicant shall take every precaution not to create any inconvenience from noise and dust problems during the operation.
- "4. That the operation be confined within the metes and bounds description as submitted.
- "5. That this permit shall remain in effect until December 17, 1994.
- "6. The applicant shall submit a Site Restoration Plan for review and approval by the Planning Department, in consultation with the Department of Public Works, one year prior to the expiration date of the permit. All temporary support facilities and equipment shall be removed and the site shall be graded to blend with the surrounding areas prior to the expiration date of the permit.
- "7. 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 quarrying 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.
- "8. Comply with applicable laws, rules, regulations, and requirements.
- "9. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the status of compliance with conditions of approval. This condition shall remain in effect until the expiration of the permit.
- "10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.
- "11. The applicant shall submit a metes and bounds map of the Permit area to the County of Hawaii and the Commission."



11. **Status of Compliance:** The petitioner is currently in compliance with all conditions of approval of Special Permit No. 197. A Site Restoration Plan and metes and bounds of the project site have been accepted by the Planning Department in compliance with Condition No. 6 and 11, respectively.

#### **PETITIONER'S REQUEST**

12. **Request:** The petitioner is requesting an amendment to Condition No. 4 of Special Permit No. 197 to allow for an extension to the life of the permit for a period of three (3) years until December 17, 1997.
13. **Reasons for Request:** In support of the request, the applicant submitted the following: (Please see attached **Exhibit C** - Letter from Petitioner to Planning Director dated June 24, 1994)

#### **COUNTY AND STATE PLANS**

14. **State Land Use Designation:** The project site is located within an area designated as Agricultural by the State Land Use Commission.
15. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the project site for Urban Expansion.
16. **County Zoning:** The project site is zoned Unplanned (U).
17. **Special Management Area:** The project site is not located within the Special Management Area of the County of Hawaii.

## **DESCRIPTION OF PROJECT SITE AND SURROUNDING AREAS**

18. **Locational Description:** The project site, consisting of approximately 309 acres, is located within a larger 3,049 $\pm$ -acre parcel of land situated mauka of the Queen Kaahumanu Highway and south of Waikoloa Road (see **Exhibit B**).
19. **Existing Quarry:** The existing quarry, known as "Site 3" or the "Makai Quarry", is situated at an elevation of 200 feet above sea level. Basaltic (blue) rock and A'a cinders are the primary products excavated from the quarry.
20. **Soil Conservation Service Soil Survey Report:** Soil within the project site consist of A'a lava (rLV).
21. **Land Study Bureau:** The Land Study Bureau Overall Master Productivity Rating system classifies soils within the project site as "E" or "Very Poor" for agricultural productivity.
22. **ALISH:** The State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) map does not classify soils within the project site.
23. **Flood Insurance Rate Map:** The FIRM maps, prepared by the Federal Emergency Management Agency, identifies the project site as being located outside of the 500-year flood plain (Zone X).
24. **Surrounding Land Zoning/Uses (Exhibit A):** To the east (mauka) of the project site are two existing quarries and one proposed quarry. Between the 700-foot and 1,000-foot elevations is a proposed 220-acre quarry approved by the SLUC on January 19, 1993 (SP92-381). Further mauka is are two existing quarries consisting of



