SPECIAL PERMIT
Petition Received MAR 30 1977
Maps 4/13/77
Action Span 3/30/77 — 5/14/77
Action Date 5/14/77
Recordation 5/26/77

SP77-260 - RICHARD SMART dba PARKER RANCH(HI.)

Bernard K. Akana
Mayor
Duane Kanuha
Director
William L. Moore
Deputy Director

Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

disregard this file per Norman Hayashi

March 20, 1990

LAND USE COMMISSION
STATE OF HAWAII
MAR 22 12 34 PM '90

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

Dear Ms. Ueda:

Amendment to Special Permit No. 77-260
Richard Smart Trust dba Parker Ranch
Quarry Sites

In accordance with your letter of February 13, 1990, regarding the above-captioned Special Permit, we are transmitting the entire docket related to the amendment request to the State Land Use Commission for consideration.

Should you have any questions, please contact Norman Hayashi or Connie Kiriu of this office at 961-8288.

Sincerely,

William L. Moore

DUANE KANUHA
Planning Director

NH:syw

Enclosures

cc: Planning Commission
Robert W. Carlsmith, Esq.

LIST OF EXHIBITS - RICHARD SMART TRUST DBA PARKER RANCH
AMENDMENT TO SPECIAL PERMIT NO. 357 (77-260)

A. Letter to Planning Director from Robert Carlsmith, Esq. re: request for amendments to Special Permit No. 77-260 (11/7/89)

A-1. Location Map w/revised site map

A-2. Letter of Transmittal (11/9/89)

B. Planning Department's acknowledgement letter (11/21/89)

C. Memorandum to Agencies (11/21/89)

D. Real Property Tax Division (11/27/89)

E. HELCO, Engineering Department (11/27/89)

F. Department of Water Supply (11/29/89)

G. Police Department (12/4/89)

H. Mauna Kea SWCD (12/4/89)

I. State Department of Health (12/5/89)

J. Department of Agriculture (12/13/89)

K. Department of Public Works (12/14/89)

L. State Department of Transportation, Highways Division (12/27/89)

M. Letter to Robert W. Carlsmith, Esq. from Planning Director (1/2/90)

M-1. Public Hearing Notice

N. Letter to Harold Matsuura, Chief Sanitarian from Planning Director (1/10/90)

O. State Department of Land and Natural Resources (1/8/90)

P. Staff Background

Q. Staff Recommendation

Q-1. Staff Recommendation Revised Page 7

R. Voting Sheet

S. Hearing Transcript

T. Letter of approval for amendment to Special Permit No. 357 (77-260) (1/31/90)

U. Site Plan re: Quarry Site 1

V. Site Plan re: Quarry Site 2

W. Site Plan re: Quarry Sites 3-5

Planning Commission
25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Bernard K. Akana
Mayor

CERTIFIED MAIL

January 31, 1990

Robert W. Carlsmith, Esq.
P.O. Box 1720
Kailua-Kona, HI 96745-1720

MAR 22 12 35 PM

Dear Mr. Carlsmith:

Amendment to Special Permit No. 357 (77-260)
Applicant: Richard Smart Trust dba Parker Ranch
TMK: 4-7-07:Portion of 11, Kapa'aula, Hamakua (Site No. 1)
5-6-01:Portion of 51, Puakea, North Kohala (Site No. 2)
6-7-01:Portion of 3, Waikoloa, South Kohala (Site No. 3)
6-7-01:Portion of 25, Waikoloa, South Kohala (Site No. 4)
6-7-01:Portion of 25, Waikoloa, South Kohala (Site No. 5)

The Planning Commission at its duly held public hearing on January 18, 1990, voted to partially approve your request to amend Special Permit No. 357 (77-260) which allowed for the continued operation of five existing quarry sites situated within the State Land Use Agricultural District in the Hamakua, North Kohala, and South Kohala Districts of Hawaii. The request for indefinite time and the conditional deletion of Site No. 4 was denied, and the request to expand Site No. 2 and delete Site No. 3 was approved.

The decision of the Planning Commission is based on the following:

1. The request for an indefinite life to the Special Permit instead of the 10-year time period is contrary to the original reasons for granting the permit in 1977. It is recognized that quarrying is an activity generated from a non-renewable resource, which will terminate upon the resource being exhausted or due to the lack of demand. Such an activity should be re-evaluated against the conditions and trends at that

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point in time. Decreased demand of the resource material or urban expansion in the vicinity of any of the sites could warrant its termination. In this regard, another 10-year time period from the date of amendment approval is being recommended. In addition, the monitoring of such activity may be accomplished through the submittal of an annual monitoring report detailing the approximate amount of material quarried, listing of public complaints or problems, disposition of complaints and so on. A new condition is being recommended to allow for annual reporting and possible follow-up mitigation.

2. The expansion of Site No. 2 to a 14.9-acre site will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The area is rated Very Poor or "E" by the Land Study Bureau for agricultural productivity and would be an extension of the existing approved quarry site. Commercial excavation or removal of natural building material or minerals is a permitted use within the County's Agricultural zone district. It is determined that approval of the subject request to allow the expansion of a quarry operation would be compatible with the existing land use designations and would not be circumventing the County's planning effort for this particular area, nor would it be detrimental to the agricultural resources of the county or state. The State Department of Agriculture raised no objections to the request.

The proposed expansion will not adversely affect the surrounding properties. The expansion will be occurring in an easterly (mauka) direction away from the Puakea Ranch Subdivision and also away from the Kawamoto residence referred to in Condition No. 2.b.3 of the subject permit.

The proposed expansion will not unreasonably burden public agencies to provide additional facilities and services. The Department of Transportation-Highways Division has commented that access would be allowed from "permitted access openings" on the Akoni Pule Highway. Other cooperating agencies had no objections to the request.

Based on the foregoing, it is determined that the proposed expansion of Site No. 2 is an unusual and reasonable use of the land within the State Land Use Agricultural District and that approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

3. While the deletion of Site No. 3 should not affect the original permit, Condition No. 6 of Special Permit No. 357 (77-260) must still be complied with. Please be advised that with the deletion of Site No. 3 from the permit, the Planning Commission required that appropriate documentation that Condition No. 6 has been complied with shall be submitted to the Planning Director for approval within ninety days from approval of the amendment request (January 18, 1990).

4. The deletion of Site No. 4 from the Special Permit upon approval of another Special Permit application for expansion of a 30-acre site to a 90-acre area by the Land Use Commission would not be consistent with the State Land Use Law Rules and Regulations. The applicant wishes to keep his options under Special Permit No. 357 (77-260) should the new Special Permit request be denied. Site No. 4 is 30 acres in size and, therefore, could not be retained under the original permit, which is being reviewed by only the Planning Commission. It is recommended that Site No. 4 be deleted in its entirety from this permit as it is the subject of a different Special Permit application which undergoes a separate decision-making process. If the Special Permit expansion request is denied, Site No. 4 would not be permitted to operate.

Special Permit No. 357 (77-260) is amended as follows: [Bracketed material [ ] to be deleted; underscored material to be added.]

1. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the five (5) quarry sites within six (6) months of the effective date of the Special Permit. Further, that a metes and bounds description of the expanded Site No. 2 shall be filed with the Planning Department within six months from the date of approval of this amendment.

2. That the following requirements shall be applied to the specified sites:

a. Site No. 1 (TMK: 4-7-07: Portion of 11 - identified as Exhibit BB on file with the County of Hawaii Planning Department).

1) Maximum of ten (10) acres.

2) Operation limited to dynamiting, portable crusher, loading and stockpiling.

3) Stockpiled material shall be outside of the government right-of-way (Mamalahoa Highway).

4) Any debris left on Mamalahoa Highway as a result of the quarry operation shall be cleared by the quarry operator.

b. Site No. 2 (TMK: 5-6-01: Portion of 52-Exhibit CC)

1) Maximum of [six (6)] 14.9 acres.

2) Operation limited to scraping, loading and limited stockpiling.

3) Operation shall be confined to the side of the existing cinder cone away from the Kawamoto dwelling.

4) A grading permit for the expansion area shall be secured within one year from the date of approval of the amendment request.

[c. Site No. 3 (TMK: 6-7-01: Portion of 3-Exhibit DD)

1) Maximum of sixty (60) acres.

2) Operation limited to scraping, loading, limited stockpiling and installation of scales.

3) Any debris left on Saddle Road as a result of the quarrying operation shall be cleared by the quarry operator.

d. Site No. 4 (TMK: 6-7-01: Portion of 25-Exhibit DD)

1) Maximum of thirty (30) acres.

2) Operation shall be limited to dynamiting, portable crusher, loading and limited stockpiling.

e.] c. Site No. 5 (TMK: 6-7-01: Portion of 25-Exhibit DD)

1) Maximum of five (5) acres.

2) Operation limited to scraping, loading and limited stockpiling.

3. That the rules and regulations of the State Department of Health shall be complied with.

4. That the operations, including the loading and hauling, be limited to between the hours of 7:00 a.m. and 5:00 p.m. on Mondays through Saturdays only.

5. That the quarrying operations and its allied uses be terminated within ten (10) years from [after] the [effective] date of approval of the Special Permit amendment or their prior abandonment, whichever occurs first.

6. That upon termination of the operations at each site, the lands shall be graded to blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Planning Director for review and approval within ninety(90) days from the termination date [, subject to the approval of the County of Hawaii Planning Director].

7. That all other applicable laws, requirements, rules and regulations be complied with.

8. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of the amendment request. The report shall

include, but not be limited to, the amount of material quarried, a detailed listing of public complaints or problems, and their disposition. Should a conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the introduced use will have an adverse impact on surrounding properties.

9. Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, [the Special Permit may be deemed null and void] the Director may initiate procedures to revoke the permit.

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

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Fred Y. Fujimoto

Fred Y. Fujimoto
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission

bcc: Plan Approval Section

PLANNING COMMISSION
County of Hawaii

HEARING TRANSCRIPT
January 18, 1990

A regularly advertised public hearing on the application of Richard Smart Trust dba Parker Ranch was called to order at 3:37 p.m. in the Kona Surf Hotel, Kohala Conference Room, Keauhou, North Kona, Hawaii, with Chairman Fred Y. Fujimoto presiding.

PRESENT: Fred Fujimoto
Jeanne Comer
Denny Holt
Tommy Ishimaru
Mike Luce
Tom Poy
Sally Rice
Nemesio Sanchez

ABSENT: Ex-officio Member
H. William Sewake

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LAND USE COMMISSION
STATE OF HAWAII

Duane Kanuha, Planning Director
Norman Hayashi, Staff Planner
Connie Kiriu, Staff Planner
Daryn Arai, Staff Planner

Fred Giannini, Deputy Corporation Counsel
Larry Capellas representing Department of Public Works

And approximately 32 people from the public in attendance.

CHAIRMAN: On the next application of Richard Smart, will there be a lot of people testifying, other than the three that I have here? Just one.

LUCE: Mr. Chairman, on this application, I have a verbal direct business interest in one of the TMK's. I'd like to be excused and come back on the next agenda item.

CHAIRMAN: Yes, you may.

LUCE: Those that will be testifying, will you all stand up and I'll swear you all in now. Do you swear or affirm to tell the truth on this application now before the Hawaii County Planning Commission?

TESTIFIERS: I do.

CHAIRMAN: Connie.

KIRIU: This is a request by Richard Smart Trust dba Parker Ranch. They're requesting to amend Special Permit No. 357, Docket No. 77-260, which allowed for the continued operation of five existing quarry sites situated within the State Land Use

EXHIBIT S

Agricultural District in the Hamakua, North Kohala and South Kohala Districts of Hawaii. The requested amendments are as follows: (1) Deletion of the 10-year life of the permit imposed by Condition No. 5; (2) 8.9-acre expansion of the existing 6-acre Site No. 2 identified as TMK: 5-6-01:Portion of 51; (3) Deletion of Site No. 3 (TMK: 6-7-01:Portion of 3) from the permit; and (4) Deletion of Site No. 4 (TMK: 6-7-01:Portion of 25) conditioned upon the Special Permit application listed as Item No. 2 on the agenda being approved by the State Land Use Commission. The sites involved are located as follows: Site No. 1--TMK: 4-7-07:Portion of 11, Kapa'aula, Hamakua; Site No. 2--TMK: 5-6-01:Portion of 51, Puakea, North Kohala; Site No. 3--TMK: 6-7-01:Portion of 3, Waikoloa, South Kohala; Site No. 4--TMK: 6-7-01:Portion of 25, Waikoloa, South Kohala; Site No. 5--TMK: 6-7-01:Portion of 25, Waikoloa, South Kohala.

Directing your attention to the location map, excuse me, we'll take each site and request separately. This is Site No. 1. It is located in the Hamakua district. This is the Hawaii Belt Road going from Hilo to Kamuela; and this is the side road going to Ahualoa. This site is an existing 10-acre site. The Site No. 2 is on this map shown here. It has an existing zoning of Agricultural 20 acres. This black line is the Hawi-Mahukona Road, from Mahukona to Hawi. This site was approved as a 6-acre site; and there's an expansion that's being proposed in a mauka direction, this being towards the ocean and this leading up towards the mountain. The expansion is for 8.9 acres, making a total of a 14.9-acre quarry site. The Puakea Subdivision is on the makai side of this Hawi-Mahukona Road and approximately 500 feet away from the existing quarry site. Site No. 3, directing your attention to this map, this is the Hawaii Belt, Mamalahoa Highway, and the Saddle Road intersection is this fork in the road here. Site No. 3 is located along Saddle Road, Kailua side. They are requesting to delete this site from the permit. Site No. 4 is a 30-acre site right now. They are requesting conditional deletion of this site because they also have a request, which is the next application, to expand it to a 91-acre site. And that is, that proposed expansion, because it is over 15 acres in size, will have to go before the State Land Use Commission, if approved. Site No. 5 is also along the same easement road; and it was approved as a 5-acre site.

The requests are varying in nature, and so is our recommendations. If I can go over them rather quickly. We're recommending denial of the request for an indefinite life period of the permit. We're, instead, recommending a 10-year time limitation to the sites that would still be on-going. We've added a monitoring condition also to help us show the concerns or bring out any concerns that might be relative to looking at this, that these quarry sites might bring about. The second request to expand Site No. 2, which is in North Kohala, to a 14.9-acre site. We're recommending approval; and we're also recommending certain amendments to the existing permit. And on Site No. 3, the deletion of Site No. 3 along Saddle Road, we're recommending approval of that. Site No. 4, the conditional

deletion, we're recommending denial. We feel that this body is not the proper body to recommend a conditional approval of a site that is greater than 15 acres in size. So, instead, we are recommending that this site be deleted as of this meeting. That's pretty much the changes that we are recommending. Do you have any questions?

ISHIMARU: Mr. Chairman?

CHAIRMAN: Commissioner Ishimaru.

ISHIMARU: I have a question for Connie. Connie, in the past, were there any written complaints?

KIRIU: We've investigated all of the quarry sites and we have, the Planning Department has not received any written or verbal complaints, at least that were on file. We also followed up with the Department of Health who said that there were complaints of the sites; and we determined that none of these sites were the ones that received the complaints, instead it was the one along Waikoloa Road and Queen Kaahumanu Highway that had received the complaints.

ISHIMARU: Thank you.

CHAIRMAN: Are there any other questions, Commissioners? Thank you, Connie. This is a public hearing. Are there others who wish to testify on this matter? David Ramos.

CARLSMITH: Mr. Chairman, if I may, I'm Robert Carlsmith. I'd like to give a presentation on behalf of the applicant. We have David Ramos here and Carl Simon and other people to testify if questions are entertained and answers are necessary.

CHAIRMAN: Okay, you may do so.

CARLSMITH: Mr. Chairman, Members of the Commission, my name is Robert Carlsmith; and I'm representing the applicant in this matter. We have in the audience here Mr. David Ramos representing Parker Ranch. We have Carl Simon representing West Hawaii Concrete, Glenn Kuwaye who is representing Allied Aggregates. Allied Aggregates is involved in Site No. 3. Carl Simon is involved in Site No. 4, that's West Hawaii Concrete. And Site No. 2 is the site that Mr. Mike Luce, one of the Commissioners, is involved in. If there any questions regarding any of the sites, the individuals are here available to give answers to those questions.

The, I wanted to point out only a couple of items because I believe staff made a pretty complete presentation. The first thing I wanted to point out is there may be some interested parties in the audience who are concerned about the quarry operation within 300 feet of their residence or their business; and I wanted to point out that our notification went to all property owners or residents within 300 feet of the property line. And it just happens that some of these sites are on parcels of property that are 25,000 square feet in

size. So even though we may have notified people within 300 feet of the property line, their residence may be, oh, 3 miles or more away from the quarry site; and that just happens to be a quirk that happened because the quarries are within such a large parcel. For example, on the, Waimea town, we notified people that had residence in this area here about the public hearing on Site No. 5 and Site No. 4. So that even though we had to notify you as being property owners within 300 feet, you can see that you're several miles from the actual site. So I hope that clarifies some concerns that may have been raised by people that had notice of this public hearing.

Now the second thing that I wanted to point out is that these quarry sites do provide a very necessary source of materials to fuel the growth of the economy in West Hawaii, and it's particularly a major source of certain types of aggregates and soils and other materials.

The applicant has reviewed the recommendations of the staff and they accept the conditions that the staff has put into their recommendations. They did have two items that they wanted to, that they would prefer changing from the recommendations that the staff had. The first item has to deal with covering the trucks that are taking aggregate from the quarry sites; and they'd like to have this recommendation deleted because there is a State law that regulates the covering of trucks. And particularly with respect to West Hawaii Concrete, much of their transportation is from the quarry site to the batching plant and never actually gets on the highway. They also would have difficulty in policing operators that come in who are taking aggregate off of their site that they don't have control over.

