

<u>SPECIAL PERMIT</u>	
Petition Received	<u>6/30/87</u>
Maps	
Action Span	<u>June 30 to Aug 14, 1987</u>
Action Date	<u>7/28/87</u>
Recordation	<u>9/21/87</u>

SP72-128 TOMMY ISHIMARU (3rd AMENDMENT) (Hawaii)

PETITION RECEIVED: June 30, 1987

SP72-128 TOMMY ISHIMARU
P.O. Box 105
Naalehu, HI 96772

COUNTY

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

[illegible]



STATE OF HAWAII
DEPARTMENT OF BUSINESS
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

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

JOHN WAIHEE
Governor

TEOFILO PHIL TACBIAN
Chairman

FREDERICK P. WHITTEMORE
Vice Chairman

October 9, 1987

NOTIFICATION OF BOUNDARY AMENDMENT
DECISIONS BY STATE LAND USE COMMISSION

COMMISSION MEMBERS:

Richard B.F. Choy
Lawrence F. Chun
Everett L. Cuskaden
Sharon R. Himeno
Toru Suzuki
Robert S. Tamaye
Renton L.K. Nip

ESTHER UEDA
Executive Officer

To all concerned agencies:

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

Petition Docket No.	Special Permits Requested	LUC Action on July 28, 1987	Date of Decision and Order
✓ SP72-128 TOMMY ISHIMARU	To Amend a Special Permit for a Time Extension for Approximately 25 Acres of Land Situate Within the Agricultural District at Kahilipali Iki, Kau, Hawaii	Approved Special Permit amendment for 20 acres at Kahilipali Iki, Kau, Hawaii, TMK: 9-5-07: Portion of Parcel 29	Sept. 16, 1987
		<u>LUC Action on Aug. 27, 1987</u>	
SP87-365 MOLOKAI CONCRETE AND AGGREGATES, INC.	For a Special Permit to Establish a Quarry and Related Uses on Approximately 75.896 Acres of Land Within the Agricultural District at Kamalo, Molokai, Maui	Denied special permit for 75.896 acres at Kamalo, Molokai, Maui, TMK: 5-5-02: Parcels 18, 31, 32 and 34	Oct. 9, 1987
	<u>Boundary Amendment Requested</u>	<u>LUC Action on June 23, 1987</u>	
A86-602 KAHALA CAPITAL CORPORATION	To reclassify approximately 313.55 acres from Conservation to Urban at O'oma, North Kona, Hawaii	Denied approximately 313.66 acres at O'oma, North Kona, Hawaii, TMK: 7-3-09: parcel 4	Sept. 18, 1987

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

Sincerely,

Esther Ueda

ESTHER UEDA
Executive Officer

EU:to

NOTIFICATION OF BOUNDARY AMENDMENT DECISIONS BY LUC

Concerned Agencies

State (all petitions)

1. Dept. of Planning & Economic Development - Planning Division
2. Dept. of Planning & Economic Development - Land Use Division
3. Dept. of Transportation - Office of the Director
4. Board of Land & Natural Resources - Office of the Chairman
5. Dept. of Education - Facilities & Auxiliary Services Branch
6. Office of Environmental Quality Control
7. USDA Soil Conservation Service - Attention: Harry Sato
8. Board of Agriculture - Office of the Chairman
9. C&C, Dept. of Finance - Mapping Section
10. Deputy Attorney General - ~~Everett Kaneshige~~
Robert A. Marks

City & County of Honolulu (Oahu petitions only)

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

Hawaii County (Hawaii petitions only)

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

Maui County (Maui petitions only)

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

Kauai County (Kauai petitions only)

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

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
TOMMY ISHIMARU)
To Amend a Special Permit for a)
Time Extension for Approximately)
25 Acres of Land Situate Within)
the Agricultural District at)
Kahilipali Iki, Kau, Hawaii, Tax)
May Key No.: 9-5-07: Portion of)
Parcel 29)

DOCKET NO. SP72-128

TOMMY ISHIMARU

**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.**

SEP 16 1987

Date

by

Robert L. ...
Executive Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

SEP 16 1 59 PM '87
LAND USE COMMISSION
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. SP72-128
TOMMY ISHIMARU)	
)	TOMMY ISHIMARU
)	
To Amend a Special Permit for a)	
Time Extension for Approximately)	
25 Acres of Land Situate Within)	
the Agricultural District at)	
Kahilipali Iki, Kau, Hawaii, Tax)	
May Key No.: 9-5-07: Portion of)	
Parcel 29)	
_____)	

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

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

Procedural Matters

1. Petitioner filed the Special Permit Amendment by letter to the County of Hawaii Planning Department dated April 1, 1987.

2. The County Planning Commission conducted a public hearing on the subject request on June 23, 1987 and received written testimony from Pele Hanoa and oral testimony from Simbrelynn K. Esperon.

3. At its meeting of June 23, 1987, the County Planning Commission voted to recommend approval of the time extension to the Land Use Commission and that all other applicable conditions of the Special Permit still remain in effect.

4. The Commission received the record of this request on June 30, 1987.

Description of the Property

5. 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. The property, identified as Hawaii Tax Map Key No.: 9-5-07: portion of 29, consists of approximately 25 acres (hereinafter the "Property").

6. The Property is owned by the Petitioner, Helen Y. Ishimaru, Sharon T. Ishimaru and Karen C. Osborne.

7. Presently, there are no quarrying or crushing operations. Petitioner is using the Property for selling stored materials.

8. The Petitioner also indicated that he constructed a one million gallon reservoir, about two years ago, 300 feet above the crush site to control dust emissions.

History of Subject Special Permit

9. The Commission originally granted the Special Permit 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 subject to ten conditions. Rock quarrying and crushing operations were conducted on the Property for approximately eight months after the initial approval.

10. On August 16, 1977, the Commission approved an extension to the subject permit until January 2, 1982, subject to the same conditions and an additional condition that the Petitioner obtain a grading permit from the Department of Public Works prior to commencement of operation.

11. On October 19, 1982, the Commission approved a second time extension to the subject permit until June 2, 1987, subject to twelve conditions as revised by the County Planning Commission.

Proposed Amendment

12. Petitioner is proposing to amend the Special Permit by extending the life of the permit another five years to maintain the availability of quarried materials to the public and the continued use of the Property as a quarrying operation.

State and County Plans and Programs

13. The Property is designated in the State Land Use Agricultural District as indicated on the State Land Use District Map H-42 (Naalehu).

14. The County of Hawaii zoning designates the Property as Agriculture (Ag-20).

Conformance with Special Permit Tests

15. In support of the proposed time extension, the County Planning Department provided the following:

"The granting of another extension for a period of five years will not be contrary to the original reasons used in approving the Special Permit, nor will it be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

"While the quarry has been used only on an intermittent basis, it is and would still be an essential and integral part of present and future developments of the Ka'u District. The materials from the quarry site can be used to fulfill the various construction needs of the area since there are no other quarry operations in the immediate area.

"It should be noted that while quarry operations are not permitted within the State Land Use Agricultural District, such use is permitted within the County's Agricultural District. As such, it is determined that approval of the time extension to allow the continued use of the quarry operation would be compatible with the County's land use designation and would not be circumventing the County's planning efforts for this particular area.

"Based on the above, it is determined that the granting of the time extension is warranted. Further, the quarry and allied uses previously granted are unusual and reasonable uses

which would still promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended."

CONCLUSIONS OF LAW

The approval of the proposed five year time extension will not 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, as amended, nor of Subchapter 12 of the Hawaii Land Use Commission Rules.

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 No.: 9-5-07: Portion of Parcel 29, is hereby extended for five years until June 2, 1992 as recommended by the Hawaii County Planning Commission.

IT IS ALSO HEREBY ORDERED that all other conditions of the Special Permit remain in effect as follows:

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.

DOCKET NO. SP72-128 - TOMMY ISHIMARU

Done at Honolulu, Hawaii, this 16th day of September 1987,
per motions on July 28, 1987 and September 9, 1987.

LAND USE COMMISSION
STATE OF HAWAII

By *T. P. Tacbian*
TEOFILO PHIL TACBIAN
Chairman and Commissioner

By *Frederick P. Whittemore*
FREDERICK P. WHITTEMORE
Vice-Chairman

By *Robert S. Tamaye*
ROBERT S. TAMAYE
Commissioner

By *Toru Suzuki*
TORU SUZUKI
Commissioner

By *Sharon R. Himeno*
SHARON R. HIMENO
Commissioner

By *Richard B. F. Choy*
RICHARD B. F. CHOY
Commissioner

P 124 044 473

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SP72-128/Tommy Ishimaru

★ U.S.G.P.O. 1984-446-014

PS Form 3800, Feb. 1982

Sent to		Tommy Ishimaru
Street and No.		P. O. Box 105
P.O., State and ZIP Code		Naalehu, Ka 96772
Postage	\$	.56
Certified Fee		.75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to whom and Date Delivered		.70
Return receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees	\$	2.01

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.

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

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

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Tommy Ishimaru
P. O. Box 105
Naalehu, Ka'u, HI 96772

4. Article Number

P 124 044 473

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X *Chuyoko Ishimaru*

6. Signature — Agent

X

7. Date of Delivery

9/17/87

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

**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.



**RETURN
TO**



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

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

P 124 044 474

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SP72-128/Tommy Ishimaru

★ U.S.G.P.O. 1984-446-014

PS Form 3800, Feb. 1982

Sent to		Albert Lono Lyman	
Street and No.		25 Aupuni	
P.O., State and ZIP Code		Hilo, 96720	
Postage		\$	.56
Certified Fee			.75
Special Delivery Fee			
Restricted Delivery Fee			
Return Receipt Showing to whom and Date Delivered			.70
Return receipt showing to whom, Date, and Address of Delivery			
TOTAL Postage and Fees		\$	2.01
Postmark or Date			



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CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

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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.
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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
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6. Save this receipt and present it if you make inquiry.

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

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

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

MR. ALBERT LONO LYMAN, DIR.
Planning Dept., Cty. of HI
25 Aupuni Street
Hilo, HI 96720

4. Article Number

P 124 044 474

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

A. Nelson

7. Date of Delivery

4/17/87

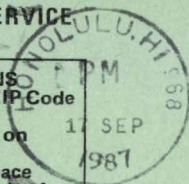
8. Addressee's Address (*ONLY if requested and fee paid*)

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, \$300

RETURN
TO



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

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

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. SP72-128
TOMMY ISHIMARU)	
To Amend a Special Permit for a)	TOMMY ISHIMARU
Time Extension for Approximately)	
25 Acres of Land Situate Within)	
the Agricultural District at)	
Kahilipali Iki, Kau, Hawaii, Tax)	
May Key No.: 9-5-07: Portion of)	
Parcel 29)	

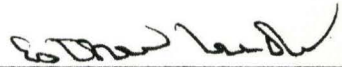
CERTIFICATE OF SERVICE

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

CERT. ALBERT LONO LYMAN, Planning Director
Hawaii County Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

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

DATED: Honolulu, Hawaii, this 16th day of September 1987.