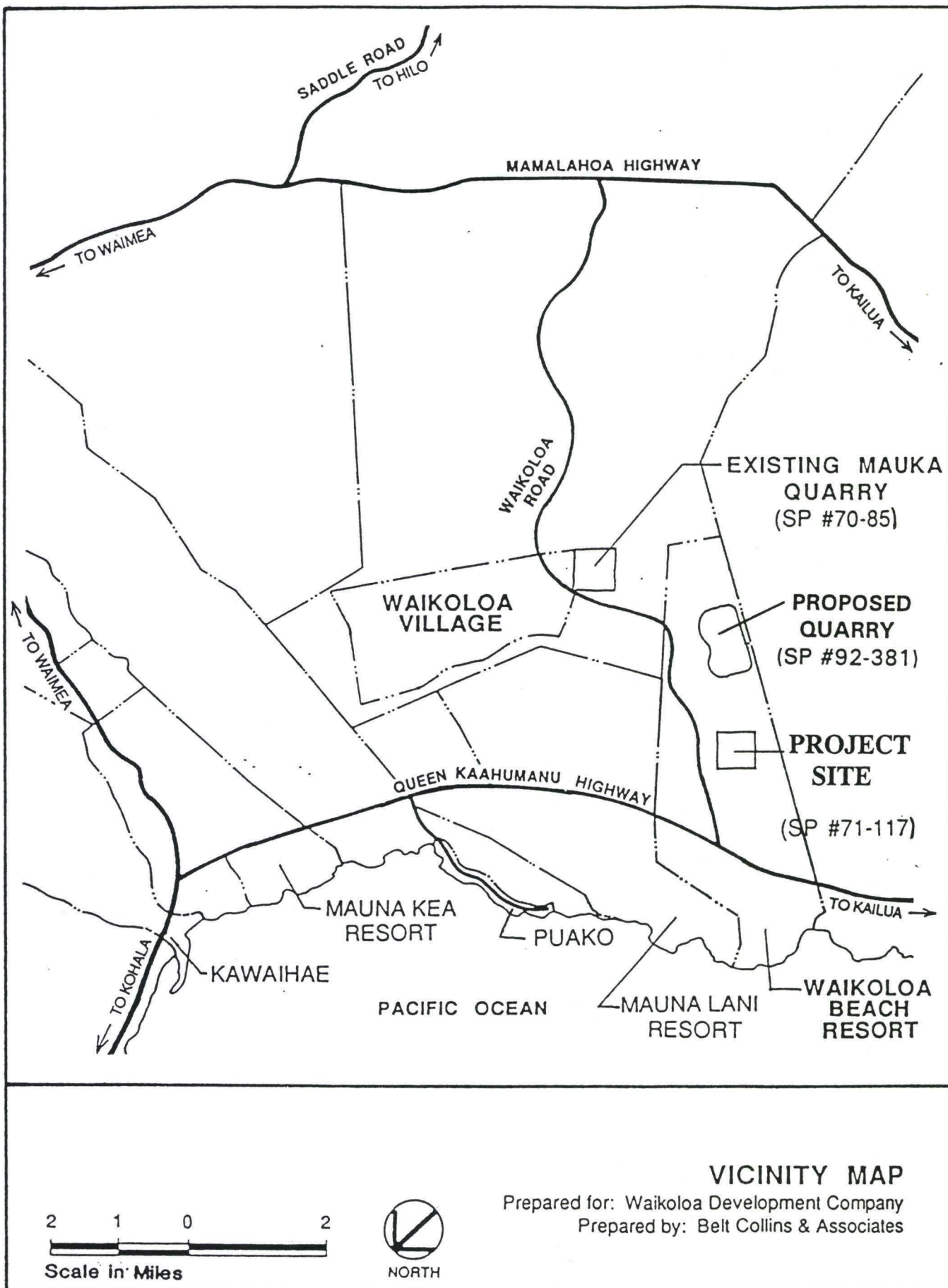
the Pu'u Hinai Quarry (Site 1) and the Village Quarry (Site 2) which were both approved by the SLUC in 1970 (SP70-85). In 1991, the SLUC amended SP70-85 to extend the life of both quarries until December 11, 1995. The new 220-acre quarry is intended to replace all existing quarries located within the affected area, including the quarry which is the subject of this amendment request.