The second item is with respect to the West Hawaii Concrete site on the hours of operation. Now this is the site which is No. 4.

KIRIU: You can take it up at the next stage.

CARLSMITH: Yeah, we can take it up at the next stage, all right. And that's all I have at this time with respect to the applicant's position.

CHAIRMAN: Are there any questions, Commissioners?

KANUHA: Mr. Chairman?

CHAIRMAN: Mr. Kanuha.

KANUHA: The applicant has concurred with staff on the proposed deletion of the condition, and I believe it's Condition No. 7 with regard to the covering of the loads. And we concur with the applicant that this condition is already one that is imposed by the State and need not be included as a condition of approval for this particular application. So our recommendation would be also to have it deleted.

CHAIRMAN: Are there any other questions by the Commissioners?

HOLT: Just for clarification, you are then deleting No. 7 on page 7, Condition 7?

KANUHA: That's, staff would have no problem with that deletion.

HOLT: Okay, fine, thank you.

CHAIRMAN: Any other questions? This is a public hearing. Are there others who wish to testify on this matter? Yes. You have been sworn in. So will you state your name into the microphone.

KALAWAIANUI: My name is William Paakala Kalawaianui, as a king kaakaiheamoku. I own all of this. Right now at Puakea, it's not in my, my farm lot is in, how he has L.C.7715 Lot Kamehameha. If the Commissioners want, can check all the L.C. of this quarry. Right now, Parker Ranch, which must have Anaehoomalu, Waikoloa, Keamoku, Humuula, down to my ranch at Waikoloa belongs to 9971 William P. Pelehoku which is my descendants. The next one on the area belongs to George B. Hueo Young, Johnny Young's son, who is my ancestors. That's all I got to say.

CHAIRMAN: Are you for it or against it?

KALAWAIANUI: Well, I'm against it. I objecting all that. What they're doing is taking the quarry from my ancestors and making money on it; and I don't have anything. Right now, I had sent all my papers to Harold Masumoto in Honolulu for six months. Look like they really looked on 'um because came back all wrinkled. And he says that there's nothing they can do because it is all personal. It is true, it's all personal. I'm glad when I'm here, all that's done here, the moment I take it to the Supreme Court, this will be. Because there's nobody here in Hawaii, we talk about sovereignty and sovereign, that's Senator Inouye. And I had submit that paper to Senator Inouye to look back in 1959 where all those people who leased the land from my ancestors from 1893 to 1959 and demand their rights that they own the land, have them genealogy and urge them to come forth whatever time.

CHAIRMAN: Thank you. This is a public hearing. Are there others that wish to testify on this matter?

KALAWAIANUI: Can I get my papers back? Oh, going around yet.

KIRIU: You want it back?

KALAWAIANUI: Well, I have to make a copy. This is not a court. This is just a hearing so I want my papers back. If I knew first, I would read my genealogy; but I want to bring it to the Supreme Court to have this thing -.

CHAIRMAN: Thank you. This is a public hearing. Are there others who wish to testify on this matter?

ISHIMARU: I make a motion the public hearing be closed.

HOLT: Second.

CHAIRMAN: Moved and seconded that the public hearing be closed. All those in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN: Oppose, no. Carried.

ISHIMARU: Mr. Chairman, I make a motion to approve the application with the conditions that are recommended by staff - Deny the indefinite operation, changed to 10 years; and approval of Site 2 for expansion; and deletion of Site 3, and also the Condition 7; and also deletion of Site No. 4.

HOLT: I'll second the motion.

CHAIRMAN: You know, can we put it in one sentence?

ISHIMARU: I'll let the staff take care of that. Connie, would you?

CHAIRMAN: But we are going to delete Condition 7?

KIRIU: Yes, that's agreeable.

CHAIRMAN: Do we all understand the motion? Any discussion? Roll call, Connie, please.

KIRIU: Commissioner Ishimaru?

ISHIMARU: Aye.

KIRIU: Commissioner Holt?

HOLT: Aye.

KIRIU: Commissioner Comer?

COMER: Aye.

KIRIU: Commissioner Poy?

POY: Aye.

KIRIU: Commissioner Rice?

RICE: Aye.

KIRIU: Commissioner Sanchez?

SANCHEZ: Aye.

KIRIU: Commissioner Fujimoto?

FUJIMOTO: Aye.

KIRIU: Motion carried, 1, 2, 3, 4, 5, 6, 7.

The public hearing adjourned at 3:57 p.m.

Respectfully submitted,

Sharon M. Nomura

Sharon M. Nomura, Secretary

A T T E S T:

Fred Y. Fujimoto

Fred Y. Fujimoto, Chairman
Planning Commission

RECORD OF VOTING

PLANNING COMMISSION
County of Hawaii

Date: January 18, 1990

Petitioner: RICHARD SMART TRUST dba PARKER RANCH - AMEND SPECIAL PERMIT NO. 357

_____ Public Hearing ✓ Action

ACTION: ✓ Approve
____ Deny
____ Defer
____ Continue

Other: as recommended by Staff as amended (2)

Commissioners	Aye	No	Excused	Abstain
COMER, Jeanne	✓			
FUJIMOTO, Fred Y.				
HOLT, Dennis R. (3)	✓			
ISHIMARU, Tommy (1)	✓			
~~LUCE, Philip "Mike"~~				
POY, Tom	✓			
RICE, Sally	✓			
SANCHEZ, Nemesio	✓			
Fujimoto	✓			

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LAND USE COMMISSION
STATE OF HAWAII

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COUNTY OF HAWAII PLANNING DEPARTMENT
RECOMMENDATIONS

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LAND USE COMMISSION
STATE OF HAWAII

SPECIAL PERMIT NO. 357 (77-260)
RICHARD SMART TRUST DBA PARKER RANCH

Upon review of the requests, the Planning Director is recommending that the request for indefinite time and the conditional deletion of Site No. 4 be denied and the request to expand Site No. 2 and delete Site No. 3 be approved. This recommendation does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies. Since this recommendation is made without the benefit of public testimony, the Director reserves the right to modify and/or alter his position based upon additional information presented at the public hearing. The recommendation is based on the following findings in the order of the request:

1. The request for an indefinite life to the Special Permit instead of the 10-year time period is contrary to the original reasons for granting the permit in 1977. It is recognized that quarrying is an activity generated from a non-renewable resource, which will terminate upon the resource being exhausted or due to the lack of demand. Such an activity should be re-evaluated against the conditions and trends at that point in time. Decreased demand of the resource material or urban expansion in the vicinity of any of the sites could warrant its termination. In this regard, another 10-year time period from the date of amendment approval is being

EXHIBIT Q

recommended. In addition, the monitoring of such activity may be accomplished through the submittal of an annual monitoring report detailing the approximate amount of material quarried, listing of public complaints or problems, disposition of complaints and so on. A new condition is being recommended to allow for annual reporting and possible follow-up mitigation.

2. The expansion of Site No. 2 to a 14.9-acre site will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The area is rated Very Poor or "E" by the Land Study Bureau for agricultural productivity and would be an extension of the existing approved quarry site. Commercial excavation or removal of natural building material or minerals is a permitted use within the County's Agricultural zone district. It is determined that approval of the subject request to allow the expansion of a quarry operation would be compatible with the existing land use designations and would not be circumventing the County's planning effort for this particular area, nor would it be detrimental to the agricultural resources of the county or state. The State Department of Agriculture raised no objections to the request.

The proposed expansion will not adversely affect the surrounding properties. The expansion will be occurring in an

easterly (mauka) direction away from the Puakea Ranch Subdivision and also away from the Kawamoto residence referred to in Condition No. 2.b.3 of the subject permit.

The proposed expansion will not unreasonably burden public agencies to provide additional facilities and services. The Department of Transportation-Highways Division has commented that access would be allowed from "permitted access openings" on the Akoni Pule Highway. Other cooperating agencies had no objections to the request.

Based on the foregoing, it is determined that the proposed expansion of Site No. 2 is an unusual and reasonable use of the land within the State Land Use Agricultural District and that approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

3. While the deletion of Site No. 3 should not affect the original permit, Condition No. 6 of Special Permit No. 357 (77-260) must still be complied with. With the deletion of Site No. 3 from the permit, it is recommended that appropriate documentation be submitted to the Planning Director for approval within ninety days from approval of the amendment request.

4. The deletion of Site No. 4 from the Special Permit upon approval of another Special Permit application for expansion of

a 30-acre site to a 90-acre area by the Land Use Commission would not be consistent with the State Land Use Law Rules and Regulations. The applicant wishes to keep his options under Special Permit No. 357 (77-260) should the new Special Permit request be denied. Site No. 4 is 30 acres in size and, therefore, could not be retained under the original permit, which is being reviewed by only the Planning Commission. It is recommended that Site No. 4 be deleted in its entirety from this permit as it is the subject of a different Special Permit application which undergoes a separate decision-making process. If the Special Permit expansion request is denied, Site No. 4 would not be permitted to operate.

It is further recommended that Special Permit No. 357 (77-260) be amended as follows:

1. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the five (5) quarry sites within six (6) months of the effective date of the Special Permit. <u>Further, that a metes and bounds description of the expanded Site No. 2 shall be filed with the Planning Department within six months from the date of approval of this amendment.</u>

2. That the following requirements shall be applied to the specified sites:

a. Site No. 1 (TMK: 4-7-07: Portion of 11 - identified as Exhibit BB on file with the County of Hawaii Planning Department).

1) Maximum of ten (10) acres.

2) Operation limited to dynamiting, portable crusher, loading and stockpiling.

3) Stockpiled material shall be outside of the government right-of-way (Mamalahoa Highway).

4) Any debris left on Mamalahoa Highway as a result of the quarry operation shall be cleared by the quarry operator.

b. Site No. 2 (TMK: 5-6-01: Portion of 52-Exhibit CC)

1) Maximum of [six (6)] <u>14.9</u> acres.

2) Operation limited to scraping, loading and limited stockpiling.

3) Operation shall be confined to the side of the existing cinder cone away from the Kawamoto dwelling.

<u>4) A grading permit for the expansion area shall be secured within one year from the date of approval of the amendment request.</u>

[c. Site No. 3 (TMK: 6-7-01: Portion of 3-Exhibit DD)

1) Maximum of sixty (60) acres.

2) Operation limited to scraping, loading, limited stockpiling and installation of scales.

3) Any debris left on Saddle Road as a result of the quarrying operation shall be cleared by the quarry operator.

d. Site No. 4 (TMK: 6-7-01: Portion of 25-Exhibit DD)

1) Maximum of thirty (30) acres.

2) Operation shall be limited to dynamiting, portable crusher, loading and limited stockpiling.

e.] c. Site No. 5 (TMK: 6-7-01: Portion of 25-Exhibit DD)

1) Maximum of five (5) acres.

2) Operation limited to scraping, loading and limited stockpiling.

3. That the rules and regulations of the State Department of Health shall be complied with.

4. That the operations, including the loading and hauling, be limited to between the hours of 7:00 a.m. and 5:00 p.m. on Mondays through Saturdays only.

5. That the quarrying operations and its allied uses be terminated within ten (10) years from [after] the [effective] date of approval of the Special Permit amendment or their prior abandonment, whichever occurs first.

6. That upon termination of the operations at each site, the lands shall be graded to blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Planning Director for review and approval within ninety(90) days from the termination date [, subject to the approval of the County of Hawaii Planning Director].

7. That all other applicable laws, requirements, rules and regulations be complied with.

8. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of the amendment request. The report shall include, but not be limited to, the amount of material quarried, a detailed listing of public complaints or problems, and their disposition. Should a conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the introduced use will have an adverse impact on surrounding properties.

9. Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, [the Special Permit may be deemed null and void] the Director may initiate procedures to revoke the permit.

6. That upon termination of the operations at each site, the lands shall be graded to blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Planning Director for review and approval within ninety(90) days from the termination date [, subject to the approval of the County of Hawaii Planning Director].

~~7. Trucks hauling quarry material shall have their loads completely covered to prevent spillage onto the highway.~~

7. ~~7.~~ That all other applicable laws, requirements, rules and regulations be complied with.

8. ~~9.~~ An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of the amendment request. The report shall include, but not be limited to, the amount of material quarried, a detailed listing of public complaints or problems, and their disposition. Should a conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the introduced use will have an adverse impact on surrounding properties.

9. ~~10.~~ Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, [the Special Permit may be deemed null and void] the Director may initiate procedures to revoke the permit.

LAND USE COMMISSION
STATE OF HAWAII
MAR 27 12 36 PM '90

1/18/90
PC Mtg

EXHIBIT Q-1

2851Q-12/29/89-CRK

COUNTY OF HAWAII PLANNING DEPARTMENT
BACKGROUND REPORT

MAR 22 12 36 PM '90
LAND USE COMMISSION
STATE OF HAWAII

SPECIAL PERMIT NO. 357 (77-260)
RICHARD SMART TRUST DBA PARKER RANCH

Richard Smart Trust dba Parker Ranch is requesting to amend Special Permit No. 357 (77-260), which allowed for the continued operation of five existing quarry sites situated within the State Land Use Agricultural District in the Hamakua, North Kohala and South Kohala Districts of Hawaii. The requested amendments are as follows: (1) Deletion of the 10-year life of the permit imposed by Condition No. 5; (2) 8.9-acre expansion of the existing 6-acre Site No. 2 identified as TMK: 5-6-01: Portion of 51; (3) Deletion of Site No. 3 (TMK: 6-7-01: Portion of 3) from the permit; and (4) Deletion of Site No. 4 (TMK: 6-7-01: Portion of 25) conditioned upon the Special Permit application listed as Item No. 2 on the agenda being approved by the State Land Use Commission. The sites involved are located as follows: Site No. 1--TMK: 4-7-07: Portion of 11, Kapa'aula, Hamakua; Site No. 2--TMK: 5-6-01: Portion of 51, Puakea, North Kohala; Site No. 3--TMK: 6-7-01: Portion of 3, Waikoloa, South Kohala; Site No. 4--TMK: 6-7-01: Portion of 25, Waikoloa, South Kohala; Site No. 5--TMK: 6-7-01: Portion of 25, Waikoloa, South Kohala.

CHRONOLOGY

1. In November 1976, the applicant submitted a Special Permit application to allow for the continued operation of five existing quarry sites on Parker Ranch lands. Specifically, the five sites were as follows:

EXHIBIT P

Site No.	Acreage	Began	Quarry Material	Annual amount
1	10 ac.	1963	Hard rock	25,000 cy/yr
2	6 ac.	1970	Cinder	10,000 cy/yr
3	60 ac.	1945	Cinder	100,000 cy/yr
4	30 ac.	1945	Hard rock	50,000 cy/yr
5	5 ac.	1945	Cinder	20,000 cy/yr

2. On May 4, 1977, the State Land Use Commission voted to approve Special Permit 357 (77-260), subject to the following conditions imposed by the Hawaii Planning Commission:

1. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the five (5) quarry sites within six (6) months of the effective date of the Special Permit.
2. That the following requirements shall be applied to the specified sites:
   a. Site No. 1 (TMK: 4-7-07: Portion of 11 - identified as Exhibit BB on file with the County of Hawaii Planning Department).
      1) Maximum of ten (10) acres.
      2) Operation limited to dynamiting, portable crusher, loading and stockpiling.
      3) Stockpiled material shall be outside of the government right-of-way (Mamalahoa Highway).
      4) Any debris left on Mamalahoa Highway as a result of the quarry operation shall be cleared by the quarry operator.

b. Site No. 2 (TMK: 5-6-01: Portion of 52-Exhibit CC)

1) Maximum of six (6) acres.

2) Operation limited to scraping, loading and limited stockpiling.

3) Operation shall be confined to the side of the existing cinder cone away from the Kawamoto dwelling.

c. Site No. 3 (TMK: 6-7-01: Portion of 3-Exhibit DD)

1) Maximum of sixty (60) acres.

2) Operation limited to scraping, loading, limited stockpiling and installation of scales.

3) Any debris left on Saddle Road as a result of the quarrying operation shall be cleared by the quarry operator.

d. Site No. 4 (TMK: 6-7-01: Portion of 25-Exhibit DD)

1) Maximum of thirty (30) acres.

2) Operation shall be limited to dynamiting, portable crusher, loading and limited stockpiling.

e. Site No. 5 (TMK: 6-7-01: Portion of 25-Exhibit DD)

1) Maximum of five (5) acres.

2) Operation limited to scraping, loading and limited stockpiling.

3. That the rules and regulations of the State Department of Health shall be complied with.

4. That the operations, including the loading and hauling, be limited to between the hours of 7:00 a.m. and 5:00 p.m. on Mondays through Saturdays only.

5. That the quarrying operations and its allied uses be terminated ten (10) years after the effective date of the Special Permit or their prior abandonment, whichever occurs first.

6. That upon termination of the operations, the lands shall be graded to blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition, subject to the approval of the County of Hawaii Planning Director.

7. That all other applicable rules and regulations be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

3. Accordingly, all quarrying operations were to have terminated on or before May 4, 1987.

4. By letter dated July 31, 1989, the Planning Director requested evidence that Condition No. 6 had been complied with.

REQUEST

5. In response, Robert W. Carlsmith, representing the applicant, submitted the attached letters:

(SEE LETTERS FROM ROBERT W. CARLSMITH DATED SEPTEMBER 21 AND NOVEMBER 7, 1989)

6. Specifically, the applicant requests the following:

   a. That the life of the permit pursuant to Condition No. 5 be extended indefinitely.

   b. That Site No. 2 be expanded to include an additional 8.9 acres of land in a mauka (easterly) direction. The applicant cited "Increased needs in the comunity for the material quarried" as reasons for the expansion.

   c. That Site No. 3 be deleted from the Special Permit.

   d. That Site No. 4 be deleted at such time a new and expanded Special Permit request is approved by the State Land Use Commission.

DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA (SITE NO. 2)

7. Site No. 2 is located on the mauka side of the Mahukona-Hawi Road, slightly over two miles Kawaihae side of Hawi Village. At the time the original application, the County of Hawaii was operating the quarry on a month-to-month quarry agreement.

8. The Soil Survey Report classifies the soils as Kohala series, which consists of well-drained silty clays that formed in material from basic igneous rock influenced by volcanic ash. Permeability is moderately rapid, runoff is slow, and the erosion hazard is slight.

9. The Land Study Bureau's Overall Master Productivity system rates the soils as Class E or Very Poor.

10. The Agricultural Lands of Importance to the State of Hawaii (ALISH) system map classifies the land as "Other Important Agricultural Lands".

11. This area receives from 40 to 60 inches of rainfall annually.

12. The Flood Insurance Rate Map denotes the area to be in Zone X (outside of the 500-year flood plain).

13. Surrounding lands are used for grazing.

14. The closest single-family dwelling is now in the Puakea Subdivision approximately 500 feet makai and across the Mahukona-Hawi Road.

15. Access to the site is from Mahukona-Hawi Road (Akoni Pule Highway).

AGENCIES' COMMENTS

16. State Department of Transportation-Highways Division:

"Access to the Quarry Site No. 2 shall be from permitted access openings on the Akoni Pule Highway."

17. Mauna Kea Soil and Water Conservation District:

"This application covers 5 quarry sites which are currently in operation at various locations around the ranch. The applicant is asking for an open-ended permit to continue, and in some instances, expand the size of the quarry operations.

"Two concerns are apparent. Dust control is an on-going potential problem and needs to be addressed in the permitting process.

"The second concern is the need to periodically review the operational quality and adherence to regulations of the quarries. For this reason I feel that a time limit on the permit is appropriate. There will be some inconvenience to the applicant to re-apply, but the permit process is only as worthwhile as the monitoring. The operator's likelihood to adhere to regulations is increased if he knows that the operation permit is not a guarantee.

"It appears that there is a provision in the existing permit to require site reclamation after quarrying."

18. Department of Health:

"Because the present and proposed uses of the sites include quarrying of rock, crushing operations, stockpiling, loading and hauling our concerns are in the area of air and noise pollution. Noise and air pollution control or attenuating measures must be made so as not to adversely impact the surrounding areas. Noise and fugitive dust from the above mentioned operations have, in the past, generated complaints from the public."

19. The Department of Agriculture, the Department of Public Works, HELCO, Police, Department of Water Supply, and the Real Property Tax Division had no objections or adverse comments on the request.

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
SECOND FLOOR, BANK OF HAWAII ANNEX BUILDING
75-5742 J HUALALAI ROAD
KAILUA-KONA, HAWAII 96740
TELEPHONE (808) 329-6464
TELECOPIER (808) 329-9450

KONA OFFICE:
P. O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

HILO OFFICE:
P. O. BOX 686
HILO, HAWAII 96721-0686
(808) 935-6644

MAUI OFFICE:
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WAILUKU, HAWAII 96793
(808) 242-4535

HONOLULU OFFICE:
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HONOLULU, HAWAII 96809
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GUAM OFFICE:
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AGANA, GUAM 96910
(671) 472-6813
TELEX 721-6445 CWCMI GM

LOS ANGELES OFFICE:
P. O. BOX 71169
LOS ANGELES, CALIFORNIA 90071-0169
(213) 955-1200

SAIPAN OFFICE:
P. O. BOX 241 CHRB
SAIPAN, MP 96950
(670) 322-3455
TELEX 783-658 CWCMI SPN

September 21, 1989

Ref #020187-19
Parker Ranch-Quarry

Norman Hayashi
PLANNING DEPARTMENT
COUNTY OF HAWAII
25 Aupuni Street
Room 109
Hilo, Hawaii 96720

LAND USE COMMISSION
STATE OF HAWAII
MAR 22 12 36 PM '90

Re: Special Permit No. 357
Applicant: Richard Smart dba Parker Ranch
Effective Date: May 4, 1987
TMK (3) 4-7-07:por. 11; 5-6-01:por. 51;
6-7-01:por. 3 and por. 45

Dear Mr. Hayashi:

Prior to 1961, Parker Ranch has, through various operators, been operating five quarry sites. In 1977, the special permit referred to above was issued for these sites. Parker Ranch wishes to continue operation of these sites and will be submitting its requests to the county to extend the permits for the sites for the indefinite future. As I mentioned to you when we met on Tuesday, Parker Ranch may wish to enlarge the area on two of the sites, and for these two sites it may be more appropriate to ask for new permits.

Planning Director Duane Kanuha pointed out in his recent letter that under Paragraph 6 of the Permit, Parker Ranch must grade and re-vegetate the site upon completion of its quarrying activities. Parker Ranch requests that the requirement to restore the sites be postponed for a reasonable time to give the Planning Commission time to consider the requests to amend the permits.

Thank you for taking the time to meet with me on this matter. If you have any questions or need further information regarding the above, please do not hesitate to call me.

Very truly yours,

Robert W. Carlsmith/leu
Robert W. Carlsmith

RWC:leu
Encl.

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
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SAIPAN, MP 96950
(670) 322-3455
TELEX 783-658 CWCMI SPN

November 7, 1989

Ref#: 02-0187-19
Parker Ranch-Quarries

LAND USE COMMISSION
STATE OF HAWAII
MAR 22 12 36 PM '90

Duane Kanuha
County of Hawaii
Planning Director
75 Aupuni Street
Hilo, Hawaii 96720

Re: Request for Amendment of Conditions for Special Permit No. 357

Dear Mr. Kanuha:

Our office is representing Parker Ranch with respect to five quarry sites that they own and operate within a state land use "Agricultural" district pursuant to Special Permit No. 357 issued in 1977. Each quarry site is a separate operation run by separate operators. Parker Ranch would like to request that the County Planning Commission amend the special permit as it applies to certain individual sites as follows:

1. With respect to Site No. 1, Parker Ranch would like the Planning Commission to amend Condition Number 5 of the permit to allow the continued operation of this site for the indefinite future. Site No. 1 is located on the mauka said of the Old Mamalahoa Highway, 3.5 miles Honokaa of the junction of Mamalahoa and the Belt Road in Kapa'aula Hamakua. It is 10 acres in area and was operated by Al Lirou in 1977 when the permit was issued. It had been in operation since prior to 1961. It is a hard rock quarry and crushing operation for the production and limited stockpiling of aggregates and sand. Since 1977 when the permit was issued, it has been operated by several operators and James W. Glover Ltd. will continue the operations. Increased needs in the community for the material quarried have created the need to amend the

Special Permit conditions to allow for the continued operation of this site.

2. With respect to Site No. 2, Parker Ranch would like to request that Condition No. 2.b.1 of the Permit be amended to include an additional 8.9 acres of land area (for a total land area of 14.9 acres) and to amend condition 5 of the permit to allow the site to operate for the indefinite future. Copies of maps showing the enlarged site are attached. Site No. 2 is located 2 plus miles towards Kawaihae from Hawi Village on the mauka side of the Kawaihae-Mahukona Road. It is 6 acres in area and was operated by the County of Hawaii in 1977 when the Special Permit was issued. It had been in operation since prior to 1961. It is a cinder quarry and it has in recent years been operated by Mike Luce who will be continuing the operation for the indefinite future. Increased needs in the community for the material quarried have created the need to amend the conditions. Expanded area as well as an extension of time are necessary to meet these needs.

3. With respect to Site No. 3, Parker Ranch is currently discussing with the operator Allied Aggregates the possibility of designating a new quarry site in the vicinity of the current site and has asked the operator to restore the site in compliance with Condition No .6 of the Permit. Therefore, this site will be omitted from Special Permit 357 and Parker Ranch requests that the permit be amended accordingly.

4. With respect to Site No. 4, Parker Ranch will be filing a new Special Permit request, and Parker Ranch would request that condition number 5 be amended to provide a reasonable extension of time to process a new permit application. Upon action by the County and State on the new Special Permit application, this site should be deleted from Special Permit No. 357. Site No. 4 is located 3.3. miles southeast of the Waimea-Kohala airport. It is currently 30 acres in area and Parker Ranch will request that it be enlarged to 90 acres in area. This site has been in operation since 1945 for the quarrying, crushing and stockpiling of hard rock and aggregates.

5. With respect to Site No. 5, Parker Ranch would like the Planning Commission to amend condition number 5 to allow the continued operation of this site for the indefinite future. Site No. 5 is located 2.2. miles southeast of the

Waimea-Kohala airport. It is 5 acres in area and was operated by Pacific Concrete and Rock in 1977 when the permit was issued. It had been in operation since 1945. It is a cinder quarry and will be operated by the applicant for the indefinite future. A continuing need by the applicant for the type of cinders that are available at this site makes it necessary to extend the period of time for operation of the Quarry site.

All of these quarry sites were operated prior to the enactment of the state land use law and they continued in operation through 1977 when the special permit was obtained to accommodate expanded operations. The determination was made in 1977 by the County Planning Commission and the State Land Use Commission, that the Special Permit request for the quarry operation was reasonable and was not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations and the adopted land use policies of the County of Hawaii as embodied in the County's General Plan document and Zoning Code. The quarry uses have not changed substantially over the years, and have not been a burden on the adjoining properties. The sites are generally speaking far removed from populated areas, and the surrounding properties are in each instance owned or controlled by Parker Ranch.

Parker Ranch is aware of a continuing need of sources for the materials quarried at the several sites particularly in light of the recent growth in construction in West Hawaii and this is the reason for the requested extensions of time. Operation of these quarry sites continue to be in compliance with the criteria set forth in the State Land Use law, and Parker Ranch respectfully requests that the permit be amended as requested above by the County Planning Commission.

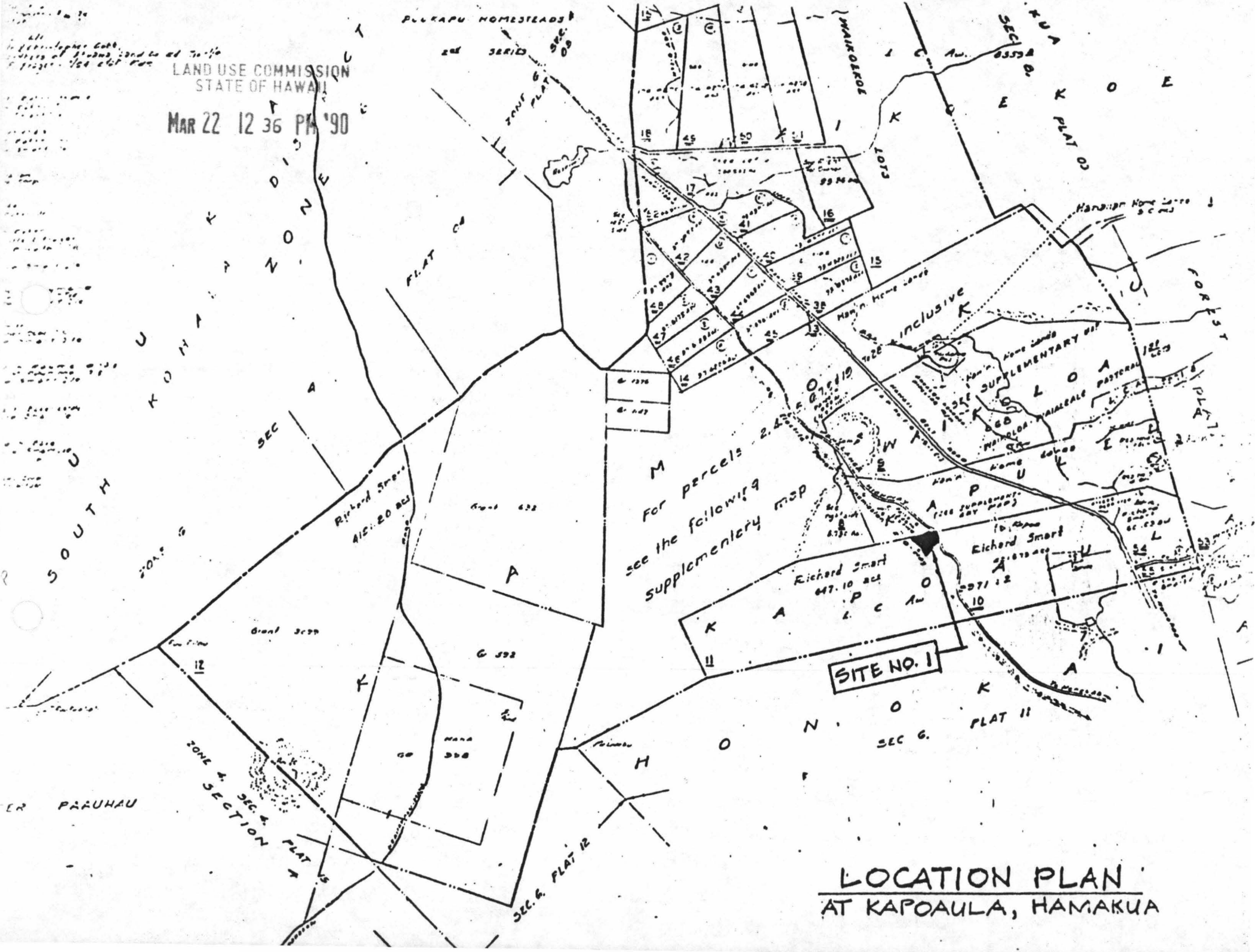
I am enclosing sixteen copies of the location map and a revised site map for Site Number 2 showing the expanded area of the site, and our check in the amount of $100.00 to cover the processing of this request.

Very truly yours,

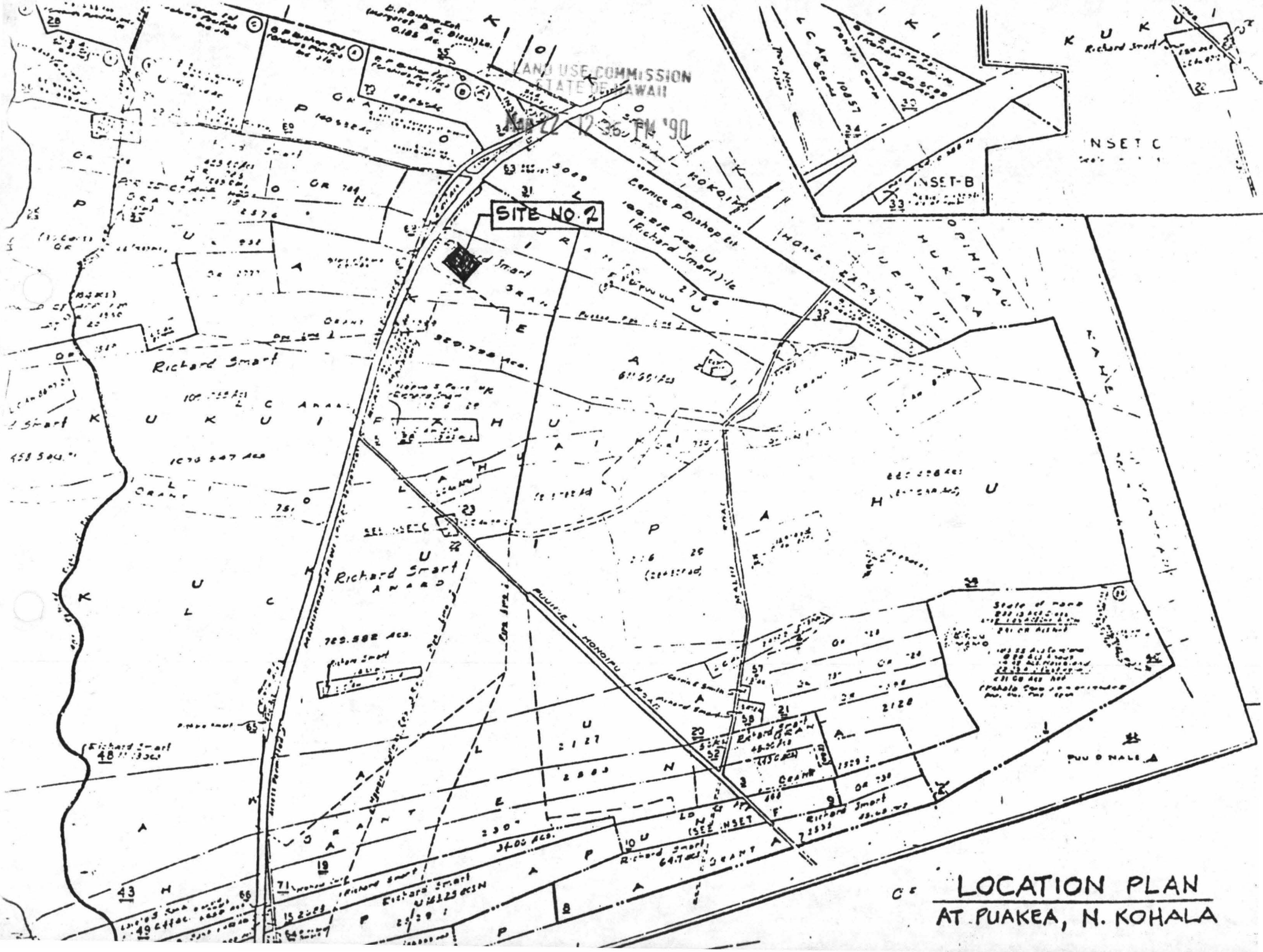
Robert W. Carlsmith

RWC:lu
Encl.
cc: Parker Ranch

LAND USE COMMISSION
STATE OF HAWAII
MAR 22 12 36 PM '90



LOCATION PLAN
AT KAPOAULA, HAMAKUA



LOCATION PLAN
AT PUAKEA, N. KOHALA

LOCATION PLAN
WAIKOLOA S. KOHALA

JOHN WAIHEE
GOVERNOR OF HAWAII

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

MANABU TAGOMORI
RUSSELL N. FUKUMOTO

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
CONSERVATION AND ENVIRONMENTAL AFFAIRS
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

REF:OCEA-VIN

JAN 8 1990

File: 90-320
Doc.: 7135E

MAR 22 12 36 PM '90
LAND USE COMMISSION
STATE OF HAWAII

The Honorable Duane Kanuha, Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Kanuha,

Subject: Special Permit 77-260 (SP 357)
Applicant: Richard Smart Trust dba Parker Ranch
Tax Map Key: 4-7-7: por. 11, 5-6-1: por. 51 and
6-7-1: por. 3 & por. 25

Thank you for giving our Department the opportunity to comment on this matter. We have reviewed the materials you submitted and have the following comments.