ESTHER UEDA
Executive Officer



STATE OF HAWAII
DEPARTMENT OF BUSINESS
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

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

JOHN WAIHEE
Governor

TEOFILO PHIL TACBIAN
Chairman

FREDERICK P. WHITTEMORE
Vice Chairman

COMMISSION MEMBERS:

Richard B.F. Choy
Lawrence F. Chun
Everett L. Cuskaden
Sharon R. Himeno
Toru Suzuki
Robert S. Tamaye
Renton L.K. Nip

ESTHER UEDA
Executive Officer

July 28, 1987

MEMORANDUM

TO: Land Use Commission
FROM: Staff *Esther Ueda*
SUBJECT: SP72-128/Tommy Ishimaru (Third Amendment)

Procedural Matters

The Special Permit Amendment was initiated by letter to the County of Hawaii Planning Department dated April 1, 1987.

The County Planning Commission conducted a public hearing on the subject request and received written testimony from Pele Hanoa and oral testimony from Simbrelynn K. Esperon. The Planning Commission approved a favorable recommendation to the State Land Use Commission on June 23, 1987.

The Land Use Commission received the record of this request on June 30, 1987.

Description of the Property

The subject property is located in the State Land Use Agricultural District, between Waiohinu and Naalehu, approximately one-half mile southwest of Naalehu Village and about 4,000 feet makai of the Hawaii Belt Highway. The property, identified as Hawaii Tax Map Key No.: 9-5-07: portion of 29, consists of approximately 25 acres (hereinafter the "Property").

According to the Tax Maps Branch of the City and County of Honolulu Department of Finance, the Property is owned by the Applicant, Helen Y. Ishimaru, Sharon T. Ishimaru and Karen C. Osborne.

The nearest home is approximately 3,600 feet mauka of the Property.

Normal wind direction is from the northeast to the southwest. Kona winds blow from southwest to northeast and occurs primarily between December and March on an average of no more than three to five days a month.

The Land Study Bureau rates the Property as "D" or poor for agricultural productivity.

The County zoning designates the Property as Agriculture (Ag-20).

The remainder of parcel 29, about 141 acres, is currently used for pasture.

Presently, there are no quarrying or crushing operations. Applicant is using the Property for selling stored materials.

The Applicant also indicated that he constructed a one million gallon reservoir, about two years ago, 300 feet above the crush site to control dust emissions.

History of Subject Special Permit

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 subject to ten conditions. Rock quarrying and crushing operations were conducted on the subject property for approximately eight months after the initial approval.

On August 16, 1977, the Land Use Commission approved an extension to the subject permit until January 2, 1982, subject to the same conditions and an additional condition that Applicant obtain a grading permit from the Department of Public Works prior to commencement of operation.

On October 19, 1982, the Land Use Commission approved a second time extension to the subject permit until October 19, 1987, subject to twelve conditions as revised by the County Planning Commission.

Proposed Amendment

Applicant is proposing to amend the Special Permit by extending the life of the permit another five years to maintain the availability of quarried materials to the public and the continued use of the Property as a quarrying operation.

Summary of the County Planning Department's Analysis

In support of the proposed time extension, the County Planning Department provided the following:

"The granting of another extension for a period of five years will not be contrary to the original reasons used in approving the Special Permit, nor will it be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

"While the quarry has been used only on an intermittent basis, it is and would still be an essential and integral part of present and future developments of the Ka'u District. The materials from the quarry site can be used to fulfill the various construction needs of the area since there are no other quarry operations in the immediate area.

"It should be noted that while quarry operations are not permitted within the State Land Use Agricultural District, such use is permitted within the County's Agricultural District. As such, it is determined that approval of the time extension to allow the continued use of the quarry operation would be compatible with the County's land use designation and would not be circumventing the County's planning efforts for this particular area.

"Based on the above, it is determined that the granting of the time extension is warranted. Further, the quarry and allied uses previously granted are unusual and reasonable uses which would still promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

"It is further recommended that all other applicable conditions remain in effect,"

Planning Commission Recommendation

At its meeting of June 23, 1987, the Planning Commission voted to recommend approval of the time extension and that all other applicable conditions remain in effect.

The following materials are attached for the Commission's information:

- 1) Letter dated April 1, 1987 from Tommy Ishimaru to County of Hawaii Planning Department
- 2) Letter dated May 12, 1987 from Planning Department to Tommy Ishimaru

- 3) Letter dated June 29, 1987, from County of Hawaii
Planning Commission to Land Use Commission, with County
Exhibits A to K
- 4) Letter dated June 26, 1987, from Department of Hawaii
Planning Commission to Tommy Ishimaru
- 5) Land Use Commission Decision and Order dated
October 19, 1982
- 6) Land Use Commission Staff Report dated August 16, 1977
- 7) Land Use Commission Staff Report dated June 2, 1972

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Department of Education Board Room
4th Floor, Liliuokalani Building
1390 Miller Street
Honolulu, Hawaii

July 28, 1987

approved
8/12/87

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Frederick Whittemore, Vice-Chairman
Richard Choy
Toru Suzuki
Robert Tamaye
Renton L. K. Nip (Portion of
Proceedings)
Sharon R. Himeno

COMMISSIONERS ABSENT: Lawrence Chun
Everett Cuskaden

STAFF PRESENT: Esther Ueda, Executive Officer
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk
Jean Marie McManus, Court Reporter

Chairman Tacbian called the meeting to order.

ACTION

* SP72-128 TOMMY ISHIMARU (Third Amendment) (Hawaii)

Chairman Tacbian announced that the Commission would take action on this special use permit.

Raymond Young, Staff Planner, gave a summary report of the special use permit requested by Petitioner.

After hearing comments from Sidney Fuke for Petitioner and Norman Hayashi, representing the County of Hawaii, Planning Department, questions were asked by the Commissioners.

Commissioner Tamaye moved for approval to allow a time extension for Docket No. SP72-128 TOMMY ISHIMARU for the operation of a quarry and allied uses on approximately 25 acres of land within the Agricultural District at Kahilipali Iki, Ka'u, Hawaii.

The motion was seconded by Commissioner Suzuki.

The motion to approve the petition was unanimously carried by the following votes:

Ayes: Commissioner Tamaye, Suzuki, Himeno, Choy, Whittemore, and Chairman Tacbian.

HEARING

A87-609 MILILANI TOWN, INC.

Pursuant to a notice published in the Honolulu Star Bulletin on June 19, 1987 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition of Mililani Town, Inc. to reclassify approximately 1,200.38 acres of land currently in the Agricultural District into the Urban District at Waipio, Ewa, Oahu, Hawaii, for a residential community.

Appearances

James Funaki, Esq., Attorney for Petitioner

Betsy Marcinkus, Department of General Planning

Diane Kawauchi, Deputy Corporation Counsel, City and County of Honolulu

Everett Kaneshige, Esq., Deputy Attorney General, Department of Business and Economic Development

Ann Ogata, Esq., Deputy Attorney General, Department of Business and Economic Development

David Hulse, Land Use Division, Department of Business and Economic Development

Commissioner Himeno and Commissioner Nip both declared conflict of interests and were excused from the proceedings.

EXHIBITS

Petitioner's Exhibit 1 through 25 admitted into evidence.

Minutes - July 28, 1987
Page 3

City and County of Honolulu's Exhibit 1 was admitted into evidence.

State's Exhibit 1 was admitted into evidence.

Raymond Young, Staff Planner, oriented the Commission to the area being requested for reclassification on the USGS and tax maps.

The Commission allowed untimely public witnesses to testify.

PUBLIC WITNESSES

1. Calvin Kawamoto, Waipahu Neighborhood Board No. 22
2. James Lam
3. Base Commander Heenan, Wheeler Air Force Base
4. Sharlyn Palacio, ILWU
5. Jerry Norris, Mililani/Waipio/Melemanu
Neighborhood Board No. 25
6. Gary Weaver

A lunch recess was taken at 12:00 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

Commissioner Chun joined the proceeding at this time.

PETITIONER'S WITNESSES

1. Wallace Miyahira
2. Mark H. Hastert

Chairman Tacbian announced that in the afternoon of July 29, 1987 there will be a field trip to the petition site.

MISCELLANEOUS

1. Adoption of Decision and Orders

The Decision and Order for the following docket was adopted:

A86-606 - Department of General Planning, City and County of Honolulu

2. Adoption of Minutes

The minutes for the following meeting date was approved as circulated: July 14 and 15, 1987

The meeting was adjourned at 4:30 p.m.

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

July 28, 1987 - 9:00 a.m.
and July 29, 1987*

Department of Education Board Room
4th Floor, Liliuokalani Building
1390 Miller Street
Honolulu, Hawaii

REC'D. BY

1987 JUL 20 AM 9 37

LI. GOVERNOR'S OFFICE

A M E N D E D

A G E N D A

I. ACTION

✓ 1. SP72-128 - TOMMY ISHIMARU (Third Amendment) (Hawaii)

To allow a time extension for the operation of a quarry and allied uses on approximately 25 acres of land within the Agricultural District at Kahilipali Iki, Ka'u, Hawaii.

II. HEARING

1. A87-609 - MILILANI TOWN, INC. (Oahu)

To reclassify approximately 1,200.38 acres of land currently in the Agricultural District into the Urban District at Waipio, Ewa, Oahu, Hawaii, for a residential community.

III. MISCELLANEOUS

1. Election of Officers
2. Adoption of Minutes
3. Adoption of Decision and Orders
4. Tentative Meeting Schedule

*Meeting will continue on July 29, 1987 only if not completed on July 28, 1987.

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

July 28, 1987 - 9:00 a.m.
and July 29, 1987*

Department of Education Board Room
4th Floor, Liliuokalani Building
1390 Miller Street
Honolulu, Hawaii

REC'D. BY

1987 JUL 8 AM 10 11

GOVERNOR'S OFFICE

A G E N D A

I. ACTION

- ✓ 1. SP72-128 - TOMMY ISHIMARU (Second Amendment) (Hawaii)

To allow a time extension for the operation of a quarry and allied uses on approximately 25 acres of land within the Agricultural District at Kahilipali Iki, Ka'u, Hawaii.

II. HEARING

1. A87-609 - MILILANI TOWN, INC. (Oahu)

To reclassify approximately 1,200.38 acres of land currently in the Agricultural District into the Urban District at Waipio, Ewa, Oahu, Hawaii, for a residential community.

III. MISCELLANEOUS

1. Adoption of Minutes
2. Adoption of Decision and Orders
3. Tentative Meeting Schedule

*Meeting will continue on July 29, 1987 only if not completed on July 28, 1987.

P-561 776 485

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

NOT FOR INTERNATIONAL MAIL

(See Reverse)

SP 72-128 TOMMY ISHIMARU (2nd Amendment)

U.S.G.P.O. 153-506

PS Form 3800, June 1985

Sent to	Tommy Ishimaru	
Street and No.	P.O. Box 105	
P.O., State and ZIP Code	Naalehu, HI 96772	
Postage	\$	.22
Certified Fee		.75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt showing to whom and Date Delivered		.70
Return Receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees	\$	1.67
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 to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

SP72-128 TOMMY ISHIMARU (2nd Amendment) (Hawaii)

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

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

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

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

4. Article Number

P-561 776 487

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X *Chuyoko Ishimaru*

6. Signature — Agent

X

7. Date of Delivery

1/8/87

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

**UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS**

SENDER INSTRUCTIONS

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

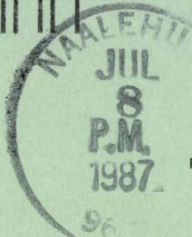
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



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

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



PENALTY FOR PRIVATE
USE, \$300

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

July 7, 1987

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

Dear Mr. Ishimaru:

Enclosed is a Land Use Commission meeting agenda.

