

SPECIAL PERMIT

Petition Received III 28 1982

Maps _____

Action Span 7/28/82 - 9/11/82

Action Date 9/10/82

Recordation _____



STATE OF HAWAII
DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

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

GEORGE S. ARIYOSHI
Governor

WILLIAM V. L. YUEN
Chairman

RICHARD B. F. CHOY
Vice Chairman

COMMISSION MEMBERS:

Lawrence F. Chun
Everett L. Cuskaden
Shinsei Miyasato
Winona E. Rubin
Teofilo Phil Tacbian
Robert S. Tamayo
Frederick P. Whittemore

GORDAN Y. FURUTANI
Executive Officer

October 19, 1982

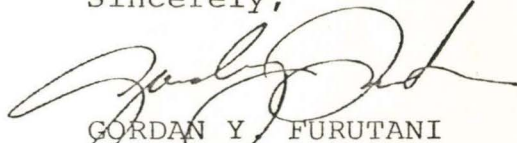
Mr. Sidney Fuke
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

SUBJECT: SP72-128 - TOMMY ISHIMARU

In reference to our letter to you dated
September 14, 1982, enclosed is a copy of the
Decision and Order on SP72-128 for your information
and records.

Sincerely,


GORDAN Y. FURUTANI
Executive Officer

Enclosure

cc: Mr. Tommy Ishimaru

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
for an Extension of Time to)
the Special Permit of)
TOMMY ISHIMARU)
_____)

SP72-128 - TOMMY ISHIMARU
(Time Extension)

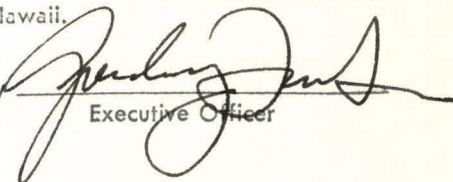
DECISION AND ORDER

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

OCT 19 1982

Date

by



Executive Officer

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)	
for an Extension of Time to)	
the Special Permit of)	SP72-128
)	
TOMMY ISHIMARU)	
_____)	

FINDINGS OF FACT, CONCLUSIONS OF LAW
DECISION AND ORDER

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

FINDINGS OF FACT

1. The Petitioner has requested a time extension of ten (10) years to this Special Permit which allows the establishment and operation of a quarry on approximately 25 acres of land situated within the State Land Use Agricultural District at Kahilipali Iki, Ka'u, Island and County of Hawaii, Tax Map Key 9-5-07: Portion of 29.
2. The subject property is located between Waiohinu and Naalehu, approximately one-half mile southwest of Naalehu Village and about 4,000 feet makai of the Hawaii Belt Highway.
3. The Special Permit was originally granted by the Land Use Commission on June 2, 1972 to allow the operation of the rock quarry and allied uses such as a crushing plant, a concrete batch plant, and an asphalt concrete plant.
4. Condition No. 7 of the original Special Permit specified that the quarrying operation and its allied uses be terminated five (5) years after the date of approval. The first termination date was June 2, 1977. However, the Land Use Commission approved a five-year time extension on August 16, 1977

which extended the expiration date to June 2, 1982.

5. A hearing on the current time extension request was held by the Hawaii County Planning Commission on July 1, 1982, pursuant to a notice published in the Hawaii Tribune Herald on June 21, 1982. In its report to the Planning Commission, the Hawaii County Planning Department recommended that approval for only a five (5)-year time extension be granted, subject to revised conditions.

6. The Hawaii County Planning Commission voted to approve a five (5)-year time extension until June 2, 1987 (instead of the requested ten (10)-year extension) based on the following findings of the Planning Department.

"The applicant maintains in his original request that material has to be brought in from Hilo or Kona to support developments around the Ka'u area. This involves, according to the applicant, approximately 128 miles and 5 to 6 hours. He also noted that there are several private and public developments which need or will need material provided by a quarry. Thus, it is felt that the subject quarry which is not in operation at the present time, still serves as an existing resource for construction materials and is an essential and integral part of present and future developments of the Ka'u area. Should the economic conditions change and the climate for development appear, this extension would allow the applicant the flexibility and the ability to provide for these needs.

"Additionally, there are no other quarries in the immediate area. The five (5) rather than the ten (10)-year extension will give us the opportunity to review the applicant's progress and status of his operation in this district and assess the applicability of Condition No. 7 relating to the termination of the quarrying operation."

7. The Hawaii County Planning Commission also voted to recommend that the time extension of five (5) years be approved subject to the following revised conditions as proposed by the Hawaii County Planning Department:

- "1. That the petitioner or his authorized representative obtain a Grading Permit from the Department of Public Works prior to commencement of any operation. In addition, a detailed and dimensioned site plan showing the boundaries of the quarrying operation to be submitted and approved by the Planning Director in the form of a final "Plan Approval" prior to commencement of any operation. The Planning Director shall consult and review the plans with the appropriate agencies and the conditions as stated.

2. That annual progress reports be submitted to the Planning Department outlining the extent of quarrying operations done in the previous year.
3. That no landfill dumping be permitted unless a new Special Permit has been secured.
4. That all State and County standards and appropriate safety measures be exercised by the applicant to assure optimum vehicular traffic safeguards during the entire period of the operation.
5. That the applicant obtain approval from the Department of Health prior to construction and operation of the facilities.
6. That every precaution be taken by the applicant to avert any inconvenience such as traffic, noise and dust problems, to surrounding properties.
7. That should any archaeological site, features, or artifacts be uncovered in any of the grading or excavation areas, work shall immediately stop and the applicant will be responsible in notifying the Planning Director. The Planning Director may then take all appropriate action to require that an intensive archaeological survey be conducted. Any further grading or quarrying will not commence until after the Planning Director's analysis and determination are made as to the disposition of the survey's findings.
8. That the operation be confined to approximately twenty-five (25) acres and within the area indicated on the original map submitted. The quarry perimeter should be identified with some markers so as to ensure that the boundary of the approved quarry area not be exceeded.
9. That the quarrying operation and its allied uses be terminated five (5) years after the date of approval of the Special Permit time extension request or upon written request of the adjoining properties which prove that the operation is causing them excessive inconvenience.
10. That upon expiration of the permit, the applicant shall remove all temporary support facilities and equipment from the area. The land shall then be graded to blend with the surrounding area. Prior to the grading, however, the applicant shall prepare a grading plan, subject to the approval of the County Planning and Public Works Departments.
11. That if it is determined that adverse effects such as noise, dust or indiscriminate excavation is taking place, the Planning Commission shall have the authority to require the applicant to cease and desist the quarry operation.
12. That operation be limited to only during regular working hours. Regular working hours is defined as Monday through Saturday from 7:00 A.M. to 4:00 P.M.

Should any of the above conditions not be complied with, the permit shall be automatically void."

CONCLUSIONS OF LAW

1. As required under Rule 9-3 of the Rules of Practice and Procedure of the Land Use Commission, the Petition shows that unusual circumstances warrant the granting of a time extension to the life of the Special Permit.

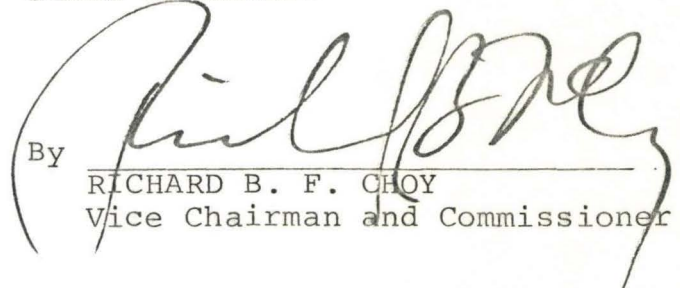
2. The granting of a time extension of five (5) years will in no way alter the reasons for which the permit was originally approved, will not be contrary to the purpose and intent of imposing time conditions, and will not be violative of Chapter 205-6, Hawaii Revised Statutes, nor of Part V, Land Use Commission District Regulations.

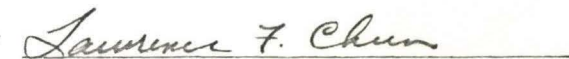
DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit No. 72-128 which allows the establishment and operation of a quarry and allied uses on approximately 25 acres of land situated within the State Land Use Agricultural District at Kahilipali Iki, Ka'u, Island and County of Hawaii, Tax Map Key 9-5-07: Portion of 29, is hereby extended for five (5) years until June 2, 1987 as recommended by the Hawaii County Planning Commission; SUBJECT TO Revised Conditions 1 through 12, inclusive, imposed by the Hawaii County Planning Commission, as set forth in Paragraph 7 of the preceding Findings of Fact.

Done at Honolulu, Hawaii, this 19th day of October,
1982, per motions on September 10, 1982 and September 24, 1982.

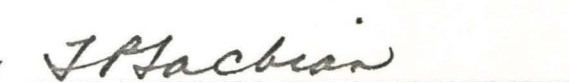
LAND USE COMMISSION
STATE OF HAWAII

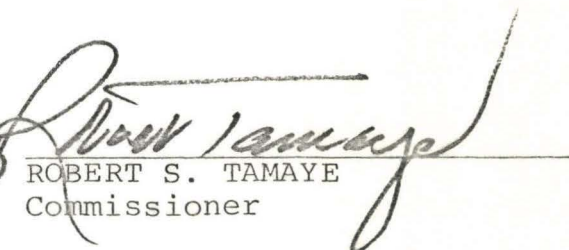
By 
RICHARD B. F. CHOY
Vice Chairman and Commissioner