Dormant quarries frequently become residence to birds living in burrows, especially owls. Any burrows occupied by nesting birds are to be avoided until juveniles have fledged.

If you have any questions, please feel free to call me or Cathy Tilton at our Office of Conservation and Environmental Affairs at 548-7837.

Very truly yours,

WILLIAM W. PATY

cc: DOFAW

EXHIBIT O

January 10, 1990

LAND USE COMMISSION
STATE OF HAWAII
MAR 22 12 36 PM '90

Harold Matsuura, Chief Sanitarian
Hawaii District
Department of Health
P.O. Box 916
Hilo, HI 96721-0916

Dear Mr. Matsuura:

Special Permit No. 357 (77-260)
Richard Smart Trust dba Parker Ranch
TMK: 4-7-7:Por. 11; 5-6-01:Por. 51; 6-7-1:Por. 3 and 25

This is to confirm a telephone conversation with my staff, Connie Kiriu, and Bill Hashimoto of your Kona branch staff which clarified your memorandum of December 5, 1989, relating to the subject application.

Specifically, the memo stated that public complaints about dust and noise had been made against the quarry sites approved under Special Permit No. 357. The telephone conversation clarified that the complaints were made against a concrete batching plant and quarry mauka of the Waikoloa Road-Queen Kaahumanu Highway junction. These complaints were received at a time when 2,000-pound bags of concrete mix were unloaded and opened during construction of the Hyatt Regency Hotel. The complaints had nothing to do with the quarry sites currently under review. Further, your office has not received complaints relating to air or noise pollution generated by any of the five quarry sites.

Please contact Connie Kiriu of this office should any of the above be incorrect.

Sincerely,

William L. Moore
for DUANE KANUHA
Planning Director

CRK:syw

cc: Planning Commission
Robert W. Carlsmith, Esq.

JAN 11 1990

EXHIBIT N

CERTIFIED MAIL

January 2, 1990

Robert W. Carlsmith, Esq.
P. O. Box 1720
Kailua-Kona, HI 96745-1720

Dear Mr. Carlsmith:

Notice of a Public Hearing
Amendment to Special Permit No. 357 (77-260)
Applicant: Richard Smart Trust dba Parker Ranch
Tax Map Keys:
4-7-07:Portion of 11, Kapa'aula, Hamakua (Site No. 1)
5-6-01:Portion of 51, Puakea, North Kohala (Site No. 2)
6-7-01:Portion of 3, Waikoloa, South Kohala (Site No. 3)
6-7-01:Portion of 25, Waikoloa, South Kohala (Site No. 4)
6-7-01:Portion of 25, Waikoloa, South Kohala (Site No. 5)

This is to inform you that the above amendment to Special Permit No. 357 has been scheduled for a public hearing by the Planning Commission. Said hearing, among others, will be held beginning at 1:30 p.m. on Thursday, January 18, 1990, in the Kona Surf Hotel, Kohala Conference Room, 78-128 Ehukai Street, Keauhou, North Kona, Hawaii. The presence of a representative will be appreciated in order that all questions relative to the request may be clarified. A copy of the 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,

William L. Moore
for Duane Kanuha
Planning Director

Atts.

cc: State Land Use Commission
Mr. Richard Smart

EXHIBIT M

MAR 12 12 36 PM '90
LAND USE COMMISSION
STATE OF HAWAII

JAN 02 1990

PUBLIC HEARINGS

PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings, among others, 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: Kona Surf Hotel, Kohala Conference Room, 78-128 Ehukai Street, Keauhou, North Kona.

DATE: Thursday, January 18, 1990

TIMES: 10:30 a.m. (Item Nos. 1-3)
1:30 p.m. (Item Nos. 4-7)
2:00 p.m. (Item No. 8)

LAND USE COMMISSION
STATE OF HAWAII
DEC 22 12 36 PM '89

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

1. APPLICANT: GARY PECK, ET AL.

LOCATION: Along the makai side of the Keei Middle Road, approximately 1,450 feet from the Mamalahoa Highway-Keei Middle Road junction, Keei 2nd, South Kona.

TMK: 8-3-10:5

PURPOSE: Continuation of a public hearing for time extensions to Conditions B and C (submission of subdivision plans and establishment of agricultural activity) of Change of Zone Ordinance No. 855 which rezoned 4.1 acres of land from an Agricultural 5-acre (A-5a) to an Agricultural 2-acre (A-2a) zoned district.

EXHIBIT M-1

2. APPLICANT: MOKUAIKAUA CHURCH, ON BEHALF OF HAWAII RANCH AND FARM

LOCATION: Site of the Kailua Trade Center, Kailua-Kona, Keopu, North Kona.

TMK: 7-5-07:44

PURPOSE: Continuation of a public hearing on the amendment to Condition No. 8 (designation of pedestrian access along the south end of the Kailua Trade Center and Mokuaikaua Church properties) of Special Management Area (SMA) Use Permit No. 92 which allowed the construction of the Kailua Trade Center building. The request is to amend Condition No. 8 by allowing the establishment of an exclusive pedestrian access for patrons of Kailua Trade Center and members of Mokuaikaua Church and its visiting public during the hours of 7 a.m. to 6 p.m.

LAND USE COMMISSION
STATE OF HAWAII
MAR 22 12 37 PM '90

3. APPLICANT: GLADYS MANN dba KONA COAST MASSAGE

LOCATION: East side of Queen Kaahumanu Highway and at the end of Poni Place, Kona Heights Subdivision, Hienaloli 5th, North Kona.

TMK: 7-5-26:44

PURPOSE: Continuation of a public hearing for a Use Permit to allow the establishment of a massage office within an existing single-family

dwelling on 9,935 square feet of land situated within the Unplanned (U) zoned district.

4. APPLICANT: RICHARD SMART TRUST dba PARKER RANCH

LOCATION: Hamakua, North Kohala and South Kohala. (See below for specifics)

TMK: 4-7-07:Portion of 11, Kapa'aula, Hamakua (Site No. 1)

5-6-01:Portion of 51, Puakea, North Kohala (Site No. 2)

6-7-01:Portion of 3, Waikoloa, South Kohala (Site No. 3)

6-7-01:Portion of 25, Waikoloa, South Kohala (Site No. 4)

6-7-01:Portion of 25, Waikoloa, South Kohala (Site No. 5)

PURPOSE: Amend Special Permit No. 357 (77-260), which allowed for the continued operation of five existing quarry sites situated within the State Land Use Agricultural District in the Hamakua, North Kohala and South Kohala Districts of Hawaii. The requested amendments are as follows: (1) Deletion of the 10-year life of the permit imposed by Condition No. 5; (2) 8.9-acre expansion of the existing 6-acre Site No. 2 identified as TMK: 5-6-01:Portion of 51; (3) Deletion of Site No. 3 (TMK: 6-7-01:Portion of 3) from the permit; and (4) Deletion of Site No. 4 (TMK: 6-7-01: Portion of 25) conditioned upon the Special Permit application listed as Item No. 2 below being approved by the Land Use Commission.

5. APPLICANT: RICHARD SMART TRUST dba PARKER RANCH

LOCATION: Site of the existing West Hawaii Concrete operations located at Waikoloa, South Kohala.

TMK: 6-7-01:Portion of 25

PURPOSE: Special Permit to allow for the continuation of quarry Site No. 4 approved under Special Permit 77-260 and the expansion of the site to a total 91.827-acre area.

6. APPLICANT: WAIKOLOA DEVELOPMENT COMPANY

LOCATION: North and northeast of the Royal Waikoloan Hotel at the Waikoloa Beach Resort, Anaehoomalu, South Kohala.

TMK: 6-9-07:22, 23, 24 and portions of 25 and 30

PURPOSE: Change of zoning districts for 31± acres of land currently zoned Village Commercial - 10,000 square feet (CV-10), Multiple Family Residential - 1,500 square feet (RM-1.5) and Open (O) for the purpose of adjusting the zoning boundaries for properties.

7. APPLICANT: ISEMOTO CONTRACTING CO., LTD./SJA PARTNERSHIP/MARCH TAYLOR

LOCATION: Approximately 4 miles south of Keahole Airport and in close proximity to the Honokohau Small Boat Harbor access road, Honokohau, North Kona.

TMK: 7-4-08:33

PURPOSE: Change of zone for 9.9 acres of land from an Open (O) to a Limited Industrial 3-acre (ML-3a) zoned district.

8. APPLICANT: ROYAL VISTA ESTATES AND COUNTRY CLUB

LOCATION: Northwest (makai) side of the Mamalahoa Highway and across from the Puu Lani Ranch Subdivision, Puuanahulu Homesteads, North Kona.

TMK: 7-1-05:9, 10, 26, 28-34, 39-41, 58 & 59

PURPOSE: Use Permit to allow the establishment of a 27-hole golf course and related improvements within the County's Unplanned (U) zoned district.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and in the Planning Department's West Hawaii 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
Fred Y. Fujimoto, Chairman

(West Hawaii Today: January 7, 1990)

JOHN WAIHEE
GOVERNOR

EDWARD Y. HIRATA
DIRECTOR

DEPUTY DIRECTORS
JOHN K. UCHIMA
RONALD N. HIRANO
DAN T. KOCHI
JEANNE K. SCHULTZ

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
HAWAII DISTRICT
50 MAKAALA STREET
P.O. BOX 4277
HILO, HAWAII 96720

IN REPLY REFER TO:

HWY-H
89-2.1050

MAR 22 12 37 PM '90
LAND USE COMMISSION
STATE OF HAWAII

December 27, 1989

MEMORANDUM:

TO: Director, Planning Department
County of Hawaii

FROM: District Engineer, Hawaii

SUBJECT: Special Permit Application No. SP 357
Applicant: Richard Smart Trust dba Parker Ranch
Tax Map Key: 4-7-07: por. 11, 5-6-01: por. 51, 6-7-01: por. 3 & 25
Project No.: RS-0270(3) & 19DE-01-68

Our comment on the subject application is as follows:

Access to the Quarry Site No. 2 shall be from permitted access openings on the Akoni Pule Highway.

ALVAH T. MIYAMOTO
District Engineer

RT/GK:sk

cc: HWY-HE

EXHIBIT L

L..'ARTMENT OF PUBLIC WOR
COUNTY OF HAWAII
HILO, HAWAII

DATE December 14, 1989

Memorandum

TO : PLANNING DIRECTOR

FROM : ROBERT YANABU, Division Chief, Engineering Division

SUBJECT: SPECIAL PERMIT APPLICATION (SP 77-260) (SP 357)
Applicant: Richard Smart Trust
Location: various
TMK: 4-7-7: por 11; 5-6-1: por. 51; 6-7-1: por. 3 & 25

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

DHM:so

LAND USE COMMISSION
STATE OF HAWAII
MAR 22 12 37 PM '90

EXHIBIT K

JOHN WAIHEE
GOVERNOR

YUKIO KITAGAWA
CHAIRPERSON, BOARD OF AGRICULTURE

SUZANNE D. PETERSON
DEPUTY TO THE CHAIRPERSON

FAX: 548-6100

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 So. King Street
Honolulu, Hawaii 96814-2512

Mailing Address:
P. O. Box 22159
Honolulu, Hawaii 96822-0159

December 13, 1989

LAND USE COMMISSION
STATE OF HAWAII
MAR 22 12 37 PM '90

MEMORANDUM

To: Mr. Duane Kanuha, Director
Planning Department
County of Hawaii

Subject: Amendment to Special Permit 77-260 (SP-357)
Quarry operations
Richard Smart Trust/Parker Ranch
TMK: 4-7-07: por. 11 Hamakua
5-6-01: por. 51 North Kohala
6-7-01: pors. 3, 25 Waikoloa
Area: 119.9 acres

The Department of Agriculture has reviewed the subject application and has no objections to the proposed amendments.

Thank you for the opportunity to comment.

Yukio Kitagawa
YUKIO KITAGAWA
Chairperson, Board of Agriculture

EXHIBIT J

Island Fresh

JOHN WAIHEE
GOVERNOR OF HAWAII

JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 916
HILO, HAWAII 96721-0916

MAR 22 12 37 PM '90
LAND USE COMMISSION
STATE OF HAWAII

December 5, 1989

To: Planning Director, County of Hawaii

From: Chief Sanitarian, Hawaii District

Subject: Special Permit 77-260 (SP 357)
Applicant: Richard Smart Trust dba Parker Ranch
Amendments to Condition No. 5; Expand Site No. 2; Delete Site Nos. 3 and 4
Tax Map Key: 4-7-7:portion 11, 5-6-1:portion 51, 6-7-1:portions 3 and 25

Because the present and proposed uses of the sites include quarrying of rock, crushing operations, stockpiling, loading and hauling our concerns are in the area of air and noise pollution. Noise and air pollution control or attenuating measures must be made so as not to adversely impact the surrounding areas. Noise and fugitive dust from the above mentioned operations have, in the past, generated complaints from the public.

Harold Matsuura

HAROLD MATSUURA
Chief Sanitarian, Hawaii District

EXHIBIT I

6

LAND USE COMMISSION
STATE OF HAWAII
MAR 22 12 37 PM '90

~~PLANNING DIRECTOR~~ Dec.4,1989
PLANNING DEPARTMENT
25 Aupuni Street
HILO, HAWAII 96720

Re:Special Permit 77-260 (SP 357)
Richard Smart
TMK 4-7-7:11
5-6-1:51
6-7-1:3 and 25

This application covers 5 quarry sites which are currently in operation at various locations around the ranch. The applicant is asking for an open-ended permit to continue, and in some instances, expand the size of the quarry operations.

Two concerns are apparent. Dust control is an on-going potential problem and needs to be addressed in the permitting process.

The second concern is the need to periodically review the operational quality and adherence to regulations of the quarries. For this reason I feel that a time limit on the permit is appropriate. There will be some inconvenience to the applicant to re-apply, but the permit process is only as worthwhile as the monitoring. The operator's likelihood to adhere to regulations is increased if he knows that the operation permit is not a guarantee.

It appears that there is a provision in the existing permit to require site reclamation after quarrying.

Francis D. Pacheco

Francis Pacheco, chairman
Mauna Kea SWCD

EXHIBIT H

Bernard K. Akaha
Mayor
Victor V. Vierra
Chief of Police

Deputy Chief of Police

Police Department

349 Kapiolani Street • Hilo, Hawaii 96720 • (808) 961-2244 • Fax (808) 961-2702

MAR 22 12 37 PM '90
LAND USE COMMISSION
STATE OF HAWAII

December 4, 1989

TO : DUANE KANUHA, PLANNING DIRECTOR

FROM : VICTOR V. VIERRA, CHIEF OF POLICE

SUBJECT: SPECIAL PERMIT 77-260 (SP 357)
APPLICANT: RICHARD SMART TRUST DBA PARKER RANCH
AMENDMENTS TO CONDITION NO. 5; EXPAND SITE NO. 2;
DELETE SITE NOS. 3 AND 4
TMK: 4-7-7:PORTION 11, 5-6-1:PORTION 51, 6-7-1:
PORTIONS 3 AND 25

The above application has been reviewed; and from the police standpoint, we foresee no adverse effect from the requested land use.

VICTOR V. VIERRA
CHIEF OF POLICE

cc: S. Kohala Police

EXHIBIT G

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII
25 AUPUNI STREET • HILO, HAWAII 96720
TELEPHONE (808) 969-1421 • FAX (808) 969-6996

November 29, 1989

MAR 22 12 37 PM '90
LAND USE COMMISSION
STATE OF HAWAII

TO: Planning Department

FROM: H. William Sewake, Manager

SUBJECT: SPECIAL PERMIT APPLICATION NO. SP-357
APPLICANT: RICHARD SMART TRUST dba PARKER RANCH
TAX MAP KEY 5-6-1:PORTION 51; 6-7-1:POR. 3, 25; 4-7-7:POR. 11

We have no objections to the subject application as there are no requirements to be satisfied for this Department.

William Sewake
H. William Sewake
Manager

WA

cc - Richard Smart Trust
Engineers Surveyors Hawaii, Inc.

EXHIBIT F

November 27, 1989

LAND USE COMMISSION
STATE OF HAWAII
MAR 22 12 37 PM '90

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

Attention: Mr. Duane Kanuha

Gentlemen:

Subject: Special Permit 77-260 (SP 357) Richard Smart ✓
Change of Zone Application (R89-43) Waikoloa

Thank you for the opportunity to review the subject application. We do not have any comments on the application.