#### **PUBLIC SERVICES, UTILITIES AND FACILITIES**

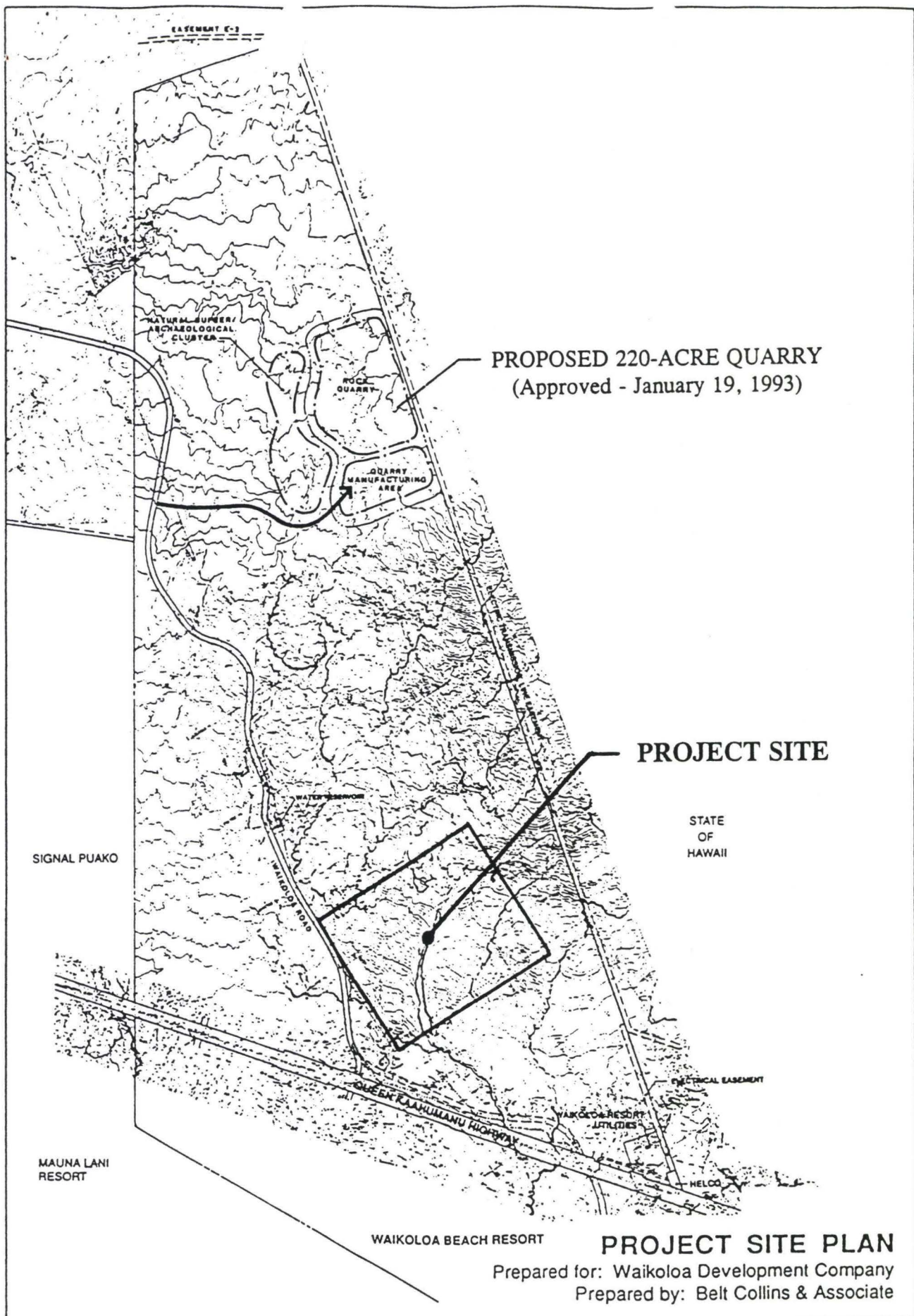
- 25. **Access:** Access to the project site is provided by Waikoloa Road, a County-maintained roadway having a pavement width of 22 feet within an 80-foot wide right-of way.
- 26. **Water:** Water to the project site is provided by a private water system.
- 27. **All other essential utilities and services** continue to be available to the project site.

#### **AGENCIES' COMMENTS**

- 28. **Department of Transportation, Department of Health, Department of Land and Natural Resources, Department of Public Works, Department of Water Supply, Real Property Tax Office, Police and Fire** had no objections and/or comments on the request.



**EXHIBIT A**



## PROJECT SITE PLAN

Prepared for: Waikoloa Development Company  
Prepared by: Belt Collins & Associate

UNPLANNED RESERVE  
MAUKA LAND  
Waikoloa  
South Kohala, Hawaii

## PROPOSED QUARRY SITE

JUNE 1991



EXHIBIT B





June 24, 1994

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

RE: Special Permit No. 71-117 (SPP 197)  
Applicant: Waikoloa Development Co.  
Establish Quarry Operations and Allied Uses --  
Amendment to Condition No. 4, Request for Time Extension  
TMK: 6-8-01:Portion of 5

Dear Ms. Goldstein:

Waikoloa Development Co., as agent for landowner Waikoloa Land & Cattle Co., requests a three year extension, to December 17, 1997, to the life of the Special Permit which allows quarrying and related uses on 309 acres within Lot 3B, located within the State Land Use Agricultural district. Enclosed are the \$100 application fee and 16 copies of this request, with location map.

Reason for Request

It has been the plan of the applicant to phase out operations at this quarry site, prior to the end of 1994, and to transfer them to the proposed new quarry site, which is located approximately 3 miles southeast (mauka) of the makai quarry and which was approved in January 1993 under Special Permit No. 833. However, continuing weak economic conditions and a slow construction market have inhibited the development of the new quarry.

In addition, it has been the applicant's intent that the required restoration of the Makai Quarry would occur as the quarry operator "worked" its way out of the quarry, in accordance with the plan approved by the Planning Department on March 17, 1994. Again because of the slow construction market, this work has not been able to proceed as quickly as expected.

The three year time extension will: Allow for continued operations while the planning and construction of the new site are completed; allow for an orderly transition of operations between the two sites; and allow for the restoration of the present site in accordance with the approved Site Restoration Plan.

**EXHIBIT C**

### Background

The makai quarry site approved under this Special Permit has been actively quarried since 1971 and supplies aggregates and concrete ready-mix products to Waikoloa and projects along the coast. Although the decrease in the number of construction projects in the area has resulted in a reduction in aggregate production, the quarry remains a necessary and integral part of the overall development of Waikoloa.