By 
LAWRENCE R. CHUN
Commissioner

By 
SHINSEI MIYASATO
Commissioner

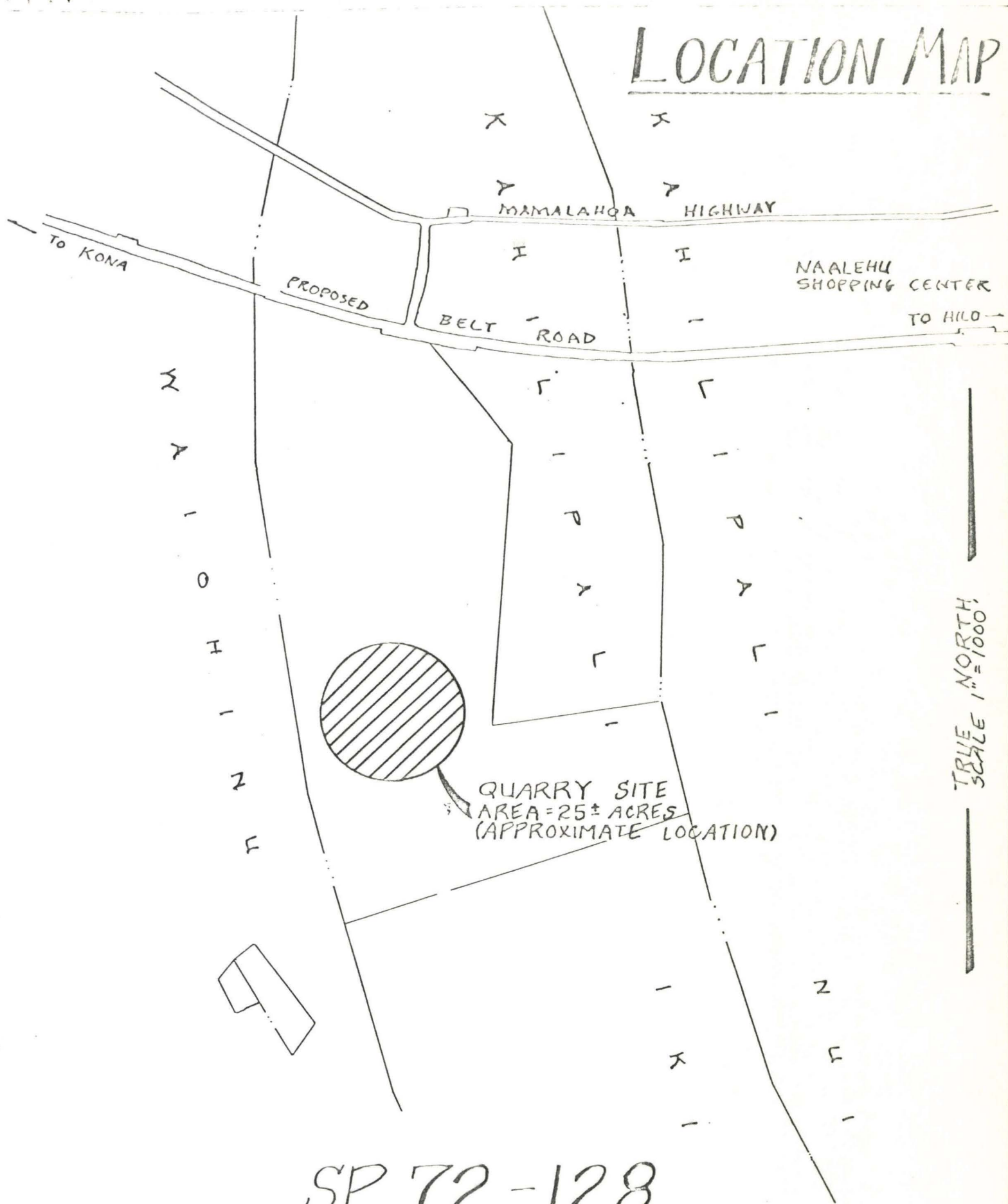
By 
WINONA E. RUBIN
Commissioner

By 
TEOFILO PHIL TACBIAN
Commissioner

By 
ROBERT S. TAMAYE
Commissioner

By 
FREDERICK WHITTEMORE
Commissioner

LOCATION MAP



SP 72-128

SPECIAL PERMIT REQUEST

DEVELOPMENT OF A QUARRY OPERATION

KAHILIPALI IKI, KAU, HAWAII

TAX MAP KEY : 9-5-07 : POR OF 29

PERMIT REQUEST BY: TOMMY ISHIMARU

P 292 832 709

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

PS Form 3800, Apr. 1976 SP72-128 - TOMMY ISHIMARU

SENT TO				TOMMY ISHIMARU	
STREET AND NO.					
P.O., STATE AND ZIP CODE					
POSTAGE				\$	54¢
CERTIFIED FEE					75 ¢
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	SPECIAL DELIVERY			¢
		RESTRICTED DELIVERY			¢
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED		60	¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY			¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY			¢
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY			¢
TOTAL POSTAGE AND FEES				\$	1.89
POSTMARK OR DATE					



**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 on the left portion of the address side of the article, **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 on the left portion of the address side 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.

SP-72-128 - TOMMY ISHIMARU

PS Form 3811, Dec. 1980

- **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one)
- ☒ Show to whom and date delivered —¢
- ☐ Show to whom, date, and address of delivery.. —¢
2. ☐ **RESTRICTED DELIVERY** —¢
(The restricted delivery fee is charged in addition to
the return receipt fee.)

TOTAL \$ _____

3. ARTICLE ADDRESSED TO:

TOMMY ISHIMARU

4. TYPE OF SERVICE:

- ☒ **REGISTERED** ☐ **INSURED**
- ☒ **CERTIFIED** ☐ **COD**
- ☐ **EXPRESS MAIL**

ARTICLE NUMBER

832-709

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Tommy Ishimaru
By C. Sawakawa

5. DATE OF DELIVERY

10/22/82

POSTMARK



6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

Csk

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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



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

**RETURN
TO**



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

P 292 832 705

RECEIPT FOR CERTIFIED MAIL

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

SENT TO

Sidney Fuke

STREET AND NO.

P.O., STATE AND ZIP CODE

POSTAGE

\$ 1.05

CERTIFIED FEE

75

SPECIAL DELIVERY

RESTRICTED DELIVERY

SHOW TO WHOM AND
DATE DELIVERED

60

SHOW TO WHOM, DATE,
AND ADDRESS OF
DELIVERY

SHOW TO WHOM AND DATE
DELIVERED WITH RESTRICTED
DELIVERY

SHOW TO WHOM, DATE AND
ADDRESS OF DELIVERY WITH
RESTRICTED DELIVERY

TOTAL POSTAGE AND FEE

\$ 2.40

POSTMARK OR DATE



PS Form 3800, Apr. 1976 A82-527 DPED - Pahoa

612-128-TOMMY B. H. HARRIS SPTD-132 OCEANVIEW INVESTMENT

SP72-128 - TOMMY ISHIMARU
 SP72-132 - OCEAN VIEW

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, 3, and 4.
 Add your address in the "RETURN TO" space
 on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered
☐ Show to whom, date, and address of delivery ..
 2. ☐ RESTRICTED DELIVERY
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO:

Sidney Fuke

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
 832-705

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☒ Authorized agent

5. DATE OF DELIVERY

10/20/82

POSTMARK

OCT
 20
 1982

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

A82-527 DPED - Paho

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
for an Extension of Time to) SP72-128 - TOMMY ISHIMARU
the Special Permit of) (Time Extension)
TOMMY ISHIMARU)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's Decision and Order was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

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

TOMMY ISHIMARU
P.O. Box 105
Naalehu, Hawaii 96772

DATED: Honolulu, Hawaii, this 19th day of October, 1982.


GORDAN Y. FURUTANI
Executive Officer

STATE OF HAWAII
LAND USE COMMISSION

Approved

Minutes of Meeting

DEC 3 1982

Conference Rooms A & B
State Building
3060 Eiwa Street
Lihue, Kauai

September 24, 1982 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Larry Chun
Shinsei Miyasato
Teofilo Tacbian
Robert Tamaye
Winona Rubin
Frederick Whittemore

COMMISSIONERS ABSENT: Richard Choy, Vice Chairman
Everett Cuskaden

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

James Filibeck Court Reporter

CONTINUED HEARING

A82-530 - AMFAC PROPERTY DEVELOPMENT CORPORATION

It was announced by Chairman Yuen that the first item on the agenda was the continued hearing on the petition by Amfac Property Development Corporation to reclassify approximately 78 acres of land from the Agricultural District into the Urban District at Lihue, Kauai for a light industrial and resort development.

Appearances

Clinton Shiraishi, Attorney, representing the petitioner

Max Graham, County Attorney's Office, representing the
Kauai Planning Department

Annette Chock, Deputy Attorney General, representing the
Department of Planning & Economic Development

Exhibits

Petitioner's exhibits 15, 16 and 17 were admitted into

Adoption of Decision and Order (cont.)

A82-531 - TheoDavies Hamakua Sugar Company
(Order denying petition for intervention by
Elizabeth Ann Stone)

✓ SP72-128 - Tommy Ishimaru (time extension)

SP80-349 - Princeville at Hanalei (time extension)

SP82-355 - County of Maui Department of Public Works

The motion was approved by voice vote.

CONTINUED HEARING (cont.)

A82-530 - AMFAC PROPERTY DEVELOPMENT CORPORATION

Petitioner (cont.)

Richard Van Horn - Partner, Helber, Hastert, Van Horn & Kimura

Direct examination by Mr. Shiraishi-----61 to 64

Cross examination by Mr. Graham-----64 to 67

Cross examination by Miss Chock-----67 to 73

Redirect examination by Mr. Shiraishi-----73

Examination by Commissioner Chun-----74 to 75

Examination by Chairman Yuen-----75 to 77

The Commission was in recess from 11:45 a.m. to 1:15 p.m.

1:15 p.m.

Due to the departure of Chairman Yuen, the afternoon session
was chaired by Commissioner Tacbian.

Petitioner (cont.)

Peter Garrod - Faculty Member, College of Tropical Agriculture,
University of Hawaii, Manoa

Direct examination by Mr. Shiraishi-----78 to 82

Petitioner's exhibit 12 was admitted into evidence.

Cross examination by Miss Chock-----84 to 86

Avery Youn (cont.)

Cross examination by Miss Chock-----138 to 140

Redirect examination by Mr. Graham-----140 to 141

Kioji Miyasaki - Head of Division of Engineering, Kauai
Department of Public Works

Direct examination by Mr. Graham-----142 to 149

Cross examination by Mr. Shiraishi-----149 to 152

It was announced by the Chairman that the examination of Mr. Miyasaki will be interrupted at this time in order to dispose of some other matters before the Commission prior to the conclusion of the meeting today.

A82-535 - A & B Properties, Inc.

Motion for early consideration of petition to
intervene, by Legal Aid Society

Appearances

Isaac Hall, Attorney for Intervenors

Paul Mancini, Attorney for petitioner

Guy Archer, Deputy Corporation Counsel, Maui Planning
Department

Mr. Hall, attorney representing intervenors, requested a continuance of his motion for early consideration inasmuch as there were only 5 Commissioners present and it would require a unanimous vote in order to gain admittance as an intervenor.

Objections to Mr. Hall's request were expressed by Mr. Mancini. Both the County and State commented that they did not object to the continuance request.

It was moved by Commissioner Chun, seconded by Commissioner Whittemore, and unanimously approved to continue action on the request by intervenors for continuance.

The Chairman announced that the request to intervene will be resolved on the hearing date, October 6, 1982.

The meeting adjourned at 4:00 p.m.

September 14, 1982

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

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on September 10, 1982, the Land Use Commission voted to approve a five (5)-year time extension request by Tommy Ishimaru to continue the operation of a quarry already established under Special Permit 72-128. The subject property is situated within the State Land Use Agricultural District at Kahilipali Iki, Ka'u, Hawaii, Tax Map Key 9-5-07: Portion of 29.

Approval of this Special Permit is subject to the conditions imposed by the Hawaii Planning Commission.

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

The Land Use Commission's Decision and Order on SP72-128 will be forwarded to you at a later date. Please call me if you have any questions on the above.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:gm

Enc.

cc: Mr. Tommy Ishimaru
Department of Public Works, County of Hawaii
Department of Water Supply, County of Hawaii

September 13, 1982

Mr. Tommy Ishimaru
P. O. Box 105
Naalehu, HI 96772

Dear Mr. Ishimaru:

The original of the attached letter is on file in the office of the Hawaii County Planning Department, 25 Aupuhi Street, Hilo, Hawaii.

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

The Land Use Commission's Decision and Order on SP72-128 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:gm
Att.

September 14, 1982

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

Attention: Mr. Hideto Kono, Director

Gentlemen:

At its meeting on September 10, 1982, the Land Use Commission voted to approve a five (5)-year time extension request by Tommy Ishimaru to continue the operation of a quarry already established under Special Permit 72-128. The subject property is situated within the State Land Use Agricultural District at Kahilipali Iki, Ka'u, Hawaii, Tax Map Key 9-5-07: Portion of 29.

Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission. A copy of the Land Use Commission's Decision and Order on this matter will be on file at the Commission's office.