Very truly yours,

Clyde H. Nagata, Manager
Engineering Department

CHN:DHT:ts

EXHIBIT E

Bernard K. Akana
Mayor
Barry T. Mizuno
Director

Department of Finance

865 Piilani Street • Hilo, Hawaii 96720 • (808) 961-8201

REAL PROPERTY TAX DIVISION

LAND USE COMMISSION
STATE OF HAWAII
MAR 22 12 37 PM '90

November 27 1989

County of Hawaii
Planning Department
25 Aupuni St.
Hilo, HI 96720

RE: TMK: 4-7-007-011, etc

Our office has no comments at this time. We would appreciate being advised as to the final action taken regarding this application.

If we may be of any further assistance in this matter, please feel free to contact the appraiser named below.

Sincerely,

Wayne Ono

Wayne Y. Ono
Assistant Real Property Tax Administrator

Les Brown
Real Property Tax Appraiser

LB:ja

EXHIBIT D

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, Police, Fire, SCS, Dept. of Ag., HELCO, DLNR/Hnl., Masa (see file)

Date: November 21, 1989, Tax Office

From: Planning Director

Subject: Special Permit 77-260 (SP 357)
Applicant: Richard Smart Trust dba Parker Ranch
Amendments to Condition No. 5; Expand Site No. 2;
Delete Site Nos. 3 and 4
Tax Map Key: 4-7-7:portion 11,
5-6-1:portion 51, 6-7-1:portions 3 and 25

The attached application for amendments to Special Permit 77-260 is being forwarded for your review. For your reference, a copy of the permit conditions is also attached. May we please have your written comments by December 19, 1989. Should you need more time in which to respond, please let us know.

Thank you very much.

CRK:syw

Attachment

cc/att: West Hawaii Planning Coordinator (FYI)

LAND USE COMMISSION
STATE OF HAWAII
MAR 22 12 37 PM '90

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To:

DPW	DWS	Highways	
Health	Police	Fire	
SCS	Dept. of Ag.	HELCO	
DLNR/Hnl.	Masa (see file)		

Date: November 21, 1989
Tax Office

From: Planning Director

Subject:

Special Permit 77-260 (SP 357)
Applicant: Richard Smart Trust dba Parker Ranch
Amendments to Condition No. 5; Expand Site No. 2;
Delete Site Nos. 3 and 4
Tax Map Key: 4-7-7:portion 11,
5-6-1:portion 51, 6-7-1:portions 3 and 25

The attached application for amendments to Special Permit 77-260 is being forwarded for your review. For your reference, a copy of the permit conditions is also attached. May we please have your written comments by December 19, 1989. Should you need more time in which to respond, please let us know.

Thank you very much.

CRK:syw

Attachment

cc/att: West Hawaii Planning Coordinator (FYI)

LAND USE COMMISSION STATE OF HAWAII
MAR 22 12 37 PM '90

EXHIBIT C

NOV 22 1989

November 21, 1989

Robert W. Carlsmith, Esq.
P.O. Box 1720
Kailua-Kona, HI 96745-1720

MAR 22 12 37 PM '90
LAND USE COMMISSION
STATE OF HAWAII

Dear Mr. Carlsmith:

Special Permit 77-260 (SP 357)
Richard Smart Trust dba Parker Ranch
Amendments to Condition No. 5; Expand Site No. 2;
Delete Site Nos. 3 and 4
Tax Map Key: 4-7-7:portion 11,
5-6-1:portion 51, 6-7-1:portions 3 and 25

This is to acknowledge receipt on November 9, 1989, of the above-described request to Special Permit 77-260 (SP 357).

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

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

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

"(b) Promptly after the Commission's fixing a date for the public hearing, the petitioner shall mail a notice of the application and hearing to owners of interests in properties within three hundred feet of the perimeter boundary of the affected property and to owners of interests in other properties which the Planning Commission may find to be directly affected by the proposed request. Such notice shall state:

(1) Name of the petitioner;

EXHIBIT B

NOV 22 1989

(2) Precise location of the property involved;

(3) Nature of the proposed use; and

(4) Date, time, and place of the hearing.

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

Should any questions arise, please contact Norman Hayashi or Connie Kiriu of this department at 961-8288.

Sincerely,

William L. Moore

DUANE KANUHA
Planning Director

CRK:syw

cc: Parker Ranch

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
SECOND FLOOR, BANK OF HAWAII ANNEX BUILDING
75-5742 J HUALALAI ROAD
KAILUA-KONA, HAWAII 96740
TELEPHONE (808) 329-6464
TELECOPIER (808) 329-9450

KONA OFFICE:
P. O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

HILO OFFICE:
P. O. BOX 686
HILO, HAWAII 96721-0686
(808) 935-6644

MAUI OFFICE:
P. O. BOX 1086
WAILUKU, HAWAII 96793
(808) 242-4535

HONOLULU OFFICE:
P. O. BOX 656
HONOLULU, HAWAII 96809
(808) 523-2500

GUAM OFFICE:
P. O. BOX BF
AGANA, GUAM 96910
(671) 472-6813
TELEX 721-6445 CWCMI GM

LOS ANGELES OFFICE:
P. O. BOX 71169
LOS ANGELES, CALIFORNIA 90071-0169
(213) 955-1200

SAIPAN OFFICE:
P. O. BOX 241 CHRB
SAIPAN, MP 96950
(670) 322-3455
TELEX 783-658 CWCMI SPN

November 7, 1989

Ref#: 02-0187-19
Parker Ranch-Quarries

Duane Kanuha
County of Hawaii
Planning Director
75 Aupuni Street
Hilo, Hawaii 96720

MAR 22 12 37 PM '90
LAND USE COMMISSION
STATE OF HAWAII

Re: Request for Amendment of Conditions for Special Permit No. 357

Dear Mr. Kanuha:

Our office is representing Parker Ranch with respect to five quarry sites that they own and operate within a state land use "Agricultural" district pursuant to Special Permit No. 357 issued in 1977. Each quarry site is a separate operation run by separate operators. Parker Ranch would like to request that the County Planning Commission amend the special permit as it applies to certain individual sites as follows:

1. With respect to Site No. 1, Parker Ranch would like the Planning Commission to amend Condition Number 5 of the permit to allow the continued operation of this site for the indefinite future. Site No. 1 is located on the mauka said of the Old Mamalahoa Highway, 3.5 miles Honokaa of the junction of Mamalahoa and the Belt Road in Kapa'aula Hamakua. It is 10 acres in area and was operated by Al Lirou in 1977 when the permit was issued. It had been in operation since prior to 1961. It is a hard rock quarry and crushing operation for the production and limited stockpiling of aggregates and sand. Since 1977 when the permit was issued, it has been operated by several operators and James W. Glover Ltd. will continue the operations. Increased needs in the community for the material quarried have created the need to amend the

EXHIBIT A

Special Permit conditions to allow for the continued operation of this site.

2. With respect to Site No. 2, Parker Ranch would like to request that Condition No. 2.b.1 of the Permit be amended to include an additional 8.9 acres of land area (for a total land area of 14.9 acres) and to amend condition 5 of the permit to allow the site to operate for the indefinite future. Copies of maps showing the enlarged site are attached. Site No. 2 is located 2 plus miles towards Kawaihae from Hawi Village on the mauka side of the Kawaihae-Mahukona Road. It is 6 acres in area and was operated by the County of Hawaii in 1977 when the Special Permit was issued. It had been in operation since prior to 1961. It is a cinder quarry and it has in recent years been operated by Mike Luce who will be continuing the operation for the indefinite future. Increased needs in the community for the material quarried have created the need to amend the conditions. Expanded area as well as an extension of time are necessary to meet these needs.

3. With respect to Site No. 3, Parker Ranch is currently discussing with the operator Allied Aggregates the possibility of designating a new quarry site in the vicinity of the current site and has asked the operator to restore the site in compliance with Condition No .6 of the Permit. Therefore, this site will be omitted from Special Permit 357 and Parker Ranch requests that the permit be amended accordingly.

4. With respect to Site No. 4, Parker Ranch will be filing a new Special Permit request, and Parker Ranch would request that condition number 5 be amended to provide a reasonable extension of time to process a new permit application. Upon action by the County and State on the new Special Permit application, this site should be deleted from Special Permit No. 357. Site No. 4 is located 3.3. miles southeast of the Waimea-Kohala airport. It is currently 30 acres in area and Parker Ranch will request that it be enlarged to 90 acres in area. This site has been in operation since 1945 for the quarrying, crushing and stockpiling of hard rock and aggregates.

5. With respect to Site No. 5, Parker Ranch would like the Planning Commission to amend condition number 5 to allow the continued operation of this site for the indefinite future. Site No. 5 is located 2.2. miles southeast of the

Waimea-Kohala airport. It is 5 acres in area and was operated by Pacific Concrete and Rock in 1977 when the permit was issued. It had been in operation since 1945. It is a cinder quarry and will be operated by the applicant for the indefinite future. A continuing need by the applicant for the type of cinders that are available at this site makes it necessary to extend the period of time for operation of the Quarry site.

All of these quarry sites were operated prior to the enactment of the state land use law and they continued in operation through 1977 when the special permit was obtained to accommodate expanded operations. The determination was made in 1977 by the County Planning Commission and the State Land Use Commission, that the Special Permit request for the quarry operation was reasonable and was not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations and the adopted land use policies of the County of Hawaii as embodied in the County's General Plan document and Zoning Code. The quarry uses have not changed substantially over the years, and have not been a burden on the adjoining properties. The sites are generally speaking far removed from populated areas, and the surrounding properties are in each instance owned or controlled by Parker Ranch.

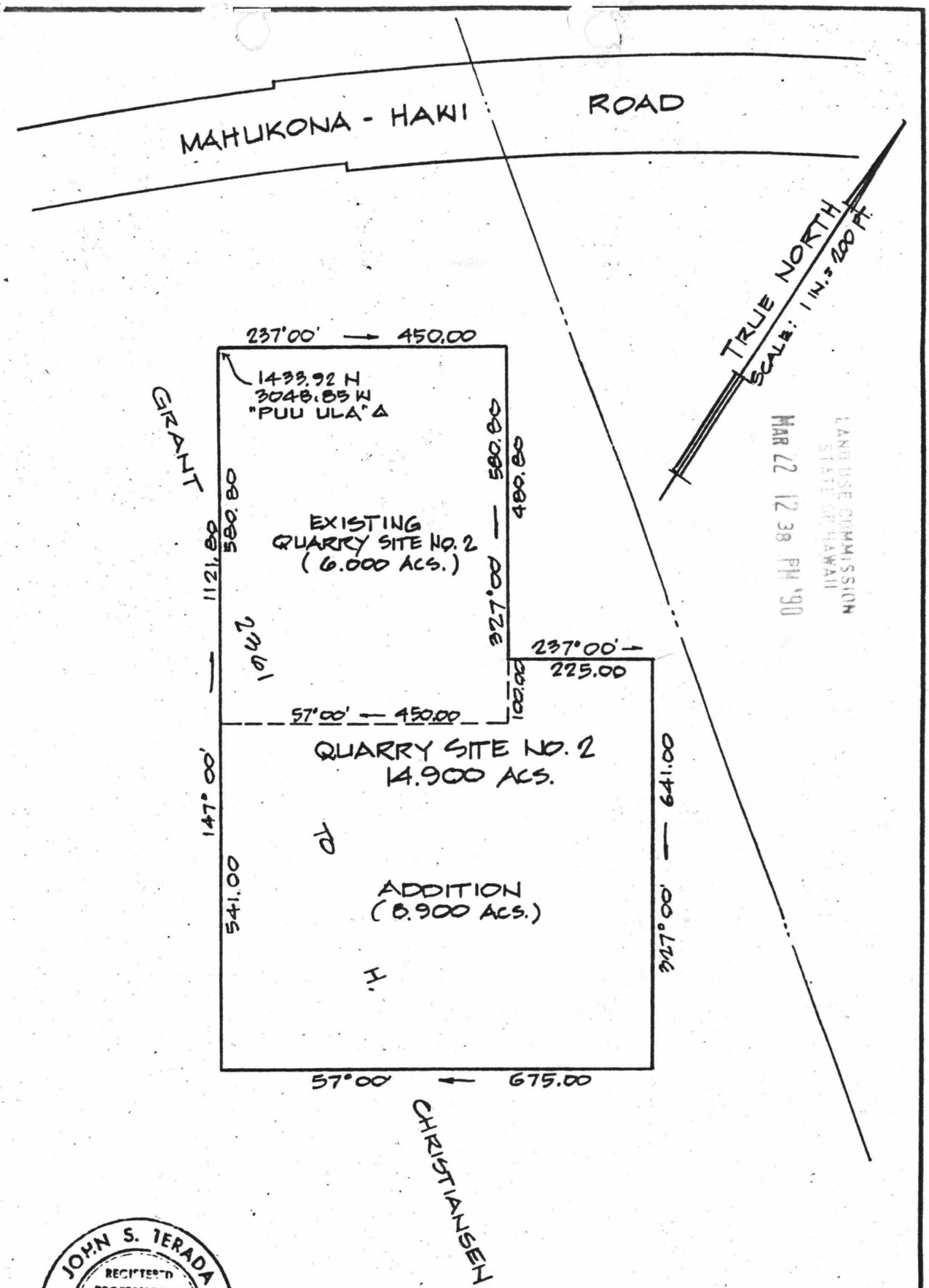
Parker Ranch is aware of a continuing need of sources for the materials quarried at the several sites particularly in light of the recent growth in construction in West Hawaii and this is the reason for the requested extensions of time. Operation of these quarry sites continue to be in compliance with the criteria set forth in the State Land Use law, and Parker Ranch respectfully requests that the permit be amended as requested above by the County Planning Commission.

I am enclosing sixteen copies of the location map and a revised site map for Site Number 2 showing the expanded area of the site, and our check in the amount of $100.00 to cover the processing of this request.

Very truly yours,

Robert W. Carlsmith

RWC:lu
Encl.
cc: Parker Ranch



LAND USE COMMISSION
STATE OF HAWAII
MAR 22 12 38 PM '90

JOHN S. TERADA
REGISTERED
PROFESSIONAL
LAND
SURVEYOR
No. 5080
HAWAII, U.S.A.

EXHIBIT A-1

PLAN SHOWING QUARRY SITE NO. 2

BEING A PORTION OF GRANT 2361
AT PUAKEA, NORTH KOHALA
ISLAND OF HAWAII, HAWAII
TAX MAP KEY: 3RD. DIV. 5-6-01:51 (POR.)

This work was prepared by me or under my supervision

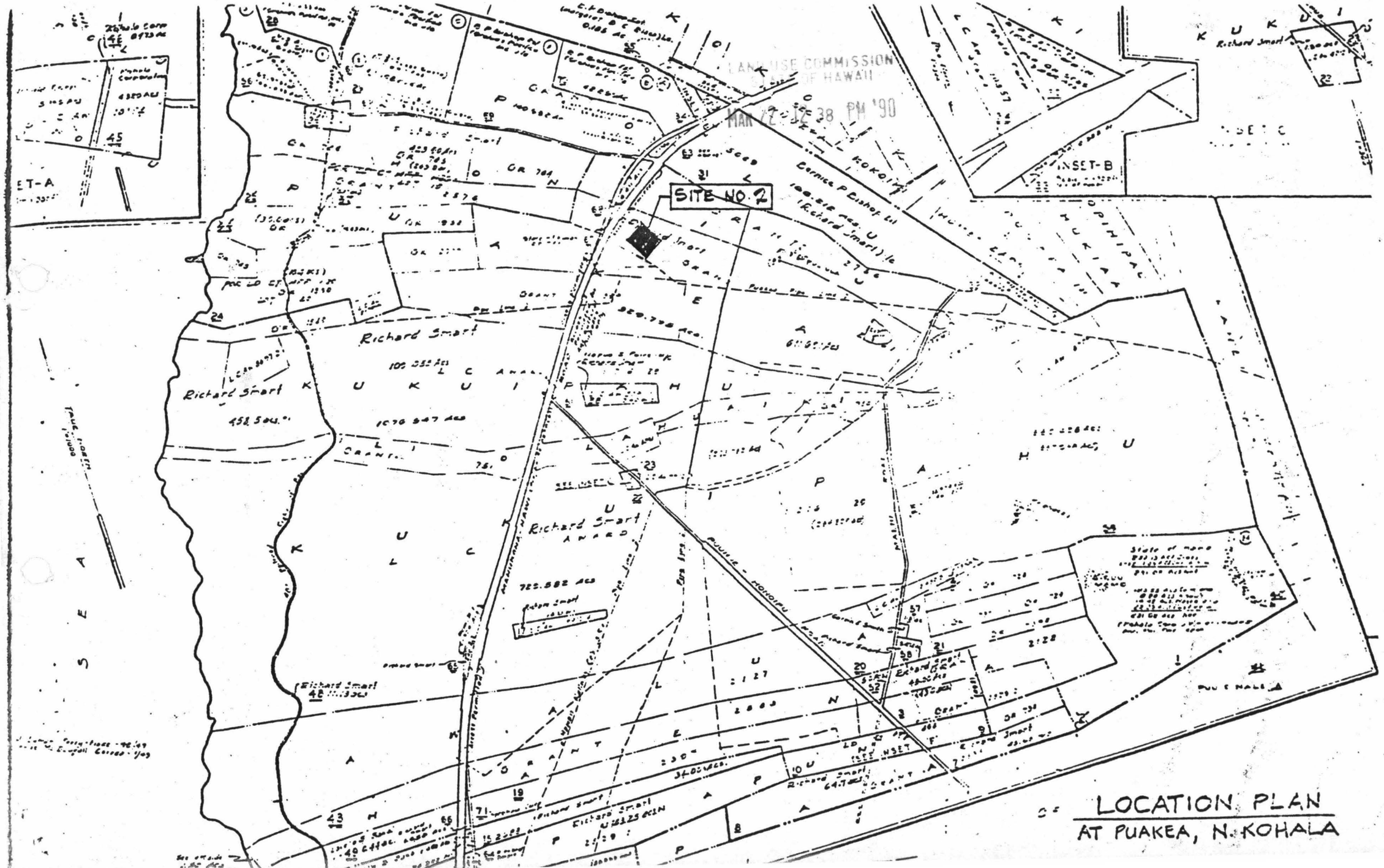
By: John S. Terada

Registered Professional Surveyor
Certificate Number 5080

HONOLULU, HAWAII
89-153 (79-45)