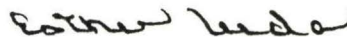
Please note that petition(s)

SP72-128 - TOMMY ISHIMARU (^{third} Second Amendment) (Hawaii)

will be acted on at that time.

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

Very truly yours,



ESTHER UEDA
Executive Officer

Enclosure: Agenda

P-561 776 486

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

NOT FOR INTERNATIONAL MAIL

(See Reverse)

U.S.G.P.O. 153-506

PS Form 3800, June 1985

Sent to		Albert Lono Lyman	
Street and No.		25 Aupuni Street	
P.O., State and ZIP Code		Hilo, HI 96720	
Postage	\$	.22	
Certified Fee		.75	
Special Delivery Fee			
Restricted Delivery Fee			
Return Receipt showing to whom and Date Delivered		.70	
Return Receipt showing to whom, Date, and Address of Delivery			
TOTAL Postage and Fees	\$	1.67	
Postmark or Date			

Sp72-128 TOMMY ISHIMARU (2nd Amend.

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

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

SP72-128 TOMMY ISHIMARU (2nd Amendment) (Hawaii)

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

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

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

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

4. Article Number

P-561 776 486

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

2/8/87

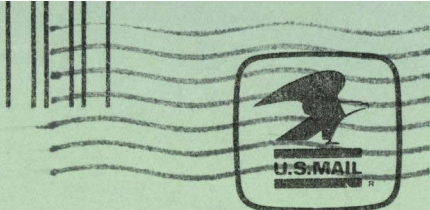
8. Addressee's Address (*ONLY if requested and fee paid*)

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. \$300

RETURN
TO



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

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

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

July 7, 1987

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

Dear Mr. Lyman:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition(s)

SP72-128 - TOMMY ISHIMARU (^{Third}~~Second~~ Amendment) (Hawaii)

will be _____ acted on _____ at that time.

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

Very truly yours,

Esther Ueda

ESTHER UEDA
Executive Officer

Enclosure: Agenda



STATE OF HAWAII
DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

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

JOHN WAIHEE
Governor

TEOFILO PHIL TACBIAN
Chairman

FREDERICK P. WHITEMORE
Vice Chairman

COMMISSION MEMBERS:

Richard B. F. Choy
Lawrence F. Chun
Everett L. Cuskaden

Toru Suzuki
Robert S. Tamaye
William W. L. Yuen

ESTHER UEDA
Executive Officer

July 6, 1987

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

Dear Mr. Lono:

This to acknowledge receipt of the record for the following
special use permit transmitted with your letter dated
June 29, 1987.

DOCKET NO./PETITION: SP72-128 TOMMY ISHIMARU

TAX MAP KEY: 9-5-07: Portion of 29

LOCATION: Kahilipali Iki, Ka'u, Hawaii

USE REQUESTED: Establishment of a quarry and allied uses

DATE FILED: June 30, 1987

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

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

SINCERELY,

ESTHER UEDA
Executive Officer

cc: Petitioner

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

- A. Letter from petitioner to Planning Department dated 4/1/87.
- B. Letter to petitioner from Planning Department dated 5/12/87.
- C. Letter to petitioner from Planning Department informing him of Public Hearing dated 6/5/87.
- C-1. Public Hearing Notice
- D. Staff Recommendation
- E. Staff Background
- F. Presentation Map
- G. Letter to Planning Commission from Mrs. Pele Hanoa objecting to extension dated 6/23/87.
- H. Letter from petitioner to surrounding property owners informing them of the public hearing dated 6/10/87.
- H-1. Receipts for Certified Mail sent to surrounding property owners.
- I. Voting Sheet, 6/23/87
- J. Planning Commission 6/23/87 Transcript
- K. Planning Commission 6/23/87 Minutes

JUN 30 1 22 PM '87
LAND USE COMMISSION
STATE OF HAWAII

COPY

PLANNING COMMISSION
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

CERTIFIED MAIL

June 26, 1987

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

Dear Mr. Ishimaru:

Time Extension Request to Condition No. 9
of Special Permit No. 72-128
Tax Map Key 9-5-07:Portion of 29

The Planning Commission at its duly held public hearing on June 23, 1987, considered your request for a five-year time extension to Condition No. 9 (life of permit) of Special Permit No. 72-128 which allowed the establishment and operation of a quarry and allied uses on approximately 25 acres of land within the State Land Use Agricultural District at Kahilipali Iki, Ka'u, Hawaii.

The Commission voted to forward a favorable recommendation to the State Land Use Commission for the above stated time extension based on the following findings:

The granting of another extension for a period of five years will not be contrary to the original reasons used in approving the Special Permit, nor will it be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

While the quarry has been used only on an intermittent basis, it is and would still be an essential and integral part of present and future developments of the Ka'u District. The materials from the quarry site can be used to fulfill the various construction needs of the area since there are no other quarry operations in the immediate area.

JUN 29 1 04 PM '87
LAND USE COMMISSION
STATE OF HAWAII

Mr. Tommy Ishimaru
Page 2
June 26, 1987

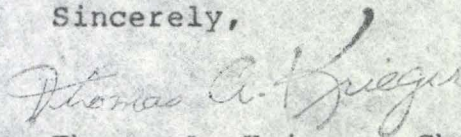
It should be noted that while quarry operations are not permitted within the State Land Use Agricultural District, such use is permitted within the County's Agricultural District. As such, it is determined that approval of the time extension to allow the continued use of the quarry operation would be compatible with the County's land use designation and would not be circumventing the County's planning efforts for this particular area.

Based on the above, it is determined that the granting of the time extension is warranted. Further, the quarry and allied uses previously granted are unusual and reasonable uses which would still promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

It is further recommended that all other applicable conditions remain in effect.

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

Sincerely,



Thomas A. Krieger, Chairman
Planning Commission

cc: State Land Use Commission
Dept. of Public Works
Hawaii County Services - Kailua

JUN 30 1 22 PM '87

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 Chapter 91, Hawaii Revised Statutes, Section 5-4.3 of the Charter of the County of Hawaii, and the Planning Commission's Rules of Practice and Procedures.

PLACE: Councilroom, County Building, South Hilo, Hawaii
DATE: Tuesday, June 23, 1987
TIME: 3 p.m.

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

1. LANDOWNER: JAMES WINNIMAN

LOCATION: On the oceanfront within Kalapana Shore Subdivision approximately 800 feet east (Kapoho-side) of Kaimu (Black Sand Beach) Park, Kaimu, Puna.

TMK: 1-2-17:39

PURPOSE: Hearing on violation of Special Management Area (SMA) statutes and regulations (Chapter 205-A, Hawaii Revised Statutes and Rule 9-8 of the Planning Commission) and violation of Shoreline Setback Regulations (Rule 8-7) of the Planning Commission for the construction

of a rockwall. The landowner has agreed not to contest the above violations or the recommended penalty to impose a civil fine of \$750.00 for the above violation. The Planning Department has agreed to issue an after-the-fact SMA minor permit and to process an application for a shoreline setback variance for retention of the rockwall.

2. APPLICANT: JAMES WINNIMAN

LOCATION: Oceanfront within Kalapana Shore Subdivision approximately 800 feet east (Kapoho-side) of Kaimu (Black Sand Beach) Park, Kaimu, Puna.

TMK: 1-2-17:39

PURPOSE: Shoreline Setback Variance to allow retention of a 2-foot wide by 2-foot high by 33-foot long rockwall and land filling with landscaping within the minimum 20-foot shoreline setback area.

3. APPLICANT: TOMMY ISHIMARU

LOCATION: Approximately 3,700 feet south (makai) of the Mamalahoa Highway, between Naalehu and Waiohinu, Kahilipali Iki, Ka'u.

TMK: 9-5-07:portion of 29

PURPOSE: Time extension to condition no. 9 (life of permit) of Special Permit No. 72-128 which allowed the establishment of a quarry and allied uses on approximately 25 acres of 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 in the Hawaii County Services, Deputy Managing Director's Office in Kailua-Kona, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION
Thomas A. Krieger, Chairman
By Albert Lono Lyman
Planning Director

(Hawaii Tribune Herald: June 12, 1987)



COUNTY OF
HAWAII

PLANNING COMMISSION

25 AUPUNI STREET • HILO, HAWAII 96720

June 29, 1987

LAND USE COMMISSION
STATE OF HAWAII
JUN 30 1 14 PM '87

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

Dear Ms. Ueda:

Time Extension to Special Permit No. 72-128
Tommy Ishimaru
Operation of a Quarry and Allied Uses
TMK: 9-5-07:Portion of 29

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

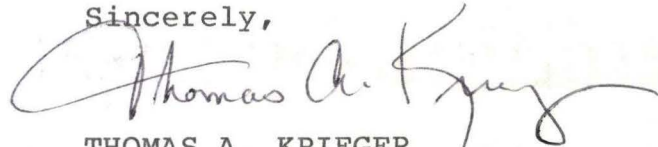
The time extension request was for a 5-year extension to condition no. 9 (life of permit) of Special Permit No. 72-128 which allowed the establishment and operation of a quarry and allied uses on approximately 25 acres of land within the State Land Use Agricultural District at Kahilipali Iki, Ka'u, Hawaii.

The Planning Commission at its duly advertised public hearing held on June 23, 1987, in the State Building Conference Rooms A, B and C, South Hilo, Hawaii, discussed the subject request and voted to recommend the approval of the time extension request to the Land Use Commission. Enclosed is the entire docket on the application.

Ms. Esther Ueda
Page 2

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas A. Krieger". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

THOMAS A. KRIEGER
Chairman, Planning Commission

Enclosure

cc: Tommy Ishimaru
Hawaii County Services - Kailua
Department of Public Works

LAND USE COMMISSION
STATE OF HAWAII

JUN 30 1 22 PM '87

June 5, 1987

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

Dear Mr. Ishimaru:

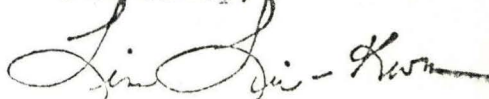
Notice of a Public Hearing
Time Extension Request to Condition No. 9
of Special Permit No. 72-128
Tax Map Key: 9-5-07:Portion of 29

This is to inform you that the above request has been scheduled for a public hearing by the Planning Commission. Said hearing among others will be held beginning at 3 p.m. on Tuesday, June 23, 1987, in the State Building, Conference Rooms A, B, & C, South Hilo, Hawaii. The presence of a representative will be appreciated in order that all questions relative to the request may be clarified. A copy of the hearing notice and agenda are attached for your information.

You are hereby informed that according to the Planning Commission Rule 6 (Special Permits), the petitioner is now required to mail notice of the hearing not less than ten days prior to the date of the hearing to all property owners within three hundred feet of the affected property. Such notice shall state: (1) Name of the petitioner; (2) Precise location of the property involved; (3) Nature of the proposed use; and (4) Date, time and place of the hearing. Further, prior to the hearing, the petitioner shall file with the Commission proof of service or good faith efforts to serve notice of the hearing on the designated property owners. Such proof may consist of certified mail receipts, affidavits, or the like.

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

Sincerely,



for Albert Lono Lyman
Planning Director

NH:smn
Atts.

