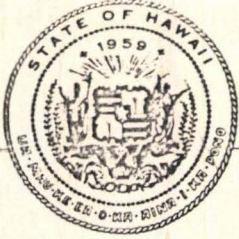


SPECIAL PERMIT	
Petition Received	NOV 3 1982
Maps	
Action Span	11/3/82 - 12/18/82
Action Date	12/2/82
Recordation	1-4-83



STATE OF HAWAII
DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

• • •

LAND USE COMMISSION

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

GEORGE R. ARIYOSHI
Governor

WILLIAM W. L. YUEN
Chairman

RICHARD B. F. CHOY
Vice Chairman

COMMISSION MEMBERS:

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

GORDAN Y. FURUTANI
Executive Officer

December 22, 1982

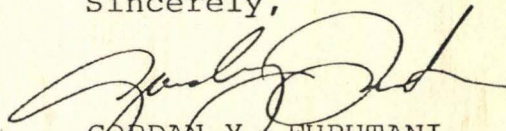
Mr. Sidney Fuke
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

SUBJECT: SP73-145 - HAWAIIAN ANTHURIUMS, LIMITED
(Time Extension)

In reference to our letter to you dated
December 3, 1982, enclosed is a copy of the
Decision and Order on SP73-145 for your information
and records.

Sincerely,


GORDAN Y. FURUTANI
Executive Officer

Enclosure

cc: Mr. Harold Tanouye, President
Hawaiian Anthuriums, Ltd.

Mr. Clyde Matsunaga

In the Matter of the Petition)
for an Extension of Time to)
the Special Permit of)
)
HAWAIIAN ANTHURIUMS, LIMITED)
)

Docket No. SP73-145

DECISION AND ORDER

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

DEC 22 1982

Date _____

by

Executive Officer

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
for an Extension of Time to)
the Special Permit of) Docket No. SP73-145
)
HAWAIIAN ANTHURIUMS, LIMITED)
.....)

ORDER DENYING HAWAIIAN ANTHURIUM LIMITED'S PETITION
FOR AN EXTENSION OF TIME

The petition filed by Hawaiian Anthuriums, Limited for a ten (10) year time extension to allow the establishment and operation of a rock quarry and water reservoir on approximately 100 acres of land in the Agricultural District at Keaau, Puna, Hawaii, Tax Map Keys 1-1-100: 10, 11, 34, 40 and portion of 8; together with the recommendation and record of the proceeding developed by the Hawaii County Planning Commission was received by the Land Use Commission on November 3, 1982. At its meeting on December 2, 1982 at Honolulu, Oahu, the Land Use Commission, having considered the record of the proceeding transmitted by the Hawaii County Planning Commission and the Land Use Commission Staff Memorandum, determined that the petitioner has not initiated any of the proposed uses on the subject property since the permit was granted on March 30, 1973 and that the conditions imposed on the approval of the subject permit may not be applicable to the proposed use after ten years and that a total review of the project and conditions was necessary and it would best be accomplished by having the applicant file for an entirely new special permit.

It is, therefore, hereby ordered that the petition by Hawaiian Anthuriums, Limited to allow a ten year time extension for the establishment and operation of a rock quarry and water reservoir be and the same is denied.

Dated at Honolulu, Hawaii, this 21st day of December,
1982 upon motion duly adopted by the Land Use Commission on
this 2nd day of December, 1982, and 21st day of December, 1982.

LAND USE COMMISSION
STATE OF HAWAII

By William W. L. Yuen
WILLIAM W. L. YUEN
Chairman and Commissioner

By Richard B. F. Choy
RICHARD B. F. CHOY
Vice Chairman and Commissioner

By Lawrence F. Chun
LAWRENCE F. CHUN
Commissioner

By Everett Cuskaden
EVERETT CUSKADEN
Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By Winona E. Rubin
WINONA E. RUBIN
Commissioner

By T. P. Tacbian
TEOFILO PHIL TACBIAN
Commissioner

By Robert S. Tamaye
ROBERT S. TAMAYE
Commissioner

By Frederick Whittemore
FREDERICK WHITTEMORE
Commissioner

P01 5442808

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SP73-145 - HAWAIIAN ANTHURIUMS, LTD.

SENT TO			
CLYDE MATSUNAGA			
STREET AND NO.			
P.O., STATE AND ZIP CODE			
POSTAGE			\$ 37
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	15 ¢
		SPECIAL DELIVERY	¢
	RETURN RECEIPT SERVICE	RESTRICTED DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED	60 ¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
	TOTAL POSTAGE AND FEES		\$ 1.72
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.

SP73-145 - HAWAIIAN ANTHURIUMS

PS Form 3811, Dec. 1980

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

(CONSULT POSTMASTER FOR FEES)

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

TOTAL \$ _____**3. ARTICLE ADDRESSED TO:**

CLYDE MATSUNAGA

4. TYPE OF SERVICE:

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

ARTICLE NUMBER

5442808

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Lisa M. Class

5. DATE OF DELIVERY

12-23-82

POSTMARK**6. ADDRESSEE'S ADDRESS** (Only if requested)**7. UNABLE TO DELIVER BECAUSE:****7a. EMPLOYEE'S
INITIALS**

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

**RETURN
TO**



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



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

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

PO1 5442807

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SP73-145 - HAWAIIAN ANTHURIUMS, LTD.

SENT TO				
HAROLD TANOUYE				
STREET AND NO.				
P.O., STATE AND ZIP CODE				
POSTAGE		\$	37	
CERTIFIED FEE			75 ¢	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	SPECIAL DELIVERY		¢
		RESTRICTED DELIVERY		¢
		RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	60 ¢
			SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
			SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
			SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		\$	1.72	
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)
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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.

SP73-145 - HAWAIIAN ANTHURIUMS

PS Form 3811, Dec. 1980

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

(CONSULT POSTMASTER FOR FEES)

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

TOTAL \$ _____

3. ARTICLE ADDRESSED TO:

HAROLD TANOUYE

4. TYPE OF SERVICE:

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

ARTICLE NUMBER

5442807

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee☒ Authorized agent

5.

DATE OF DELIVERY

12/27/82

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS



RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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



**RETURN
TO**



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

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

PO1 5442806

RECEIPT FOR CERTIFIED MAIL

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

SENT TO				
SIDNEY FUKU				
STREET AND NO.				
P.O., STATE AND ZIP CODE				
POSTAGE			\$ 31	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE		15 ¢
		SPECIAL DELIVERY		¢
	RETURN RECEIPT SERVICE	RESTRICTED DELIVERY		¢
		SHOW TO WHOM AND DATE DELIVERED		00 ¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		¢
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		¢	
TOTAL POSTAGE AND FEES			\$ 1.72	
POSTMARK OR DATE				



SP73-145 - HAWAIIAN ANTHURIUMS, LTD.

**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.

SP73-145 - HAWAIIAN ANTHURIUMS

PS Form 3811, Dec. 1980

- **SENDER:** Complete items 1, 2, 3, and 4.

Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

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

☒ Show to whom and date delivered \$

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

2. ☐ **RESTRICTED DELIVERY** \$

(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**

SIDNEY FUKE

4. **TYPE OF SERVICE:**

☐ REGISTERED ☐ INSURED

☒ CERTIFIED ☐ COD

☐ EXPRESS MAIL

ARTICLE NUMBER

5442806

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee

☒ Authorized agent

- 5.

DATE OF DELIVERY

12/27/82

POSTMARK

DEC 27 1982

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

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



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

LAND USE COMMISSION
STATE OF HAWAII
RETURN TO
DEC 29 10 22 AM '82



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
for an Extension of Time to)
the Special Permit of) Docket No. SP73-145
HAWAIIAN ANTHURIUMS, LIMITED)
HAWAIIAN ANTHURIUMS, LIMITED)

CERTIFICATE OF SERVICE

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

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

HAROLD TANOUYE, President
Hawaiian Anthuriums, Limited
P.O. Box 188
Mt. View, Hawaii 96771

CLYDE MATSUNAGA
70 Keaa Street
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 22nd day of December, 1982.


GORDAN Y. FURUTANI
Executive Officer

Approved

MAR 15 1983

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322-B
Kalanimoku Bldg.
Honolulu, Hawaii

December 21, 1982 - 9:00 a.m.

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

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

Ray Russell, Court Reporter

ACTIONA82-544 - IOLANI SCHOOL

Chairman Yuen announced that the action today on the subject petition was limited to a determination of whether the anticipated effects of the proposed reclassification by Iolani School of 201 acres from the Conservation District into the Urban District at Kaneohe, Oahu for a residential use would constitute a significant effect upon the environment as defined in Chapter 343 of the Hawaii Revised Statutes. He added that all of the Commissioners had been served with a copy of the petitioner's environmental assessment.

Vice Chairman Choy moved that the Commission determine the proposed reclassification would constitute a significant effect on the environment, and therefore would require an environmental impact statement. It was seconded by Commissioner Chun and unanimously carried.

A82-532 - MOLOKAI ELECTRIC CO., LTD.

In the matter of the petition by Molokai Electric Co., Ltd.

✓ Adoption of Decision and Order

It was moved by Vice Chairman Choy, seconded by Commissioner Whittemore, and unanimously agreed to adopt the Decision and Order relative to SP73-145, Hawaiian Anthuriums, Ltd.

The meeting adjourned at 9:40 a.m.

December 3, 1982

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on December 2, 1982, the Land Use Commission voted to disapprove a Special Permit time extension request by Hawaiian Anthuriums, Limited (SP73-145) to allow a time extension for the construction of reservoirs and operation of a quarry on approximately 100 acres of land situated within the State Land Use Agricultural District at Keaau, Puna, Island and County of Hawaii, Tax Map Keys: 1-1-100: 10, 11, 37, 40, and Portion of 8.