Over the last year the quarry provided approximately 6,000 tons per month of aggregates and 2,000 cubic yards per month of concrete to developments along the Kohala Coast and in Waikoloa Village. These products are provided for resort, residential, and infrastructure development, including the recently completed Waikoloa Elementary School project and the Hapuna Prince Hotel. The central location of the quarry continues to be a critical element in providing cost effective services to the region.

### Compliance with Conditions

All conditions of approval have been and will continue to be complied with. Noise and dust during operations are kept to a minimum. To the best of our knowledge no complaints have been received.

In compliance with Conditions 2 and 7 of the Special Permit regarding vehicular traffic, and at the request and in compliance with the requirements of the Department of Public Works, the quarry access road has been reconfigured and paved at its intersection with Waikoloa Road.

As required by Condition 6 of the Permit, a site restoration plan was submitted to the Planning Department on December 1, 1993. Following a site inspection by Planning Department staff, a revised site restoration plan was submitted on February 9, 1994 and was accepted by the Planning Department on March 17, 1994.

By letter dated January 25, 1993, the Planning Department acknowledged their acceptance of the metes and bounds map of the quarry site which was submitted in compliance with Condition No. 11 of the Permit on January 24, 1992. The Land Use Commission had previously acknowledged receipt and compliance on January 28, 1992.

Ms. Virginia C. Goldstein  
June 24, 1994  
Page Three

Conclusion

Continued quarry operations will neither unreasonably burden public agencies nor adversely affect public health or welfare or adjoining properties. We have received no complaints relative to the impact of quarrying activities on surrounding properties. The conditions of the Special Permit have been and will continue to be complied with throughout the life of the permit.

We hereby respectfully request your favorable consideration of this petition for an extension of the life of the Special Permit, subject to the other conditions of the present permit, until December 17, 1997.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ann Cobb", with a long, sweeping horizontal stroke extending to the right.

Ann Cobb  
Planning Coordinator

Enclosures

c: Mr. Ken Melrose  
Mr. Thos Rohr





**DRAFT**  
**SUBJECT TO CHANGE**

RWaiko02.DSA-8/11/94

**COUNTY OF HAWAII PLANNING DEPARTMENT  
RECOMMENDATION**

**WAIKOLOA DEVELOPMENT COMPANY  
AMENDMENT TO CONDITION NO. 4 (Life of Permit)  
SPECIAL PERMIT NO. 197 (SP71-117)**

Upon review of the subject request against the guidelines for granting a Special Permit or an amendment thereto, the Planning Director is recommending that the Planning Commission forward a favorable recommendation of the amendment request to the State Land Use Commission. Since this recommendation is made without the benefit of public testimony, the Director reserves the right to modify and/or alter the position based upon additional information presented at the public hearing. This favorable recommendation is based on the following findings:

In considering an amendment to a Special Permit for any proposed use, Rule 6 of the Planning Commission relating to Special Permits require that such action *conform to the following guidelines:*

- a. Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
- b. The desired use shall not adversely affect surrounding properties;
- c. Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;
- d. Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
- e. The land upon which the proposed use is sought is unsuited for the uses permitted within the district;
- f. The proposed use will not substantially alter or change the essential character of the land and the present use;



- g. The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans;

In addition to the guidelines detailed above, the Planning Commission must also find that the proposed use:

- a. Is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be; and
- b. Would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

A proposed use must meet all of these criteria for approval by the Planning Commission.

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The project site is comprised of A'a Lava which have been classified as "E" (Very Poor) for agricultural productivity by the Land Study Bureau's Detailed Land Classification System. The State Land Use Commission, in its approval of Special Permit No. 197 to allow the establishment of a quarry, found that the quarry would be **an unusual and reasonable use of land within the State Land Use Agricultural District**. The existing quarry has been in continual use since its approval in 1971. Continued use of the quarry for an additional three years will not displace any agricultural activity nor diminish the



extremely limited agricultural potential of the surrounding region. **Therefore, the requested amendment would not be contrary to the objectives of the State Land Use Law for the Agricultural district.**

**The amendment request will not adversely affect the surrounding properties.** The Waikoloa airstrip is located in relatively close proximity to the quarry site. Waikoloa Village is the nearest residential-commercial development. These areas are located at a reasonable distance from the quarry site and should provide an adequate buffer from noise, dust and other potential irritants. To allow the quarry to operate for an additional three years should not affect surrounding properties. This fact has been demonstrated by the absence of complaints filed with the Planning Department regarding operational nuisances generated by the quarry since it commenced operation over 22 years ago. Conditions of approval within Special Permit No. 197 would require the applicant to minimize any adverse traffic, noise and dust impacts to surrounding areas. Should the amendment request be approved, these requirements will continue to regulate the extended quarry operations to ensure such potential impacts are minimized.