EXHIBIT C

JUN 5 1987

JUN 30 1 22 PM '87
LAND USE COMMISSION
STATE OF HAWAII

May 12, 1987

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

Dear Mr. Ishimaru:

Special Permit No. 72-128 (LUC 210)
Operation of a Quarry and Allied Uses
TMK: 9-5-07:Portion of 29

This is to acknowledge receipt of your request for a time extension to Condition No. 9 (life of permit) of Special Permit No. 72-128 which allowed the establishment of a quarry and allied uses.

We will inform you as to when the matter will be scheduled for a hearing by the Planning Commission as soon as the meeting date has been determined. Should you have any questions in the meantime, please feel free to contact us.

Sincerely,



ALBERT LONO LYMAN
Planning Director

NH:lv

cc: State Land Use Commission w/letter

EXHIBIT B

FINDINGS: TOMMY ISHIMARU (SP 72-128)

JUN 30 1 22 PM '87

1868Q

Upon careful review of the 5-year time extension to condition no. 9 (life of permit), staff is recommending that it be given favorable consideration. However, since this recommendation is being made without the benefit of public testimony, the staff reserves the right to modify and/or alter its position based on additional information presented at the public hearing. The approval recommendation is based on the following findings:

The granting of another extension for a period of five years will not be contrary to the original reasons used in approving the Special Permit, nor will it be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

While the quarry has been used only on an intermittent basis, it is and would still be an essential and integral part of present and future developments of the Ka'u District. The materials from the quarry site can be used to fulfill the various construction needs of the area since there are no other quarry operations in the immediate area.

It should be noted that while quarry operations are not permitted within the State Land Use Agricultural District, such use is permitted within the County's Agricultural District. As such, it is determined that approval of the time extension to allow the continued use of the quarry operation would be compatible with the County's land use designation and would not be circumventing the County's planning efforts for this particular area.

Based on the above, it is determined that the granting of the time extension is warranted. Further, the quarry and allied uses

previously granted are unusual and reasonable uses which would still promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

It is further recommended that all other applicable conditions remain in effect.

TIME EXTENSION: TOMMY ISHIMARU (SP 72-128)

1865Q

JUN 30 1 22 PM '87

Tommy Ishimaru has submitted a request for a time extension to Condition No. 9 (life of permit) of Special Permit No. 72-128 which allowed the establishment of a quarry and allied uses on approximately 25 acres of land situated within the State Land Use Agricultural District. The property is located approximately 3,700 feet south (makai) of the Mamalahoa Highway, between Naalehu and Waiohinu, Kahilipali Iki, Ka'u, TMK: 9-5-07:Portion of 29.

Chronology

1. In December of 1971, the applicant submitted an application for a Special Permit to allow the establishment of a quarry, including crushing equipment, concrete batch plant and asphaltic concrete plant.

2. On April 13, 1972, the Planning Commission voted to recommend approval of the request to the State Land Use Commission, subject to the following conditions:

- 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 an authority to construct from the Department of Health prior to construction of the 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 the appropriate agencies. All historical sites shall be preserved.
- 6) That the operation be confined to approximately twenty-five (25) acres and within the area indicated on the map submitted;
- 7) That the quarry 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.
- 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 the 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.

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

3. On June 2, 1972, the State Land Use Commission voted to approve the Special Permit subject to the conditions recommended by the Planning Commission.

4. On May 17, 1977, the applicant submitted a request for a 5-year time extension to original Condition No. 7 (life of the permit).

At its meeting on July 21, 1977, the Planning Commission voted to recommend approval of the time extension request subject to the additional 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. Should any of the stipulated conditions not be met, the Special Permit may be deemed null and void."

On August 16, 1977, the State Land Use Commission voted to approve the request subject to the additional condition recommended by the Planning Commission.

5. On May 17, 1982, the applicant requested a 10-year extension to Condition No. 7 (life of permit).

On July 1, 1982, the Planning Commission voted to recommend approval of a 5-year rather than 10-year time extension. The

Planning Commission also voted to recommend the approval of 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 land fill 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.
- 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.

Per Decision and Order dated October 19, 1982, the State Land Use Commission adopted the recommendations of the Planning Commission.

6. Per letter dated April 1, 1987, the applicant submitted the current request for a 5-year extension to Condition No. 9.

EXHIBIT "F" (Presentation Map)

SP72-128 TOMMY ISHIMARU (Hawaii)

P. O. Box 472
Naalehu, Hawaii 96772
June 23, 1987

LAND USE COMMISSION
STATE OF HAWAII
JUN 30 1 22 PM '87

Mr. Tom Krieger, Chairman
Planning Commissioners
County of Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Krieger,

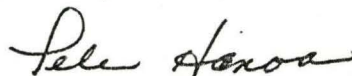
RE: Special Permit No. 72-128

No special permit or extension should be allowed to Mr. Ishimaru because of the wind patterns of Ka'u maikai to mauka. The wind blows the dust across the residentials of Naalehu, Green Sands, Discovery Harbor sub-division, and Waiohinu.

We're already experiencing air pollution from the plantation during harvesting, burning of cane and blowing leaves from the mac nut farms.

Enough of air polluted air.

Mahalo,



Mrs. Pele Hanoa

EXHIBIT G

LAND USE COMMISSION
STATE OF HAWAII
JUN 30 1 22 PM '87

June 10, 1987

This is to inform you that there will be a public hearing by the Planning Commission on June 23, 1987. The hearing will begin at 3:00 P.M. in the State Building, Conference Rooms A, B, and C, South Hilo, Hawaii.

Hearing concerns time extension request to: Condition No. 9 of Special Permit No. 72-128, Tax Map Key 9-5-07: Portion of 29 for Quarry and Allied uses on approximately 25 acres situated within the State Land Use Agricultural District. Property is located approximately 3,700 feet south (makai) of Mamalahoa Highway, between Naalehu and Waiohinu, Kahilipali Iki.

Tommy Ishimaru

Tommy Ishimaru

EXHIBIT H

P-503 382 915

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

To: <i>Stanton, John Engineer</i>	
Address: <i>1163 North Kina St.</i>	
City and ZIP Code: <i>Honolulu, HI 96817</i>	
Postage	\$.22
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$.97



U.S.G.P.O. 153-506

PS Form 3800, June 1985

P-503 382 916

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

To: <i>State of Hawaii</i>	
Address: <i>1111 Richard Street, Lele</i>	
City and ZIP Code: <i>Parker Ranch, Hamakua, HI 96743</i>	
Postage	\$.22
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$.97



U.S.G.P.O. 153-506

PS Form 3800, June 1985

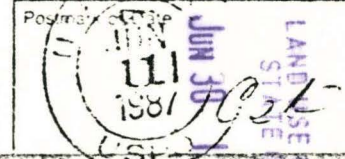
P-503 382 918

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

To: <i>Mr. Daniel R. Rame</i>	
Address: <i>10 Rachel Kari</i>	
City and ZIP Code: <i>66 Popolo St., Honolulu, HI 96726</i>	
Postage	\$.22
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$.97



U.S.G.P.O. 153-506

PS Form 3800, June 1985

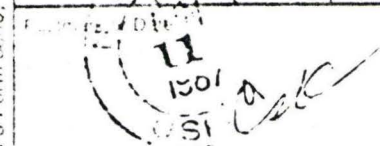
P-503 382 919

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

To: <i>Mr. Joseph Mai</i>	
Address: <i>P.O. Box 61</i>	
City and ZIP Code: <i>Maunaloa, HI 96722</i>	
Postage	\$.22
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$.97



U.S.G.P.O. 153-506

PS Form 3800, June 1985

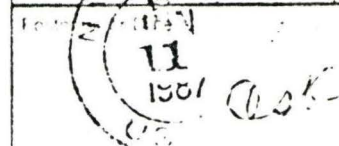
P-503 382 920

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

To: <i>Mr. Roe Espenson</i>	
Address: <i>P.O. Box 404</i>	
City and ZIP Code: <i>Maunaloa, HI 96722</i>	
Postage	\$.22
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$.97



U.S.G.P.O. 153-506

PS Form 3800, June 1985

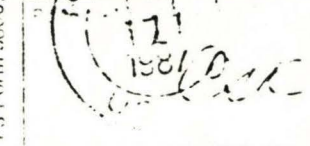
P-503 382 921

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

To: <i>Mr. Joseph Mai</i>	
Address: <i>P.O. Box 197</i>	
City and ZIP Code: <i>Maunaloa, HI 96722</i>	
Postage	\$.22
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$.97



U.S.G.P.O. 153-506

PS Form 3800, June 1985

EXHIBIT H-1

P-503 382 924

RECEIPT FOR CERTIFIED MAIL

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

To: <i>Mr. Shmick, Tampa</i>	
P.O. Box 405	
Post Office and ZIP Code: <i>Tampa, FL 33672</i>	
Postage	\$ <i>2.2</i>
Certified Fee	<i>75</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom Date and Address of Delivery	
TOTAL Postage and Fees	\$ <i>97</i>
Postmark or Date <i>SEP 11 1981</i>	

P-503 382 923

RECEIPT FOR CERTIFIED MAIL

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

To: <i>L.P. B. Trust, Glenview</i>	
129 W. Main Place	
State and ZIP Code: <i>Ill. 60720</i>	
Postage	\$ <i>2.2</i>
Certified Fee	<i>75</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom Date and Address of Delivery	
TOTAL Postage and Fees	\$ <i>97</i>
Postmark or Date <i>SEP 11 1981</i>	

P-503 382 922

RECEIPT FOR CERTIFIED MAIL

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

To: <i>Mr. Walter Chabala</i>	
P.O. Box 74	
Post Office and ZIP Code: <i>Tampa, FL 33670</i>	
Postage	\$ <i>2.2</i>
Certified Fee	<i>75</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom Date and Address of Delivery	
TOTAL Postage and Fees	\$ <i>97</i>
Postmark or Date <i>SEP 11 1981</i>	

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

LAND USE COMMISSION
STATE OF HAWAII
JUN 30 1 23 PM '87

Date JUNE 23, 1987

Petitioner TOMMY ISHIMARU - SP NO. 72-128 (Time Ext. to Condition No. 9)

 Public hearing Action
ACTION: ☒ Approve *see to lwc*
 Deny
 Defer
 Continue

Other: 10

Commissioners	Aye	No	Excused	Abstain
BATALONA, PEARL			☒	
BUSH, MARION	☒			
FUJIMOTO, FRED	☒			
ISHIMARU, TOMMY			☒	☒
MARTIN, ARTHUR <i>M</i>	☒			
MILLS, CLARENCE <i>SA</i>	☒			
MIZUNO, GARY	☒			
POY, TOM	☒			
KRIEGER, THOMAS	☒			

EXHIBIT T

PLANNING COMMISSION
County of Hawaii

LAND USE COMMISSION
STATE OF HAWAII

JUN 30 1 23 PM '87

HEARING TRANSCRIPT
June 23, 1987

A regularly advertised public hearing on the application of Tommy Ishimaru was called to order at 3 p.m. in the State Building Conference Rooms A, B, and C, South Hilo, Hawaii, with Chairman Krieger presiding.