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

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:yk

cc: Mr. Clyde Matsunaga
70 Keaa Street
Hilo, Hawaii 96720

Mr. Harold Tanouye, President
Hawaiian Anthuriums, Ltd.
P. O. Box 188
Mt. View, Hawaii 96771

Mr. Hideto Kono, Director
Department of Planning &
Economic Development

Approved

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

JAN 19 1983

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

December 2, 1982 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Richard Choy, Vice Chairman
Lawrence Chun
Everett Cuskaden
Shinsei Miyasato
Winona Rubin
Teofilo Tacbian
Robert Tamaye
Frederick Whittlemore

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

Ray Russell, Court Reporter

ACTION

A81-516 - GEORGE LEWIS SAGEN

Mr. Gordan Furutani, Executive Officer, reported that petitioner's counsel, Michael Salling, had called the Commission office requesting a continuance of the action on subject petition due to his inability to attend today's meeting. At that time, Mr. Salling was requested to submit a written waiver of the 180-day action period but to date there has been no communication from him to this effect.

It was moved by Commissioner Cuskaden and seconded by Commissioner Tacbian to continue action on subject petition, subject to the receipt of a waiver of the 180-day action period from petitioner.

Commissioner Tacbian amended the motion to state that if the written request for waiver of the 180 days is not received by December 5, 1982, the petition be denied. It was seconded by Commissioner Whittlemore. Maker of the original motion had no objections to the amendment.

Commissioner Cuskaden moved to approve the reclassification of Phase I, approximately 40 acres, and to deny the reclassification of Phase II, approximately 40 acres, within Area 5 (Phases I and II being defined in the petition). Commissioner Tacbian seconded the motion and it was unanimously carried.

The Chairman requested that petitioner include a revised map of Area 5 also.

✓ SP73-145 - HAWAIIAN ANTHURIUMS, LIMITED

To allow a time extension for the construction of reservoirs and operation of a quarry at Keaau, Puna, Hawaii

The Executive Officer summarized the background information and pertinent data relating to the extension request by petitioner.

Mr. Tanouye, petitioner, responded to questions which were raised by Commission members regarding the necessity for the special permit and the absence of any quarrying activities on the property in the last 10 years. He also affirmed that he would be able to meet the 9 conditions which had been imposed by the Hawaii Planning Commission.

Commissioner Cuskaden moved to deny the special permit which was seconded by Commissioner Tamaye. The Commissioners were polled as follows:

Ayes: Commissioners Choy, Tamaye, Rubin, Chun, Whittemore
Tacbian, Cuskaden, Chairman Choy

Nay: Commissioner Miyasato

The motion to deny the extension request was carried. Chairman Yuen advised petitioner that he was free to reapply for the special permit, submitting a more detailed description of the intended use for the property, the acreage involved in the operation, and a proposed timetable for the development.

A69-242 - PUKOO PROPERTIES, INC.

To show cause why developer has not proceeded to develop lands at Pukoo, Molokai

Chairman Yuen announced that the hearing on subject petition was being called on an order filed by the Commission to show cause why the property owners have not proceeded to develop the property at Pukoo, Molokai in accordance with the representations made to the Commission in 1969 and 1970.

Owner Kuha's exhibit A was identified and moved into evidence.

Ms. Colette Machado, resident of Molokai, expressed her views regarding the impact of the Urban designation in a predominantly agricultural community.

The Commission went into executive session to receive counsel from the Deputy Attorney General, upon motion by Commissioner Cuskaden, seconded by Commissioner Choy. The Commission was in executive session from 5:16 p.m. to 5:43 p.m.

5:43 p.m.

Chairman Yuen announced that the Commission received counsel regarding the legality of the course of action the Commission may take relative to the order to show cause.

Commissioner Tacbian moved that the hearing be continued until September 1, 1983 to allow the owners of the property time to come up with a more definitive plan and a progress report; however, excluding from the motion those lands represented by Ms. Kuha since the property owner had acted in good faith in trying to pursue its goals. It was seconded by Commissioner Cuskaden and unanimously carried.

The hearing was concluded at 5:52 p.m.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP73-145 - HAWAIIAN
ANTHURIUMS LTD. (TIME EXT.)
DOE Board Room, 4th Floor
PLACE Liliuokalani Bldg.
1390 Miller St., Honolulu, HI

DATE December 2, 1982
TIME 9:00 a.m.

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

Comments:

I move to deny the Special Permit.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission December 2, 1982

FROM: Staff

SUBJECT: SP73-145 - Hawaiian Anthuriums, Limited (Time Extension)

Harold S. Tanouye of Hawaiian Anthuriums, Limited has requested a ten (10)-year time extension of SP73-145 which allows a quarrying and reservoir construction project on approximately 100 acres of land situated within the State Land Use Agricultural District at Keaau land division, Puna, Island and County of Hawaii, Tax Map Keys 1-1-100: 10, 11, 37, 40, and Portion of 8.

The subject property is located in the vicinity of Mountain View, approximately 2 miles south (makai) of the Volcano Road, between Eden Roc Estates and the Crescent Acres subdivisions. (See attached map, Exhibit #1)

The Special Permit was originally granted by the Land Use Commission on March 30, 1973. For the Commission's information, a copy of the 1973 LUC staff report is attached as Exhibit #2.

The purpose of the Special Permit is to allow quarrying operations and development of water storage reservoirs to support anthurium cultivation and other agricultural uses. As specified by Condition No. 8, the Special Permit is to terminate ten (10) years from the date of approval, or on March 30, 1983.

Since the Special Permit was granted, the Petitioner has not initiated the proposed uses on the subject property. However, the Petitioner has constructed experimental reservoirs on adjacent lands which contain the existing anthurium farm. The Petitioner states that the experimental reservoirs have proven that an adequate water supply can be assured even through periods of drought, and that the partnership is ready to begin quarrying and the construction of similar reservoirs on the subject property to enable its use for the cultivation of flowers, fruits, and vegetables.

The Hawaii County Planning Department evaluated the subject time extension request and recommended that it be approved, based on the following findings:

"That the reasons for the initial approval of the subject request remain valid today. Further, the constructed expansion of the water storage capacity for agricultural uses will enhance both the productivity of the lands within the agricultural district and be consistent in the intent of

that district and the County General Plan policy of promoting diversified agricultural endeavors."

The Hawaii County Planning Department's Staff Background and Staff Recommendation reports are attached as Exhibits A and B, respectively.

The Hawaii County Planning Commission held a public hearing on the subject request on October 14, 1982, and voted unanimously to recommend approval of the ten (10)-year time extension. For the Commission's information, the transcript of the Planning Commission public hearing is attached as Exhibit P.

The complete record of the subject time extension request was received at the Land Use Commission office on November 3, 1982.

SP73-145 HAWAIIAN ANTHURUMS, LTD.
WATER STORAGE & QUARRY
MAR. 30, 1973

(0144 BAL K ROAD)

RESERVATION
C
O L A A

A

O L A A

U

Mountain View
Cem

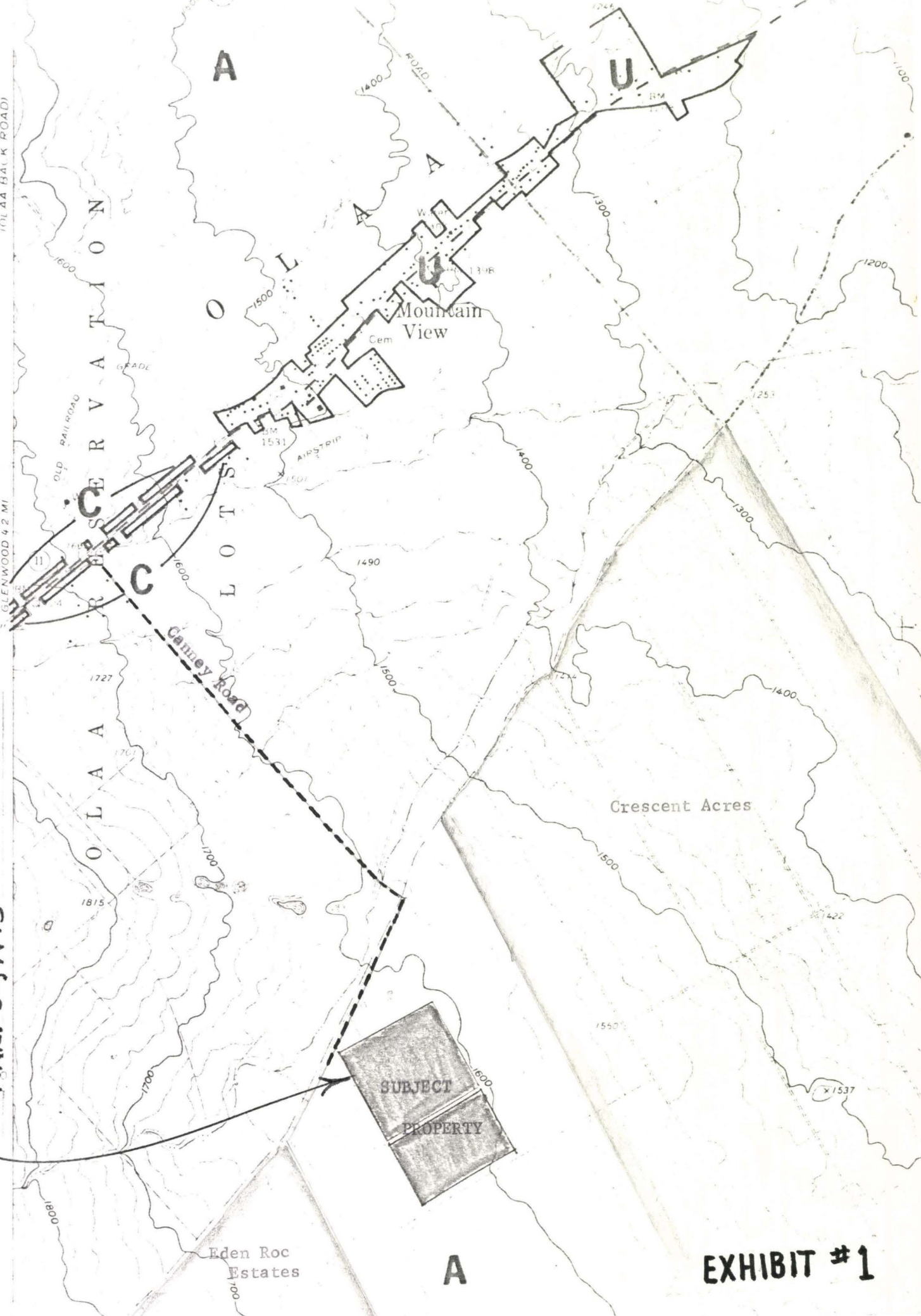
Crescent Acres

SUBJECT
PROPERTY

Eden Roc
Estates

A

EXHIBIT #1



STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

March 30, 1973
10:00 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: SP73-145 - HAWAIIAN ANTHURIUMS, LTD.