ENGINEERS SURVEYORS HAWAII, INC.
CIVIL ENGINEERS · SURVEYORS · PLANNERS

1020 ALAHI ST.
SEPT. 19, 1989


SITE NO. 2
Richard Smart
Richard Smart
Richard Smart
Richard Smart
Richard Smart
INSET-B
INSET-A
LANDUSE COMMISSION
STATE OF HAWAII
MAR 22 12 38 PM '90
LOCATION PLAN
AT PUAKEA, N. KOHALA

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
SECOND FLOOR, BANK OF HAWAII ANNEX BUILDING
KAILUA-KONA, HAWAII 96740
P.O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
(808)329-6464

MAR 22 12 38 PM '90
LAND USE COMMISSION
STATE OF HAWAII

LETTER OF TRANSMITTAL

TO: DATE: November 9, 1989

ANNA SMITH
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

RE: Parker Ranch - Application for Special Permit

02-0187-19

THE FOLLOWING:

COPIES	DATE	DESCRIPTION
16	11/7/89	Letter to Duane Kanuha Re Request for Amendment of Conditions for Special Permit No. 357
16		Application for Special Permit-TMK (3) 6-7-01:023 (por) Site #4
1		Pen

IS (ARE) TRANSMITTED HEREWITH (UNDER SEPARATE COVER):

( )	FOR YOUR INFORMATION	(XX)	FOR NECESSARY ACTION
( )	FOR SIGNATURE & RETURN	( )	PER YOUR REQUEST
( )	FOR SIGNATURE & FORWARDING AS NOTED BELOW	( )	PER OUR CONVERSATION
		( )	FOR YOUR APPROVAL
( )	FOR REVIEW & COMMENT	( )	APPROVED AS NOTED
( )	FOR CORRECTION	( )	DISAPPROVED
( )	FOR DISTRIBUTION	( )	FOR YOUR FILES
( )	FOR RECORDATION	( )	SEE REMARKS BELOW
( )	FOR PAYMENT	( )	FOR FILING/CERTIFYING

REMARKS:

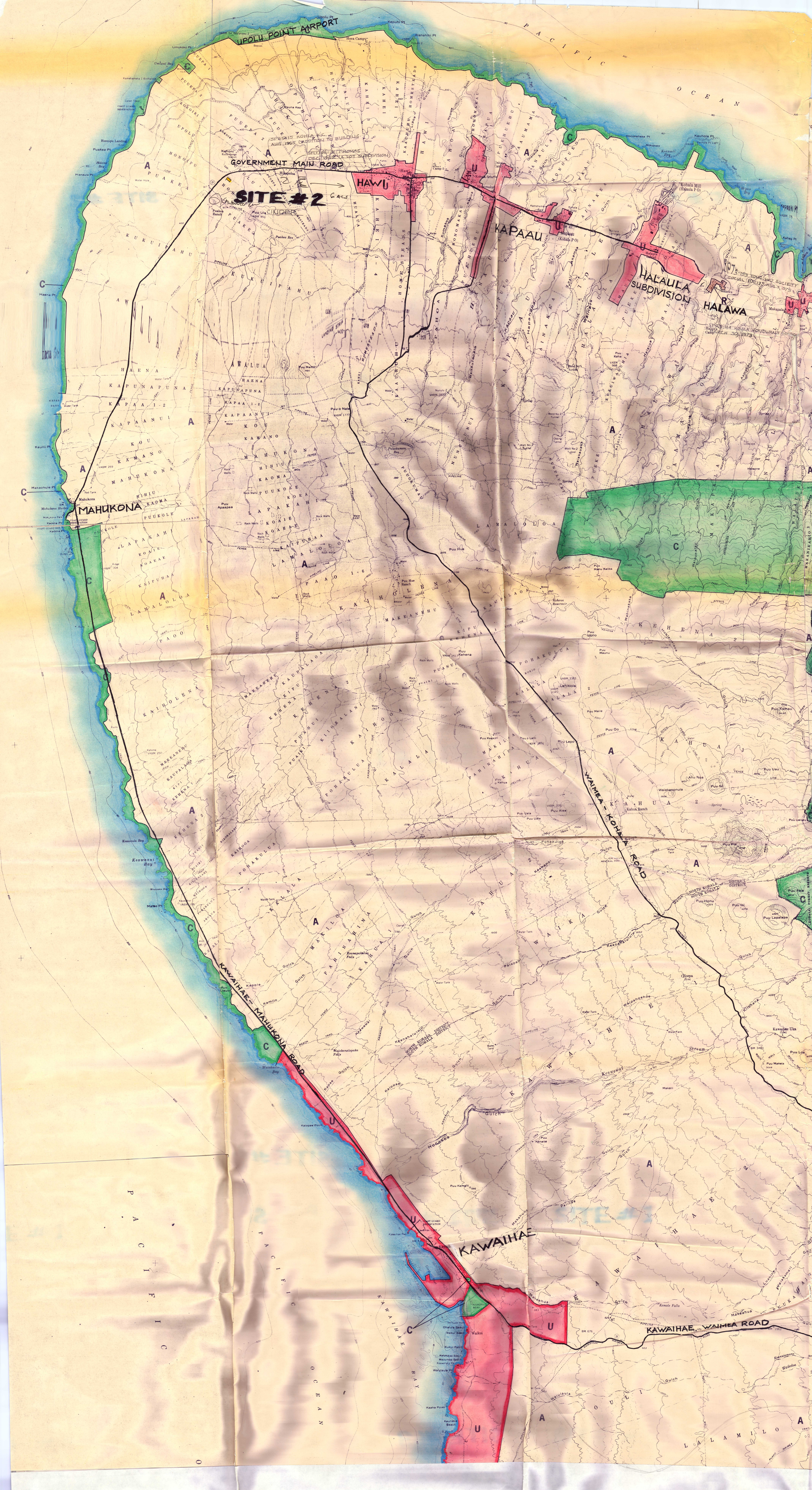
cc: ( )W/ENCL ( )W/O ENCL.

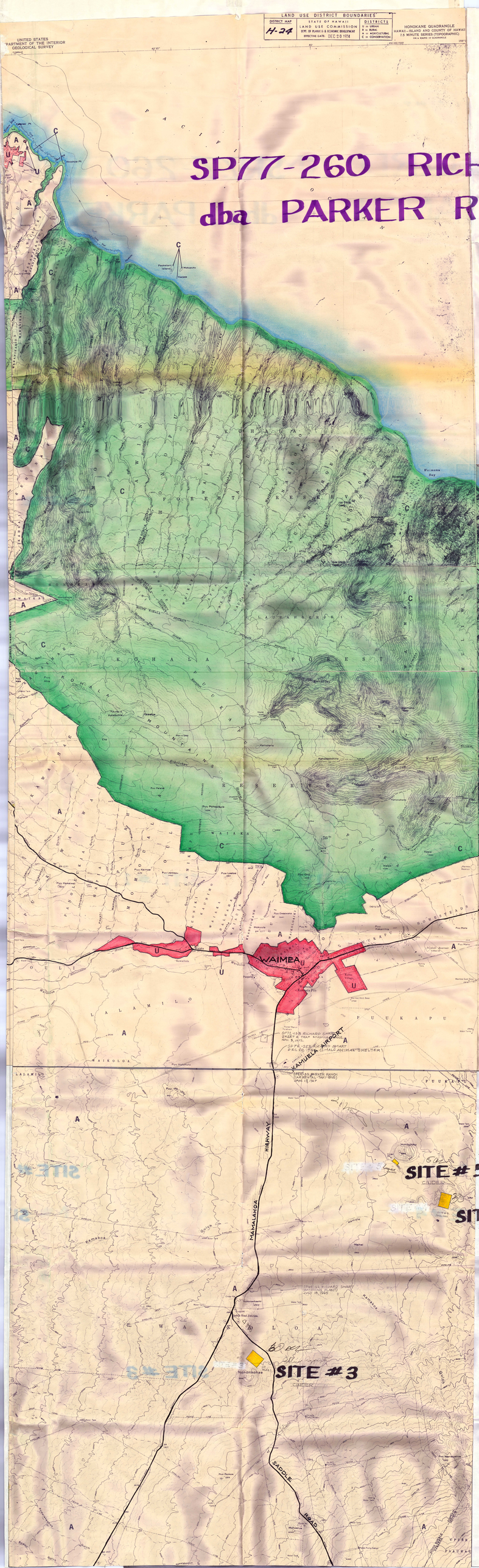
BY: _____
FOR ROBERT W. CARLSMITH/lu

RECEIVED BY: _____

DATE: _____

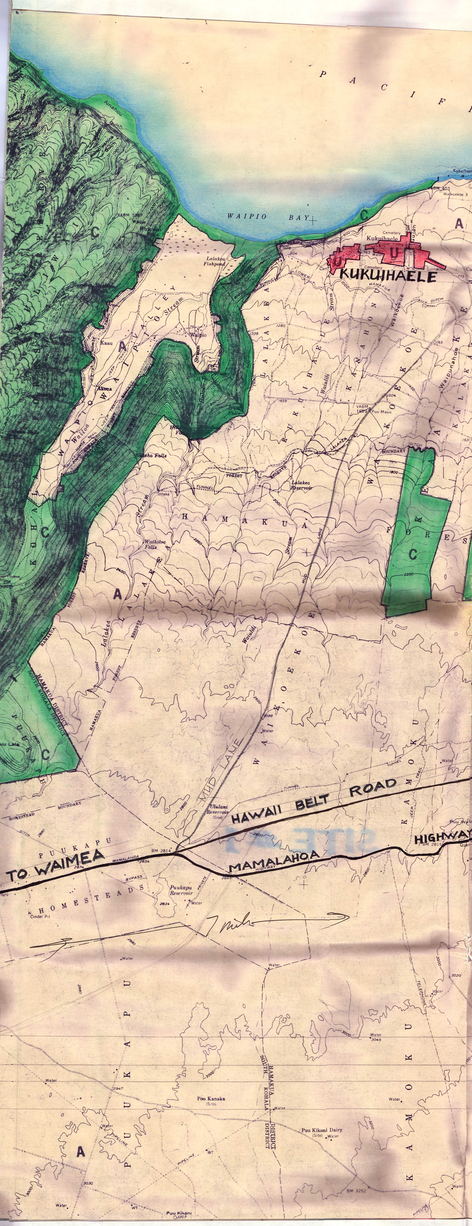
EXHIBIT A-2


UPOLU POINT AIRPORT
GOVERNMENT MAIN ROAD
SITE #2
HAWI
KAPAAU
HALAULA SUBDIVISION
HALAWA
MAHUKONA
WAIMEA - KOHALA ROAD
KAWAIHAE - MAHUKONA ROAD
KAWAIHAE
KAWAIHAE - WAIMEA ROAD
PACIFIC OCEAN



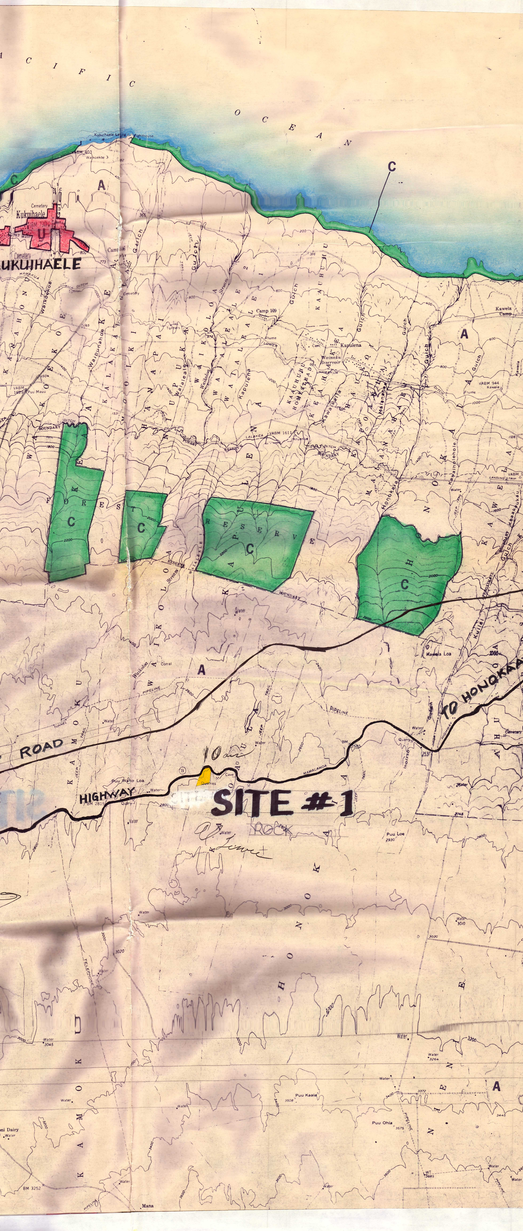
LAND USE DISTRICT BOUNDARIES
DISTRICT MAP
H-24
STATE OF HAWAII
LAND USE COMMISSION
DEPT. OF PLANNING & ECONOMIC DEVELOPMENT
EFFECTIVE DATE: DEC 20 1974
DISTRICTS
U = URBAN
R = RURAL
A = AGRICULTURAL
C = CONSERVATION
HONOKANE QUADRANGLE
HAWAII—ISLAND AND COUNTY OF HAWAII
7.5 MINUTE SERIES (TOPOGRAPHIC)
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
SP77-260 RICH
dba PARKER R
WAIMEA
KAMUELA AIRPORT
MAMALAHOA HIGHWAY
SITE #3
SITE #5
SITE #4
SITE #3
SADDLE ROAD

HARD SMA
RANCH



Pee Gone
& Rock to
5
Jim
Shield Pike
TE #4
ROCK

MART



Bernard K. Akana
Mayor
Duane Kanuha
Director
William L. Moore
Deputy Director

Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

March 29, 1990

LAND USE COMMISSION
STATE OF HAWAII
APR 2 | 44 PM '90

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

Dear Ms. Ueda:

Amendment to Special Permit No. 77-260
Richard Smart Trust dba Parker Ranch
Quarry Sites

This is in regards to the above-captioned amendment to Special Permit No. 77-260 sent to the State Land Use Commission for its consideration.

Condition No. 5 of the Special Permit states that the quarry operations shall be terminated on May 4, 1987. This permit had a specific termination date, we were recently advised by the Office of the Corporation Counsel that under such circumstances the permit has expired. The request to amend this condition was filed after the expiration date.

Based on the above discussion, please disregard our letter of March 20, 1990, which transmitted the amendment request to the State Land Use Commission. By way of this letter, we are informing the applicant that the Special Permit has expired and that the quarry operations must be terminated.

Should you have any questions, please contact Norman Hayashi of this office at 961-8288.

Sincerely,

DUANE KANUHA
Planning Director

NH:lm

cc: Planning Commission
Robert W. Carlsmith, Esq.

STATE OF HAWA

DEPARTMENT OF BUSINESS
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

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

JOHN WAIHEE
Governor

RENTON L.K. NIP
Chairman

FREDERICK P. WHITTEMORE
Vice Chairman

COMMISSION MEMBERS:

Lawrence F. Chun
Sharon R. Himeno
Allen K. Hoe
Allen Y. Kajioka
Eusebio Lapenia, Jr.
James M. Shinno
Elton Wada

ESTHER UEDA
Executive Officer

February 13, 1990

Mr. Duane Kanuha
Planning Director
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Kanuha:

Subject: Amendment to Special Permit No. 357 (77-260)
Richard Smart Trust dba Parker Ranch

We have received a copy of a letter dated January 31, 1990, to Robert W. Carlsmith from Fred Y. Fujimoto indicating that the Hawaii Planning Commission had partially approved the applicant's request to amend the subject special permit.

Based on our review of the special permit, it appears that it involves Agricultural District lands exceeding 15 acres and will require Land Use Commission approval in accordance with Section 205-6, Hawaii Revised Statutes.

If you have any questions, please call me or my staff at 548-3039.

Sincerely,

ESTHER UEDA
Executive Officer

EU:to

cc: Robert W. Carlsmith

Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Bernard K. Akana
Mayor

LAND USE COMMISSION
STATE OF HAWAII
FEB 1 12 10 PM '90

CERTIFIED MAIL

January 31, 1990

Robert W. Carlsmith, Esq.
P.O. Box 1720
Kailua-Kona, HI 96745-1720

Dear Mr. Carlsmith:

Amendment to Special Permit No. 357 (77-260)
Applicant: Richard Smart Trust dba Parker Ranch
TMK: 4-7-07:Portion of 11, Kapa'aula, Hamakua (Site No. 1)
5-6-01:Portion of 51, Puakea, North Kohala (Site No. 2)
6-7-01:Portion of 3, Waikoloa, South Kohala (Site No. 3)
6-7-01:Portion of 25, Waikoloa, South Kohala (Site No. 4)
6-7-01:Portion of 25, Waikoloa, South Kohala (Site No. 5)

The Planning Commission at its duly held public hearing on January 18, 1990, voted to partially approve your request to amend Special Permit No. 357 (77-260) which allowed for the continued operation of five existing quarry sites situated within the State Land Use Agricultural District in the Hamakua, North Kohala, and South Kohala Districts of Hawaii. The request for indefinite time and the conditional deletion of Site No. 4 was denied, and the request to expand Site No. 2 and delete Site No. 3 was approved.