Sincerely,

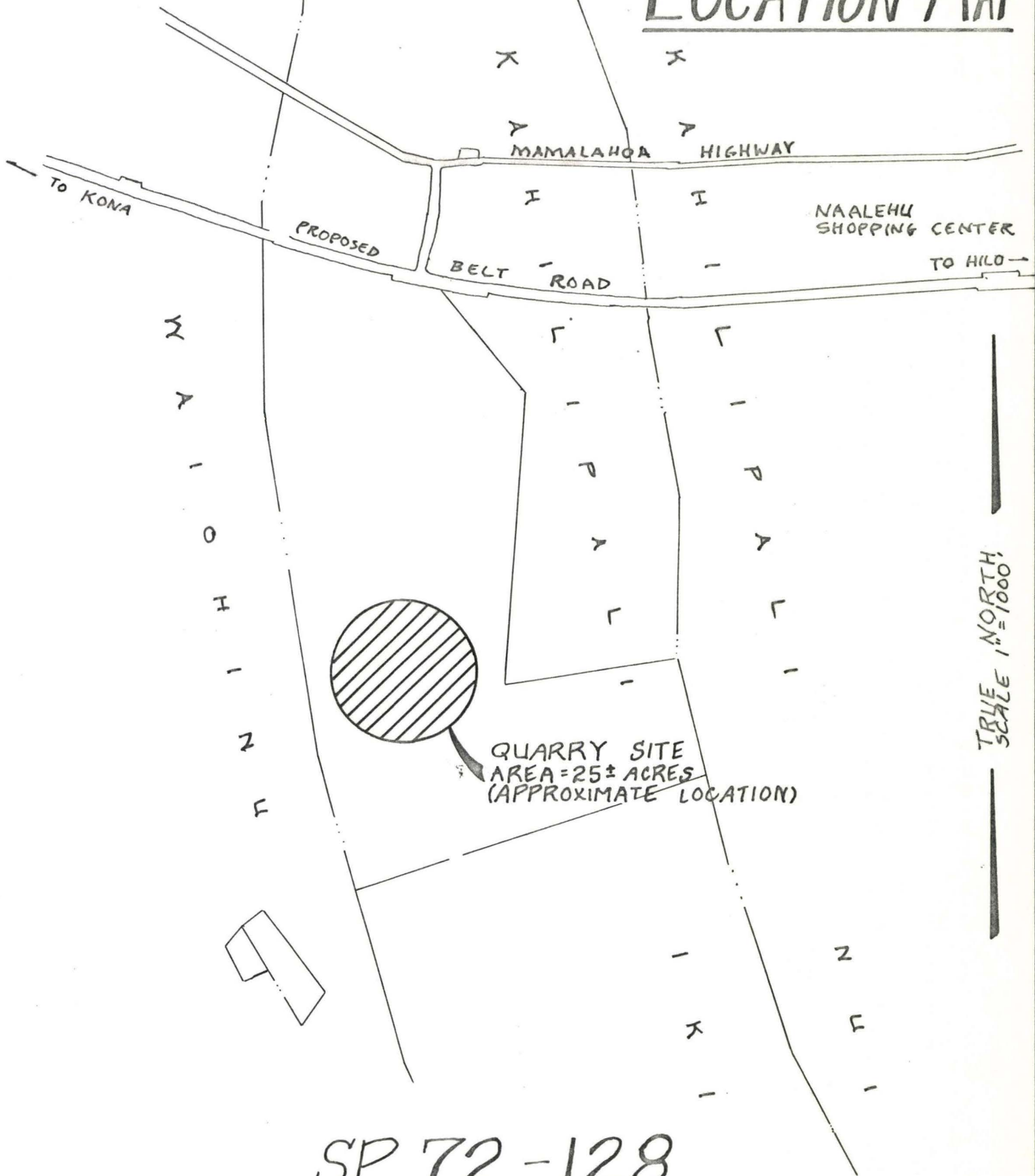
GORDAN Y. FURUTANI
Executive Officer

GYF:gm

Enc.

cc: Real Property Tax Office, Hawaii
Mapping Section, Department of Finance
Property Technical Office, Department of Finance
Property Assessment, Department of Finance
Office of Environmental Quality Control
Land Management, DLNR

LOCATION MAP



SP 72-128

SPECIAL PERMIT REQUEST

DEVELOPMENT OF A QUARRY OPERATION

KAHILIPALI IKI, KAU, HAWAII

TAX MAP KEY : 9-5-07 : POR OF 29

PERMIT REQUEST BY: TOMMY ISHIMARU

Approved

STATE OF HAWAII
LAND USE COMMISSION

JAN 19 1983

Minutes of Meeting

Conference Rooms A, B & C
Hilo State Building
75 Aupuni Street
Hilo, Hawaii

September 10, 1982 - 9:00 a.m.

COMMISSIONERS PRESENT: Richard Choy, Vice Chairman
Lawrence Chun
Shinsei Miyasato
Teofilo Tacbian
Robert Tamaye
Winona Rubin
Frederick Whittemore

COMMISSIONERS ABSENT: William Yuen, Chairman
Everett Cuskaden

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

Renee Finley, Court Reporter

CONTINUED HEARING

A81-525 - Y-O LIMITED PARTNERSHIP

Chairman Choy announced that hearings on subject docket had been conducted by the Commission on March 9, 1982, June 1 and 2, 1982 and that proceedings were being continued today.

Miss Annette Chock, Deputy Attorney General representing the Department of Planning and Economic Development, reminded the Commission that at the conclusion of the proceedings on June 2, 1982, it was indicated by the Chairman that upon submission of the additional exhibits by petitioner, i.e. exhibits P and U, the Commission would reserve the right to reopen the hearing upon the request of any party. However, since no such request had been filed, she questioned the propriety of reopening the hearing at this time.

Mr. Terence Yoshioka, appearing on behalf of Mr. Clifford Lum who was unable to attend the hearing today, submitted that in reviewing the transcripts of the previous hearing, it was

Petitioner's exhibits 15, H-2, W, W-2, W-3, W-4, W-5 were identified and admitted into evidence. Exhibit G-1 was withdrawn at this time.

Following a discussion of the status of the approximately 2½ acres presently under litigation in a quiet title action, the Chairman advised that a decision on the disposition of this matter will be rendered by the Commission at the appropriate time.

Post-hearing instructions were outlined by the Chairman and the hearing on Docket A81-525 was declared closed.

ACTION

SP72-128 - TOMMY ISHIMARU

To allow a time extension for the operation of a quarry at Kahilipali Iki, Ka'u, Hawaii

Staff planner, Joseph Chu, oriented the Commission to the parcel under petition and presented a summary of the history and background of the time extension being requested by the petitioner.

Upon motion by Commissioner Tamaye, seconded by Commissioner Tacbian, it was unanimously agreed to approve the 5-year time extension request by Tommy Ishimaru.

SP72-132 - OCEAN VIEW INVESTMENT COMPANY

To amend the Special Permit to allow the establishment of a gasoline service station and retail sales store at Kahuku, Ka'u, Hawaii

At the conclusion of a summary report by staff planner relative to the amendment being requested, it was moved by Commissioner Tamaye, seconded by Commissioner Tacbian, and unanimously agreed to approve the request by Ocean View Investment Company.

SP80-349 - PRINCEVILLE AT HANAIEI

To allow a one-year time extension to commence construction of an 18-hole golf course at Princeville, Hanalei, Kauai

Chairman Choy announced that since there were no objections from any of the Commissioners, action on the time extension request by Princeville at Hanalei will be postponed until next Thursday, September 16, 1982, in Honolulu.

Tatsuo Fujimoto (cont.)

Examination by Commissioner Chun-----149

At the conclusion of the hearing, the Chairman instructed all parties of the post-hearing requirements.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP72-128
TOMMY ISHIMARU (Time Ext.) DATE September 10, 1982
PLACE Conf. Rms. A,B,&C, Hilo State Bldg.
75 Aupuni St., Hilo, Hawaii TIME 9:00 a.m.

NAME	YES	NO	ABSTAIN	ABSENT
Chairman CHOY, RICHARD B. F.	X			
TAMAYE, ROBERT S.	X			
RUBIN, WINONA E.	X			
CHUN, LAWRENCE R.	X			
WHITTEMORE, FREDERICK	X			
TACBIAN, TEOFILO PHIL	X			
CUSKADEN, EVERETT L.				X
MIYASATO, SHINSEI	X			
YUEN, WILLIAM W. L.				X

Comments:

I move to approve SP72-128, Tommy Ishimaru, to allow a time extension for the operation of a quarry at Kahilipali Iki, Ka'u, Hawaii subject to the revised conditions imposed by the Hawaii Planning Commission.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission

DATE: September 10, 1982

FROM: Staff

SUBJECT: SP72-128 - Tommy Ishimaru (Second Time Extension)

Mr. Tommy Ishimaru has requested a time extension of ten (10) years to SP72-128 which allows the establishment and operation of a quarry on approximately 25 acres of land situated within the State Land Use Agricultural District at Kahilipali Iki, Ka'u, Hawaii, Tax Map Key 9-5-07: Portion of 29.

The subject property is located between Waiohinu and Naalehu, approximately one-half mile southwest of Naalehu Village and about 4,000 feet makai of the Hawaii Belt Highway. (See attached LOCATION MAP.)

This Special Permit was originally granted by the Land Use Commission on June 2, 1972 to allow the operation of the rock quarry and allied uses such as a crushing plant, a concrete batch plant, and an asphalt concrete plant. Rock quarrying and crushing operations were conducted on the subject property for approximately eight months after the initial approval.

Condition No. 7 of the original Special Permit stated that "The quarrying operation and its allied uses be terminated five (5) years after the date of approval of the special permit or upon written request of the adjoining properties which prove that the operation is causing them excessive inconvenience."

The first termination date was June 2, 1977. However, on May 17, 1977, Mr. Ishimaru applied for a five-year time extension which was subsequently approved by the Land Use Commission on August 16, 1977, subject to all conditions imposed in the original approval, plus an additional condition that the Petitioner obtain a grading permit from the Department of Public Works prior to commencement of the operation. This first five-year time extension was valid until June 2, 1982.

The Petitioner submitted the current request for a time extension in a letter dated May 17, 1982, which states:

"I would like to apply for an extension on 'Special Permit No. 72-128 (LUC 210), Tax Map Key: 9-5-07: Portion of 29,' to continue operations of a quarry for a 10 year period.

At this time we are not operating the quarry as construction is almost at a standstill. However, when the economy gets better and there is a need for a quarry in the district, we hope to be able to supply the people of Kau once again, with material."

The staff of the Hawaii Planning Department conducted a field inspection of the quarry site on June 22, 1982 to verify that the quarry is not in operation at the present time. Bulldozers, trucks and other assorted machinery were observed scattered over the subject quarrying area, but there were no buildings for quarrying purposes. As such, there is no concrete batching or crushing plant established on the property as allowed under the Special Permit.

A hearing on the time extension request was held by the Hawaii County Planning Commission on July 1, 1982, pursuant to a notice published in the Hawaii Tribune Herald on June 21, 1982. In its report to the Planning Commission, the Hawaii County Planning Department recommended that approval for only a five- (5) year time extension be granted, subject to revised conditions.

The Hawaii County Planning Commission voted to approve a five- (5) year time extension until June 2, 1987 (instead of the requested ten- (10) year extension) based on the following findings of the Planning Department.

"The applicant maintains in his original request that material has to be brought in from Hilo or Kona to support developments around the Ka'u area. This involves, according to the applicant, approximately 128 miles and 5 to 6 hours. He also noted that there are several private and public developments which need or will need material provided by a quarry. Thus, it is felt that the subject quarry which is not in operation at the present time, still serves as an existing resource for construction materials and is an essential and integral part of present and future developments of the Ka'u area. Should the economic conditions change and the climate for development appear, this extension would allow the applicant the flexibility and the ability to provide for these needs.

"Additionally, there are no other quarries in the immediate area. The five (5) rather than the ten- (10) year extension will give us the opportunity to review the applicant's progress and status of his operation in this district and assess the applicability of Condi-

tion No. 7 relating to the termination of the quarrying operation."