PRESENT: Thomas A. Krieger
Marion Bush
Fred Fujimoto
Tommy Ishimaru
Arthur Martin
Clarence Mills
Gary Mizuno
Tom Poy

ABSENT: Pearl Batalona

Ex-officio Member
H. William Sewake

Tim Lui Kwan, Deputy Planning Director
Norman Hayashi, Staff Planner
Ed Cheplic, Staff Planner

And approximately 7 people from the public were in attendance

CHAIRMAN: Request by Tommy Ishimaru for a time extension to condition no. 9 (life of permit) of Special Permit No. 72-128 which allowed the establishment of a quarry and allied uses on approximately 25 acres of land situated within the State Land Use Agricultural District. The property is located approximately 3,700 feet south (makai) of the Mamalahoa Highway, between Naalehu and Waiohinu, Kahilipali Iki, Ka'u, TMK: 9-5-07:portion of 29. Staff?

ISHIMARU: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Ishimaru.

ISHIMARU: I'd like to abstain from taking part on this request because I am involved.

CHAIRMAN: You're excused.

ISHIMARU: You want me to sit on the other side of the fence?

CHAIRMAN: You can sit in the audience. Staff?

HAYASHI: Mr. Chairman and Commissioners, the subject property or the existing quarry site is located in red on the presentation map. This is the town of Naalehu and the village of Waiohinu. The subject property is approximately 3/4 of a mile from the Mamalahoa Highway. As a matter of information, the dots on the

EXHIBIT J

map represent the single-family, the structures are the existing structures. All of you received a copy of the staff's background report and recommendation for approval of the five-year time extension. As a matter of information, this request has to be approved by the State Land Use Commission since it's more than 15 acres.

CHAIRMAN: Would you say that again, please.

HAYASHI: The application, if it's a favorable, if the Commission votes to approve the recommendation, excuse me, the time extension request, the request would be forwarded to the State Land Use Commission for approval.

CHAIRMAN: Okay, thank you very much. Any questions of our staff, Commissioner?

FUJIMOTO: Mr. Chairman?

CHAIRMAN: Commissioner Fujimoto.

FUJIMOTO: Are there any homes in the area, are there any homes around there?

HAYASHI: The closest home would be approximately 3,600 feet from the quarry site. For your information, we did receive a copy of a letter dated today from Mrs. Pele Hanoa. I believe all of you received a copy of the letter indicating that, requesting that the time extension not be granted. Her letter will be made a part of the record.

FUJIMOTO: What does it say?

CHAIRMAN: Please read that into the record.

HAYASHI: (READ INTO THE RECORD PELE HANOA'S JUNE 23, 1987, LETTER, ON FILE.)

CHAIRMAN: Thank you very much. Any other questions, Commissioners?

HAYASHI: Just as a matter of information, the normal trade would be in the northeast to southwest direction. So it would generally be in this, the wind would be going in this general direction.

CHAIRMAN: Just the opposite, I think, huh?

HAYASHI: Yes.

MARTIN: That's coming from Kona.

HAYASHI: Yes. So it will be from the northeast direction.

CHAIRMAN: The way the arrow is pointing.

ESPERON: But in the morning and late night -.

CHAIRMAN: Just a minute, please. Commissioner Martin.

MARTIN: This letter happens to refer to cane and mac nuts. How close are those things to that area?

HAYASHI: Perhaps the applicant can best answer that question. I'm not too familiar with how close it is to the mac nuts and -.

MARTIN: And the Green Sands Discovery Harbor, that's the Kona way.

HAYASHI: That would be in this general direction.

MARTIN: Right up there?

HAYASHI: Yes.

CHAIRMAN: Any other questions, Commissioners?

BUSH: Mr. Chairman?

CHAIRMAN: Commissioner Bush.

BUSH: Norman, has a wind study factor been done for that -?

HAYASHI: We have not done a specific in-house study for the area. But based on the general, as I indicated, the normal trade would be in this location. -

BUSH: It could be the opposite of what she says here.

HAYASHI: If there was the south wind or the Kona wind, then the wind direction would be in this direction.

CHAIRMAN: Any other questions?

MARTIN: Mr. Chairman?

CHAIRMAN: Commissioner Martin.

MARTIN: It's not necessarily opposite because it is bending sort of west.

CHAIRMAN: Yeah.

MARTIN: Southwest.

CHAIRMAN: Is the applicant or his representative here, please. You're representing yourself. You've read the staff's background report and recommendation. Are they satisfactory?

ISHIMARU: Yes, I do.

CHAIRMAN: Do you have any further testimony to add to the application?

ISHIMARU: Yes. Referring to Pele Hanoa's letter I'd like to clarify myself. As far as the wind is concerned, the tradewinds, as Norman stated, goes this way. And during the night northwinds, the winds come this way. So there's no chance of the dust going towards the residential area. Plus, the Green Sands is somewhere out here. Now, unless you have south winds then, yes. But that's an unusual wind that you have. It might be once a year or might be every other year or so. And, furthermore, I applied for this quarry permit in 1971 and I was granted in 1972. At that time, we made a thorough study of the whole area. And we went according to the recommendation of the Planning Department. We paved the road for dust control and we put in a pipeline for dust control. Now about two years ago I put in a million gallon reservoir right above the crush site about 300 feet away. In case the water is not sufficient to control the dust, I have a million gallon reservoir right next to it. So I know that I can control the dust in the near future. And the only time the crusher has operated since I applied, the first year we did some crushing. We brought in a pulver crusher and we operated it. After that, we didn't have any crusher operation. We only sold the material that was in stock. But I'm just, because it is the only crusher site available in Ka'u, I felt that the community would benefit, too. You know, the plantation has their quarry but that's a private quarry that the public people cannot purchase. So this is the only quarry site. That's the reason why I'm trying to retain this crusher site to keep the cost down for the local people. Thank you.

CHAIRMAN: Commissioner Martin?

MARTIN: Yes. Mr. Ishimaru.

ISHIMARU: Yes.

MARTIN: You say you haven't done crushing over the years.

ISHIMARU: Right.

MARTIN: What did you do that would tend to create dust?

ISHIMARU: I didn't quite get your question.

MARTIN: This letter talks about dust.

ISHIMARU: Yes.

MARTIN: So what is it that you are doing now that makes dust, anything?

ISHIMARU: Well, that puzzles me, too. I'd like to know if she can prove it to me what's causing the dust. I don't have any area that, besides the ordinary dryness of dust, but not from work. Because we're not doing any work right there.

MARTIN: So the only time you work it is when you're crushing?

ISHIMARU: Crushing.

MARTIN: And you've only done it for the first year.

ISHIMARU: First year, right.

MARTIN: And so really what you're asking for is to keep it open so that when the needs come there is a place in Ka'u.

ISHIMARU: That's true. Yes.

MARTIN: Thank you.

CHAIRMAN: Any other questions, Commissioners?

FUJIMOTO: Mr. Chairman, I notice in the report that he has applied for ten years and he was denied ten and given five instead. Is there any reason why we shouldn't give for a ten-year period? Maybe that would be a question for the staff.

CHAIRMAN: I guess it's a matter of desired control over the area where five years is probably preferable. I cannot speak for what they did in 1982, but I presume that's what the theory was back in those days, that to have a closer contact as to what's going on at that particular site.

FUJIMOTO: Of course, you have periodic checks throughout the years; and if there's any violations, we can lift the permit. So what would be the difference between five and ten years? It would save people a lot of work, extra work, in not having to come every five years.

CHAIRMAN: It's my understanding that you requested a five-year extension, is that correct?

ISHIMARU: Ten.

MARTIN: This one is five. He did request ten. Just a comment, I think, something to keep in mind is that the longer time to go the less chance there is for people who feel that need to comment, feel that they have. And I think I'd like to, myself, keep a shorter time to protect the right of people who offer and feel they can comment on it.

CHAIRMAN: Commissioners, any other questions here?

BUSH: Mr. Chairman?

CHAIRMAN: Commissioner Bush.

BUSH: Tommy, in 1972 you state where there was a thorough study of the whole area that was done by the Planning Department. And besides that who else did your -?

ISHIMARU: The historical survey was done, too. Plus, the crusher people came out to make a study because they didn't want any complaints or any suits against them. So they came to check the wind direction and so on.

BUSH: Would you have any sort of document or, where it says about the historical survey that was done?

ISHIMARU: Yes, we did; and we submitted it to the Planning Department in 1972.

HAYASHI: Commissioner Bush, we do have on file a letter from Mr. Bonk, William Bonk, who did the study for Mr. Ishimaru, on file. We also have a letter from, this is dated September 6, 1972, to Mr. Ishimaru indicating that we are satisfied with Mr. Bonk's study.

BUSH: Mr. Bonk was associated with -?

HAYASHI: The archaeologist.

BUSH: Oh, I see. So you have something on file. All right, thank you.

CHAIRMAN: Any questions of staff, Commissioners? Thank you very much, Mr. Ishimaru. We'll get back to you.

FUJIMOTO: Mr. Chairman, I move -.

CHAIRMAN: We still have the public hearing to go. There might be someone in the audience who would want to testify.

FUJIMOTO: Oh, yes.

CHAIRMAN: This is a public hearing. Is there anybody else in the audience who would like to testify on this matter now before

us? Please come forward. I'd like to swear you in, if I may. Do you swear or affirm to tell the truth on the matter now before the Hawaii County Planning Commission?

ESPERON: Yes, I do.

CHAIRMAN: Please sit down and state your name into the microphone for the record.

ESPERON: My name is Simbrelynn Kanakaole Esperon.

MARTIN: Please repeat your name.

ESPERON: Simbrelynn Kanakaole Esperon.

NOMURA: How do you spell that?

ESPERON: S-i-m-b-r-e-l-y-n-n.

NOMURA: Kanakaole?

ESPERON: Yes.

NOMURA: And your last name?

ESPERON: Esperon, E-s-p-e-r-o-n.

NOMURA: Thank you.

CHAIRMAN: Will you speak into the microphone.

ESPERON: My house is across of his, where he has his thing; and I called yesterday to find out what this thing is all about because we had received a certified letter from Mr. Ishimaru that said that there was going to be a public hearing and that he wanted an extension. We were never notified in 1972 because we've had the land since 1965 and we've never been notified of anything, you know, any lease or permit that was issued to him or what it was.

My husband was employed by Mr. Ishimaru a few years back. And we all thought it was agriculture. We didn't know it was industrial. I didn't find that out until yesterday. I posed a question to the man I talked to at the Planning Commission yesterday, cause like I've had several instances of Mr. Ishimaru's workers or whomever it was had been down there and I've been home with my children and they've been shooting guns. And it jeopardizes, you know, I fell to the ground thinking that the shot was coming in my direction. I asked the guy if Mr. Ishimaru was aware of this and if he was going to have the extension if his employees or whomever was shooting the guns down there would be doing it again in the future because I feel it jeopardizes the lives of my children and my family.

We don't have a telephone. We can't, you know, you can't see the opposite side of the property because there's wililike growing, that's overgrown between and the proposed highway and Mr. Ishimaru's lot. My aunties right now are going over this issue because the land was originally in our family; and the State Land Commission, I mean, the Commission, it had been turned over to the State some years back, I don't know how. But we're trying to find that out. I feel, you know, with my husband, we're concerned and we were told that it didn't matter if somebody was shooting guns down there, you know, it had no, you know, nothing to do with this, his getting the permit. But what we wanted to know is if he was going to get the permit, for whatever uses he's doing down there, if he's going to allow has workers to shoot, you know, because I've come to some instances where the shot is fired in my direction. You know, you think they'd shoot makai, but they're shooting mauka. And I'm right across of that property. And it's like maybe about right across of the wililike. Now that threatens me and my children. And I just wanted to know if he was aware of that; and if so, did he allow it.