**The amendment request will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, police and fire protection.** Access, water and other essential utilities and services are available to the project site. Consulted agencies had no objection to the request.

**The amendment request will not substantially alter or change the essential character of the land and the present use.** To allow for the continued use of the

quarry for 3 additional years will not substantially change the character of the area which has been developed over the past 20+ years as a quarry. This is more evident with the existing and proposed quarries located mauka of the project site.

Implementation of the approved Site Restoration Plan will attempt to restore, as much as possible, the general physical characteristics of the area and the removal of man-made implements.

**The land upon which the proposed use is not suitable for the uses permitted within the district.** As previously mentioned, soils within the project sites are not suitable for many types of agriculture. The nature of the request is to allow for the continued operation of the existing quarry for an additional three years. The area of the approved quarry will not be expanded nor will new uses be introduced.

**The proposed use is consistent with the goal of the Land Use Element of the General Plan** which is to *"Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County"* and that *"The County of Hawaii should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse effects on the environment."* The petitioner has complied with all requirements imposed by Special Permit No. 197, including the recent approval of a Site Restoration Plan which will be implemented prior to, and upon the termination of the existing quarry operations. The ability of the subject property to provided the needed raw material vital to the construction industry while able to absorb the noxious nature of quarries speaks to the appropriateness of the area for such uses.

In consideration of the above, it is recommended that a three-year extension to the life of Special Permit No. 197 be granted subject to the following revised conditions (new material is underscored and material to be deleted is bracketed):

- "1. The applicant, successors or assigns shall be responsible for complying with all stated conditions of approval.
- "2. That all State and County standards and appropriate safety measures be taken by the applicant to safeguard vehicular traffic during the entire period of operation, 24 hours a day.
- "3. That the applicant shall take every precaution not to create any inconvenience from noise and dust problems during the operation.
- "4. That the operation be confined within the metes and bounds description as submitted.
- "5. That this permit shall remain in effect until December 17, [1994] 1997.
- "6. The applicant shall submit a Site Restoration Plan for review and approval by the Planning Department, in consultation with the Department of Public Works, one year prior to the expiration date of the permit. All temporary support facilities and equipment shall be removed and the site shall be graded to blend with the surrounding areas prior to the expiration date of the permit.
- "7. 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 quarrying 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.

- "8. Comply with applicable laws, rules, regulations, and requirements.
- "9. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the status of compliance with conditions of approval. This condition shall remain in effect until the expiration of the permit.
- "10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.
- "11. The applicant shall submit a metes and bounds map of the Permit area to the County of Hawaii and the Commission."





RECORD OF VOTING  
PLANNING COMMISSION  
COUNTY OF HAWAII

DATE: August 24, 1994

APPLICANT: WAIKOLOA DEVELOPMENT CO.-- Amend SPP 197

PUBLIC HEARING ✓ ACTION

ACTION: APPROVE *Favorable Rec to SUC* *① martinson* *② Balog* *cls ha*

       DENY

       DEFER

       CONTINUE

OTHER: as recommended by staff w/ changes to background report

| COMMISSIONERS:      | AYE | NO | EXCUSED | ABSTAIN |
|---------------------|-----|----|---------|---------|
| ALONZO, Eddie       | ✓   |    |         |         |
| BALOG, Kevin M. ②   | ✓   |    | 8-0     |         |
| CROOK, Edward E. ①  | ✓   |    |         |         |
| FIESTA, Isaac       | ✓   |    |         |         |
| KATAYAMA, Mary      | ✓   |    |         |         |
| MARTINSON, Melvin   | ✓   |    |         |         |
| RICE, Sally         | ✓   |    |         |         |
| WONG, Wilton        | ✓   |    |         |         |
| MANALILI, Donald L. |     |    | ✓       |         |





PLANNING COMMISSION  
COUNTY OF HAWAII

HEARING TRANSCRIPT  
August 24, 1994

A regularly advertised hearing on the application of WAIKOLOA DEVELOPMENT COMPANY was called to order at 4:58 p.m. in the Kona Surf Hotel, Kamehameha Ballroom, 78-128 Ehukai Street, Keauhou, North Kona, Hawaii, with Vice-Chairman Wilton Wong presiding.

PRESENT: Wilton Wong  
Eddie Alonzo  
Kevin Balog  
Edward E. Crook  
Isaac Fiesta  
Mary Katayama  
Melvin Martinson  
Sally Rice

ABSENT: Donald Manalili  
  
Ex-officio Member  
H. William Sewake

Virginia Goldstein, Planning Director  
Rodney Nakano, Staff Planner  
Daryn Arai, Staff Planner  
Royden Yamasato, Staff Planner  
Linda Copman, Staff Planner

Fred Giannini, Deputy Corporation Counsel  
Tom Pack representing Ex-officio Member  
Donna Kiyosaki

And approximately 8 people from the public in attendance.