The Hawaii County Planning Commission also voted to recommend that the time extension of five (5) years be approved subject to the following revised conditions as proposed by the Hawaii County Planning Department:

- "1. That the petitioner or his authorized representative obtain a Grading Permit from the Department of Public Works prior to commencement of any operation. In addition, a detailed and dimensioned site plan showing the boundaries of the quarrying operation to be submitted and approved by the Planning Director in the form of a final "Plan Approval" prior to commencement of any operation. The Planning Director shall consult and review the plans with the appropriate agencies and the conditions as stated.
2. That annual progress reports be submitted to the Planning Department outlining the extent of quarrying operations done in the previous year.
3. That no landfill dumping be permitted unless a new Special Permit has been secured.
4. That all State and County standards appropriate safety measures be exercised by the applicant to assure optimum vehicular traffic safeguards during the entire period of the operation.
5. That the applicant obtain approval from the Department of Health prior to construction and operation of the facilities.
6. That every precaution be taken by the applicant to avert any inconvenience such as traffic, noise and dust problems, to surrounding properties.
7. That should any archaeological site, features, or artifacts be uncovered in any of the grading or excavation areas, work shall immediately stop and the applicant will be responsible in notifying the Planning Director. The Planning Director may then take all appropriate action to require that an intensive archaeological survey be conducted. Any further grading or quarrying will not commence until after the Planning Director's analysis and determination are made as to the disposition of the survey's findings.
8. That the operation be confined to approximately twenty-five (25) acres and within the area indicated

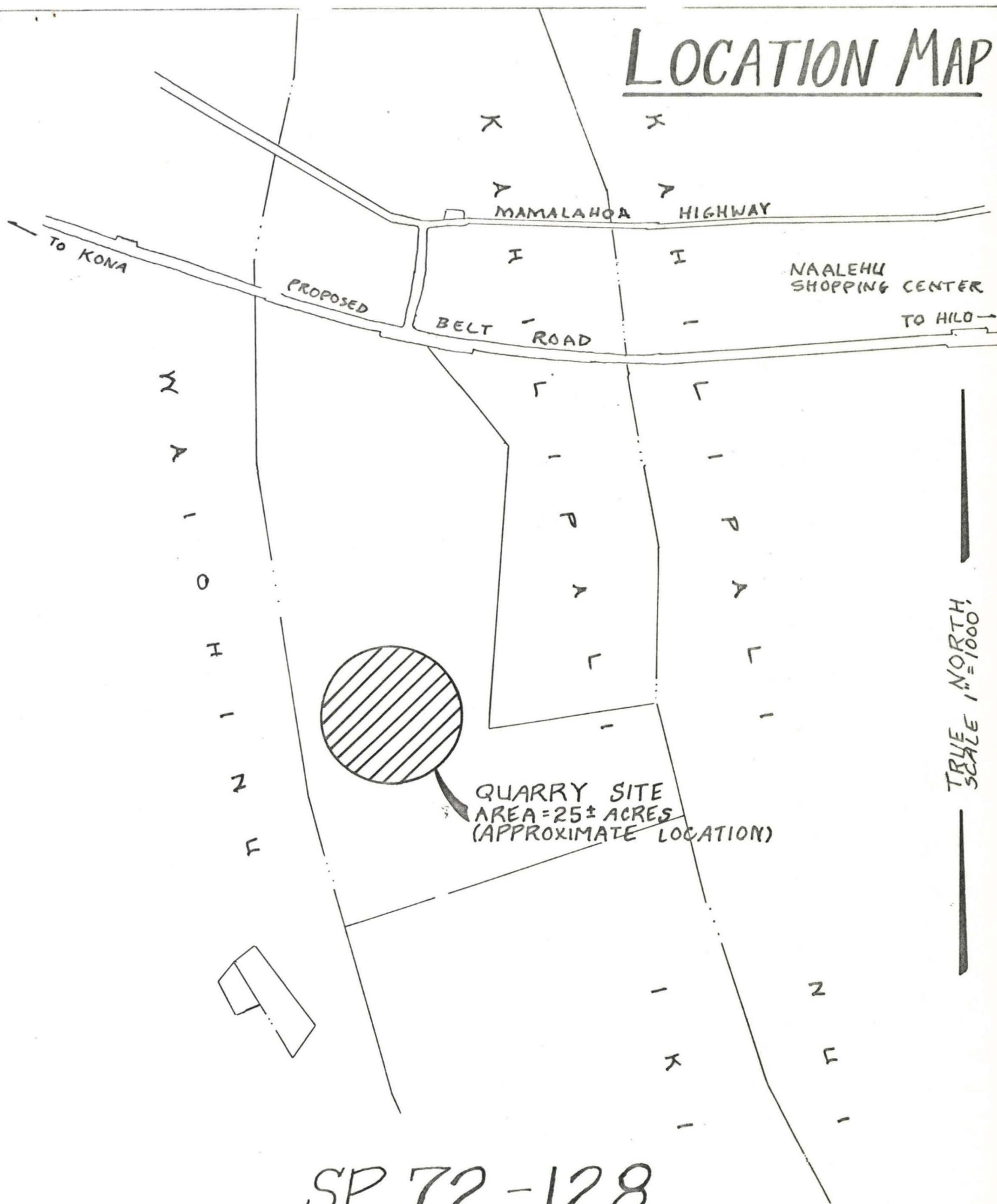
on the original map submitted. The quarry perimeter should be identified with some markers so as to ensure that the boundary of the approved quarry area not be exceeded.

9. That the quarrying operation and its allied uses be terminated five (5) years after the date of approval of the Special Permit time extension request or upon written request of the adjoining properties which prove that the operation is causing them excessive inconvenience.
10. That upon expiration of the permit, the applicant shall remove all temporary support facilities and equipment from the area. The land shall then be graded to blend with the surrounding area. Prior to the grading, however, the applicant shall prepare a grading plan, subject to the approval of the County Planning and Public Works Departments.
11. That if it is determined that adverse effects such as noise, dust or indiscriminate excavation is taking place, the Planning Commission shall have the authority to require the applicant to cease and desist the quarry operation.
12. That operation be limited to only during regular working hours. Regular working hours is defined as Monday through Saturday from 7:00 A.M. to 4:00 P.M.

Should any of the above conditions not be complied with, the permit shall be automatically void."

The complete record of the subject time extension request was received at the Land Use Commission office on July 28, 1982. The materials included the following: a transmittal letter from the Hawaii County Planning Commission, Staff Background Report, Staff Recommendation, and Transcript of July 1, 1982 Hawaii County Planning Commission Meeting.

LOCATION MAP



SP 72-128

SPECIAL PERMIT REQUEST

DEVELOPMENT OF A QUARRY OPERATION

KAHILIPALI IKI, KAU, HAWAII

TAX MAP KEY : 9-5-07 : POR OF 29

PERMIT REQUEST BY: TOMMY ISHIMARU



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

July 26, 1982

Mr. Gordan Furutani
Executive Officer
Land Use Commission
Old Federal Building, Room 104
335 Merchant Street
Honolulu, Hawaii 96813

Dear Mr. Furutani:

LAND USE COMMISSION
STATE OF HAWAII
JUL 28 11 03 AM '82

Time Extension to Special Permit No. 72-128 (LUC 210)

Petitioner: Tommy Ishimaru

Tax Map Key 9-5-07:Portion of 29

The Planning Commission at its duly held public hearing on July 1, 1982, considered the above request by Tommy Ishimaru for a 10-year time extension to Special Permit No. 72-128 (LUC 210) which allowed the establishment and operation of a quarry on approximately 25 acres of land situated within the State Land Use Agricultural District at Kahilipali Iki, Ka'u, Hawaii.

The Commission voted to approve a five (5)-year time extension until June 2, 1987, instead of the requested ten (10)-year time extension until June 2, 1992, to the Land Use Commission. Enclosed is the entire docket on the above request.

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

Sincerely,

for Tina Whitmarsh

CLYDE IMADA
Chairman Pro-Tem
Planning Commission

lgv

cc: Mr. Tommy Ishimaru
Department of Public Works
Department of Water Supply
Kona Services Office

Enclosure

2ND TIME EXTENSION REQUEST (SPECIAL PERMIT 72-128) - TOMMY ISHIMARU

Tommy Ishimaru has submitted a request for a second time extension of Special Permit No. 72-128. This request is for a ten (10)-year time extension of the Special Permit. This Special Permit was granted by the State Land Use Commission on June 2, 1972, to allow the operation of a quarry including allied uses such as a crushing plant, a concrete batch plant, and an asphalt concrete plant on approximately 25 acres of land situated within the State Land Use "Agricultural" district. The area involved is situated about 4,000 feet makai of the Hawaii Belt Highway between Waiohinu and Naalehu, approximately one-half mile from Naalehu Village, Kahilipali Iki, Ka'u (TMK: 9-5-07: portion of 29).

The property under consideration is situated on the makai side of the proposed Hawaii Belt Road alignment, approximately one-half mile from the Naalehu Police Station. The quarry site is located towards the rear of the property, approximately 4,000 feet from Mamalahoa Highway. The area is presently covered with shrubbery and is basically pasture in character. The prevailing wind pattern is generally northeast to southwest and away from the Naalehu and Waiohinu residential areas. The Kona winds blow from the southwest to northeast and occurs primarily between December and March.

The closest residential structure is situated approximately 3,500 feet north of the quarry site. The Naalehu Shopping Center is approximately 1 mile away to the northeast.

EXHIBIT D

The Soil Conservation Service survey report defines the soil in this general vicinity to be of the Punaluu series. The Punaluu series is extremely rocky peat and consists of well-drained, thin organic soils over pahoehoe bedrock. The mean annual rainfall is between 60 to 90 inches. The natural vegetation consists of Koa Haole, Christmas Berry, Guineagrass, Natal redtop, and sand bur. These soils and Kaalualu, Kaimu, Kainaliu, Malama, Pakini and Waiaha soils are in the same general area.

Punaluu soils are used as pasture. Its capability subclass is Class VII, which are soils which have severe limitations that make them unsuited to cultivation and restrict their use largely to pasture or range, woodland or wildlife.

Condition No. 7 of the Special Permit stated that "The quarrying operation and its allied uses be terminated five (5) years after the date of approval of the special permit or upon written request of the adjoining properties which prove that the operation is causing them excessive inconvenience."

The first termination date was June 2, 1977. However, on May 17, 1977, Mr. Ishimaru requested a five (5)-year time extension for the Special Permit. On August 16, 1977, the County Planning Commission sent a favorable recommendation on the request to the State Land Use Commission subject to the condition that "The petitioner or his authorized representative obtain a Grading permit from the Department of Public Works prior to commencement of the operation and that all other conditions spelled out in the Special

Permit be complied with." The State Land Use Commission approved the time extension request on August 16, 1977, subject to all conditions which were imposed in the original Special Permit and also the additional condition imposed by the County Planning Commission. The extension request was for a five (5)-year period until June 2, 1982.

Although the deadline (June 2, 1982) has passed, the petitioner submitted the extension request prior to the expiration date (letter dated May 17, 1982). The extension request is for another ten (10) years until June 2, 1992.

The conditions of the original Special Permit were as follows:

1. That all State and County Standards and appropriate safety measures be exercised by the applicant to assure optimum vehicular traffic safeguards during the entire period of the operation;
2. That the applicant obtain authority to construct from the Department of Health prior to construction of the new facilities;
3. That the applicant obtain a permit to operate from the Department of Health prior to operation and for continued operation of the facilities;

4. That every precaution be taken by the applicant to avert any inconvenience such as traffic, noise, and dust problems to surrounding properties;
5. That excavation shall not commence until a complete historical survey of the area is conducted and reviewed by appropriate agencies. All historical sites shall be preserved.
6. That the operation be confined to approximately twenty-five (25) acres and within an area indicated on the map submitted;
- omit* 7. That the quarrying operation and its allied uses be terminated five (5) years after the date of approval of the Special Permit or upon written request of the adjoining properties which prove that the operation is causing them excessive convenience;
8. That upon expiration of the permit the applicant shall remove all temporary support facilities and equipment from the area. The land shall then be graded to blend with the surrounding area. Prior to grading, however, the applicant shall prepare a grading plan, subject to the approval of the County Planning and Public Works Departments;
9. That the Planning Department shall make periodic inspection of the site to see that no adverse effects are being

created by the quarry operation such as dust, noise, and indiscriminate excavation which will substantially alter the land. If it is determined that adverse effects are created, the Planning Commission shall have the authority to require the applicant to cease and desist the quarry operation; and

10. That operation be limited to only during regular working hours.

An archaeological field survey report dated August 7, 1972 by William J. Bonk was submitted on August 15, 1972 to the Planning Department. The concluding statement in the report stated the following, "As a result, I would recommend that no further archaeological investigation be required and that the owner can proceed with whatever development he is able under State and local laws." A subsequent letter from Sunao Kido, then Chairman of the Board of Land and Natural Resources, dated August 25, 1972 concurs with the findings of Mr. Bonk's field report. On September 6, 1972, a letter was sent to Mr. Tommy Ishimaru from the Planning Department informing him that he had satisfied the historical sites clearance condition of the Special Permit.

In this second time extension request, the petitioner states that "I would like to apply for an extension on Special Permit No. 72-128 (LUC 210), TMK: 9-5-07: portion of 29, to continue operation of a quarry for a 10 year period. At this time, we are not operating the quarry as construction is almost at a standstill.