CHAIRMAN: Are you finished? May we start asking you questions?

ESPERON: You can.

CHAIRMAN: Commissioner Bush.

BUSH: I'd like to ask you, ever since that incident, have you personally talked to Mr. Ishimaru about what has been happening up there?

ESPERON: I've gone down to his house but nobody's been home. I've called, even, yesterday, and tried to find out what the situation was. I even called his office.

BUSH: You didn't call his residence and left a message?

ESPERON: I don't have a phone for him to call back on. The answering machine says to leave a phone number, but I don't have a phone.

BUSH: In regards to your home, are you, how close are you to that quarry?

ESPERON: I'm pretty far away from the crusher, here.

BUSH: You're quite a distance?

ESPERON: Yes. And the gun shots are coming from here.

BUSH: Below your home?

ESPERON: Yes.

CHAIRMAN: Use the microphone, please.

BUSH: I just wondered, did you go further than trying to contract Mr. Ishimaru about the gunshots? Is there any police record?

ESPERON: No. I wasn't aware of that. I went down, me and my husband had gone down to see who was down there, you know, to find out what were they doing down there. And they knew we were home. And if they were the ones that did it the last time. You know, I mean, it's very frightening.

BUSH: You recognized the people, are they employees of Mr. Ishimaru?

ESPERON: Yes.

BUSH: They are?

ESPERON: Yes.

BUSH: You talked to the men that did the shooting?

ESPERON: Yes.

BUSH: They live -?

ESPERON: Well, they're right now, one of the brothers is living right in the front of our property on the Mamalahoa Highway. And we've talked to them and we asked them what they were doing down there and who gave them permission to go and shoot. They said they were hunting.

BUSH: Are there no trespassing signs up?

ESPERON: They weren't on my property. But the thing is, they're shooting, you know, if the pig runs down, up, if there is a pig that they're chasing and the pig runs up towards my direction of where I'm staying and they start to shoot the pig, the shots can ricochet because there's a lot of lava rock down there.

BUSH: Okay, so you're actually makai of the quarry? That's where you're at?

ESPERON: I'm mauka.

BUSH: And the shots are coming makai of your -?

ESPERON: From makai and the sounds is coming up towards my house.

BUSH: Okay, thank you.

CHAIRMAN: Commissioner Martin.

MARTIN: I'd like to get it kind of in perspective. We get back to the quarry. Has there been activity, any rock crushing or quarry activity that has been disturbing to your home?

ESPERON: No. Just the winds, like if there is a wind dust, like I'm, we live there and my husband has been there for over 20 years, almost 20 years and the wind pattern when it goes up into the valley it circles. So it doesn't directly, as it was stated, it doesn't just come from the Hilo direction. It goes into the valley and circles around. And this comes from whatever direction the wind is coming. Now I'm home, I can see the trees. The trees that surround my house goes any old direction because of how the wind goes into the valley and comes back out and then goes back around again. It's like a whirl wind.

MARTIN: So this is picking up, I know as you go makai of your place down the ocean it's fairly dry and not too much ground cover. It could pick up anything.

ESPERON: It comes right up the slope.

MARTIN: The other question I have, the other thing I want to direct to the staff, it was mentioned about ownership of the land. Have you got any record that goes that far in as to what may have happened to the land? Do we have anything?

HAYASHI: As far as the land itself?

ESPERON: It was under Kuamoo.

MARTIN: She stated that it may have been over in her family and then it got turned over to the State. Do you have any information?

HAYASHI: We don't have that information. However, just for the record, I would like to state that back in 1972 the Department was responsible for notifying the surrounding property owners of the initial application. And we did notify a Maximo Esperon, Jr. of the public hearing. That was back in 1972.

ESPERON: He's in San Francisco. And we haven't been aware of that.

HAYASHI: The letter was dated January 1, 1972, to Maximo Esperon, Jr., Naalehu, HI.

MARTIN: I think what the staff had done was check the records of the owner on record.

ESPERON: There are four owners.

MARTIN: Or maybe the first name, took whatever name came first. That's how it might have been.

ESPERON: Right, but, see, my husband has been living all this time, since 1965.

MARTIN: That's something to check on, how the ownership was established.

CHAIRMAN: Okay, while I have great sympathy for your problem with the shooting and so forth, I know how it is, I think the proper course for you to take is to the Police.

ESPERON: I was just advised that today by my aunty.

CHAIRMAN: Yeah, I don't think we can make judgments regarding that. I don't know -.

ESPERON: I just wanted, like we just wanted to know if -.

CHAIRMAN: Yeah, I have great sympathy for you because I know that can be a very frightening experience.

ESPERON: It was.

CHAIRMAN: I travel the Saddle Road and I know how it is. Any other questions, Commissioners?

BUSH: Mr. Chairman?

CHAIRMAN: Commissioner Bush.

BUSH: I just wonder, Mrs. Esperon, since you tried to contact Mr. Ishimaru and have not been able to, that maybe you would like to work directly with Ishimaru, giving him the names of the people that were doing the shooting.

ESPERON: Gouveias (phonetic).

BUSH: If they are employees of his; and he can talk to them, I guess, before you take any further action on this matter.

CHAIRMAN: You can do that after the meeting outside of this meeting. I am very sympathetic to your -.

ESPERON: And like my aunt was saying there were 25 acres that belonged to Kuamoo and she's presently living in the Takemoto house who was the notary public at the time. And there's a lot of papers in there that the land was owned by Kuamoo.

BUSH: I have one question for staff. What is the status of the 25 acres? Is it under the State now?

HAYASHI: You mean the property?

BUSH: Yes.

HAYASHI: The property is owned by Mr. Ishimaru; and he's requesting this time extension to his permit.

BUSH: I would like to direct a question to Tommy Ishimaru.

CHAIRMAN: Okay, thank you very much for coming forward. Come on up, Mr. Ishimaru.

BUSH: Mrs. Esperon seems concerned about the title of the property, the 25 acres. Presently, is it fee simple under you?

ISHIMARU: Yes. It's not 25 acres. It's 166 acres and we put aside 25 acres for this crusher site. So it's one parcel.

BUSH: She seems to be concerned about the title. Previous to getting the property you must have had a title search.

ISHIMARU: Yes, we did.

BUSH: I see. And this probably her family is not aware of. She talked several times about her concern about the property. Would it be possible for you to eventually get to her family members in regards to the title?

MILLS: Mr. Chairman, point of information. I don't think that this matter is appropriate at this time because that's irrelevant.

CHAIRMAN: I would agree with that. I think the ownership of the property, previously or otherwise, is not really a point at this time.

BUSH: Just a suggestion. Thank you.

ISHIMARU: I'll put it into consideration.

CHAIRMAN: You have anything further?

ISHIMARU: Yes, I have something to say. I'm happy to see that Ms. Esperon and her husband are concerned about the shooting. I have a notice posted on my gate and entrance \$1,000 fine for trespassing and for poaching. And if she can identify the person who's shooting in there, I'll give her the \$1,000 fine.

CHAIRMAN: Thank you very much, but that's outside of this Commission.

ISHIMARU: I am concerned.

CHAIRMAN: Well, you can get together with her afterwards.

ISHIMARU: Yeah, okay.

CHAIRMAN: Okay, thank you very much. Again, this is a public hearing. Is there anybody else in the audience who would like to testify on the matter now before the Hawaii County Planning Commission? If not, let the record show there is none.

MARTIN: Mr. Chairman?

CHAIRMAN: Commissioner Martin.

MARTIN: I move the public hearing be closed.

MILLS: Second.

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

COMMISSIONERS: Aye.

CHAIRMAN: Oppose? Carried.

MARTIN: Mr. Chairman?

CHAIRMAN: Commissioner Martin.

MARTIN: I recognize some of the problems on ownership, but this seems to be extending and carry out what's there. So I think whatever problems they have can be worked out. So I move that the special permit be approved, the extension of time, for five years as recommended by the staff for the reasons and with the conditions which they have recommended.

MILLS: Second.

CHAIRMAN: Okay, it has been moved and seconded that we approve the time extension for the reasons and with the conditions as outlined by staff.

MIZUNO: Discussion.

CHAIRMAN: Discussion.

MIZUNO: Didn't staff say it was suppose to be a favorable recommendation to the Land Use Commission?

HAYASHI: Yes. This would be a recommendation of approval to the State Land Use Commission.

MARTIN: I amend my motion to reflect that.

MILLS: My second also reflects that change.

CHAIRMAN: I know it had to be approved by the Land Use Commission; but I didn't think that their approval was subject to our recommendation, it was our approval. Be that as it may -.

HAYASHI: The reason, let me explain. The reason for that is that this property is more than 15 acres.

CHAIRMAN: It's 25 acres in size.

HAYASHI: Yes. If the quarry site was 15 acres or less, then it would be only County approval.

WAGNER: I believe it's, you can correct me if I'm wrong, that the Commission grants the license, the permit, rather, subject to the approval of the State Land Use Commission.

HAYASHI: No, in this particular case, the Land Use commission would be the final body to grant the permit or to grant the special permit or time extension request.

CHAIRMAN: Time extension.

HAYASHI: And the reason for that is because it's more than 15 acres; and they have the sole responsibility of granting it.

CHAIRMAN: Who granted the original permit?

HAYASHI: State Land Use Commission did.

CHAIRMAN: Okay, it should be them also for the time extension. All right, the motion has been made to forward a favorable recommendation to the State Land Use Commission for the approval of this time extension for the reasons and with the conditions as outlined by staff. Any further discussion? Roll call, please.

HAYASHI: Commissioner Martin?

MARTIN: Aye.

HAYASHI: Commissioner Mills?

MILL: Aye.

HAYASHI: Commissioner Mizuno?

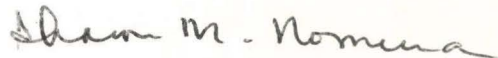
MIZUNO: Aye.

HAYASHI: Commissioner Poy?

POY: Aye.
HAYASHI: Commissioner Bush?
BUSH: Aye.
HAYASHI: Commissioner Fujimoto?
FUJIMOTO: Aye.
HAYASHI: Chairman Krieger?
CHAIRMAN: Aye.
HAYASHI: Motion carries.
CHAIRMAN: You'll be notified in writing, Mr. Ishimaru.
ISHIMARU: Thank you very much.

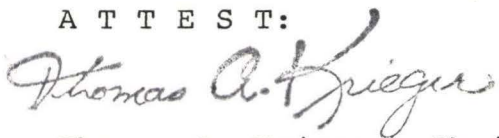
The public hearing adjourned at 3:55 p.m.

Respectfully submitted,



Sharon M. Nomura, Secretary

A T T E S T:



Thomas A. Krieger, Chairman
Planning Commission

PLANNING COMMISSION
County of Hawaii

LAND USE COMMISSION
STATE OF HAWAII

MINUTES
June 23, 1987

JUN 30 1 23 PM '87

The Planning Commission met in regular session at 3 p.m. in the State Building, Conference Rooms A, B, and C, South Hilo, Hawaii and at 7 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman Krieger presiding.