VICE-CHAIRMAN: Next on the agenda, Waikoloa Development Company, Staff.

ARAI: Thank you, Mr. Chairman. Next on the agenda is a request by WAIKOLOA DEVELOPMENT COMPANY to amend Special Permit No. 197 which allows quarry operations and allied uses on approximately 309 acres of land within the State Land Use Agricultural district. The project site is located on the south or Kona side of Waikoloa Road, approximately 2,000 feet mauka of its intersection with Queen Kaahumanu Highway, Waikoloa, South Kohala, TMK: 6-8-1:Portion of 5.

Directing your attention to the location map, the project site is located in here, roughly 2,000 feet from the, the highway. This, the State Land Use Commission did approve, in 1971, to allow the quarry operations within the 309 acres. The Applicant is requesting an extension to the life of the permit until December of 1997 due to current economic conditions which would have, basically, inhibited them from proceeding with the consolidation



of the quarry site into another quarry that's located further mauka that was approved by the Land Use Commission in 1993.

The Director is recommending approval of the three-year extension to the life of the permit.

I would like to just make a few corrections to our Background Report. On, on Page No. 2 of the Background Report, as you go to Condition -, Paragraph 2, Condition No. 5, which states that "Materials removed from the subject site shall be restricted," that condition -, just strike that out from your Background Report. The State Land Use Commission did not approve that particular condition, and it should not be included in the Background Report.

Let's see. I'm sorry, backing up to Page 1 of the Report, the TMK as shown in the first paragraph says "Portion of 1." That should state "Portion of Parcel 5."

Finally, on that very same page and paragraph where it references "390 acres of land," that should be 309. The typing wasn't too good. Okay, that's about it for all of the changes. Do you have any questions of Staff?

VICE-CHAIRMAN: Commissioners? If I could just ask one question, the Item No. 5 that, on Page No. 2, this means that they're selling this material to all comers, is that correct?

ARAI: They could, sure.

VICE-CHAIRMAN: Thank you. Would the Applicant and/or its representative please come forward. Could I swear you in at this point. Do you swear or affirm to tell the truth on all matters before this Commission?

COBB: I do.

VICE-CHAIRMAN: Please state your name, resident address, please.

COBB: My name is Ann Cobb; I am a resident of Waikoloa Village, and I'm the Planning Coordinator for the Applicant, Waikoloa Development Company.

VICE-CHAIRMAN: For the record, have you received the Background information with the corrections discussed now, and also with, did you receive the Recommendations?

COBB: Mr. Commissioner, Mr. Chairman and Commissioners, we have reviewed the Planning Department Staff's Background Report and, with the changes just made by the Staff, find the report to be thorough and accurate, and the Recommendations to be acceptable.



VICE-CHAIRMAN: Thank you. You may proceed.

COBB: As I stated, the report was very thorough and accurate. I would just like to reiterate that our goal has been and continues to be the phasing out of operations at the Makai Quarry and the re-siting of those operations to our new quarry site where the potential for noise, dust or visual concerns will be naturally mitigated by that new quarry site's spacial isolation from both residential and resort uses. Present economic conditions make the cost of the relocation of the quarry operations difficult to bear at this time. The requested time extension, which extends the Makai Quarry permit until the end of ninety, 1997, will allow us to make the transition in an orderly manner. Mr. Chairman and Commissioners, we ask for your approval of the application and the forwarding of a favorable recommendation to the State Land Use Commission. Thank you.

VICE-CHAIRMAN: Commissioners, any questions? The, the new quarry site, how long does it take to get started and -?

COBB: We estimate between six months to a year from final plan -, well, from beginning of construction.

VICE-CHAIRMAN: How long for a site restoration at your original, at your present site?

COBB: The plan for site restoration which has been approved by the Planning Department is that the existing quarry operator would restore the site as it worked its way out of the site. Restoration is required by the permit to be complete by the end of the Special Permit term.

VICE-CHAIRMAN: In reality, how long does it take to restore the site?

COBB: We're hoping it'll be done, but within that three-year period.

VICE-CHAIRMAN: Okay, thank you. Commissioners, any questions? This is a public hearing. Is there anyone in the audience wishing to testify?

MARTINSON: I make a motion that the hearing be closed.

BALOG: Second.

ALONZO: Second.

VICE-CHAIRMAN: There is a motion to close the public hearing by Mr. Martinson and a second by Mr. Balog. All those in favor.

COMMISSIONERS: Aye.

VICE-CHAIRMAN: Opposed. Public hearing is closed.

CROOK: Mr. Chairman?

VICE-CHAIRMAN: Mr. Crook.