However, when the economy gets better and there is a need for a quarry in the district, we hope to be able to supply the people of Ka'u once again, with material."

The applicant stated in the original request that "At the present time, material has to be brought in from Hilo or Kona which involves a 128 mile round trip and take from 5 to 6 hours. Developments such as C. Brewer, and Company, Hawaiian Ranchos, Hawaiian Ocean View Estates, Discovery Harbor, and Green Sands, that are coming up in Kau will need material. Hutchinson Sugar Company, Hawaiian Agricultural Company, the county, state and individuals all need material. There is a definite need for a quarry site in Kau. The Naalehu flood control debris basin has filled up to capacity on several occasions and the problem that will arise in the near future will be another dumping ground for debris. Hutchinson Sugar has had their fill and do not need any more. Presently debris is being hauled to the Waiohinu Rubbish dump. It will be just a matter of time before this is filled too. If the quarry is permitted, we hope to make our land available for dumping purposes to refill what we have excavated."

There were seven letters of support in the original special permit from Cal-Pacific Resources of Hawaii, Kuwaye Bros. Inc., Hutchinson Sugar Comp., Morrison-Knudson Co., Shield Pacific, Hawaiian Agricultural Company, and Administration Inc. Of these, only Kuwaye Bros and Shield Pacific are listed in the Island of Hawaii Telephone Directory. One letter of protest was received from

Hawkins-Audio Engineers Inc., a company which owns 67 acres adjoining the subject property.

The County does have a Sanitary Landfill site in Waiohinu which is not being used. But there is a rubbish transfer station in Waiohinu to service the area. This debris is taken to the Kona Landfill site.

In checking with the Department of Public Works, the subject property is within the Zone "C" classification on the Flood Insurance Rate Map prepared by the Federal Management Agency. Zone C is defined as area of minimal flooding.

The subject land has not been classified on the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) Map.

A staff field inspection was conducted to the quarry on June 22, 1982 to verify that the quarry is not in operation at the present time. It was found that there are no buildings for quarrying purposes in or around the quarry site. As such, there is no concrete batching or crushing plant established as allowed by the Special Permit on the property. There were bulldozers, trucks and other assorted machinery scattered over the subject quarrying area. The access to the quarry is through Tax Map Key 9-5-23:1 and is a gravel dirt road situated just makai of the Chika's Auto Repair Shop property in Waiohinu, Tax Map Key No. 9-5-23:2, which is owned by the petitioner.

RECOMMENDATION: TOMMY ISHIMARU - SPECIAL PERMIT TIME EXTENSION

The staff is recommending that the request for a ten (10)-year time extension request of Special Permit 72-128 until June 2, 1992, be revised to a five (5)-year extension until June 2, 1987, and be given a favorable consideration.

The applicant maintains in his original request that material has to be brought in from Hilo or Kona to support developments around the Ka'u area. This involves, according to the applicant, approximately 128 miles and 5 to 6 hours. He also noted that there are several private and public developments which need or will need material provided by a quarry. Thus, it is felt that the subject quarry which is not in operation at the present time, still serves as an existing resource for construction materials and is an essential and integral part of present and future developments of the Ka'u area. Should the economic conditions change and the climate for development appear, this extension would allow the applicant the flexibility and the ability to provide for these needs. Additionally, there are no other quarries in the immediate area. The five (5) rather than the ten (10)-year extension will give us the opportunity to review the applicant's progress and status of his operation in this district and assess the applicability of Condition No. 7 relating to the termination of the quarrying operation.

EXHIBIT E

It is further recommended that the requested time extension be given favorable consideration subject to the following revised conditions:

1. That the petitioner or his authorized representative obtain a Grading Permit from the Department of Public Works prior to commencement of any operation. In addition, a detailed and dimensioned site plan showing the boundaries of the quarrying operation to be submitted and approved by the Planning Director in the form of a final "Plan Approval" prior to commencement of any operation. The Planning Director shall consult and review the plans with the appropriate agencies and the conditions as stated;
2. That annual progress reports be submitted to the Planning Department outlining the extent of quarrying operations done in the previous year;
3. That no landfill dumping be permitted unless a new Special Permit has been secured;
4. That all State and County standards and appropriate safety measures be exercised by the applicant to assure optimum vehicular traffic safeguards during the entire period of the operation;

5. That the applicant obtain approval from the Department of Health prior to construction and operation of the facilities;
6. That every precaution be taken by the applicant to avert any inconvenience such as traffic, noise and dust problems, to surrounding properties;
7. That should any archaeological site, features, or artifacts be uncovered in any of the grading or excavation areas, work shall immediately stop and the applicant will be responsible in notifying the Planning Director. The Planning Director may then take all appropriate action to require that an intensive archaeological survey be conducted. Any further grading or quarrying will not commence until after the Planning Director's analysis and determinations are made as to the disposition of the survey's findings.
8. That the operation be confined to approximately twenty-five (25) acres and within the area indicated on the original map submitted. The quarry perimeter should be identified with some markers, so as to ensure that the boundary of the approved quarry area not be exceeded;
9. That the quarrying operation and its allied uses be terminated five (5) years after the date of approval of the Special Permit time extension request or upon written

request of the adjoining properties which prove that the operation is causing them excessive inconvenience;

10. That upon expiration of the permit, the applicant shall remove all temporary support facilities and equipment from the area. The land shall then be graded to blend with the surrounding area. Prior to the grading, however, the applicant shall prepare a grading plan, subject to the approval of the County Planning and Public Works Departments;
11. That if it is determined that adverse effects such as noise, dust or indiscriminate excavation is taking place, the Planning Commission shall have the authority to require the applicant to cease and desist the quarry operation; and
12. That operation be limited to only during regular working hours. Regular working hours is defined as Monday through Saturday from 7:00 A.M. to 4:00 P.M..

Should any of the above conditions not be complied with, the permit shall be automatically void.

Planning Department
County of Hawaii

HEARING TRANSCRIPT
July 1, 1982

A regularly advertised public hearing on the application of Tommy Ishimaru was called to order at 10:26 a.m. in the Kona Surf Hotel, Mauna Kea Conference Room, Keauhou, North Kona, Hawaii, with Vice Chairman Clyde Imada presiding.

PRESENT: Clyde Imada
Glenn Frias
Roy Kagawa
Barbara Koi
Bert Nakano
George Ponte
Tina Whitmarsh

ABSENT: Alfredo Orita
Donald Thompson

Ex-officio Member
H. William Sewake

Sidney Fuke, Planning Director
Brian Nishimura, Staff Planner

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

and approximately 20 people from the public in attendance

CHAIRMAN: Next item on the agenda is the public hearing on the request by Tommy Ishimaru for a 10-year time extension to Special Permit No. 72-128 (LUC 210) which allowed the establishment and operation of a quarry on approximately 25 acres of land situated within the State Land Use Agricultural District. The area involved is located approximately 3,300 feet makai of the Mamalahoa Highway and about 4,300 feet southwest of the Naalehu Shopping Center, Kahilipali Iki, Ka'u, TMK: 9-5-07:Portion of 29. Staff?

GOLDSTEIN: (Presented background and recommendation for a 5-year time extension with conditions, on file.)

CHAIRMAN: Thank you, Virginia. Commissioners, do you have any questions of the staff?

KAGAWA: Mr. Chairman?

CHAIRMAN: Commissioner Kagawa.

KAGAWA: I have one question. Since 1972, has this quarry ever been in operation?

GOLDSTEIN: I'm not really sure; and maybe you better address that question to the petitioner.

KAGAWA: So maybe if you haven't heard, then there were no complaints or anything about dust or noise?

EXHIBIT H

GOLDSTEIN: Not that I'm aware. And one more point of clarification, the recommendation on the part of the Planning Commission would be forwarded then to the Land Use Commission.

CHAIRMAN: Is there any other question? If not, is the applicant present? Do you swear to tell the truth on the application now before the Hawaii County Planning Commission?

ISHIMARU: I do.

CHAIRMAN: State your name for the record.

ISHIMARU: Tommy Ishimaru.

CHAIRMAN: You have heard the conditions as outlined by the Department. Are you able to comply with the conditions as set forth?

ISHIMARU: Yes.

CHAIRMAN: Have you had an opportunity to review these conditions?

ISHIMARU: Well, I'm sure most of them are the same as the previous conditions that we had. There are some additions there, but I can guarantee you that I'll meet those conditions.

CHAIRMAN: Okay, do you have any other comments that you'd like to make at this time?

ISHIMARU: No. I don't have. But if you have any questions, I'll be glad to answer them.

CHAIRMAN: Commissioners, do you have any questions for the applicant?

KAGAWA: Mr. Chairman?

CHAIRMAN: Commissioner Kagawa.

KAGAWA: Have you operated this quarry since 1972 at any time?

ISHIMARU: In 1972, when I first applied for the crusher site, we did. We had Allied Aggregate come in and crush material for us.

KAGAWA: How long did you operate?

ISHIMARU: We operated like eight months, I think.

KAGAWA: Were there any complaints?

ISHIMARU: No. In fact, the only complaint now is that we don't have a crusher there right now. They need the material.

KAGAWA: You applied for ten years, but the recommendation is for five years.

ISHIMARU: Right.

KAGAWA: Are : aware of that?

ISHIMARU: Yes.

CHAIRMAN: Any other questions, Commissioners? If not, thank you. You may be seated.

ISHIMARU: Thank you.

CHAIRMAN: Okay, this is a public hearing. Is there anyone in the audience who would like to speak on this application? Raise your right hand. Do you swear to tell the truth on the application now before the Hawaii County Planning Commission?

AKIMSEU: Yes, sir.

CHAIRMAN: State your name for the record, please.

AKIMSEU: My name is Maile Akimseu. As an individual, I'm making one request. With the five-year recommendation by the Planning Department, am I correct in that?

CHAIRMAN: Yes.

AKIMSEU: My only question is that even if people have not made any comments about the quarry, I notice it is on State Land and it is within the Agricultural District. I'm not familiar with the area, Virginia. Can you give me some logistics?

GOLDSTEIN: First of all, one point of clarification. It's not on State land, although it is within the State Land Use Agricultural District.

AKIMSEU: Oh, LUC?

GOLDSTEIN: Yeah. It's a little bit, how shall I say it, it's between Naalehu and Waiohinu and on, let's see -.

FUKE: Virginia, why don't you just give her an orientation, point out to where Naalehu is.

GOLDSTEIN: Okay, Naalehu is, the school is here, the shopping center, and the theatre in this area. Waiohinu, the park is right here. This is the Mamalahoa Highway going out to Waiohinu; and it's on the makai side quite a bit in from the road, the present road. You have trees along the road, in between.

AKIMSEU: Cause it says 3,300 feet makai, about 4,300 feet southwest of the Naalehu Shopping Center, Kahilipali Iki, Ka'u.

GOLDSTEIN: Yeah.

AKIMSEU: My only request was did the Civic, Ka'u Civic ever make any kind of statement in reference to that particular area?

GOLDSTEIN: I would have to check the files on the original one; but, you know, I don't know, I have to check.

AKIMSEU: Okay, that's my only question.

GOLDSTEIN: Yeah, okay.

AKIMSEU: And if you do have something on record -. Virginia, that's okay. I looked at what was mentioned here, but I do have a lot of information in reference to the Ka'u area and in reference to ahupuaa and heiau, and I'll go back and check with the Ka'u Civic Club; and if they have any questions, they can discuss it with you. Thank you.

CHAIRMAN: Is there anyone else in the audience who would like to speak at this time? If not, Commissioners, there seems to be no one in the public -.

KAGAWA: I move that this hearing be closed.

WHITMARSH: Second, Mr. Chairman.

CHAIRMAN: It has been moved and seconded that the public hearing be closed. All those in favor signify by saying aye?

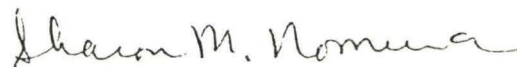
COMMISSIONERS: Aye.

CHAIRMAN: Oppose? Motion carried.