A special permit to allow the establishment of a quarry operation and water storage reservoirs for anthuriums and other agricultural uses within the State Land Use Agricultural District at Mt. View, Puna, Hawaii, has been requested by Hawaiian Anthuriums, Ltd. The subject property is situated approximately 2 miles makai of the Volcano Road and midway between the Eden Roc Estates and Crescent Acres subdivisions. The area includes approximately 100 acres of land and is described as Tax Map Key 1-1-100: parcels 40, 37, 11, 10 and portion of 8.

The applicant proposes to excavate and process the quarry material for use on construction projects. Open pit excavation is proposed and approximately 10 million cubic yards of material is estimated to be mined. The duration of the operation is projected to last ten (10) years. Upon termination of the quarry operation, the excavated sites will be converted into water reservoirs for agricultural uses.

The applicant owns the property upon which the quarry site is being proposed as well as the lands adjacent to the quarry site. The subject area is presently overgrown with vegetation and unused. Situated north of the subject property is Hawaiian Anthuriums, Ltd.'s 12 acre anthurium farm operation, the Eden Roc subdivision including approximately 1,000 one-acre lots and 1 dwelling is located to the west and Crescent Acres subdivision consisting of approximately 2,000 two-acre lots and 8 dwellings is situated to the east. The general area surrounding the subject property is substantially vacant or in cane cultivation.

The Land Study Bureau soil classification indicates that the land consists of almost base pahoehoe with no soil material; contains slopes from 0-35 percent; is located in an area where the rainfall exceeds 100 inches annually and is very poorly suited for overall crop use.

County zoning for the area is A-3a and the property has been designated for orchard development on the General Plan land use

EXHIBIT #2

pattern guide map. This designation refers to those lands which are rocky in physical make-up but are capable of supporting macadamia nut, papaya, citrus and other similar agricultural products.

COUNTY RECOMMENDATION

At its meeting of February 23, 1973, the Hawaii County Planning Commission voted to recommend approval of the special permit based on the following findings:

- "1. That the operation of the quarry and related uses is of a temporary nature, and as such, would not be contrary to the long-term objectives of the land use law; and
- "2. That it is recognized that the proposed use will substantially alter the character as, upon termination of quarry operations, the area will be converted into water storage areas. However, this change in character will result in positive improvement to the land. The converted use of the land would provide a more dependable source of water, making the general area more conducive for agricultural development. In this manner, the land use law's intent to preserve and promote agricultural use would be furthered."

Approval is subject to the following conditions:

- "1. All State and County standards and appropriate safety measures shall be exercised by the applicant to assure optimum vehicular traffic safeguards during the entire period of operation;
- "2. That the applicant prepare a plan indicating the areas proposed to be excavated and later converted into water storage areas and submit said plan to the Planning Department for review prior to beginning operation;
- "3. That the applicant obtain authorization for construction from the Department of Health prior to construction of any facilities;
- "4. That the applicant obtain a permit to operate from the Department of Health prior to operation and for continued operation of the facilities;
- "5. That every precaution be taken by the applicant to avert any inconvenience such as traffic, noise, and dust problems to surrounding properties;

- "6. That the quarry operation be limited to the hours of 6:30 a.m. to 4:30 p.m. Mondays to Saturdays;
- "7. That the Planning Department shall make periodic inspections to see that no adverse effects are being created by the quarry operation such as dust, noise and indiscriminate excavation. 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 operation;
- "8. That the Planning Commission shall review the progress of the operation no later than five years from the date of approval and may declare the permit null and void if no reasonable progress is assured. The maximum period of quarrying operation shall be ten (10) years from the date of approval with the five (5) year mandatory review; and
- "9. That upon expiration of the quarrying permit, the applicant shall remove all temporary support facilities and equipment from the area."

No objections or comments were received from the Departments of Public Works, Water Supply, State Highways, Education, Police and Fire. The Department of Research and Development has endorsed this special use proposal.

On November 5, 1971, the Land Use Commission voted to deny a similar request by the same petitioner involving approximately 645 acres in the same location. The request was denied on the grounds that the petition was inadequate, tentative and too indefinite in nature to justify approval.

Many of the concerns of the Land Use Commission at that time have been considered and incorporated into the conditions recommended by the Hawaii County Planning Commission. It is further noted that the petitioner has reduced the area considerably, from 645 acres to 100 acres.

Upon evaluation of this request, staff finds that:

1. it would not unreasonably burden public agencies to provide necessary services and improvements;
2. the water reservoir system would enhance the agricultural development of the area;

3. adequate conditions have been recommended to be imposed by the County to take care of identified concerns related to the proposed use.
4. the surrounding areas will not be adversely affected in that much of the surrounding areas are unused, vacant and belong to the applicant.

Based on the above findings, staff recommends that this permit be approved subject to the conditions set forth by the Hawaii County Planning Commission.

TIME EXTENSION REQUEST - HAWAIIAN ANTHURIUMS, LTD., SP 73-145

The petitioner, Hawaiian Anthuriums, Ltd., has requested a 10-year time extension to Special Permit 73-145 which allowed a quarrying and reservoir construction project on approximately 100 acres of land. The property involved is located between Eden Roc Estates and Crescent Acres subdivisions, approximately two (2) miles makai of the Volcano Road, Keaau Land Division, Puna, TMK: 1-1-100:10, 11, 37, 40 and portion of 8.

Special Permit 73-145 was originally approved by the State Land Use Commission on March 30, 1973, subject to a condition which states,

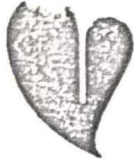
"8. That the Planning Commission shall review the progress of the operation no later than five years from the date of approval and may declare the permit null and void if no reasonable progress is assured. The maximum period of quarrying operation shall be ten (10) years from the date of approval of the five (5) year mandatory review."

Although no review has been conducted by the Planning Commission since the issuance of the permit, the permit remains valid subject to an expiration date of March 30, 1983.

In support of the request, the petitioner has stated the following:

(READ PETITIONER'S 8/17/82 LETTER)

EXHIBIT A



HAWAIIAN ANTHURIUMS, LTD.
HAWAIIAN HEART, INC.

P.O. BOX 188 • MT. VIEW, HAWAII 96771
TELEPHONE (808) 968-6322

Cable:
HAWNHART

Telex:
633156 WUI

August 17, 1982

Land Use Commission
250 South King Street
Honolulu, Hawaii 96813

SUBJECT: 10-Year Extension on Special Permit 73-145
at Mt. View, Puna, Hawaii
TMK: 3rd Div. 1-1-100:Parcels 40, 37, 11, 10 and
portion of 8

PETITIONERS: Hawaiian Anthuriums, Ltd. and
Harold S. Tanouye and Sons, Inc.

The petitioner requests a 10-year extension on special permit 73-145 for the establishment of a temporary quarry operation and future water storage reservoirs for anthuriums and other agricultural uses.

Enclosed is a preliminary schematic showing the future water storage reservoirs to be constructed upon completion of the quarrying operations.

Experimental reservoirs have been constructed within the existing anthurium farm site and its feasibility, durability to earthquakes, and operational expertise has been established, the petitioner is prepared to begin quarrying operations and construction of the water reservoirs within the 100 acre site.

The need and dependability has also been verified. During the past periods of drought, no emergency assistance or aid was required from Civil Defense or the County of Hawaii. The water requirements of the anthurium farm was fulfilled by the experimental reservoirs.

Your approval of my extension request will be greatly appreciated.

Very truly yours,

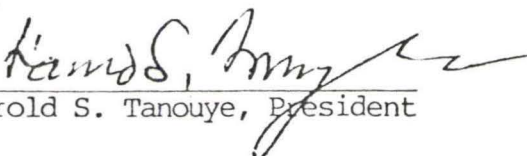

Harold S. Tanouye, President

EXHIBIT-L



For the Commissioner's information, the petitioner has constructed three (3) reservoirs to date including a 50,000 gallon reservoir in the late 1960's, a one (1) million gallon reservoir in 1976 and a seven (7) million gallon reservoir in 1981. None of these reservoirs have been constructed on the subject parcels but are on the premises of the existing greenhouse structures. To date, work within the subject area has consisted of excavation although the reservoirs have not been completed. While the existing reservoirs have been adequate to meet the petitioners present needs, additional capacity is required for their planned expansion of agricultural activities.

Upon review of the subject request, the State Department of Agriculture stated,

(READ DOA MEMO)

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



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

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

September 27, 1982

MEMORANDUM

To: Mr. Sidney M. Fuke, Director
Planning Department, County of Hawaii

Subject: Special Permit Time Extension Request
Hawaiian Anthuriums, Ltd.
TMK: 1-1-100: 10, 11, 37, 40, por. 8
Mountain View, Hawaii

The Department of Agriculture has reviewed the subject request and offers the following comments.

According to the application, the purpose of the request is to permit the establishment of a temporary quarry operation and future water reservoirs for anthuriums and other agricultural uses on the subject parcels.

According to Mr. Harold Tanouye, President of Hawaiian Anthuriums, Ltd., the reason for having 14 ponds is to ensure the availability of irrigation water should one or more ponds develop leaks. Various crops including fruits and vegetables are proposed to be planted in the subject parcels between the ponds.

The applicant may need to mitigate the release of fugitive dust and excessive noise from the proposed quarrying operation to acceptable levels so as not to annoy residents or disrupt activities on agricultural lots to the north and east of the subject parcels.

Thank you for the opportunity to comment.