CROOK: I move that Amendment to Condition No. 4, the life of the permit, Special Permit No. 197 (SP71-117) by Waikoloa Development Company, be approved with the conditions as set forth by the Director.

BALOG: Second.

VICE-CHAIRMAN: There is a motion to send a favorable recommendation to the State Land Use Commission for application Waikoloa Development Company, amendment to Condition No. 4, which relates to the life of the permit, and Special Permit No. 197. There is a second by Mr. Balog, is that correct?

BALOG: Yes.

VICE-CHAIRMAN: Thank you very much. Commissioners, discussion? Roll call.

ARAI: Mr. Chairman, just before we take the roll, can I clarify, this matter will go on to the State Land Use Commission for final decision, so the motion reflects that?

VICE-CHAIRMAN: That's correct, yeah.

ARAI: Okay, and it also reflects the changes we recommended to the Background Report?

CROOK: Yes.

BALOG: Yes.

ARAI: Okay, thank you. Okay, roll call. Commissioner Crook?

CROOK: Aye.

ARAI: Commissioner Balog?

BALOG: Aye.

ARAI: Commissioner Rice?

RICE: Aye.

ARAI: Commissioner Alonzo?

ALONZO: Aye.  
ARAI: Commissioner Katayama?  
KATAYAMA: Aye.  
ARAI: Commissioner Fiesta?  
FIESTA: Aye.  
ARAI: Commissioner Martinson?  
MARTINSON: Aye.  
ARAI: Chairman Wong?  
VICE-CHAIRMAN: Aye.  
ARAI: Mr. Chairman, motion carries with eight aye votes.  
VICE-CHAIRMAN: You will be notified in writing.  
The discussion ended at 5:06 p.m.

Respectfully submitted,



Janet L. Kama, Transcriber

A T T E S T:



Sharon M. Nomura, Secretary  
Planning Commission





Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

SEP 20 12 06 PM '94  
LAND USE COMMISSION  
STATE OF HAWAII

#### CERTIFIED MAIL

SEP 19 1994

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

Dear Ms. Cobb:

Special Permit No. 197  
Applicant: Waikoloa Development Company  
Request: Amendment to Condition No. 4 (Life of Permit)  
Tax Map Key: 6-8-1:Portion of 5

The Planning Commission at its duly held public hearing on August 25, 1994, voted to send a favorable recommendation to the State Land Use Commission for the above-referenced amendment to Special Permit No. 197, which allows quarry operations and allied uses on approximately 390 acres of land within the State Land Use Agricultural District. The project site is located on the south (Kona) side of Waikoloa Road approximately 2000 feet mauka of its intersection with Queen Kaahumanu Highway, Waikoloa, South Kohala, Hawaii.

The favorable recommendation of this request is based on the following:

In considering an amendment to a Special Permit for any proposed use, Rule 6 of the Planning Commission relating to Special Permits require that such action conform to the following guidelines:

- a. Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
- b. The desired use shall not adversely affect surrounding properties;

Exhibit No. 19



- 4012 JMM/03 3211 GMAJ  
STATE OF HAWAII  
HAWAII TO 37A52  
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- c. Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;
  - d. Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
  - e. The land upon which the proposed use is sought is unsuited for the uses permitted within the district;
  - f. The proposed use will not substantially alter or change the essential character of the land and the present use;
  - g. The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans;

In addition to the guidelines detailed above, the Planning Commission must also find that the proposed use:

- a. Is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be; and
- b. Would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

A proposed use must meet all of these criteria for approval by the Planning Commission.

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The project site is comprised of A'a Lava which have been classified as "E" (Very Poor) for agricultural productivity by the Land Study Bureau's Detailed Land Classification System. The State Land Use Commission, in its approval of Special Permit No. 197 to allow the establishment of a quarry, found that the quarry would be an unusual and reasonable use of land within the



State Land Use Agricultural District. The existing quarry has been in continual use since its approval in 1971. Continued use of the quarry for an additional three years will not displace any agricultural activity nor diminish the extremely limited agricultural potential of the surrounding region. Therefore, the requested amendment would not be contrary to the objectives of the State Land Use Law for the Agricultural district.

The amendment request will not adversely affect the surrounding properties. The Waikoloa airstrip is located in relatively close proximity to the quarry site. Waikoloa Village is the nearest residential-commercial development. These areas are located at a reasonable distance from the quarry site and should provide an adequate buffer from noise, dust and other potential irritants. To allow the quarry to operate for an additional three years should not affect surrounding properties. This fact has been demonstrated by the absence of complaints filed with the Planning Department regarding operational nuisances generated by the quarry since it commenced operation over 22 years ago. Conditions of approval within Special Permit No. 197 would require the applicant to minimize any adverse traffic, noise and dust impacts to surrounding areas. Should the amendment request be approved, these requirements will continue to regulate the extended quarry operations to ensure such potential impacts are minimized.