It was moved by Commissioner Nakano and seconded by Commissioner Ponte to send a favorable recommendation to the State Land Use Commission for a five-year time extension to Special Permit No. 72-128 (LUC 210) for the reasons and with the conditions as outlined by the staff. A roll call vote was taken and motion was carried with seven ayes.

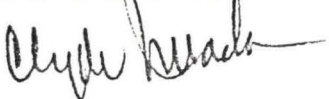
The public hearing adjourned at 10:50 a.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T:



Clyde Imada
Vice Chairman, Planning Commission

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

September 10, 1982 - 9:00 a.m.
Conference Rooms A, B & C
Hilo State Building
75 Aupuni Street
Hilo, Hawaii

REC'D. BY

1982 AUG 19 AM 9 03

LT. GOVERNOR'S OFFICE

A G E N D A

I. CONTINUED HEARING

1. A81-525 - Y-0 Limited Partnership (Hawaii)

To reclassify approximately 410.913 acres of land currently in the Agricultural District into the Urban District at Kohanaiki and Kaloko, North Kona, Hawaii, for residential and commercial development.

II. ACTION

✓ 1. SP72-128 - Tommy Ishimaru (Time Extension) (Hawaii)

To allow a time extension for the operation of a quarry on approximately 25 acres of land situated within the State Land Use Agricultural District at Kahilipali Iki, Ka'u, Hawaii.

2. SP72-132 - Ocean View Investment Company, Inc. (Second Amendment) (Hawaii)

To amend the Special Permit to allow the establishment of a gasoline service station and retail sales store on 3 acres of the approved 20 acres of land situated within the State Land Use Agricultural District at Kahuku, Ka'u, Hawaii.

3. SP80-349 - Princeville at Hanalei (Time Extension) (Kauai)

To allow a one-year time extension to commence construction of an 18-hole golf course on approximately 329.4 acres of land situated within the State Land Use Agricultural District at Princeville, Hanalei, Kauai, Hawaii.

III. MISCELLANEOUS

1. Adoption of Minutes

MAY 5 1982 JUN 1 1982 JUN 2 1982 JUN 8 1982

2. Meeting Schedule

JUN 9 1982 JUL 8 1982 JUL 15 1982

8/23/82 - A copy of this agenda was mailed to all persons and organizations on the attached mailing lists:

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

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

August 19, 1982

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

Dear Mr. Fuke:

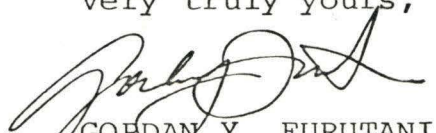
Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

✓ A81-525 - Y-O LIMITED PARTNERSHIP (Continued Hearing) *
SP72-128 - TOMMY ISHIMARU (Time Extension) **
SP72-132 - OCEAN VIEW INVESTMENT COMPANY, INC. (2nd Amendment) **
will be *heard
**considered at that time.

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

Very truly yours,


GORDAN Y. FURUTANI
Executive Officer

Enclosure: Agenda

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

August 19, 1982

Mr. Tommy Ishimaru
P. O. Box 105
Naalehu, Hawaii 96772

Dear Mr. Ishimaru:

Enclosed is a Land Use Commission meeting agenda.

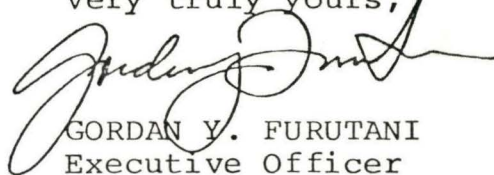
Please note that the extension request on

SP72-128 - TOMMY ISHIMARU (TIME EXTENSION)

will be considered at that time.

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

Very truly yours,



GORDAN Y. FURUTANI
Executive Officer

Enclosure: Agenda



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

July 26, 1982

Mr. Gordan Furutani
Executive Officer
Land Use Commission
Old Federal Building, Room 104
335 Merchant Street
Honolulu, Hawaii 96813

Dear Mr. Furutani:

JUL 26 11 03 AM '82
LAND USE COMMISSION
STATE OF HAWAII

Time Extension to Special Permit No. 72-128 (LUC 210)

Petitioner: Tommy Ishimaru

Tax Map Key 9-5-07:Portion of 29

The Planning Commission at its duly held public hearing on July 1, 1982, considered the above request by Tommy Ishimaru for a 10-year time extension to Special Permit No. 72-128 (LUC 210) which allowed the establishment and operation of a quarry on approximately 25 acres of land situated within the State Land Use Agricultural District at Kahilipali Iki, Ka'u, Hawaii.

The Commission voted to approve a five (5)-year time extension until June 2, 1987, instead of the requested ten (10)-year time extension until June 2, 1992, to the Land Use Commission. Enclosed is the entire docket on the above request.

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

Sincerely,

for Tina Whitmarsh

CLYDE IMADA
Chairman Pro-Tem
Planning Commission

lgv

cc: Mr. Tommy Ishimaru
Department of Public Works
Department of Water Supply
Kona Services Office

Enclosure

LIST OF EXHIBITS: TOMMY ISHIMARU, SPECIAL PERMIT 72-128 (LUC 210)
TIME EXTENSION REQUEST

- A. Letter from petitioner to Planning Dept. (5/17/82)
- B. Letter to petitioner from Planning Dept. (5/28/82)
- C. Letter to petitioner from Planning Dept. informing him of Public Hearing (6/18/82)
- C-1. Public Hearing Notice
- D. Staff Background
- E. Staff Recommendation
- F. Voting Sheet, 7/1/82
- G. Minutes, July 1, 1982
- H. Transcript, July 1, 1982

TOMMY'S SERVICE STATION
GENERAL AUTO REPAIRING

NAALEHU, KAU, HAWAII

May 17, 1982

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

Dear Sir;

I would like to apply for an extension on "Special Permit No. 72-128 (LUC 210), Tax Map Key: 9-5-07:Por. of 29", to continue operation of a quarry for a 10 year period.

At this time we are not operating the quarry as construction is almost at a standstill. However, when the economy gets better and there is a need for a quarry in the district, we hope to be able to supply the people of Kau once again, with material.

Sincerely,

Tommy Ishimaru

Tommy Ishimaru

EXHIBIT A

May 28, 1982

Mr. Tommy Ishimaru
P. O. Box 105
Naalehu, Hawaii 96772

Dear Mr. Ishimaru:

Time Extension Request
Special Permit 72-128 (LUC 210)
TMK: 9-5-7:portion of 29

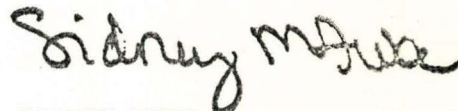
This is to acknowledge receipt on May 19, 1982 of the above described special permit time extension request.

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

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

Should any questions arise, please contact Keith Kato or Brian Nishimura of this department at 961-8288.

Sincerely,



SIDNEY FUKU
Planning Director

KK:lgv

JUN 1 1982

EXHIBIT B

June 18, 1982

Mr. Tommy Ishimaru
P. O. Box 105
Naalehu, Hawaii 96772

Dear Mr. Ishimaru:

Notice of a Public Hearing
Time Extension to Special Permit No. 72-123 (LUC 210)
Tax Map Key 9-5-07:Portion of 29

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 9:15 a.m. on Thursday, July 1, 1982, in the Kona Surf Hotel, Mauna Kea Conference Room, Keaunou, North Kona, Hawaii.

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

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

Sincerely,

Sidney M. Fuke

Sidney M. Fuke
Director

smn

Enclosures

cc: State Land Use Commission

EXHIBIT C

JUN 18 1982

PUBLIC HEARINGS
PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

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

DATE: Thursday, July 1, 1982

TIME: 9:15 a.m.

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

1. PETITIONER: JOSEPH LONG

LOCATION: Along the makai side of Alii Drive, approximately 1,400 feet Kailua side of the Kahaluu Beach Park, Kahaluu Beach Lots subdivision, Kahuluu, North Kona.

TMK: TMK: 7-8-14:77

PURPOSE: Shoreline Setback Variance to allow certain landscaping improvements, including the installation of an irrigation system, within the 20-foot shoreline setback area.

2. PETITIONER: KONA DEVELOPMENT ASSOCIATE

LOCATION: Southern end of Lamaokaola Street, adjacent to the Lono Kona Subdivision, Hienaloli, North Kona.

EXHIBIT C-1

TMK: 7-5-04:Portion of 2

PURPOSE: Continuation of a public hearing for a time extension to comply with Condition No. 2 of Planned Development Permit No. 39 which allowed the development of a 75-unit condominium project.

✓ 3. PETITIONER: TOMMY ISHIMARU

LOCATION: Approximately 3,300 feet makai of the Mamalahoa Highway and about 4,300 feet southwest of the Naalehu Shopping Center, Kahilipali Iki, Ka'u.

TMK: 9-5-07:Portion of 29

PURPOSE: 10-year time extension to Special Permit No. 72-128 (LUC 210) which allowed the establishment and operation of a quarry on approximately 25 acres of land situated within the State Land Use Agricultural District.

4. PETITIONER: OCEAN VIEW INVESTMENT COMPANY, INC./DAVID HUMPHRIES

LOCATION: Western corner of the Hawaii Belt Road-Prince Kuhio Boulevard intersection, adjacent and to the east of the Ocean View General Store, Hawaiian Ocean View Ranchos Subdivision, Kahuku, Ka'u.

TMK: 9-2-185:94

PURPOSE: Amendment to Special Permit No. 72-132 to
allow the inclusion of a gasoline service
station and retail sales store on land
situated within the State Land Use
Agricultural District.

Maps showing the general locations and boundaries of the areas
under consideration and/or plans of the proposed developments are on
file in the office of the Planning Department in the County Building
at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during
office hours. All comments should be filed with the Planning
Commission before that date, or in person at the public hearing.

PLANNING COMMISSION,
Alfredo Orita, Chairman
By Sidney M. Fuke
Planning Director

(Hawaii Tribune Herald: June 21, 1982)

2ND TIME EXTENSION REQUEST (SPECIAL PERMIT 72-128) - TOMMY ISHIMARU

Tommy Ishimaru has submitted a request for a second time extension of Special Permit No. 72-128. This request is for a ten (10)-year time extension of the Special Permit. This Special Permit was granted by the State Land Use Commission on June 2, 1972, to allow the operation of a quarry including allied uses such as a crushing plant, a concrete batch plant, and an asphalt concrete plant on approximately 25 acres of land situated within the State Land Use "Agricultural" district. The area involved is situated about 4,000 feet makai of the Hawaii Belt Highway between Waiohinu and Naalehu, approximately one-half mile from Naalehu Village, Kahilipali Iki, Ka'u (TMK: 9-5-07: portion of 29).

The property under consideration is situated on the makai side of the proposed Hawaii Belt Road alignment, approximately one-half mile from the Naalehu Police Station. The quarry site is located towards the rear of the property, approximately 4,000 feet from Mamalahoa Highway. The area is presently covered with shrubbery and is basically pasture in character. The prevailing wind pattern is generally northeast to southwest and away from the Naalehu and Waiohinu residential areas. The Kona winds blow from the southwest to northeast and occurs primarily between December and March.

The closest residential structure is situated approximately 3,500 feet north of the quarry site. The Naalehu Shopping Center is approximately 1 mile away to the northeast.

EXHIBIT D

The Soil Conservation Service survey report defines the soil in this general vicinity to be of the Punaluu series. The Punaluu series is extremely rocky peat and consists of well-drained, thin organic soils over pahoehoe bedrock. The mean annual rainfall is between 60 to 90 inches. The natural vegetation consists of Koa Haole, Christmas Berry, Guineagrass, Natal redtop, and sand bur. These soils and Kaalualu, Kaimu, Kainaliu, Malama, Pakini and Waiaha soils are in the same general area.

Punaluu soils are used as pasture. Its capability subclass is Class VII, which are soils which have severe limitations that make them unsuited to cultivation and restrict their use largely to pasture or range, woodland or wildlife.

Condition No. 7 of the Special Permit stated that "The quarrying operation and its allied uses be terminated five (5) years after the date of approval of the special permit or upon written request of the adjoining properties which prove that the operation is causing them excessive inconvenience."