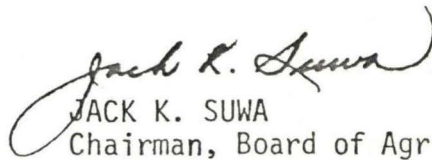

JACK K. SUWA
Chairman, Board of Agriculture

EXHIBIT - F

RECOMMENDATION: HAWAIIAN ANTHURIUMS, LTD. TIME EXTENSION

Upon review of the subject request, staff recommends that the request be given favorable consideration based on the following findings:

That the reasons for the initial approval of the subject request remain valid today. Further, the constructed expansion of the water storage capacity for agricultural uses will enhance both the productivity of the lands within the agricultural district and be consistent in the intent of that district and the County General Plan policy of promoting diversified agricultural endeavors.

It is further recommended that the request be approved subject to the condition that all conditions originally imposed except Condition No. 8 remain in effect.

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
October 14, 1982

A regularly advertised public hearing on the application of Hawaiian Anthurium, Ltd. was called to order at 2:11 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman Alfredo Orita presiding.

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

ABSENT: Ex-officio Member
H. William Sewake
Ex-officio Member
Edward Harada

Sidney M. Fuke, Planning Director
Keith Kato, Staff Planner
Royden Yamasato, Staff Planner

Ben Tsukazaki, Deputy Corporation Counsel

CHAIRMAN: Public hearing on the request by Hawaiian Anthurium, Ltd., for a 10-year time extension to Special Permit 73-145 which allowed a quarrying and reservoir construction project on approximately 100 acres of land. The property involved is located between Eden Roc Estates and the Crescent Acres subdivisions, approximately two (2) miles makai of the Volcano Road, Keaau land division, Puna, TMK: 1-1-100:10, 11, 37, 40 and portion of 8. Staff?

KATO: (Presented background and recommendation for approval with conditions, on file.)

CHAIRMAN: Thank you, Keith. Commissioners?

KAGAWA: Mr. Chairman?

CHAIRMAN: Commissioner Kagawa.

KAGAWA: Keith, during these past ten years how much did he accomplish of his plan?

KATO: Based on my conversation with the applicant, it appears that most of the work relating to the reservoirs has not occurred on this property. They have been working with the Soil Conservation Service and their engineers to iron out their kinks in the design and construction. What he has indicated is that they've done some excavation on this site to date, although I don't know exactly how much.

KAGAWA: What assurance do we have that in the next ten years he'll do something?

KATO: He verbally indicated to me that at this point they cannot expand their agricultural activity without more water and so therefore they intend to start developing the farm on the subject property.

CHAIRMAN: Keith, I got a question. You know, the special permit which was granted in 1973 on March said, "The Planning Commission shall review the progress of the operation no later than five years from the date of approval and declare the permit null and void if no reasonable progress is made." Was there any field trip taken to see that they were doing something within the five-year time?

KATO: Mr. Chairman, based on my review of the files, following the initial approval of the permit, no activity at all by the Planning Commission was undertaken.

CHAIRMAN: Thank you, Keith. Commissioners? None?

FUKE: Mr. Chairman?

CHAIRMAN: Mr. Director.

FUKE: Keith, as I understand, they have three reservoirs - One constructed in 1960, one in 1976 and another one in 1981. Then I would assume that the 1976 to 1981 reservoirs were to be operated under the same quarrying and reservoir construction type of activity for which this request is for.

KATO: It appears to be -.

FUKE: Or is that a different kind of reservoir?

KATO: No, it's for the same type of reservoir. The reason of this is that the situation is that these were not constructed on the parcels for which a special permit was granted.

FUKE: Were there special permits granted for those other two?

KATO: I don't believe so.

FUKE: Do you know why he decided to construct those two quarries on the other parcel and not this parcel?

KATO: In talking to him, it seems as though those, where they ended up constructing them were in close proximity to the existing greenhouse operation.

FUKE: So more operational constraints then?

KATO: That's correct. Just as a matter of clarification, it's my understanding that the development in having reservoirs is a permitted use within the State Land Use Agricultural District and is not subject to a special permit. However, the petitioner intends to take the material from the holes that he's going to excavate and use them and crush up some of the rocks so he can use it in the construction of the roads for their operation as well as within the greenhouse. So it, basically, is a quarrying permit.

FUKE: You also pointed out that work within the subject area consisted of excavation although the reservoirs have not been completed. How much excavation has occurred on the property, would you know?

KATO: I don't have that information.

CHAIRMAN: Any other questions? Keith, I've got a question. If we were to approve the time extension, it would be a recommendation to the State Land Use, am I correct?

KATO: That's correct.

CHAIRMAN: And yet the State Land Use says the maximum period of quarrying operation shall be ten years; and the ten years is not up yet. Am I correct?

KATO: That's correct. The ten years will come up on March 30, 1983.

CHAIRMAN: Thank you. Commissioner Kagawa, did you have a question?

KAGAWA: I would think that based on his performance, I think we should recommend some kind of performance or standard or timetable or something to go along with his reason that he wants to expand, he'd like to move forward with this.

CHAIRMAN: Any other questions for the Department?

FUKE: Was he informed of today's meeting?

KATO: Yes, he was.

FUKE: And did he indicate whether he could come or not?

KATO: No, he did not indicate either way.

CHAIRMAN: So the applicant is not present?

KATO: I don't believe so.

CHAIRMAN: Any other questions, Commissioners?

THOMPSON: Mr. Chairman?

CHAIRMAN: Commissioner Thompson.

THOMPSON: Keith, by looking at this in a quarrying operation, as I understand a normal quarrying operation after they've quarried for an "x" number of years they have to come up with the plan to bring the land back to its original use, I mean, without leaving a hole. But by applying for a permit to go into reservoir building, that's the peak, that's above the hook as far as leaving the hole in the ground, huh?

KATO: That's correct.

THOMPSON: Is this land leased or State owned? Do you know the background?

KATO: I believe that this land is owned in fee by the petitioner.

THOMPSON: Thank you.

CHAIRMAN: Commissioners, any other questions? I for one would like to suggest that we continue the public hearing and maybe have the applicant present to answer some questions. Any objections to having this hearing continued?

Anyway, before we act on a motion, is the applicant present? Madam Secretary, let the record show that the applicant is not present.

This is a public hearing. Is there anyone from the audience that would like to give testimony on this application? Madam Secretary, let the record show that there is no one from the audience that would like to give testimony.

NAKANO: Mr. Chairman?

CHAIRMAN: Commissioner Nakano.

NAKANO: I move the public hearing be closed.

CHAIRMAN: It has been moved that the public hearing be closed. Any second?

THOMPSON: Second the motion.

CHAIRMAN: All those in favor of closing the public hearing say aye?

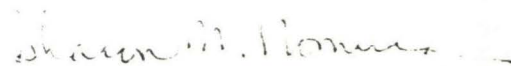
COMMISSIONERS: Aye.

CHAIRMAN: Oppose? Public hearing is closed.

It was moved by Commissioner Imada and seconded by Commissioner Nakano to send a favorable recommendation to the State Land Use Commission as recommended by the staff. A roll call vote was taken and motion carried with nine ayes.

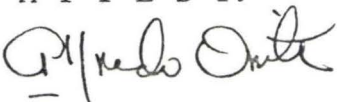
The public hearing adjourned at 2:26 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T:



Alfredo Orita
Chairman, Planning Commission

STATE OF HAWAII
LAND USE COMMISSION
OLD FEDERAL BUILDING
Room 104
335 MERCHANT STREET
HONOLULU, HAWAII 96813

1982 NOV 23 AM 10 48
REC'D. BY
LT. GOVERNOR'S OFFICE

NOVEMBER 22, 1982

NOTICE OF CHANGE OF MEETING PLACE

PLEASE BE ADVISED THAT THE SITE OF THE DECEMBER 2, 1982
MEETING OF THE LAND USE COMMISSION HAS BEEN CHANGED TO:

DEPARTMENT OF EDUCATION BOARD ROOM
4TH FLOOR, LILIUOKALANI BUILDING
1390 MILLER STREET
HONOLULU, HAWAII

DECEMBER 2, 1982 - 9:00 A.M.

11/22/82 - A copy of this Notice of Change of Meeting Place was
mailed to all persons and organizations on the
attached mailing lists:

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

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

November 22, 1982

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

Dear Mr. Fuke:

A81-525 - Y-O LIMITED PARTNERSHIP
A82-531 - THEODAVIES HAMAKUA SUGAR CO.
SUBJECT: ✓ SP73-145 - HAWAIIAN ANTHURIUMS, LTD. *

This is to advise you that the meeting site of the
DECEMBER 2, 1982 action meeting scheduled for the above subject
petition has been changed to:

DEPARTMENT OF EDUCATION BOARD ROOM
4th Floor, Liliuokalani Building
1390 Miller Street
Honolulu, Hawaii

DECEMBER 2, 1982 - 9:00 a.m.

Sincerely,



GORDAN Y. FURUTANI
Executive Officer

*(Time Extension)

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

November 22, 1982

Mr. Clyde Matsunaga
70 Keaa Street
Hilo, Hawaii 96720

Dear Mr. Matsunaga:

(Time Extension):
SUBJECT: SP73-145 - HAWAIIAN ANTHURIUMS, LTD.

This is to advise you that the meeting site of the
DECEMBER 2, 1982 action meeting scheduled for the above subject
petition has been changed to:

DEPARTMENT OF EDUCATION BOARD ROOM
4th Floor, Liliuokalani Building
1390 Miller Street
Honolulu, Hawaii

DECEMBER 2, 1982 - 9:00 a.m.

Sincerely,



GORDAN Y. FURUTANI
Executive Officer

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

December 2, 1982 - 9:00 a.m.
Conference Room 322 B
Kalanimoku Bldg.
Honolulu, Hawaii

REC'D. BY

1982 NOV 16 AM 10 42

LT. GOVERNOR'S OFFICE

A G E N D A

I. ACTION

1. A81-516 - George Lewis Sagen (Kauai)

To reclassify approximately 5.0 acres of land currently in the Agricultural District into the Urban District at Kilauea, Namahana, Hanalei, Kauai, for industrial development.

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

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

3. A82-531 - Theo Davies Hamakua Sugar Company (Hawaii)

Area 1 - To amend the Agricultural and Conservation Land Use District Boundary to reclassify approximately 27.24 acres, TMK: 3-5-02: Por. 1 at Kapehu 2, North Hilo, Island and County of Hawaii, into Urban Land Use District for residential use.