The decision of the Planning Commission is based on the following:

1. The request for an indefinite life to the Special Permit instead of the 10-year time period is contrary to the original reasons for granting the permit in 1977. It is recognized that quarrying is an activity generated from a non-renewable resource, which will terminate upon the resource being exhausted or due to the lack of demand. Such an activity should be re-evaluated against the conditions and trends at that

* - See SP90-374 Richard Smart Trust dba Parker Ranch

point in time. Decreased demand of the resource material or urban expansion in the vicinity of any of the sites could warrant its termination. In this regard, another 10-year time period from the date of amendment approval is being recommended. In addition, the monitoring of such activity may be accomplished through the submittal of an annual monitoring report detailing the approximate amount of material quarried, listing of public complaints or problems, disposition of complaints and so on. A new condition is being recommended to allow for annual reporting and possible follow-up mitigation.

2. The expansion of Site No. 2 to a 14.9-acre site will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The area is rated Very Poor or "E" by the Land Study Bureau for agricultural productivity and would be an extension of the existing approved quarry site. Commercial excavation or removal of natural building material or minerals is a permitted use within the County's Agricultural zone district. It is determined that approval of the subject request to allow the expansion of a quarry operation would be compatible with the existing land use designations and would not be circumventing the County's planning effort for this particular area, nor would it be detrimental to the agricultural resources of the county or state. The State Department of Agriculture raised no objections to the request.

The proposed expansion will not adversely affect the surrounding properties. The expansion will be occurring in an easterly (mauka) direction away from the Puakea Ranch Subdivision and also away from the Kawamoto residence referred to in Condition No. 2.b.3 of the subject permit.

The proposed expansion will not unreasonably burden public agencies to provide additional facilities and services. The Department of Transportation-Highways Division has commented that access would be allowed from "permitted access openings" on the Akoni Pule Highway. Other cooperating agencies had no objections to the request.

Based on the foregoing, it is determined that the proposed expansion of Site No. 2 is an unusual and reasonable use of the land within the State Land Use Agricultural District and that approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

3. While the deletion of Site No. 3 should not affect the original permit, Condition No. 6 of Special Permit No. 357 (77-260) must still be complied with. Please be advised that with the deletion of Site No. 3 from the permit, the Planning Commission required that appropriate documentation that Condition No. 6 has been complied with shall be submitted to the Planning Director for approval within ninety days from approval of the amendment request (January 18, 1990).

4. The deletion of Site No. 4 from the Special Permit upon approval of another Special Permit application for expansion of a 30-acre site to a 90-acre area by the Land Use Commission would not be consistent with the State Land Use Law Rules and Regulations. The applicant wishes to keep his options under Special Permit No. 357 (77-260) should the new Special Permit request be denied. Site No. 4 is 30 acres in size and, therefore, could not be retained under the original permit, which is being reviewed by only the Planning Commission. It is recommended that Site No. 4 be deleted in its entirety from this permit as it is the subject of a different Special Permit application which undergoes a separate decision-making process. If the Special Permit expansion request is denied, Site No. 4 would not be permitted to operate.

Special Permit No. 357 (77-260) is amended as follows: [Bracketed material [ ] to be deleted; underscored material to be added.]

1. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the five (5) quarry sites within six (6) months of the effective date of the Special Permit. <u>Further, that a metes and bounds description of the expanded Site No. 2 shall be filed with the Planning Department within six months from the date of approval of this amendment.</u>

2. That the following requirements shall be applied to the specified sites:

a. Site No. 1 (TMK: 4-7-07: Portion of 11 - identified as Exhibit BB on file with the County of Hawaii Planning Department).

1) Maximum of ten (10) acres.

2) Operation limited to dynamiting, portable crusher, loading and stockpiling.

3) Stockpiled material shall be outside of the government right-of-way (Mamalahoa Highway).

4) Any debris left on Mamalahoa Highway as a result of the quarry operation shall be cleared by the quarry operator.

b. Site No. 2 (TMK: 5-6-01: Portion of 52-Exhibit CC)

1) Maximum of [six (6)] 14.9 acres.

2) Operation limited to scraping, loading and limited stockpiling.

3) Operation shall be confined to the side of the existing cinder cone away from the Kawamoto dwelling.

4) A grading permit for the expansion area shall be secured within one year from the date of approval of the amendment request.

[c. Site No. 3 (TMK: 6-7-01: Portion of 3-Exhibit DD)

1) Maximum of sixty (60) acres.

2) Operation limited to scraping, loading, limited stockpiling and installation of scales.

3) Any debris left on Saddle Road as a result of the quarrying operation shall be cleared by the quarry operator.

d. Site No. 4 (TMK: 6-7-01: Portion of 25-Exhibit DD)

1) Maximum of thirty (30) acres.

2) Operation shall be limited to dynamiting, portable crusher, loading and limited stockpiling.

e.] c. Site No. 5 (TMK: 6-7-01: Portion of 25-Exhibit DD)

1) Maximum of five (5) acres.

2) Operation limited to scraping, loading and limited stockpiling.

3. That the rules and regulations of the State Department of Health shall be complied with.

4. That the operations, including the loading and hauling, be limited to between the hours of 7:00 a.m. and 5:00 p.m. on Mondays through Saturdays only.

5. That the quarrying operations and its allied uses be terminated within ten (10) years from [after] the [effective] date of approval of the Special Permit amendment or their prior abandonment, whichever occurs first.

6. That upon termination of the operations at each site, the lands shall be graded to blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Planning Director for review and approval within ninety(90) days from the termination date [, subject to the approval of the County of Hawaii Planning Director].

7. That all other applicable laws, requirements, rules and regulations be complied with.

8. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of the amendment request. The report shall

include, but not be limited to, the amount of material quarried, a detailed listing of public complaints or problems, and their disposition. Should a conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the introduced use will have an adverse impact on surrounding properties.

9. Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, [the Special Permit may be deemed null and void] the Director may initiate procedures to revoke the permit.

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

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Fred Y. Fujimoto

Fred Y. Fujimoto
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission

Bernard K. Akana
Mayor
Duane Kanuha
Director
William L. Moore
Deputy Director

Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

January 2, 1990

JAN 3 12 02 PM '90
LAND USE COMMISSION
STATE OF HAWAII

Robert W. Carlsmith, Esq.
P. O. Box 1720
Kailua-Kona, HI 96745-1720

Dear Mr. Carlsmith:

Notice of a Public Hearing
Amendment to Special Permit No. 357 (77-260)
Applicant: Richard Smart Trust dba Parker Ranch
Tax Map Keys:
4-7-07:Portion of 11, Kapa'aula, Hamakua (Site No. 1)
5-6-01:Portion of 51, Puakea, North Kohala (Site No. 2)
6-7-01:Portion of 3, Waikoloa, South Kohala (Site No. 3)
6-7-01:Portion of 25, Waikoloa, South Kohala (Site No. 4)
6-7-01:Portion of 25, Waikoloa, South Kohala (Site No. 5)

This is to inform you that the above amendment to Special Permit No. 357 has been scheduled for a public hearing by the Planning Commission. Said hearing, among others, will be held beginning at 1:30 p.m. on Thursday, January 18, 1990, in the Kona Surf Hotel, Kohala Conference Room, 78-128 Ehukai Street, Keauhou, North Kona, Hawaii. The presence of a representative will be appreciated in order that all questions relative to the request may be clarified. A copy of the 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,

William L. Moore

Duane Kanuha
Planning Director

Atts.

cc: State Land Use Commission
Mr. Richard Smart

PUBLIC HEARINGS

PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings, among others, 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: Kona Surf Hotel, Kohala Conference Room, 78-128 Ehukai Street, Keauhou, North Kona.

DATE: Thursday, January 18, 1990

TIMES: 10:30 a.m. (Item Nos. 1-3)
1:30 p.m. (Item Nos. 4-7)
2:00 p.m. (Item No. 8)

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

1. APPLICANT: GARY PECK, ET AL.

   LOCATION: Along the makai side of the Keei Middle Road, approximately 1,450 feet from the Mamalahoa Highway-Keei Middle Road junction, Keei 2nd, South Kona.

   TMK: 8-3-10:5

   PURPOSE: Continuation of a public hearing for time extensions to Conditions B and C (submission of subdivision plans and establishment of agricultural activity) of Change of Zone Ordinance No. 855 which rezoned 4.1 acres of land from an Agricultural 5-acre (A-5a) to an Agricultural 2-acre (A-2a) zoned district.

2. APPLICANT: MOKUAIKAUA CHURCH, ON BEHALF OF HAWAII RANCH AND FARM

LOCATION: Site of the Kailua Trade Center, Kailua-Kona, Keopu, North Kona.

TMK: 7-5-07:44

PURPOSE: Continuation of a public hearing on the amendment to Condition No. 8 (designation of pedestrian access along the south end of the Kailua Trade Center and Mokuaikaua Church properties) of Special Management Area (SMA) Use Permit No. 92 which allowed the construction of the Kailua Trade Center building. The request is to amend Condition No. 8 by allowing the establishment of an exclusive pedestrian access for patrons of Kailua Trade Center and members of Mokuaikaua Church and its visiting public during the hours of 7 a.m. to 6 p.m.

3. APPLICANT: GLADYS MANN dba KONA COAST MASSAGE

LOCATION: East side of Queen Kaahumanu Highway and at the end of Poni Place, Kona Heights Subdivision, Hienaloli 5th, North Kona.

TMK: 7-5-26:44

PURPOSE: Continuation of a public hearing for a Use Permit to allow the establishment of a massage office within an existing single-family

dwelling on 9,935 square feet of land situated within the Unplanned (U) zoned district.

4. APPLICANT: RICHARD SMART TRUST dba PARKER RANCH

LOCATION: Hamakua, North Kohala and South Kohala. (See below for specifics)

TMK: 4-7-07:Portion of 11, Kapa'aula, Hamakua (Site No. 1)

5-6-01:Portion of 51, Puakea, North Kohala (Site No. 2)

6-7-01:Portion of 3, Waikoloa, South Kohala (Site No. 3)

6-7-01:Portion of 25, Waikoloa, South Kohala (Site No. 4)

6-7-01:Portion of 25, Waikoloa, South Kohala (Site No. 5)

PURPOSE: Amend Special Permit No. 357 (77-260), which allowed for the continued operation of five existing quarry sites situated within the State Land Use Agricultural District in the Hamakua, North Kohala and South Kohala Districts of Hawaii. The requested amendments are as follows: (1) Deletion of the 10-year life of the permit imposed by Condition No. 5; (2) 8.9-acre expansion of the existing 6-acre Site No. 2 identified as TMK: 5-6-01:Portion of 51; (3) Deletion of Site No. 3 (TMK: 6-7-01:Portion of 3) from the permit; and (4) Deletion of Site No. 4 (TMK: 6-7-01: Portion of 25) conditioned upon the Special Permit application listed as Item No. 2 below being approved by the Land Use Commission.

5. APPLICANT: RICHARD SMART TRUST dba PARKER RANCH

LOCATION: Site of the existing West Hawaii Concrete operations located at Waikoloa, South Kohala.

TMK: 6-7-01:Portion of 25

PURPOSE: Special Permit to allow for the continuation of quarry Site No. 4 approved under Special Permit 77-260 and the expansion of the site to a total 91.827-acre area.

6. APPLICANT: WAIKOLOA DEVELOPMENT COMPANY

LOCATION: North and northeast of the Royal Waikoloan Hotel at the Waikoloa Beach Resort, Anaehoomalu, South Kohala.

TMK: 6-9-07:22, 23, 24 and portions of 25 and 30

PURPOSE: Change of zoning districts for 31± acres of land currently zoned Village Commercial - 10,000 square feet (CV-10), Multiple Family Residential - 1,500 square feet (RM-1.5) and Open (O) for the purpose of adjusting the zoning boundaries for properties.

7. APPLICANT: ISEMOTO CONTRACTING CO., LTD./SJA PARTNERSHIP/MARCH TAYLOR

LOCATION: Approximately 4 miles south of Keahole Airport and in close proximity to the Honokohau Small Boat Harbor access road, Honokohau, North Kona.

TMK: 7-4-08:33

PURPOSE: Change of zone for 9.9 acres of land from an Open (O) to a Limited Industrial 3-acre (ML-3a) zoned district.

8. APPLICANT: ROYAL VISTA ESTATES AND COUNTRY CLUB

LOCATION: Northwest (makai) side of the Mamalahoa Highway and across from the Puu Lani Ranch Subdivision, Puuanahulu Homesteads, North Kona.

TMK: 7-1-05:9, 10, 26, 28-34, 39-41, 58 & 59

PURPOSE: Use Permit to allow the establishment of a 27-hole golf course and related improvements within the County's Unplanned (U) zoned district.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and in the Planning Department's West Hawaii 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
Fred Y. Fujimoto, Chairman

(West Hawaii Today: January 7, 1990)

PLANNING COMMISSION
COUNTY OF HAWAII

Agenda for the Meeting on Thursday, January 18, 1990
Kona Surf Hotel, Kohala Conference Room, 78-128 Ehukai Street,
Keauhou, North Kona, Hawaii - 10:30 a.m.

UNFINISHED BUSINESS - 10:30 a.m.

1. Continuation of a public hearing on the request by Gary Peck, et al. for time extensions to Conditions B and C (submission of subdivision plans and establishment of agricultural activity) of Change of Zone Ordinance No. 855 which rezoned 4.1 acres of land from an Agricultural 5-acre (A-5a) to an Agricultural 2-acre (A-2a) zoned district. The property is located along the makai side of the Keei Middle Road, approximately 1,450 feet from the Mamalahoa Highway-Keei Middle Road junction, Keei 2nd, South Kona, TMK: 8-3-10:5.

2. Continuation of a public hearing on the request by Mokuaikaua Church, on behalf of Hawaii Ranch and Farm, for an amendment to Condition No. 8 (designation of pedestrian access along the south end of the Kailua Trade Center and Mokuaikaua Church properties) of Special Management Area (SMA) Use Permit No. 92 which allowed the construction of the Kailua Trade Center building. The request is to amend Condition No. 8 by allowing the establishment of an exclusive pedestrian access for patrons of Kailua Trade Center and members of Mokuaikaua Church and its visiting public during the hours of 7 a.m. to 6 p.m. The property affected by this SMA Use Permit is the site of the Kailua Trade Center, Kailua-Kona, Keopu, North Kona, TMK: 7-5-07:44.

3. Continuation of a public hearing on the application of Gladys Mann dba Kona Coast Massage for a Use Permit to allow the establishment of a massage office within an existing single-family dwelling on 9,935 square feet of land situated within the Unplanned (U) zoned district. The property is located on the east side of Queen Kaahumanu Highway and at the end of Poni Place, Kona Heights Subdivision, Hienaloli 5th, North Kona, TMK: 7-5-26:44.

NEW BUSINESS (PUBLIC HEARINGS): 10:30 a.m.

1. Applications of Mauna Lani, Resort, Inc. for a Special Management Area (SMA) Use Permit and Use Permit to allow the establishment of a new pre-school/day care center and related improvements on approximately 1.7 acres of land situated within the County's Unplanned zoned district. The property is adjacent to and southwest of the Mauna Lani Resort, Inc. administrative offices, Kalahuipuaa, South Kohala, TMK: 6-8-01:Portion of 52.

2. Application of Hawaii State Public Library System, Office of the State Librarian for a Special Management Area (SMA) Use Permit to allow the construction of a new library facility and related improvements. The property is along the south side of Hualalai Road, between the Kona Inn parking lot and the Union 76 Service Station, Kailua-Kona, Hienaloli, North Kona, TMK: 7-5-08:13.

3. Application of Larry Smith for a Special Management Area (SMA) Use Permit to allow the construction of a 3-story, 4-unit apartment building and related improvements. The property involved is between Kuakini Highway and Sea View Circle, approximately 630 feet north of the Kuakini Highway-Sea View Circle intersection, Holualoa 4th, North Kona, TMK: 7-7-15:63.

NEW BUSINESS (PUBLIC HEARINGS) 1:30 p.m.

1. Application of Richard Smart Trust dba Parker Ranch to amend Special Permit No. 357 (77-260), which allowed for the continued operation of five existing quarry sites situated within the State Land Use Agricultural District in the Hamakua, North Kohala and South Kohala Districts of Hawaii. The requested amendments are as follows: (1) Deletion of the 10-year life of the permit imposed by Condition No. 5; (2) 8.9-acre expansion of the existing 6-acre Site No. 2 identified as TMK: 5-6-01:Portion of 51; (3) Deletion of Site No. 3 (TMK: 6-7-01:Portion of 3) from the permit; and (4) Deletion of Site No. 4 (TMK: 6-7-01: Portion of 25) conditioned upon the Special Permit application listed as Item No. 2 below being approved by the State Land Use Commission. The sites involved are located as follows: Site No. 1--TMK: 4-7-07:Portion of 11, Kapa'aula, Hamakua; Site No. 2--TMK: 5-6-01:Portion of 51, Puakea, North Kohala; Site No. 3--TMK: 6-7-01:Portion of 3, Waikoloa, South Kohala; Site No. 4--TMK: 6-7-01:Portion of 25, Waikoloa, South Kohala; Site No. 5--TMK: 6-7-01:Portion of 25, Waikoloa, South Kohala.