The first termination date was June 2, 1977. However, on May 17, 1977, Mr. Ishimaru requested a five (5)-year time extension for the Special Permit. On August 16, 1977, the County Planning Commission sent a favorable recommendation on the request to the State Land Use Commission subject to the condition that "The petitioner or his authorized representative obtain a Grading permit from the Department of Public Works prior to commencement of the operation and that all other conditions spelled out in the Special

Permit be complied with." The State Land Use Commission approved the time extension request on August 16, 1977, subject to all conditions which were imposed in the original Special Permit and also the additional condition imposed by the County Planning Commission. The extension request was for a five (5)-year period until June 2, 1982.

Although the deadline (June 2, 1982) has passed, the petitioner submitted the extension request prior to the expiration date (letter dated May 17, 1982). The extension request is for another ten (10) years until June 2, 1992.

The conditions of the original Special Permit were as follows:

1. That all State and County Standards and appropriate safety measures be exercised by the applicant to assure optimum vehicular traffic safeguards during the entire period of the operation;
2. That the applicant obtain authority to construct from the Department of Health prior to construction of the new facilities;
3. That the applicant obtain a permit to operate from the Department of Health prior to operation and for continued operation of the facilities;

4. That every precaution be taken by the applicant to avert any inconvenience such as traffic, noise, and dust problems to surrounding properties;
5. That excavation shall not commence until a complete historical survey of the area is conducted and reviewed by appropriate agencies. All historical sites shall be preserved.
6. That the operation be confined to approximately twenty-five (25) acres and within an area indicated on the map submitted;
- omit* 7. That the quarrying operation and its allied uses be terminated five (5) years after the date of approval of the Special Permit or upon written request of the adjoining properties which prove that the operation is causing them excessive convenience;
8. That upon expiration of the permit the applicant shall remove all temporary support facilities and equipment from the area. The land shall then be graded to blend with the surrounding area. Prior to grading, however, the applicant shall prepare a grading plan, subject to the approval of the County Planning and Public Works Departments;
9. That the Planning Department shall make periodic inspection of the site to see that no adverse effects are being

created by the quarry operation such as dust, noise, and indiscriminate excavation which will substantially alter the land. If it is determined that adverse effects are created, the Planning Commission shall have the authority to require the applicant to cease and desist the quarry operation; and

10. That operation be limited to only during regular working hours.

An archaeological field survey report dated August 7, 1972 by William J. Bonk was submitted on August 15, 1972 to the Planning Department. The concluding statement in the report stated the following, "As a result, I would recommend that no further archaeological investigation be required and that the owner can proceed with whatever development he is able under State and local laws." A subsequent letter from Sunao Kido, then Chairman of the Board of Land and Natural Resources, dated August 25, 1972 concurs with the findings of Mr. Bonk's field report. On September 6, 1972, a letter was sent to Mr. Tommy Ishimaru from the Planning Department informing him that he had satisfied the historical sites clearance condition of the Special Permit.

In this second time extension request, the petitioner states that "I would like to apply for an extension on Special Permit No. 72-128 (LUC 210), TMK: 9-5-07: portion of 29, to continue operation of a quarry for a 10 year period. At this time, we are not operating the quarry as construction is almost at a standstill.

However, when the economy gets better and there is a need for a quarry in the district, we hope to be able to supply the people of Ka'u once again, with material."

The applicant stated in the original request that "At the present time, material has to be brought in from Hilo or Kona which involves a 128 mile round trip and take from 5 to 6 hours. Developments such as C. Brewer, and Company, Hawaiian Ranchos, Hawaiian Ocean View Estates, Discovery Harbor, and Green Sands, that are coming up in Kau will need material. Hutchinson Sugar Company, Hawaiian Agricultural Company, the county, state and individuals all need material. There is a definite need for a quarry site in Kau. The Naalehu flood control debris basin has filled up to capacity on several occasions and the problem that will arise in the near future will be another dumping ground for debris. Hutchinson Sugar has had their fill and do not need any more. Presently debris is being hauled to the Waiohinu Rubbish dump. It will be just a matter of time before this is filled too. If the quarry is permitted, we hope to make our land available for dumping purposes to refill what we have excavated."

There were seven letters of support in the original special permit from Cal-Pacific Resources of Hawaii, Kuwaye Bros. Inc., Hutchinson Sugar Comp., Morrison-Knudson Co., Shield Pacific, Hawaiian Agricultural Company, and Administration Inc. Of these, only Kuwaye Bros and Shield Pacific are listed in the Island of Hawaii Telephone Directory. One letter of protest was received from

Hawkins-Audio Engineers Inc., a company which owns 67 acres adjoining the subject property.

The County does have a Sanitary Landfill site in Waiohinu which is not being used. But there is a rubbish transfer station in Waiohinu to service the area. This debris is taken to the Kona Landfill site.

In checking with the Department of Public Works, the subject property is within the Zone "C" classification on the Flood Insurance Rate Map prepared by the Federal Management Agency. Zone C is defined as area of minimal flooding.

The subject land has not been classified on the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) Map.

A staff field inspection was conducted to the quarry on June 22, 1982 to verify that the quarry is not in operation at the present time. It was found that there are no buildings for quarrying purposes in or around the quarry site. As such, there is no concrete batching or crushing plant established as allowed by the Special Permit on the property. There were bulldozers, trucks and other assorted machinery scattered over the subject quarrying area. The access to the quarry is through Tax Map Key 9-5-23:1 and is a gravel dirt road situated just makai of the Chika's Auto Repair Shop property in Waiohinu, Tax Map Key No. 9-5-23:2, which is owned by the petitioner.

RECOMMENDATION: TOMMY ISHIMARU - SPECIAL PERMIT TIME EXTENSION

The staff is recommending that the request for a ten (10)-year time extension request of Special Permit 72-128 until June 2, 1992, be revised to a five (5)-year extension until June 2, 1987, and be given a favorable consideration.

The applicant maintains in his original request that material has to be brought in from Hilo or Kona to support developments around the Ka'u area. This involves, according to the applicant, approximately 128 miles and 5 to 6 hours. He also noted that there are several private and public developments which need or will need material provided by a quarry. Thus, it is felt that the subject quarry which is not in operation at the present time, still serves as an existing resource for construction materials and is an essential and integral part of present and future developments of the Ka'u area. Should the economic conditions change and the climate for development appear, this extension would allow the applicant the flexibility and the ability to provide for these needs. Additionally, there are no other quarries in the immediate area. The five (5) rather than the ten (10)-year extension will give us the opportunity to review the applicant's progress and status of his operation in this district and assess the applicability of Condition No. 7 relating to the termination of the quarrying operation.

EXHIBIT E

It is further recommended that the requested time extension be given favorable consideration subject to the following revised conditions:

1. That the petitioner or his authorized representative obtain a Grading Permit from the Department of Public Works prior to commencement of any operation. In addition, a detailed and dimensioned site plan showing the boundaries of the quarrying operation to be submitted and approved by the Planning Director in the form of a final "Plan Approval" prior to commencement of any operation. The Planning Director shall consult and review the plans with the appropriate agencies and the conditions as stated;
2. That annual progress reports be submitted to the Planning Department outlining the extent of quarrying operations done in the previous year;
3. That no landfill dumping be permitted unless a new Special Permit has been secured;
4. That all State and County standards and appropriate safety measures be exercised by the applicant to assure optimum vehicular traffic safeguards during the entire period of the operation;

5. That the applicant obtain approval from the Department of Health prior to construction and operation of the facilities;
6. That every precaution be taken by the applicant to avert any inconvenience such as traffic, noise and dust problems, to surrounding properties;
7. That should any archaeological site, features, or artifacts be uncovered in any of the grading or excavation areas, work shall immediately stop and the applicant will be responsible in notifying the Planning Director. The Planning Director may then take all appropriate action to require that an intensive archaeological survey be conducted. Any further grading or quarrying will not commence until after the Planning Director's analysis and determinations are made as to the disposition of the survey's findings.
8. That the operation be confined to approximately twenty-five (25) acres and within the area indicated on the original map submitted. The quarry perimeter should be identified with some markers, so as to ensure that the boundary of the approved quarry area not be exceeded;
9. That the quarrying operation and its allied uses be terminated five (5) years after the date of approval of the Special Permit time extension request or upon written

request of the adjoining properties which prove that the operation is causing them excessive inconvenience;

10. That upon expiration of the permit, the applicant shall remove all temporary support facilities and equipment from the area. The land shall then be graded to blend with the surrounding area. Prior to the grading, however, the applicant shall prepare a grading plan, subject to the approval of the County Planning and Public Works Departments;
11. That if it is determined that adverse effects such as noise, dust or indiscriminate excavation is taking place, the Planning Commission shall have the authority to require the applicant to cease and desist the quarry operation; and
12. That operation be limited to only during regular working hours. Regular working hours is defined as Monday through Saturday from 7:00 A.M. to 4:00 P.M..

Should any of the above conditions not be complied with, the permit shall be automatically void.

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date July 1, 1982

Petitioner Tommy Ishimaru - 10-yr. time ext. to Special Permit

72-128 (LUC 210)

 Preliminary hearing Public hearing Request Action

ACTION: Approve

Deny

Defer

Continue

Schedule for public hearing

Other: _____

Commissioners	Aye	No	Excused	Abstain
FRIAS, Glenn	✓			
IMADA, Clyde (Vice Chairman)	✓			
KAGAWA, Roy	✓			
KOI, Barbara Ann	✓			
NAKANO, Bert	✓			
PONTE, George <i>second</i>	✓			
THOMPSON, Donald	<i>abs</i>			
WHITMARSH, Tina	✓			
ORITA, Alfredo (Chairman)	<i>abs</i>			

EXHIBIT F

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
July 1, 1982

The Planning Commission met in regular session at 10:10 a.m. in the Kona Surf Hotel, Mauna Kea Conference Room, Keauhou, North Kona, Hawaii, with Vice Chairman Clyde Imada presiding.

PRESENT: Clyde Imada
Glenn Frias
Roy Kagawa
Barbara Koi
Bert Nakano
George Ponte
Tina Whitmarsh

ABSENT: Alfredo Orita
Donald Thompson

Ex-officio Member
H. William Sewake

Sidney M. Fuke, Planning Director
Brian Nishimura, Staff Planner
Virginia Goldstein, Staff Planner

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

and approximately 28 people at 8:35 a.m., 30 people at 8:47 a.m., 17 people at 10:01 a.m., 18 people at 11:31 a.m., and 12 people at 11:51 a.m. were in attendance

All those testifying were duly sworn in.

EXHIBIT G

Staff pointed out that although the improvements proposed are similar to the 1980 request, the present proposal eliminates the seawall and gazebo.

The petitioner, Joseph Long, briefly explained his request.

Under public testimony, Frances Schobel expressed her concerns that the chemicals in the water will seep into the ocean, to which Mr. Long said he does not plan to use chemicals in the water.

It was moved by Commissioner Ponte and seconded by Commissioner Kagawa that the public hearing be continued to the July 29th meeting in Kona and a field trip be scheduled. Motion was carried.

Mr. Long requested he be allowed to trim the coconut palms in the SMA and Director Fuke suggested he discuss this matter with the staff as certain activities are allowed within the SMA that would not require a variance.

TIME EXTENSION
TO PDP NO. 39
KONA DEVELOPMENT
ASSOCIATE
HIENALOLI,
NORTH KONA

Continuation of a public hearing on the request by Kona Development Associate for a time extension to comply with Condition No. 2 of Planned Development Permit No. 39 which allowed the development of a 75-unit condominium project. The area involved is located at the southern end of Lamaokaola Street, adjacent to the Lono Kona Subdivision, Hienaloli, North Kona, TMK: 7-5-04:Portion of 2.

Staff read into the record a letter from the petitioner's representative dated June 25, 1982, requesting the public hearing be continued.

Director Fuke stated that the staff had no objections to the continuation of the public hearing to the July 29th meeting but would recommend that action be taken at that time inasmuch as this hearing has been continued twice already.

The petitioner's representatives, John Parazette and Leo Fleming, were in attendance.