Area 2 - To amend the Conservation Land Use District Boundary to reclassify approximately 7+ acres, TMK: 3-5-03: Por. 35 at Kaiwilahi-lahi, North Hilo, Island and County of Hawaii, into Urban Land Use District for residential use.

Area 3 - To amend the Agricultural and Conservation Land Use District boundary to reclassify approximately 10+ acres, TMK: 3-6-04: Por. 10 at Waipunalei, North Hilo, Island and County of Hawaii, into Urban Land Use District for residential use.

Area 4 - To amend the Agricultural Land Use District Boundary to reclassify approximately 54+ acres, TMK: 4-3-03: 21 and Por. 18 at Opihilala, Hamakua, Island and County of Hawaii, into Urban Land Use District for apartment and residential use.

Area 5 - To amend the Agricultural Land Use District Boundary to reclassify approximately 80+ acres, TMK: 4-5-01: Por. 2 at Ouhi to Kalua, Hamakua, Island and County of Hawaii, into Urban Land Use District for residential use.

Area 6 - To amend the Agricultural Land Use District Boundary to reclassify approximately 10+ acres, TMK: 4-8-06: Por. 44 at Waikoekoe, Hamakua, Island and County of Hawaii, into Urban Land Use District for residential use.

✓ 4. SP73-145 - Hawaiian Anthuriums, Limited (Time Extension) (Hawaii)

To allow a time extension for the construction of reservoirs and operation of a quarry on approximately 100 acres of land situated within the State Land Use Agricultural District at Keaau, Puna, Island of Hawaii.

II. HEARING

1. A69-242 - Pukoo Properties, Inc. (Molokai)

To show cause why developer has not proceeded to develop lands at Pukoo, Molokai.

11/15/82 - A copy of this agenda was mailed to all persons and organizations on the attached mailing lists:

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

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

November 15, 1982

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

Dear Mr. Fuke:

Enclosed is a Land Use Commission meeting agenda.

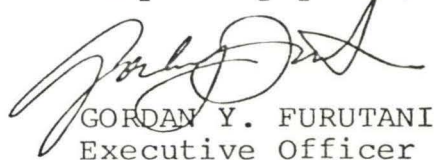
Please note that petition(s)

A81-525 - Y-O LIMITED PARTNERSHIP (HAWAII)
A82-531 - THEODAVIES HAMAKUA SUGAR COMPANY (HAWAII)
✓ SP73-145 - HAWAIIAN ANTHURIUMS, LIMITED (TIME EXTENSION)

will be _____ acted on _____ at that time.

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

Very truly yours,


GORDAN Y. FURUTANI
Executive Officer

Enclosure: Agenda

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

November 15, 1982

Mr. Clyde Matsunaga
70 Keaa Street
Hilo, Hawaii 96720

Dear Mr. Matsunaga:

Enclosed is a Land Use Commission meeting agenda.

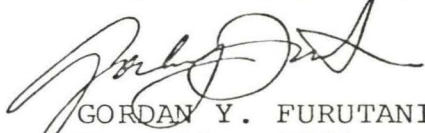
Please note that petition(s)

SP73-145 - HAWAIIAN ANTHURIUMS, LTD. (TIME EXTENSION)

will be _____ acted on _____ at that time.

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

Very truly yours,


GORDAN Y. FURUTANI
Executive Officer

Enclosure: Agenda

cc: Mr. Harold Tanouye, President
Hawaiian Anthuriums, Ltd.
Hawaiian Heart, Inc.
P. O. Box 188
Mt. View, Hawaii 96771



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

November 1, 1982

Nov 3 10 55 AM '82
LAND USE COMMISSION
STATE OF HAWAII

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

Dear Mr. Furutani:

Time Extension to Special Permit 73-145
Petitioner: Hawaiian Anthurium, Ltd.
Tax Map Key 1-1-100:10, 11, 37, 40 and portion of 8

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 special permit request allowed a quarrying and reservoir construction project on approximately 100 acres of land. The property involved is located between Eden Roc Estates and the Crescent Acres subdivisions, approximately two (2) miles makai of the Volcano Road, Keaau land division, Puna, Hawaii.

The Planning Commission at its duly advertised public hearing held on October 14, 1982, in the Councilroom, County Building, South Hilo, Hawaii, discussed the amendment to the subject request and voted to recommend the approval to the Land Use Commission. Enclosed is the entire docket on the application.

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

Sincerely,

Alfred Orita
Chairman, Planning Commission

db

Enclosure

cc: DPED, Land Use Division
Department of Public Works
Department of Water Supply

LIST OF EXHIBITS: HAWAIIAN ANTHURIUMS, LTD., SP 81-21

- A. Staff Background
- B. Staff Recommendation
- C. Voting Sheet
- D. Letter sent to applicant regarding Public Hearing
- E. Comments from Dept. of Transportation (9/27/82)
- F. Comments from Dept. of Agriculture (9/27/82)
- G. Comments from Dept. of Public Works (9/22/82)
- H. Comments from Dept. of Agriculture (9/15/82)
- I. Comments from Dept. of Agriculture (9/14/82)
- J. Memo to various governmental agencies for review/comments (9/8/82)
- K. Departmental acknowledgement letter to the applicant (9/8/82)
- L. Letter to Land Use Commission from applicant requesting extension (8/17/82)
- M. Applicant's Preliminary Schematic of Ponds
- N. Presentation Location Map (please return back to Planning Dept.)
- O. Minutes, October 14, 1982
- P. Transcript, October 14, 1982
- Q. Letter to petitioner from Dept. dated October 20, 1982

TIME EXTENSION REQUEST - HAWAIIAN ANTHURIUMS, LTD., SP 73-145

The petitioner, Hawaiian Anthuriums, Ltd., has requested a 10-year time extension to Special Permit 73-145 which allowed a quarrying and reservoir construction project on approximately 100 acres of land. The property involved is located between Eden Roc Estates and Crescent Acres subdivisions, approximately two (2) miles makai of the Volcano Road, Keaau Land Division, Puna, TMK: 1-1-100:10, 11, 37, 40 and portion of 8.

Special Permit 73-145 was originally approved by the State Land Use Commission on March 30, 1973, subject to a condition which states,

"8. That the Planning Commission shall review the progress of the operation no later than five years from the date of approval and may declare the permit null and void if no reasonable progress is assured. The maximum period of quarrying operation shall be ten (10) years from the date of approval of the five (5) year mandatory review."

Although no review has been conducted by the Planning Commission since the issuance of the permit, the permit remains valid subject to an expiration date of March 30, 1983.

In support of the request, the petitioner has stated the following:

(READ PETITIONER'S 8/17/82 LETTER)

For the Commissioner's information, the petitioner has constructed three (3) reservoirs to date including a 50,000 gallon reservoir in the late 1960's, a one (1) million gallon reservoir in 1976 and a seven (7) million gallon reservoir in 1981. None of these reservoirs have been constructed on the subject parcels but are on the premises of the existing greenhouse structures. To date, work within the subject area has consisted of excavation although the reservoirs have not been completed. While the existing reservoirs have been adequate to meet the petitioners present needs, additional capacity is required for their planned expansion of agricultural activities.

Upon review of the subject request, the State Department of Agriculture stated,

(READ DOA MEMO)

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

RECOMMENDATION: HAWAIIAN ANTHURIUMS, LTD. TIME EXTENSION

Upon review of the subject request, staff recommends that the request be given favorable consideration based on the following findings:

That the reasons for the initial approval of the subject request remain valid today. Further, the constructed expansion of the water storage capacity for agricultural uses will enhance both the productivity of the lands within the agricultural district and be consistent in the intent of that district and the County General Plan policy of promoting diversified agricultural endeavors.

It is further recommended that the request be approved subject to the condition that all conditions originally imposed except Condition No. 8 remain in effect.

Date October 14, 1982

 Preliminary hearing Public hearing Request Action

Deny

Defer

Continue

Other: _____

EXHIBIT - C

October 1, 1982

Mr. Clyde Matsunaga
70 Keaa Street
Hilo, Hawaii 96720

Dear Mr. Matsunaga:

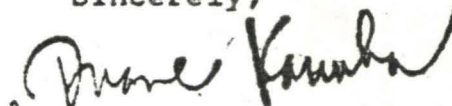
Notice of a Public Hearing
Time Extension to Special Permit 73-145
Petitioner: Hawaiian Anthurium, Ltd.
Tax Map Key 1-1-100:10, 11, 37, 40 and portion of 8

This is to inform you that the above subject request has been scheduled for a public hearing. Said hearing among others will be held beginning at 2:00 p.m. on Thursday, October 14, 1982, in the Councilroom, County Building, 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 the agenda are enclosed for your information.

Sincerely,


for Sidney M. Fuke
Director

smn

Enclosures

cc: Mr. Harold Tanouye

EXHIBIT **D**

OCT 1 1982

PUBLIC HEARINGS
PLANNING COMMISSION
COUNTY OF HAWAII

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

PLACE: Councilroom, County Building, South Hilo, Hawaii

DATE: Thursday, October 14, 1982

TIME: 2:00 p.m. (Item Nos. 1-2)

2:30 p.m. (Item Nos. 3-5)

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

1. PETITIONER: HAWAIIAN ANTHURIUM, LTD.

LOCATION: Between Eden Roc Estates and the Crescent Acres subdivisions, approximately two (2) miles makai of the Volcano Road, Keaau land division, Puna.

TMK: 1-1-100:10, 11, 37, 40 and portion of 8

PURPOSE: Ten-year time extension to Special Permit 73-145 which allowed a quarrying and reservoir construction project on approximately 100 acres of land.

2. PETITIONER: YOSHIO AND JEAN YAMASAKI

LOCATION: East side of Kehaulani Street, approximately one-fourth mile north of the Kehaulani Street-Kawailani Street intersection, Waiakea Homesteads, South Hilo.

TMK: 2-4-10:49

PURPOSE: Change of zone for 22,000 square feet of land from a Single Family Residential - 15,000 square foot (RS-15) to a Single Family Residential - 10,000 square foot (RS-10) zoned district.

3. PETITIONER: ADM, INC.

LOCATION: Along the makai side of the Hawaii Belt Road, between the highway and the 5th and 6th fairways of the SeaMountain Golf Course, Punaluu, Kau.