The amendment request will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, police and fire protection. Access, water and other essential utilities and services are available to the project site. Consulted agencies had no objection to the request.

The amendment request will not substantially alter or change the essential character of the land and the present use. To allow for the continued use of the quarry for 3 additional years will not substantially change the character of the area which has been developed over the past 20+years as a quarry. This is more evident with the existing and proposed quarries located mauka of the project site. Implementation of the approved Site Restoration Plan will attempt to restore, as much as possible, the general physical characteristics of the area and the removal of man-made implements.

The land upon which the proposed use is not suitable for the uses permitted within the district. As previously

mentioned, soils within the project sites are not suitable for many types of agriculture. The nature of the request is to allow for the continued operation of the existing quarry for an additional three years. The area of the approved quarry will not be expanded nor will new uses be introduced.

The proposed use is consistent with the goal of the Land Use Element of the General Plan which is to "Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County "and that "The County of Hawaii should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse effects on the environment." The petitioner has complied with all requirements imposed by Special Permit No. 197, including the recent approval of a Site Restoration Plan which will be implemented prior to, and upon the termination of the existing quarry operations. The ability of the subject property to provided the needed raw material vital to the construction industry while able to absorb the noxious nature of quarries speaks to the appropriateness of the area for such uses.

The favorable recommendation of this request is subject to the following revised conditions (new material is underscored and material to be deleted is bracketed):

1. The applicant, successors or assigns shall be responsible for complying with all stated conditions of approval.
2. That all State and County standards and appropriate safety measures be taken by the applicant to safeguard vehicular traffic during the entire period of operation, 24 hours a day.
3. That the applicant shall take every precaution not to create any inconvenience from noise and dust problems during the operation.
4. That the operation be confined within the metes and bounds description as submitted.
5. That this permit shall remain in effect until December 17, [1994] 1997.
6. The applicant shall submit a Site Restoration Plan for review and approval by the Planning Department, in consultation with the Department of Public Works, one year



prior to the expiration date of the permit. All temporary support facilities and equipment shall be removed and the site shall be graded to blend with the surrounding areas prior to the expiration date of the permit.

7. 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 quarrying 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.
8. Comply with applicable laws, rules, regulations, and requirements.
9. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the status of compliance with conditions of approval. This condition shall remain in effect until the expiration of the permit.
10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.
11. The applicant shall submit a metes and bounds map of the Permit area to the County of Hawaii and the Commission."

This favorable recommendation does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.



Ms. Ann Cobb  
Page 6

Should you have any questions, please feel free to contact Rodney Nakano or Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Wilton Wong, Vice Chairman  
Planning Commission

RKN:jdk  
LWaiko01.PC

xc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division-Kona  
West Hawaii Office  
✓ State Land Use Commission  
Plan Approval Section







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

September 26, 1994

Mr. Wilton Wong, Vice Chairman  
Planning Commission  
County of Hawaii  
25 Aupuni Street, Room 109  
Hilo, Hawaii 96720-4252

Attention: Mr. Daryn Arai

Dear Mr. Wong:

Subject: LUC Docket No. SP71-117/Waikoloa Development  
Company (Special Permit No. 197)

We have received the entire docket of the proceedings for the amendment to the life of permit condition for the subject docket transmitted by your letter dated September 19, 1994.

Upon review of the material submitted on the amendment request, we request clarification on the condition number that was amended. The applicant requested that an amendment be made to Condition No. 4 which currently reads as follows:

"4. That the operation be confined within the metes and bounds description as submitted." [LUC Decision and Order dated December 20, 1991, SP71-117]

All material submitted also reflect that condition No. 4 is proposed to be amended.

However, page 5 of the Planning Department's recommendation, submitted as Exhibit 16, reflects a proposed amendment to Condition No. 5 which currently reads as follows:

"5. That this permit shall remain in effect until December 17, 1994." [LUC Decision and Order dated December 20, 1991, SP71-117]

Review of the transcript of the Planning Commission's proceedings of August 24, 1994 indicates that a motion was made and carried to send a favorable recommendation to the Land Use Commission for amendment of Condition No. 4, as set forth by the Planning Director.

Exhibit No. 20



Mr. Wilton Wong, Vice Chairman  
September 26, 1994  
Page 2

Please provide clarification of this matter as soon as possible.

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

Sincerely,



ESTHER UEDA  
Executive Officer

EU:th

cc: Ms. Ann Cobb

SP71-117 - WAIKOLOA DEVELOPMENT CO. (Hawaii)

(FOR LUC MAPS, SEE DOCKET NO. SP92-381 - WAIKOLOA DEV. CO. (HI))