Mr. Parazette said he felt that they could complete the plans within the construction deadline.

There was no one testifying on the application.

It was moved by Commissioner Ponte and seconded by Commissioner Kagawa that the public hearing be continued to the July 29th meeting in Kona. Motion was carried.

TIME EXTENSION
SP NO. 72-128
TOMMY ISHIMARU
KAHILIPALI IKI,
KA'U

Public hearing on the request by Tommy Ishimaru for a 10-year time extension to Special Permit No. 72-128 (LUC 210) which allowed the establishment and operation of a quarry on approximately 25 acres of land situated within the State Land Use Agricultural District. The area involved is located approximately 3,300 feet makai of the Mamalahoa Highway and about 4,300 feet southwest of the Naalehu Shopping Center, Kahilipali Iki, Ka'u, TMK: 9-5-07:Portion of 29.

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
July 1, 1982

A regularly advertised public hearing on the application of Tommy Ishimaru was called to order at 10:26 a.m. in the Kona Surf Hotel, Mauna Kea Conference Room, Keauhou, North Kona, Hawaii, with Vice Chairman Clyde Imada presiding.

PRESENT: Clyde Imada
Glenn Frias
Roy Kagawa
Barbara Koi
Bert Nakano
George Ponte
Tina Whitmarsh

ABSENT: Alfredo Orita
Donald Thompson

Ex-officio Member
H. William Sewake

Sidney Fuke, Planning Director
Brian Nishimura, Staff Planner

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

and approximately 20 people from the public in attendance

CHAIRMAN: Next item on the agenda is the public hearing on the request by Tommy Ishimaru for a 10-year time extension to Special Permit No. 72-128 (LUC 210) which allowed the establishment and operation of a quarry on approximately 25 acres of land situated within the State Land Use Agricultural District. The area involved is located approximately 3,300 feet makai of the Mamalahoa Highway and about 4,300 feet southwest of the Naalehu Shopping Center, Kahilipali Iki, Ka'u, TMK: 9-5-07:Portion of 29. Staff?

GOLDSTEIN: (Presented background and recommendation for a 5-year time extension with conditions, on file.)

CHAIRMAN: Thank you, Virginia. Commissioners, do you have any questions of the staff?

KAGAWA: Mr. Chairman?

CHAIRMAN: Commissioner Kagawa.

KAGAWA: I have one question. Since 1972, has this quarry ever been in operation?

GOLDSTEIN: I'm not really sure; and maybe you better address that question to the petitioner.

KAGAWA: So maybe if you haven't heard, then there were no complaints or anything about dust or noise?

EXHIBIT H

GOLDSTEIN: Not that I'm aware. And one more point of clarification, the recommendation on the part of the Planning Commission would be forwarded then to the Land Use Commission.

CHAIRMAN: Is there any other question? If not, is the applicant present? Do you swear to tell the truth on the application now before the Hawaii County Planning Commission?

ISHIMARU: I do.

CHAIRMAN: State your name for the record.

ISHIMARU: Tommy Ishimaru.

CHAIRMAN: You have heard the conditions as outlined by the Department. Are you able to comply with the conditions as set forth?

ISHIMARU: Yes.

CHAIRMAN: Have you had an opportunity to review these conditions?

ISHIMARU: Well, I'm sure most of them are the same as the previous conditions that we had. There are some additions there, but I can guarantee you that I'll meet those conditions.

CHAIRMAN: Okay, do you have any other comments that you'd like to make at this time?

ISHIMARU: No. I don't have. But if you have any questions, I'll be glad to answer them.

CHAIRMAN: Commissioners, do you have any questions for the applicant?

KAGAWA: Mr. Chairman?

CHAIRMAN: Commissioner Kagawa.

KAGAWA: Have you operated this quarry since 1972 at any time?

ISHIMARU: In 1972, when I first applied for the crusher site, we did. We had Allied Aggregate come in and crush material for us.

KAGAWA: How long did you operate?

ISHIMARU: We operated like eight months, I think.

KAGAWA: Were there any complaints?

ISHIMARU: No. In fact, the only complaint now is that we don't have a crusher there right now. They need the material.

KAGAWA: You applied for ten years, but the recommendation is for five years.

ISHIMARU: Right.

KAGAWA: Are you aware of that?

ISHIMARU: Yes.

CHAIRMAN: Any other questions, Commissioners? If not, thank you. You may be seated.

ISHIMARU: Thank you.

CHAIRMAN: Okay, this is a public hearing. Is there anyone in the audience who would like to speak on this application? Raise your right hand. Do you swear to tell the truth on the application now before the Hawaii County Planning Commission?

AKIMSEU: Yes, sir.

CHAIRMAN: State your name for the record, please.

AKIMSEU: My name is Maile Akimseu. As an individual, I'm making one request. With the five-year recommendation by the Planning Department, am I correct in that?

CHAIRMAN: Yes.

AKIMSEU: My only question is that even if people have not made any comments about the quarry, I notice it is on State Land and it is within the Agricultural District. I'm not familiar with the area, Virginia. Can you give me some logistics?

GOLDSTEIN: First of all, one point of clarification. It's not on State land, although it is within the State Land Use Agricultural District.

AKIMSEU: Oh, LUC?

GOLDSTEIN: Yeah. It's a little bit, how shall I say it, it's between Naalehu and Waiohinu and on, let's see -.

FUKE: Virginia, why don't you just give her an orientation, point out to where Naalehu is.

GOLDSTEIN: Okay, Naalehu is, the school is here, the shopping center, and the theatre in this area. Waiohinu, the park is right here. This is the Mamalahoa Highway going out to Waiohinu; and it's on the makai side quite a bit in from the road, the present road. You have trees along the road, in between.

AKIMSEU: Cause it says 3,300 feet makai, about 4,300 feet southwest of the Naalehu Shopping Center, Kahilipali Iki, Ka'u.

GOLDSTEIN: Yeah.

AKIMSEU: My only request was did the Civic, Ka'u Civic ever make any kind of statement in reference to that particular area?

GOLDSTEIN: I would have to check the files on the original one; but, you know, I don't know, I have to check.

AKIMSEU: Okay, that's my only question.

GOLDSTEIN: Yeah, okay.

AKIMSEU: And if you do have something on record -. Virginia, that's okay. I looked at what was mentioned here, but I do have a lot of information in reference to the Ka'u area and in reference to ahupuaa and heiau, and I'll go back and check with the Ka'u Civic Club; and if they have any questions, they can discuss it with you. Thank you.

CHAIRMAN: Is there anyone else in the audience who would like to speak at this time? If not, Commissioners, there seems to be no one in the public -.

KAGAWA: I move that this hearing be closed.

WHITMARSH: Second, Mr. Chairman.

CHAIRMAN: It has been moved and seconded that the public hearing be closed. All those in favor signify by saying aye?

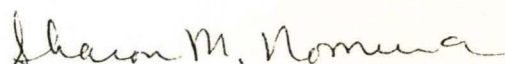
COMMISSIONERS: Aye.

CHAIRMAN: Oppose? Motion carried.

It was moved by Commissioner Nakano and seconded by Commissioner Ponte to send a favorable recommendation to the State Land Use Commission for a five-year time extension to Special Permit No. 72-128 (LUC 210) for the reasons and with the conditions as outlined by the staff. A roll call vote was taken and motion was carried with seven ayes.

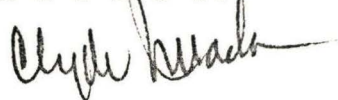
The public hearing adjourned at 10:50 a.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T:



Clyde Imada
Vice Chairman, Planning Commission

COPY

PLANNING DEPARTMENT

25 AUPUNI STREET

COUNTY OF HAWAII

HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII
JUL 8 3 10 PM '82

July 2, 1982

Mr. Tommy Ishimaru
P. O. Box 105
Naalehu, Hawaii 96772

Dear Mr. Ishimaru:

Time Extension to Special Permit No. 72-128 (LUC 210)
Tax Map Key 9-5-07:Portion of 29

The Planning Commission at its duly held public hearing on July 1, 1982, considered your request for a 10-year time extension to Special Permit No. 72-128 (LUC 210) which allowed the establishment and operation of a quarry on approximately 25 acres of land situated within the State Land Use Agricultural District at Kahilipali Iki, Ka'u, Hawaii.

The Commission voted to approve a five (5)-year time extension until June 2, 1987, instead of the requested ten (10)-year time extension until June 2, 1992, to the Land Use Commission, based on the following findings:

The applicant maintains in his original request that material has to be brought in from Hilo or Kona to support developments around the Ka'u area. This involves, according to the applicant, approximately 128 miles and 5 to 6 hours. He also noted that there are several private and public developments which need or will need material provided by a quarry. Thus, it is felt that the subject quarry which is not in operation at the present time, still serves as an existing resource for construction materials and is an essential and integral part of present and future developments of the Ka'u area. Should the economic conditions change and the climate for development appear, this extension would allow the applicant the flexibility and the ability to provide for these needs.

Mr. Tommy Ishimaru

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Additionally, there are no other quarries in the immediate area. The five (5) rather than the ten (10)-year extension will give us the opportunity to review the applicant's progress and status of his operation in this district and assess the applicability of Condition No. 7 relating to the termination of the quarrying operation.

The Commission further recommends that the requested time extension of five (5)-years, be approved subject to the following revised conditions:

1. That the petitioner or his authorized representative obtain a Grading Permit from the Department of Public Works prior to commencement of any operation. In addition, a detailed and dimensioned site plan showing the boundaries of the quarrying operation to be submitted and approved by the Planning Director in the form of a final "Plan Approval" prior to commencement of any operation. The Planning Director shall consult and review the plans with the appropriate agencies and the conditions as stated.
2. That annual progress reports be submitted to the Planning Department outlining the extent of quarrying operations done in the previous year.
3. That no landfill dumping be permitted unless a new Special Permit has been secured.
4. That all State and County standards and appropriate safety measures be exercised by the applicant to assure optimum vehicular traffic safeguards during the entire period of the operation.
5. That the applicant obtain approval from the Department of Health prior to construction and operation of the facilities.
6. That every precaution be taken by the applicant to avert any inconvenience such as traffic, noise and dust problems, to surrounding properties.
7. That should any archaeological site, features, or artifacts be uncovered in any of the grading or excavation areas, work shall immediately stop and the applicant will be responsible in notifying the Planning Director. The Planning Director may then take all appropriate action to require that an intensive archaeological survey be conducted. Any further grading or quarrying will not

Mr. Tommy Ishimaru
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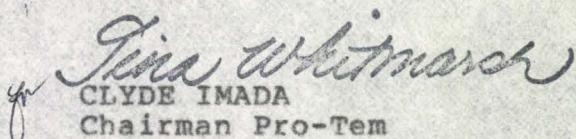
commence until after the Planning Director's analysis and determinations are made as to the disposition of the survey's findings.

8. That the operation be confined to approximately twenty-five (25) acres and within the area indicated on the original map submitted. The quarry perimeter should be identified with some markers so as to ensure that the boundary of the approved quarry area not be exceeded.
9. That the quarrying operation and its allied uses be terminated five (5) years after the date of approval of the Special Permit time extension request or upon written request of the adjoining properties which prove that the operation is causing them excessive inconvenience.
10. That upon expiration of the permit, the applicant shall remove all temporary support facilities and equipment from the area. The land shall then be graded to blend with the surrounding area. Prior to the grading, however, the applicant shall prepare a grading plan, subject to the approval of the County Planning and Public Works Departments.
11. That if it is determined that adverse effects such as noise, dust or indiscriminate excavation is taking place, the Planning Commission shall have the authority to require the applicant to cease and desist the quarry operation.
12. That operation be limited to only during regular working hours. Regular working hours is defined as Monday through Saturday from 7:00 A.M. to 4:00 P.M..

Should any of the above conditions not be complied with, the permit shall be automatically void.

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

Sincerely,


CLYDE IMADA
Chairman Pro-Tem
Planning Commission

Mr. Tommy Ishimaru
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lgv

cc: State Land Use Commission ✓
Department of Public Works
Department of Water Supply
Kona Services Office