TMK: 9-6-02:39

PURPOSE: Change of zone for 64.1+ acres of land from an Agricultural - 20 acre and Open zoned districts to a Single-Family Residential - 15,000 square foot (RS-15) zoned district.

4. PETITIONER: HAWAIIANA INVESTMENT COMPANY, INC.

LOCATION: North and adjacent to the existing Punaluu Restaurant-Kau Cultural Center facility, Punaluu, Kau.

TMK: 9-6-01:01

PURPOSE: Change of zone for 1.0 acre of land from an Open to a Resort - 1,250 square foot (V-1.25) zoned district.

5. PETITIONER: KENNETH TANOUYE

LOCATION: East side of Manono Street, and bounded by Lanikaula, Manono and Kawili Streets, Waiakea, South Hilo.

TMK: 2-2-50:3 and portion of 2

PURPOSE: Amendment to the General Plan Land Use Pattern Allocation Guide Map from a Medium Density Urban to an Industrial designation for 45,000+ square feet of land.

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

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

(Hawaii Tribune Herald: October 1, 1982)



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
HAWAII DISTRICT
KOWAKAIA STREET
BOX 1077
HONOLULU, HAWAII 96820-0710

RYOKICHI HIGASHIONNA, Ph.D.
DIRECTOR

DEPUTY DIRECTORS

JAMES B. McCORMICK
Jonathan K. Shimada, Ph.D.
Wayne J. Yamasaki
IN REPLY REFER TO

HWY-H 82-2.924

September 27, 1982

MEMORANDUM:

TO: Director, Planning Department
County of Hawaii

FROM: District Engineer, Hawaii

SUBJECT: () Change of Zone Application
() Variance Application
() Subdivision Application No.
(x) Special Permit Time Extension Request
Hawaiian Anthuriums
TMK 1-1-100:10, 11, 37, 40 & Portion of 8

We have no objections on the proposed action for the subject application.

EXHIBIT - E

BM:jts


ALVAH T. MIYAMOTO

GEORGE R. ARIYOSHI
GOVERNOR



JACK K. SUWA
CHAIRMAN, BOARD OF AGRICULTURE

SUZANNE D. PETERSON
DEPUTY TO THE CHAIRMAN

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

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

September 27, 1982

MEMORANDUM

To: Mr. Sidney M. Fuke, Director
Planning Department, County of Hawaii

Subject: Special Permit Time Extension Request
Hawaiian Anthuriums, Ltd.
TMK: 1-1-100: 10, 11, 37, 40, por. 8
Mountain View, Hawaii

The Department of Agriculture has reviewed the subject request and offers the following comments.

According to the application, the purpose of the request is to permit the establishment of a temporary quarry operation and future water reservoirs for anthuriums and other agricultural uses on the subject parcels.

According to Mr. Harold Tanouye, President of Hawaiian Anthuriums, Ltd., the reason for having 14 ponds is to ensure the availability of irrigation water should one or more ponds develop leaks. Various crops including fruits and vegetables are proposed to be planted in the subject parcels between the ponds.

The applicant may need to mitigate the release of fugitive dust and excessive noise from the proposed quarrying operation to acceptable levels so as not to annoy residents or disrupt activities on agricultural lots to the north and east of the subject parcels.

Thank you for the opportunity to comment.

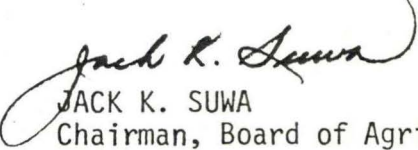

JACK K. SUWA
Chairman, Board of Agriculture

EXHIBIT - F

"Support Hawaiian Agricultural Products"

DEPARTMENT OF PUBLIC WORK.

COUNTY OF HAWAII

HILO, HAWAII

DATE September 22, 1982

Memorandum

TO : Planning Department

FROM : Chief Engineer

SUBJECT: Application for Special Permit Time Extension Request
Applicant: Hawaiian Anthuriums
Location: Puna, Hawaii
TMK: 1-1-100:10, 11, 37 40 & por. of 8

We have reviewed the subject application and we have no comments to offer.

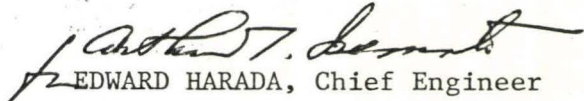

EDWARD HARADA, Chief Engineer

EXHIBIT- G



United States
Department of
Agriculture

Soil
Conservation
Service

Subject: Special Permit Time Extension Request
Applicant: Hawaiian Anthuriums

Date: September 15, 1982

To: Sidney Fuke
Planning Director
County of Hawaii, Planning Department

Dear Sid:

The subject application is within the Puna Soil and Water Conservation District. The district will review the application and forward appropriate comments.

With best regards,

Michael C. Tulang
RC&D Coordinator



The Soil Conservation Service
is an agency of the
Department of Agriculture

EXHIBIT - H

SCS-AS-2
10-79



United States
Department of
Agriculture

Soil
Conservation
Service

P. O. Box 1361
Hilo, Hawaii
96720

September 14, 1982

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

Dear Mr. Fuke:

Subject: Special Permit Time Extension Request
Applicant: Hawaiian Anthuriums
TMK 1-1-100:10, 11, 37, 40 & Por. 8

We have reviewed the above application and do not have any comments
to offer.

Sincerely,

Larry R. Soenen
District Conservationist

EXHIBIT - 1



The Soil Conservation Service
is an agency of the
Department of Agriculture

SCS-AS-1
10-79

MEMORANDUM:

PLANNING DEPARTMENT

— County of Hawaii,

Hilo, Hawaii 96720

To: Dept. of Ag Highways
✓ Health R C & D
DPW Masa
Soil Conserv.

Date: September 8, 1982

From: Planning Director

Subject: Special Permit Time Extension Request
Applicant: Hawaiian Anthuriums
TMK: 1-1-100:10, 11, 37, 40 & Portion of 8

The attached application for a time extension is being forwarded for your review. May we have your written comments within two weeks.

Thank you very much.

KK:gs
Att.

9/16/82

Found no Environmental Health
concerns with regulatory implications
in the submittals.

Hurd

EXHIBIT-1

September 8, 1982

Mr. Clyde Matsunaga
Imata & Associates, Inc.
70 Keaa Street
Hilo, HI 96720

Dear Mr. Matsunaga:

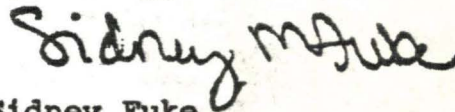
Special Permit Time Extension Request
Quarry, Crusher, and Reservoir Construction
TMK: 1-1-100;10, 11, 37, 40 and Portion 8

This is to acknowledge receipt of the time extension request on August 27, 1982.

The request is now under review. We will inform you of the time and place of the hearing as soon as it is scheduled.

If you should have any questions on this, please do not hesitate to contact Keith Kate or Brian Nishimura of this office at 961-8288.

Sincerely,



Sidney Fuke
Planning Director

KK:vhv

cc: Mr. Harold Tanouye

EXHIBIT-K

SEP 9 1982



**HAWAIIAN ANTHURIUMS, LTD.
HAWAIIAN HEART, INC.**

P.O. BOX 188 • MT. VIEW, HAWAII 96771
TELEPHONE (808) 968-6322

Cable:
HAWNHART

Telex:
633156 WUI

August 17, 1982

Land Use Commission
250 South King Street
Honolulu, Hawaii 96813

SUBJECT: 10-Year Extension on Special Permit 73-145
at Mt. View, Puna, Hawaii
TMK: 3rd Div. 1-1-100: Parcels 40, 37, 11, 10 and
portion of 8

PETITIONERS: Hawaiian Anthuriums, Ltd. and
Harold S. Tanouye and Sons, Inc.

The petitioner requests a 10-year extension on special permit 73-145 for the establishment of a temporary quarry operation and future water storage reservoirs for anthuriums and other agricultural uses.

Enclosed is a preliminary schematic showing the future water storage reservoirs to be constructed upon completion of the quarrying operations.

Experimental reservoirs have been constructed within the existing anthurium farm site and its feasibility, durability to earthquakes, and operational expertise has been established, the petitioner is prepared to begin quarrying operations and construction of the water reservoirs within the 100 acre site.

The need and dependability has also been verified. During the past periods of drought, no emergency assistance or aid was required from Civil Defense or the County of Hawaii. The water requirements of the anthurium farm was fulfilled by the experimental reservoirs.

Your approval of my extension request will be greatly appreciated.

Very truly yours,

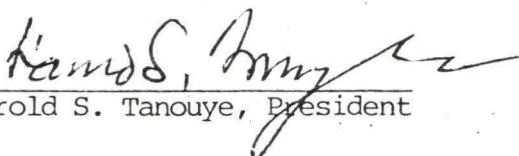

Harold S. Tanouye, President

EXHIBIT - L



SP73-145 - HAWAIIAN
ANTHURIUMS, LTD.
(Time Extension)

EXHIBIT M - Preliminary
Schematic of Ponds

EXHIBIT N - Location Map

PLEASE NOTE:

RETURN MAP BACK TO PLAN-
NING DEPT, C/HAWAII

EXHIBITS: M & N

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
October 14, 1982

The Planning Commission met in regular session at 1:00 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman Alfredo Orita presiding.

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

ABSENT: Ex-officio Member
H. William Sewake
Ex-officio Member
Edward Harada

Sidney M. Fuke, Planning Director
Keith Kato, Staff Planner
Royden Yamasato, Staff Planner
Virginia Goldstein, Staff Planner (from 3:52 p.m.)

Ben Tsukazaki, Deputy Corporation Counsel

and approximately 3 people at 1:00 p.m., 4 people at 1:30 p.m., 5 people at 2:11 p.m., 9 people at 2:54 p.m., and one person from the public at 4:35 p.m. in attendance

All those testifying were duly sworn in.