PRESENT: Thomas A. Krieger
Marion Bush
Fred Fujimoto
Tommy Ishimaru
Arthur Martin
Clarence Mills
Gary Mizuno
Tom Poy

ABSENT: Pearl Batalona

Ex-officio Member
H. William Sewake

Tim Lui Kwan, Deputy Planning Director
Norman Hayashi, Staff Planner
Ed Cheplic, Staff Planner

And approximately 7 people from the public were in attendance

Reverend Martin gave the invocation.

VIOLETIONS OF SMA Hearing on violation of Special Management Area
AND SHORELINE (SMA) statutes and regulations (Chapter 205-A,
SETBACK VIOLATIONS Hawaii Revised Statutes and Rule 9-8 of the
JAMES WINNIMAN Planning Commission) and violation of Shoreline
KAIMU, Setback Regulations (Rule 8-7) of the Planning
PUNA Commission by James M. Winniman for the
 construction of a rockwall. The landowner has
agreed not to contest the above violations or the recommended
penalty to impose a civil fine of \$750.00 for the above violation.
The Planning Department has agreed to issue an after-the-fact SMA
minor permit and to process an application for a shoreline setback
variance for retention of the rockwall. The property involved is
located on the oceanfront within Kalapana Shore Subdivision
approximately 800 feet east (Kapoho-side) of Kaimu (Black Sand
Beach) Park, Kaimu, Puna, TMK: 1-2-17:39.

Mr. Lui Kwan asked that this matter be deferred and postponed until the next East Hawaii meeting to provide for a contested case proceeding on the violation in accordance with Rule 4 of the Planning Commission, noting that Mr. Winniman is not agreeable to the settlement of the \$750 fine.

Mr. Wagner said that there are certain procedural requirements that must be complied with in this contested case hearing. He said although it is possible for Mr. Winniman to waive the procedural requirements, that waiver may not stand up in court if it is subsequently challenged.

EXHIBIT K

Mr. Winniman stated that he has no intentions of contesting anything about the case; however, he does not agree with the \$750 fine. He stated he would like to proceed today if at all possible, with the stipulation that he will waive the procedural requirements for notification of the contested case hearing.

Commissioner Mizuno said he could not believe that this hearing would have to be continued because of the the fine amount of a difference of \$250 which cannot be agreed upon by the Planning Department and Mr. Winniman.

It was moved by Commissioner Martin and seconded by Commissioner Poy that the public hearing be continued until the next East Hawaii meeting which is tentatively scheduled for July 28th. A roll call vote was taken and motion carried with five ayes (Commissioners Poy, Martin, Fujimoto, Ishimaru, and Chairman Krieger) and three noes (Commissioners Bush, Mills and Mizuno).

SHORELINE SETBACK VARIANCE <u>JAMES WINNIMAN</u> KAIMU, PUNA	Application by Mr. James Winniman for a Shoreline Setback Variance to allow retention of a 2-foot wide by 2-foot high by 33-foot long rockwall and land filling with landscaping within the minimum 20-foot shoreline setback area. The property involved is located on the oceanfront within Kalapana Shore Subdivision approximately 800 feet east (Kapoho-side) of Kaimu (Black Sand Beach) Park, Kaimu, Puna, TMK: 1-2-17:39.
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The Chair stated that this matter will be deferred in light of the action taken on Mr. Winniman's violations.

SPECIAL PERMIT NO. 72-178 <u>TOMMY ISHIMARU</u> KAHILIPALI IKI, KA'U	Request by Tommy Ishimaru for a time extension to condition no. 9 (life of permit) of Special Permit No. 72-128 which allowed the establishment of a quarry and allied uses on approximately 25 acres of land situated within the State Land Use Agricultural District. The property is located approximately 3,700 feet south (makai) of the Mamalahoa Highway, between Naalehu and Waiohinu, Kahilipali Iki, Ka'u, TMK: 9-5-07:portion of 29.
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Commissioner Ishimaru abstained from participating on this application because of a conflict of interest.

Staff oriented the Commission and public of the subject and surrounding properties on the presentation map; said that the staff's background report and recommendation for approval of the five-year time extension were transmitted to the Commission; and noted that this request would be forwarded to the State Land Use Commission for its approval.

For the Commission's information, staff noted that the closest home is approximately 3,600 feet from the quarry site and that the normal

trade winds blow from the northeast to the southwest direction; and read into the record Pele Hanoa's June 23, 1987, letter against the request.

In response to Pele Hanoa's letter, Mr. Ishimaru said that during normal tradewinds there is no chance of dust going towards the residential areas; however, there may be a possibility if there are south winds which might be once a year or once every other year. He stated that when his original permit was approved in 1972 the road was paved and a million gallon reservoir was installed for dust control. He noted that the crusher operated only in 1972, and since that time they have been selling material only that are in stock. He said that this is the only crusher site available in Ka'u, and that he felt it would benefit the community.

Commissioner Fujimoto questioned the reason for limiting the permit to five years instead of ten as he felt periodic checks are made throughout the years and the permit would be voided if there are any violations. The Chair noted it was a matter of desired control over the area where five years is probably preferable. Commissioner Martin said he felt five years was preferable as it would protect the right of the people who want to provide testimony on the matter.

Simbrelynn Kanakaole Esperon, surrounding property owner, questioned the ownership of the property; expressed her concern of people hunting on the subject property aiming their guns toward her home; and noted that they were not notified of the original special permit application. She said as far as the wind pattern, it goes up into the valley and circles around like a whirl wind.

In response to Mrs. Esperon's testimony, staff noted that Maximo Esperon, Jr. was informed of the original special permit request through a letter dated January 1, 1972. The Chair noted that although he sympathized with Mrs. Esperon about the shooting, he felt the proper course would be to notify the Police Department. Mr. Ishimaru noted that the 25 acres of his total 166 acres are owned in fee simple by him; and he did do a title search and thorough study before purchasing the property.

No further testimonies were presented by the petitioner or the public.

It was moved by Commissioner Martin and seconded by Commissioner Mills that the public hearing be closed. Motion was unanimously carried by a voice vote.

It was moved by Commissioner Martin and seconded by Commissioner Mills to send a favorable recommendation to the State Land Use Commission that a five-year time extension to Special Permit No. 72-128 be granted for the reasons and with the conditions as recommended by the staff. A roll call vote was taken and motion carried unanimously with eight aye votes.

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

May 12, 1987

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

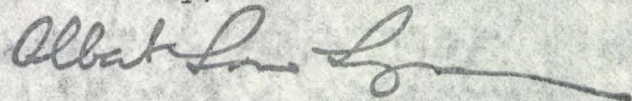
Dear Mr. Ishimaru:

Special Permit No. 72-128 (LUC 210)
Operation of a Quarry and Allied Uses
TMK: 9-5-07:Portion of 29

This is to acknowledge receipt of your request for a time extension to Condition No. 9 (life of permit) of Special Permit No. 72-128 which allowed the establishment of a quarry and allied uses.

We will inform you as to when the matter will be scheduled for a hearing by the Planning Commission as soon as the meeting date has been determined. Should you have any questions in the meantime, please feel free to contact us.

Sincerely,



ALBERT LONO LYMAN
Planning Director

NH:lv

cc: State Land Use Commission w/letter ✓

LAND USE COMMISSION
STATE OF HAWAII
MAY 14 1 04 PM '87

COUNTY OF HAWAII
HILLO HAWAII 96720

PLANNING DEPARTMENT
22 ALIPI STREET

COPY

MAY 12, 1987

Mr. Tommy Ishimaru
P.O. Box 102
Nashua, HI 96722

Dear Mr. Ishimaru:

Special Permit No. 72-128 (IUC 210)
Operation of a Quarry and Allied Uses
TMR: 2-2-07:Portion of 29

This is to acknowledge receipt of your request for a time extension to Condition No. 9 (Use of permit) of Special Permit No. 72-128 which allowed the establishment of a quarry and allied uses.

We will inform you as to when the matter will be scheduled for a hearing by the Planning Commission as soon as the meeting date has been determined. Should you have any questions in the meantime, please feel free to contact us.

Sincerely,

ALBERT LONO LYMAN
Planning Director

WHL:lv

cc: State Land Use Commission w/letter

P. O. Box 105
Naalehu, Ka'u, HI 96772
April 1, 1987

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

Dear Mr. Lyman:

Special Permit No. 72-128
Operation of a Quarry
Tax Map Key 9-5-07:Portion of 29

I am hereby applying for a 5-year extension to my Special Permit which allowed the operation of a quarry on a 25+-acre area identified by tax map key 9-5-07:Portion of 29.

Condition No. 9 of the permit states "That the quarry 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." According to the State Land Use Commission's Decision and Order, the permit was extended until June 2, 1987.

Your consideration in this matter is appreciated. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,


Tommy Ishimaru

P. O. Box 105
Naalehu, Ka'u, HI 96772
April 1, 1987

JUN 30 1 22 PM '87
LAND USE COMMISSION
STATE OF HAWAII

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

Dear Mr. Lyman:

Special Permit No. 72-128
Operation of a Quarry
Tax Map Key 9-5-07:Portion of 29

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Your consideration in this matter is appreciated. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Tommy Ishimaru
Tommy Ishimaru

EXHIBIT A

LUC PETITION CONTENTS AND PROCEDURES CHECKLIST
FOR SPECIAL USE PERMIT

DOCKET NO./PETITIONER: SP72-128 TOMMY ISHIMARU (Hawaii)

DATE FILED: June 30, 1987

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

RECEPTIONIST fl

- ☒ Time stamp
- ☐ Assign docket number and open file
- ☒ Send acknowledgment letter
- ☒ Gives to Chief Clerk to prepare file
- ☐ After Planner prepares staff report, send report and designated copies of file to LUC
- ☐ Gives copy of report and designated copies of file to Executive Officer and Planner