APPEAL -
CHANGE OF ZONE
MINORU SHIGEOKA
WAIAKEA,
SOUTH HILO

Petition for an appeal filed by Minoru Shigeoka on the Planning Director's denial action on a change of zone application for 1 acre of land from a Single Family Residential - 10,000 square foot (RS-10) to a Neighborhood Commercial - 10,000 square foot (CN-10) zoned district. The property involved is located between Kilauea Avenue and the KTA complex, approximately 500 feet Puna side of the Kilauea Avenue-Puainako Street intersection, Waiakea Homestead House Lots, South Hilo, TMK: 2-2-40:09.

The petitioner, Minoru Shigeoka, and his representative, Katsuya Yamada, were in attendance.

It was moved by Commissioner Frias and seconded by Commissioner Ponte to affirm the Director's denial. There was no objection from Mr. Yamada in having Commissioners Whitmarsh and Ponte vote on the application even though they were not present at the last meeting as they were aware of the information provided at that meeting. A roll call vote was taken and motion carried with nine ayes.

EXHIBIT O

It was moved by Commissioner Imada and seconded by Commissioner Whitmarsh to send a favorable recommendation to the County Council on the above street names. Motion was carried.

RECESS

The Chair called a short recess at 2:06 p.m.

RECONVENED

The meeting reconvened at 2:11 p.m. and the Commission took up the public hearings scheduled for 2:00 p.m.

✓ TIME EXTENSION -

SP 73-145

HAWAIIAN

ANTHURIUM, LTD.

KEAAU,

PUNA

Public hearing on the request by Hawaiian Anthurium, Ltd., for a 10-year time extension to Special Permit 73-145 which allowed a quarrying and reservoir construction project on approximately 100 acres of land. The property involved is located between Eden Roc Estates and the Crescent Acres subdivisions, approximately

two (2) miles makai of the Volcano Road, Keaau land division, Puna, TMK: 1-1-100:10, 11, 37, 40 and portion of 8.

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

In response to Commissioner Kagawa's questioning, staff noted that most of the work relating to reservoirs has not occurred on this property, the petitioner is presently working with the Soil Conservation Service, and that there have been some excavation work done although he did not know how much. He added that at this point the petitioner has indicated that they cannot expand their agricultural activity without any water.

Upon the Director's questioning, staff noted that the reservoirs constructed in 1976 and 1981 were done on other parcels for which a special permit was not required, clarifying that the development of reservoirs is a permitted use within the State land Use District and is not subject to a special permit.

Commissioner Kagawa said he felt based upon the petitioner's performance, the Commission should recommend a performance standard or timetable for the developer.

Neither the petitioner nor his representative were in attendance.

Upon Commissioner Thompson's questioning, staff noted that at the expiration of the special permit, the land would have to be refilled and also that the subject property is owned in fee by the petitioner.

There was no one testifying on the application.

It was moved by Commissioner Nakano and seconded by Commissioner Thompson that the public hearing be closed. Motion was carried.

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

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
October 14, 1982

A regularly advertised public hearing on the application of Hawaiian Anthurium, Ltd. was called to order at 2:11 p.m. in the Councilroom, County Building, South Hilo, Hawaii, with Chairman Alfredo Orita presiding.

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

ABSENT: Ex-officio Member
H. William Sewake
Ex-officio Member
Edward Harada

Sidney M. Fuke, Planning Director
Keith Kato, Staff Planner
Royden Yamasato, Staff Planner

Ben Tsukazaki, Deputy Corporation Counsel

CHAIRMAN: Public hearing on the request by Hawaiian Anthurium, Ltd., for a 10-year time extension to Special Permit 73-145 which allowed a quarrying and reservoir construction project on approximately 100 acres of land. The property involved is located between Eden Roc Estates and the Crescent Acres subdivisions, approximately two (2) miles makai of the Volcano Road, Keaau land division, Puna, TMK: 1-1-100:10, 11, 37, 40 and portion of 8. Staff?

KATO: (Presented background and recommendation for approval with conditions, on file.)

CHAIRMAN: Thank you, Keith. Commissioners?

KAGAWA: Mr. Chairman?

CHAIRMAN: Commissioner Kagawa.

KAGAWA: Keith, during these past ten years how much did he accomplish of his plan?

KATO: Based on my conversation with the applicant, it appears that most of the work relating to the reservoirs has not occurred on this property. They have been working with the Soil Conservation Service and their engineers to iron out their kinks in the design and construction. What he has indicated is that they've done some excavation on this site to date, although I don't know exactly how much.

KAGAWA: What assurance do we have that in the next ten years he'll do something?

KATO: He verbally indicated to me that at this point they cannot expand their agricultural activity without more water and so therefore they intend to start developing the farm on the subject property.

CHAIRMAN: Keith, I got a question. You know, the special permit which was granted in 1973 on March said, "The Planning Commission shall review the progress of the operation no later than five years from the date of approval and declare the permit null and void if no reasonable progress is made." Was there any field trip taken to see that they were doing something within the five-year time?

KATO: Mr. Chairman, based on my review of the files, following the initial approval of the permit, no activity at all by the Planning Commission was undertaken.

CHAIRMAN: Thank you, Keith. Commissioners? None?

FUKE: Mr. Chairman?

CHAIRMAN: Mr. Director.

FUKE: Keith, as I understand, they have three reservoirs - One constructed in 1960, one in 1976 and another one in 1981. Then I would assume that the 1976 to 1981 reservoirs were to be operated under the same quarrying and reservoir construction type of activity for which this request is for.

KATO: It appears to be -.

FUKE: Or is that a different kind of reservoir?

KATO: No, it's for the same type of reservoir. The reason of this is that the situation is that these were not constructed on the parcels for which a special permit was granted.

FUKE: Were there special permits granted for those other two?

KATO: I don't believe so.

FUKE: Do you know why he decided to construct those two quarries on the other parcel and not this parcel?

KATO: In talking to him, it seems as though those, where they ended up constructing them were in close proximity to the existing greenhouse operation.

FUKE: So more operational constraints then?

KATO: That's correct. Just as a matter of clarification, it's my understanding that the development in having reservoirs is a permitted use within the State Land Use Agricultural District and is not subject to a special permit. However, the petitioner intends to take the material from the holes that he's going to excavate and use them and crush up some of the rocks so he can use it in the construction of the roads for their operation as well as within the greenhouse. So it, basically, is a quarrying permit.

FUKE: You also pointed out that work within the subject area consisted of excavation although the reservoirs have not been completed. How much excavation has occurred on the property, would you know?

KATO: I don't have that information.

CHAIRMAN: Any other questions? Keith, I've got a question. If we were to approve the time extension, it would be a recommendation to the State Land Use, am I correct?

KATO: That's correct.

CHAIRMAN: And yet the State Land Use says the maximum period of quarrying operation shall be ten years; and the ten years is not up yet. Am I correct?

KATO: That's correct. The ten years will come up on March 30, 1983.

CHAIRMAN: Thank you. Commissioner Kagawa, did you have a question?

KAGAWA: I would think that based on his performance, I think we should recommend some kind of performance or standard or timetable or something to go along with his reason that he wants to expand, he'd like to move forward with this.

CHAIRMAN: Any other questions for the Department?

FUKE: Was he informed of today's meeting?

KATO: Yes, he was.

FUKE: And did he indicate whether he could come or not?

KATO: No, he did not indicate either way.

CHAIRMAN: So the applicant is not present?

KATO: I don't believe so.

CHAIRMAN: Any other questions, Commissioners?

THOMPSON: Mr. Chairman?

CHAIRMAN: Commissioner Thompson.

THOMPSON: Keith, by looking at this in a quarrying operation, as I understand a normal quarrying operation after they've quarried for an "x" number of years they have to come up with the plan to bring the land back to its original use, I mean, without leaving a hole. But by applying for a permit to go into reservoir building, that's the peak, that's above the hook as far as leaving the hole in the ground, huh?

KATO: That's correct.

THOMPSON: Is this land leased or State owned? Do you know the background?

KATO: I believe that this land is owned in fee by the petitioner.

THOMPSON: Thank you.

CHAIRMAN: Commissioners, any other questions? I for one would like to suggest that we continue the public hearing and maybe have the applicant present to answer some questions. Any objections to having this hearing continued?

Anyway, before we act on a motion, is the applicant present? Madam Secretary, let the record show that the applicant is not present.

This is a public hearing. Is there anyone from the audience that would like to give testimony on this application? Madam Secretary, let the record show that there is no one from the audience that would like to give testimony.

NAKANO: Mr. Chairman?

CHAIRMAN: Commissioner Nakano.

NAKANO: I move the public hearing be closed.

CHAIRMAN: It has been moved that the public hearing be closed. Any second?

THOMPSON: Second the motion.

CHAIRMAN: All those in favor of closing the public hearing say aye?

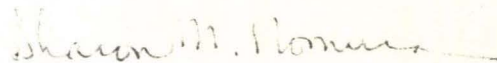
COMMISSIONERS: Aye.

CHAIRMAN: Oppose? Public hearing is closed.

It was moved by Commissioner Imada and seconded by Commissioner Nakano to send a favorable recommendation to the State Land Use Commission as recommended by the staff. A roll call vote was taken and motion carried with nine ayes.

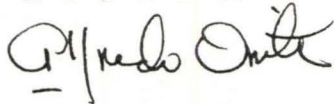
The public hearing adjourned at 2:26 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T:



Alfredo Orita
Chairman, Planning Commission

CERTIFIED MAIL

October 20, 1982

Mr. Clyde Matsunaga
70 Keaa Street
Hilo, HI 96720

Dear Mr. Matsunaga:

Time Extension to Special Permit 73-145
Petitioner: Hawaiian Anthurium, Ltd.
Tax Map Key 1-1-100:10, 11, 37, 40 and portion of 8

The Planning Commission at its duly held public hearing on October 14, 1982, considered your request for a 10-year time extension to Special Permit No. 73-145 which allowed a quarrying and reservoir construction project on approximately 100 acres of land situated within the State Land Use Agricultural District at Keaa land division, Puna.

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

That the reasons for the initial approval of the subject request remain valid today. Further, the constructed expansion of the water storage capacity for agricultural uses will enhance both the productivity of the lands within the agricultural district and be consistent in the intent of that district and the County General Plan policy of promoting diversified agricultural endeavors.

It is further recommended that the request be approved subject to the condition that all conditions originally imposed except Condition No. 8 remain in effect.

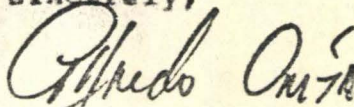
EXHIBIT 9

OCT 20 1982

Mr. Clyde Matsunaga
Page 2

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

Sincerely,



Alfredo Orita
Chairman, Planning Commission

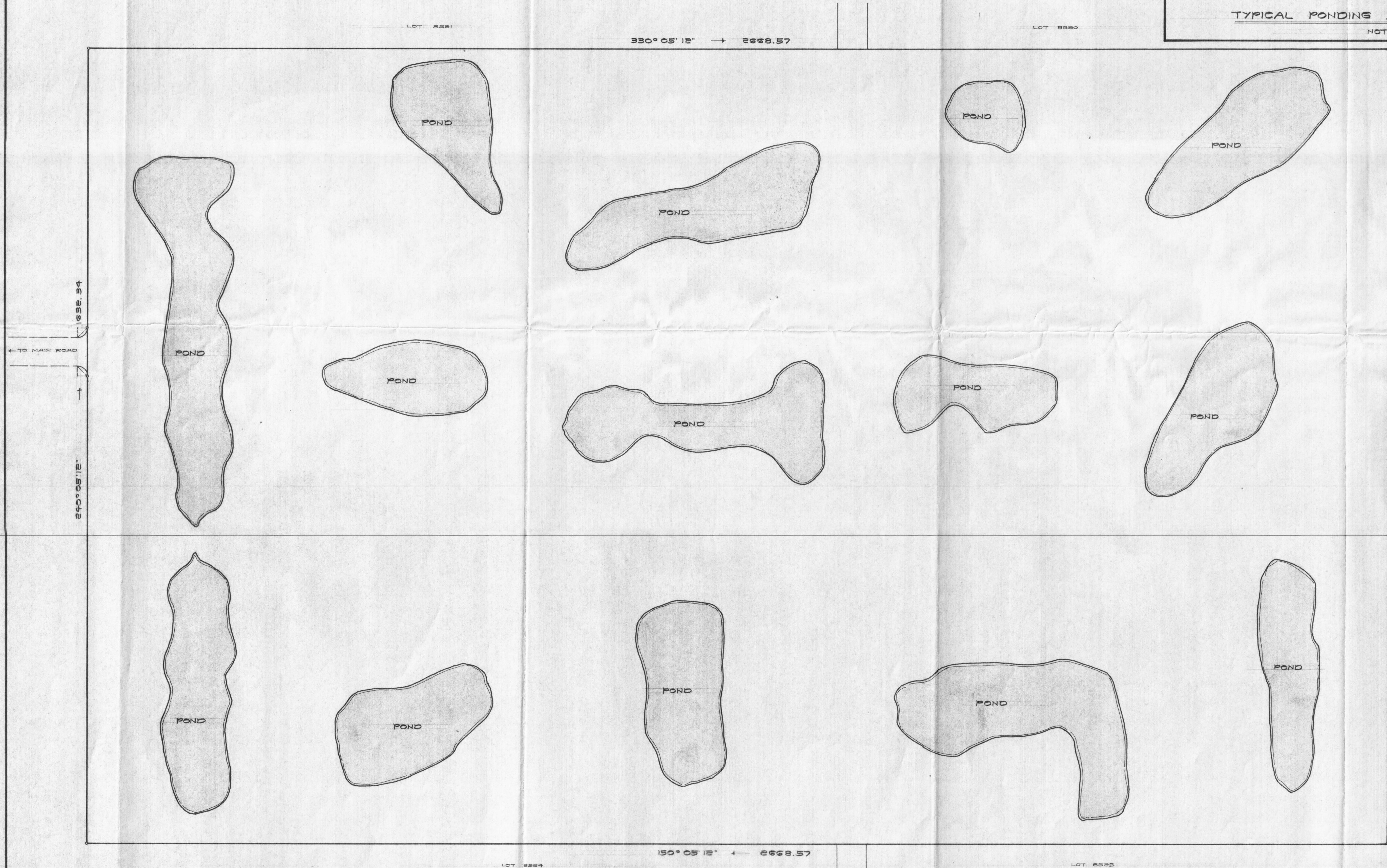
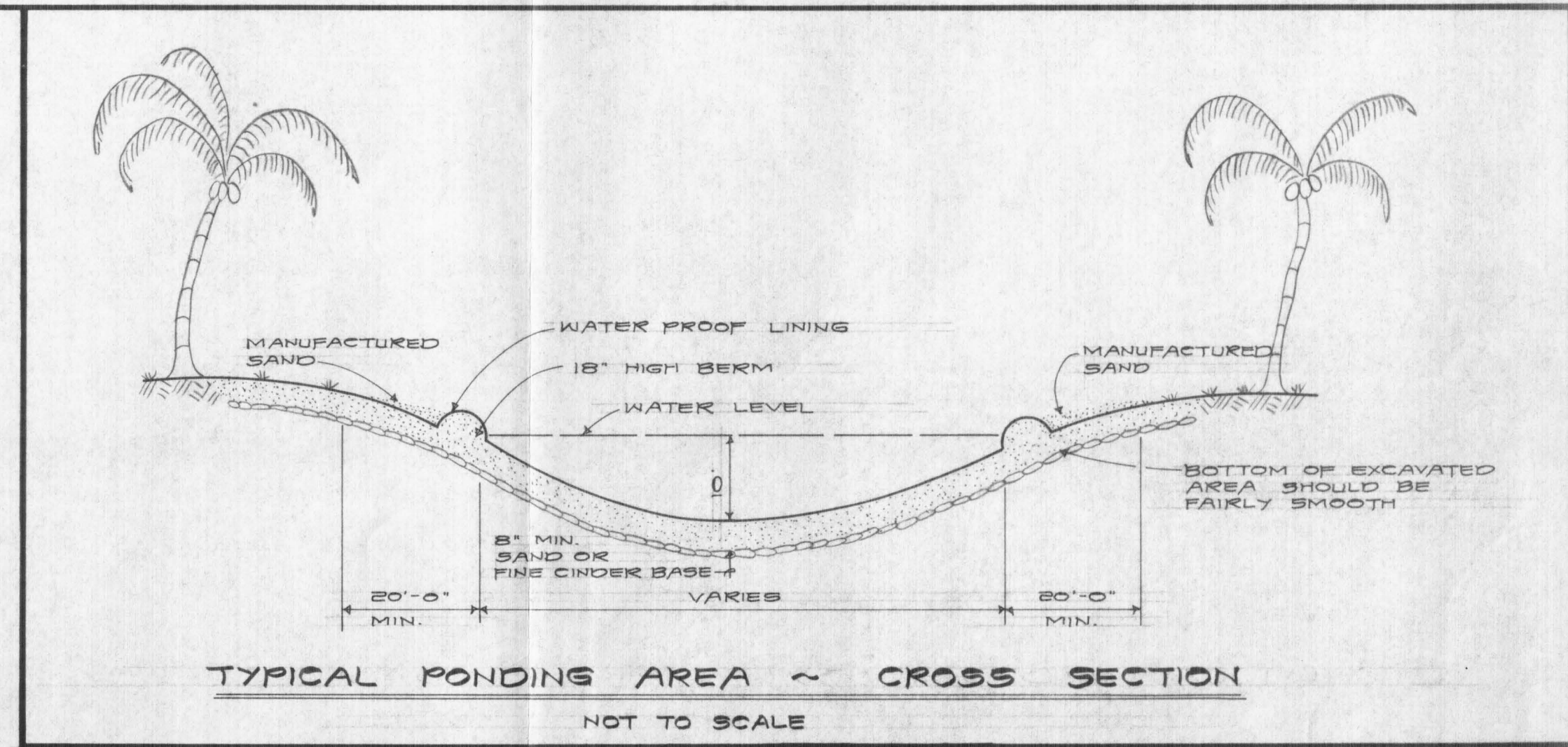
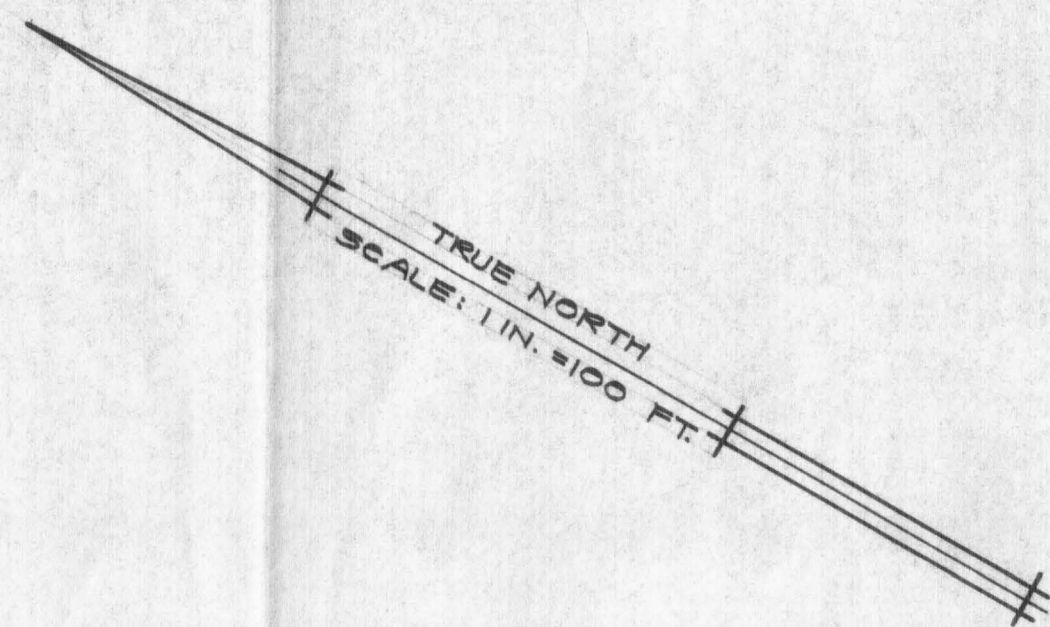
db

cc: DPED, Land Use Division
Building Division, Public Works



HAWAIIAN ANTHURIUMS SPECIAL PERMIT





**PRELIMINARY SCHEMATIC
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