PLANNER *fl*

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

DRAFTING TECHNICIAN

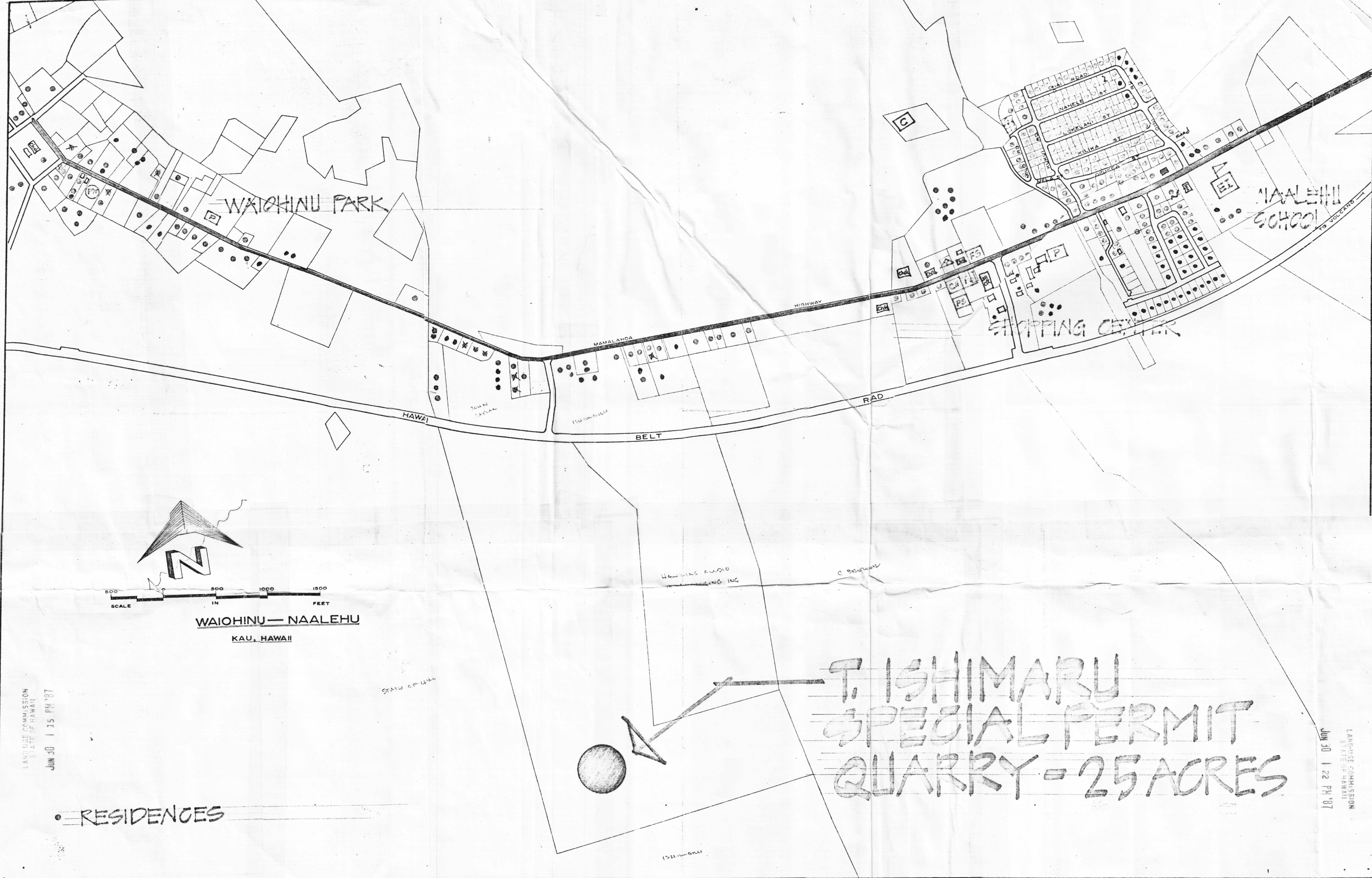
Confirms petitioner's accuracy with respect to:

- | | |
|---|--|
| ☒ ownership <i>Thomas T & Helen T Ishimaru</i> | ☐ location and size |
| ☒ lessees <i>none Sharon T. Ishimaru, Karen C Osborne</i> | ☐ land use district |
| ☐ tax map key | ☐ map and its accuracy w/text |
| | ☐ check acreage of use |

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

SP72-128 TOMMY ISHIMARU
(Third Amendment)

M A P S



LAND USE COMMISSION
STATE OF HAWAII
JUN 30 1 15 PM '87

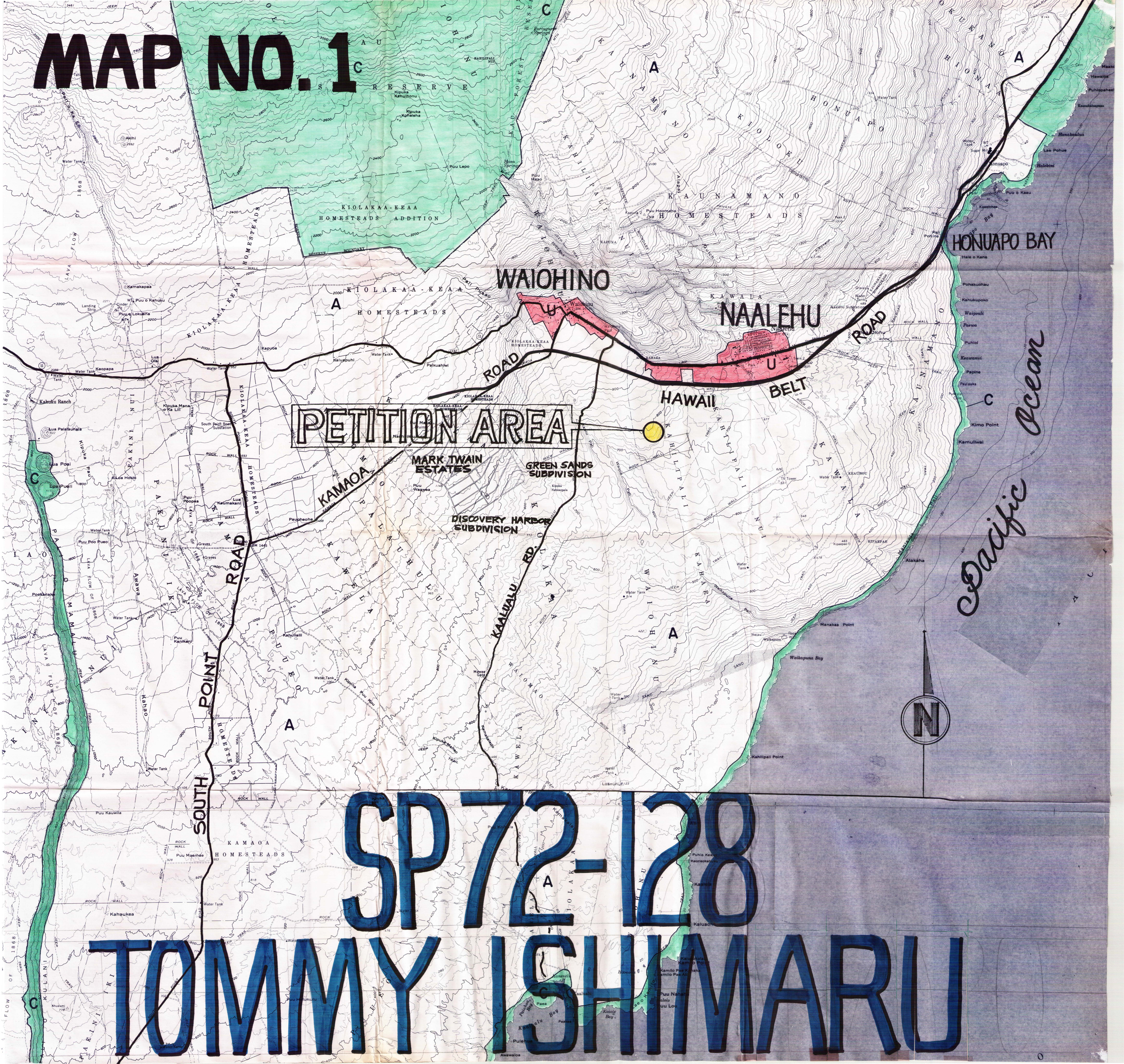
• RESIDENCES

WAIOHINU — NAALEHU
KAU, HAWAII

T. ISHIMARU
SPECIAL PERMIT
QUARRY - 25 ACRES

LAND USE COMMISSION
STATE OF HAWAII
JUN 30 1 22 PM '87

MAP NO. 1



PETITION AREA

WAIOHINO

NAALEHU

HAWAII BELT

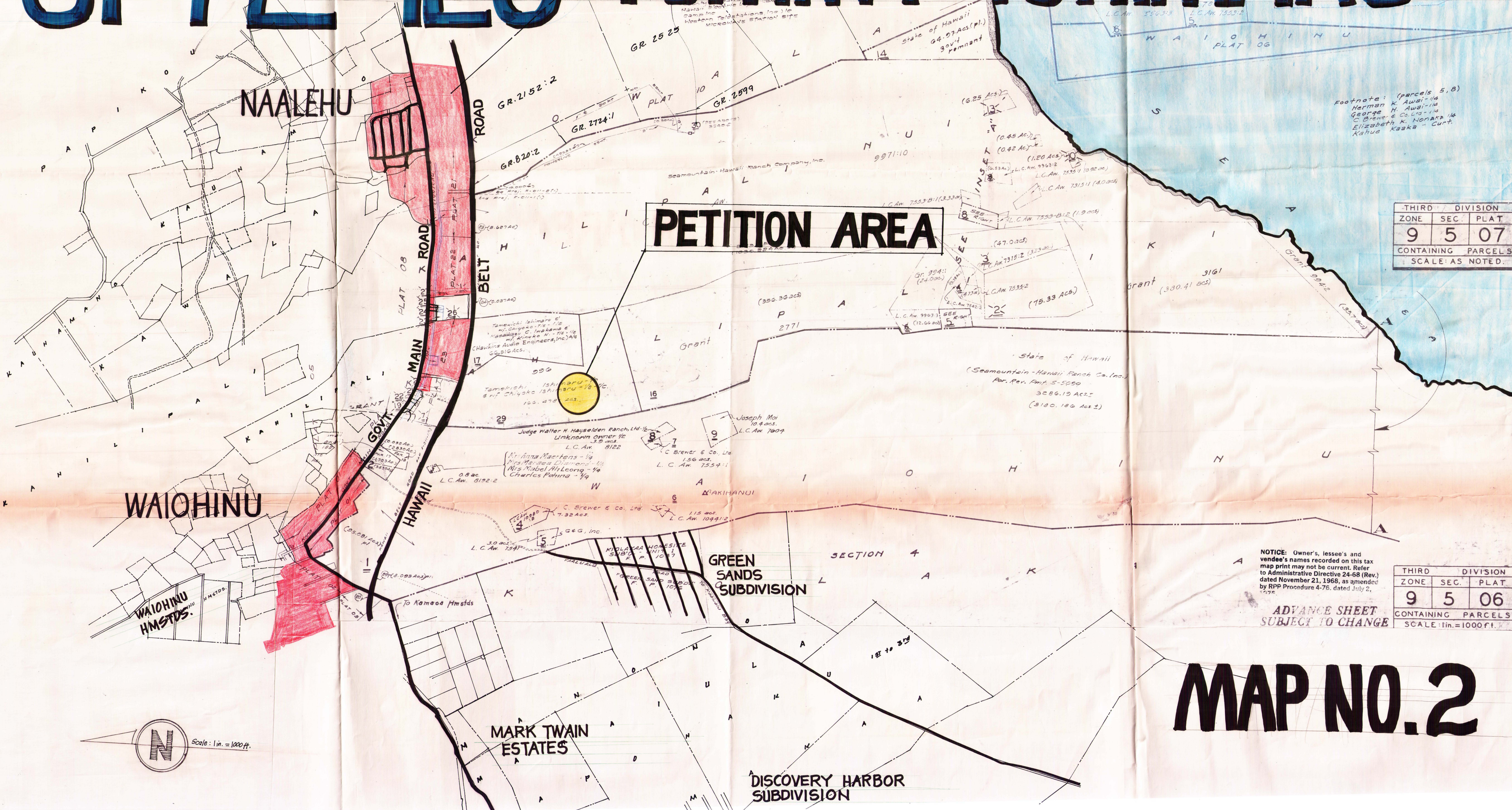
HONUPO BAY

Pacific Ocean

SP 72-128

TOMMY ISHIMARU

SP 72-128 TOMMY ISHIMARU



THIRD DIVISION		
ZONE	SEC.	PLAT
9	5	07
CONTAINING PARCELS		
SCALE: AS NOTED.		

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

ADVANCE SHEET
SUBJECT TO CHANGE

THIRD DIVISION		
ZONE	SEC.	PLAT
9	5	06
CONTAINING PARCELS		
SCALE: 1 in. = 1000 ft.		

MAP NO. 2