2. Application of Richard Smart Trust dba Parker Ranch for a Special Permit to allow for the continuation of quarry Site No. 4 approved under Special Permit 77-260 and the expansion of the site to a total 91.827-acre area. The area involved is the site of the existing West Hawaii Concrete operations located at Waikoloa, South Kohala, TMK: 6-7-01:Portion of 25.

3. Application of Waikoloa Development Company for change of zoning districts for 31+ acres of land currently zoned Village Commercial - 10,000 square feet (CV-10), Multiple Family Residential - 1,500 square feet (RM-1.5) and Open (O) for the purpose of adjusting the zoning boundaries for properties situated north and northeast of the Royal Waikoloan Hotel at the Waikoloa Beach Resort, Anaehoomalu, South Kohala, TMK: 6-9-07:22, 23, 24 and portions of 25 and 30.

4. Application of Isemoto Contracting Co., Ltd./SJA Partnership/March Taylor for a change of zone for 9.9 acres of land from an Open (O) to a Limited Industrial 3-acre (ML-3a) zoned district. The area involved is located approximately 4 miles south of Keahole Airport and in close proximity to the Honokohau Small Boat Harbor access road, Honokohau, North Kona, TMK: 7-4-08:33.

NEW BUSINESS (PUBLIC HEARING) - 2:00 p.m.

Application of Royal Vista Estates and Country Club for a Use Permit to allow the establishment of a 27-hole golf course and related improvements within the County's Unplanned (U) zoned district. The property is located on the northwest (makai) side of the Mamalahoa Highway and across from the Puu Lani Ranch Subdivision, Puuanahulu Homesteads, North Kona, TMK: 7-1-05:9, 10, 26, 28-34, 39-41, 58 & 59.

MINUTES - DECEMBER 19 and 20, 1989

ADMINISTRATIVE MATTERS

ADJOURNMENT

May 23, 1977

Mr. James M. Whitman
Business Manager
Parker Ranch
P. O. Box 458
Kamuela, Hawaii 96743

Dear Mr. Whitman:

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

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encls.

May 23, 1977

HAWAII PLANNING COMMISSION
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on May 4, 1977, the Land Use Commission voted to approve a Special Permit request by Richard Smart dba Parker Ranch, Hawaii (SP77-260) to allow the continue operation of five (5) existing quarry sites situated within the State Land Use Agricultural District subject to the conditions imposed by the Hawaii Planning Commission.

The five sites include the following:

Site No. 1 - Tax Map Key 4-7-7: portion of 11, approx. ten (10) acres, Kapa'aula, Hamakua, Hawaii

Site No. 2 - Tax Map Key 5-6-1: portion of 51, approx. six (6) acres, Honipu, North Kohala, Hawaii

Site No. 3 - Tax Map Key 6-7-1: portion of 3, approx. sixty (60) acres, Waikoloa, South Kohala, Hawaii

Site No. 4 - Tax Map Key 6-7-1: portion of 25, approx. thirty (30) acres, Waikoloa, South Kohala, Hawaii

Site No. 5 - Tax Map Key 6-7-1: portion of 25, approx. five (5) acres, Waikoloa, South Kohala, Hawaii

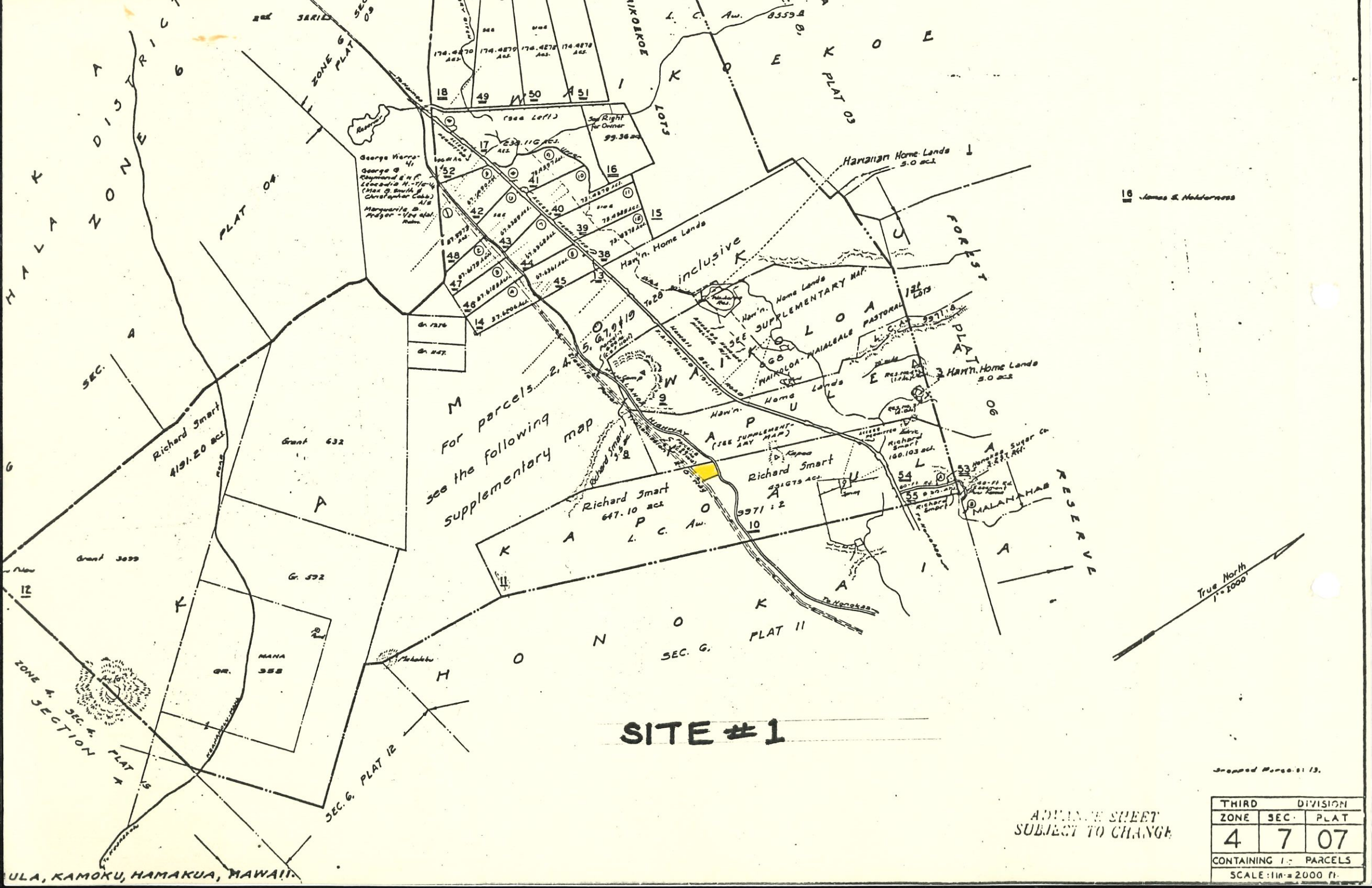
A copy of the staff memorandum is enclosed for your information.

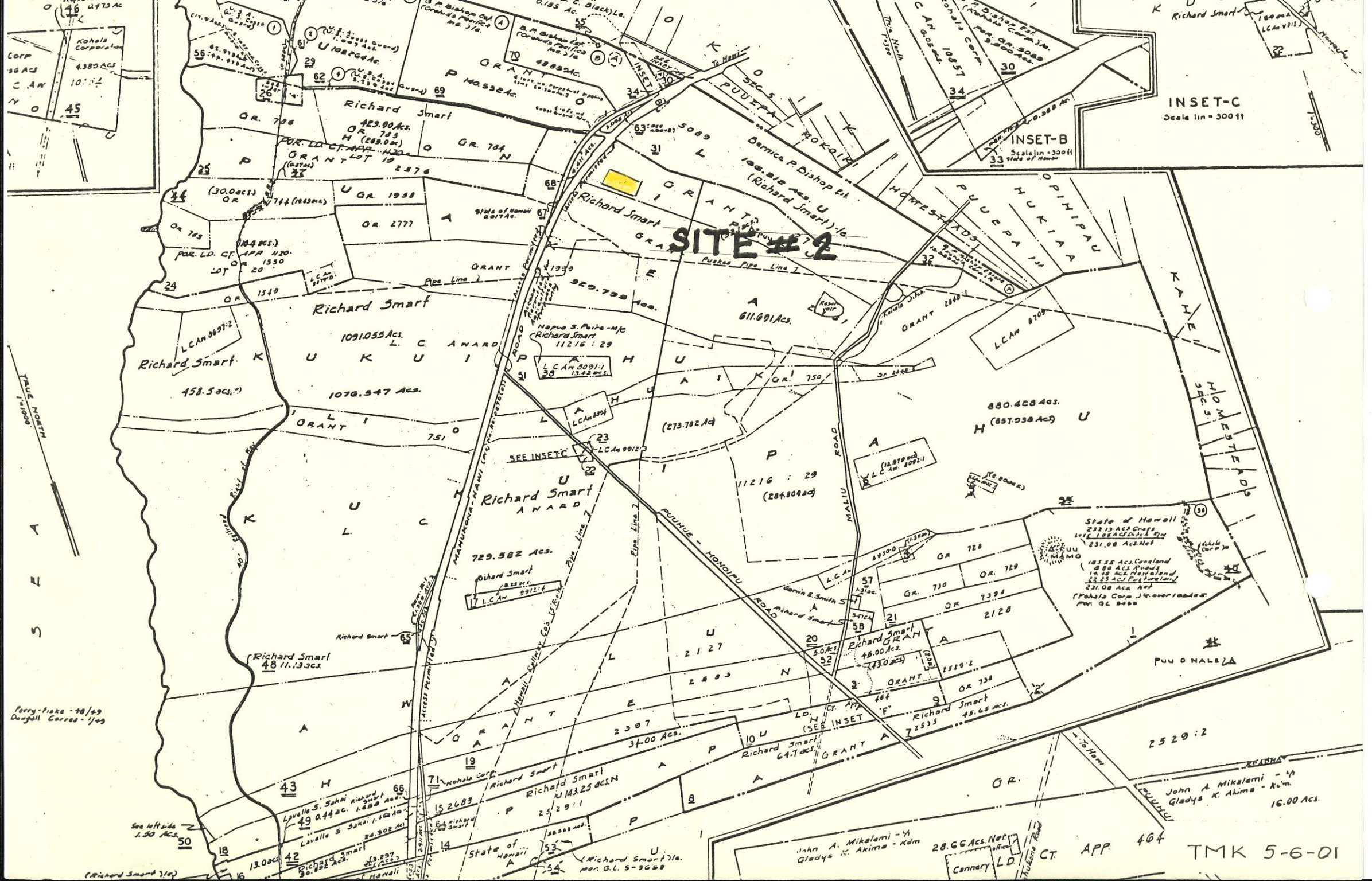
Sincerely,

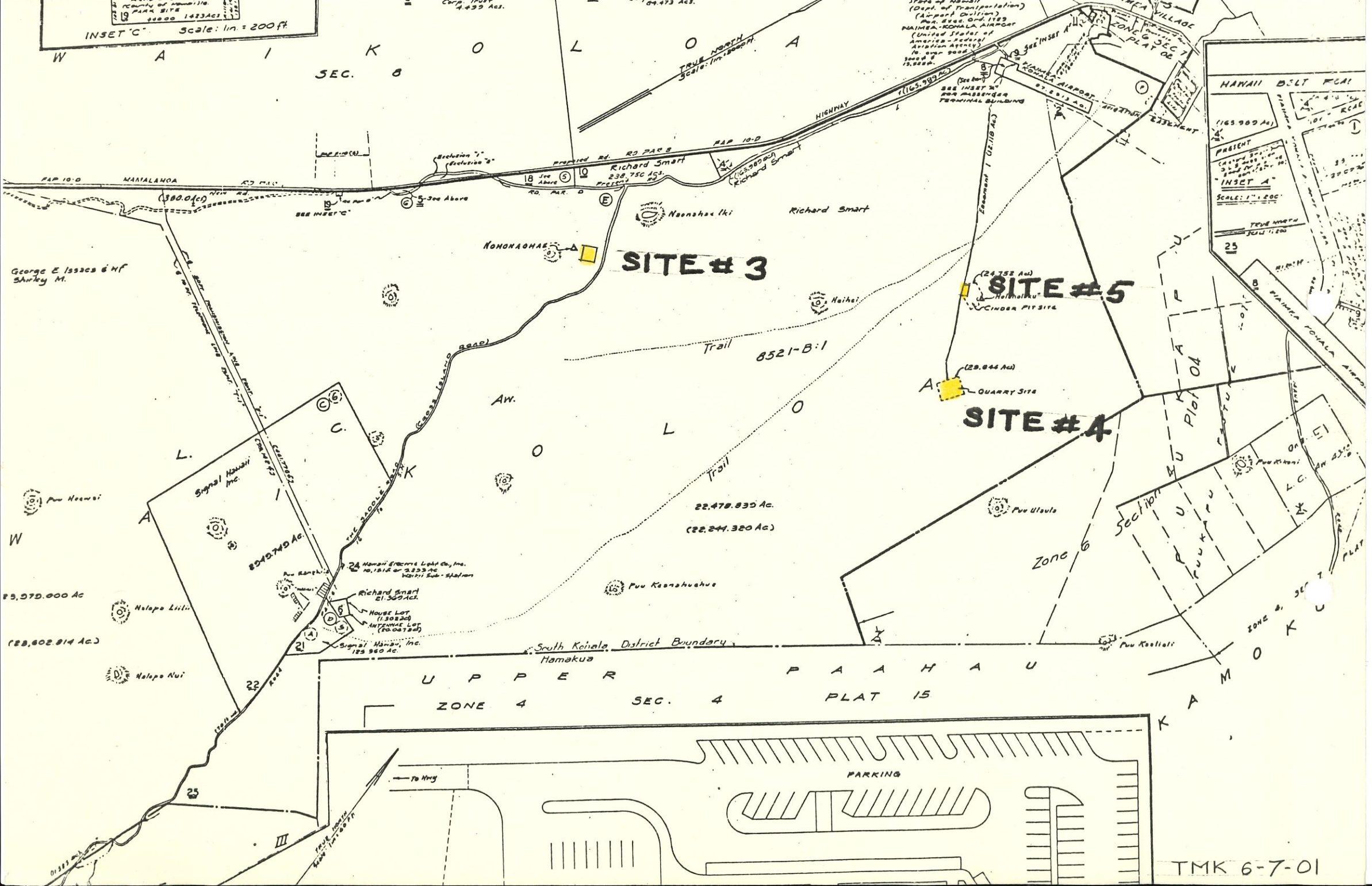
GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encls.

cc: Mr. James Whitman, Parker Ranch
Dept. of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Dept. of Planning & Economic Dev.
Office of Environmental Quality
Div. of Land Management, DLNR


SITE #1
For parcels 2, 4 see the following supplementary map
SEE SUPPLEMENTARY MAP
Richard Smart 4191.20 acs.
Richard Smart 647.10 acs
Richard Smart 221.675 Acs.
Richard Smart 160.103 acs.
Richard Smart 3.5 ac.
Richard Smart 3.5 ac.
Richard Smart 3.5 ac


SITE #2
INSET-C
Scale 1in = 300ft
INSET-B
Scale 1in = 300ft
TMK 5-6-01
Richard Smart
Bernice P. Bishop Est.
Kohala Corporation
State of Hawaii
John A. Mikalemi - Et
Gladys K. Akima - Kdm
Pukoa Pipe Line 1
Pipe Line 2
Pipe Line 3
MAHUKONA - HAWI (Mauka) ROAD
PUUHUE - HONOIPU ROAD
MALIU ROAD
HOMESTEADS
SEE INSET C
Richard Smart 458.5 acs.
Richard Smart 1091.055 Acs.
Richard Smart 1076.947 Acs.
Richard Smart 729.582 Acs.
Richard Smart 329.738 Acs.
Richard Smart 611.691 Acs.
Richard Smart 880.428 Acs.
Richard Smart 45.00 Acs.
Richard Smart 64.7 acs.
Richard Smart 45.65 acs.
Richard Smart 31.00 Acs.
Richard Smart 143.25 acs.
Richard Smart 1.50 Acs.
Richard Smart 13.0 acs.
Richard Smart 50.852 Acs.
Richard Smart 24.302 Acs.
Richard Smart 1.650 Acs.
Richard Smart 0.44 ac.
Richard Smart 1.650 Acs.
Richard Smart 1.650 Acs.
Richard Smart 1.650 Acs



INSET "C" Scale: 1in. = 200 ft.
W A I K O L O A
SEC. 8
TRUE NORTH
HIGHWAY
FAP 10-D
MAMALAHOA
Richard Smart
238.750 Acs.
Naonahae Iki
Richard Smart
NOHONAOHAE
SITE # 3
George E Issacs & Wf
Shirley M.
Heihei
SITE # 5
Holoholoku
CINDER PIT SITE
Trail
8521-B:1
QUARRY SITE
SITE # 4
Aw.
L. C.
Signal Hawaii Inc.
Puu Hoewai
22,478.839 Ac.
(22,244.320 Ac.)
Puu Ulaula
Zone 6 Section
Puu Kaoliali
Puu Keonahuehue
Richard Smart
21.369 Acs.
Nalopa Liili
(28,602.814 Ac.)
Nalopa Nui
South Kohala District Boundary
Hamakua
U P P E R P A A H A U
ZONE 4 SEC. 4 PLAT 15
PARKING
To Hwy
TMK 6-7-01
HAWAII BELT ROAD
INSET "A"
PRESENT

COUNTY OF HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

LAND USE COMMISSION
STATE OF HAWAII
MAY 6 1 36 PM '77

May 4, 1977

Mr. Gordan Furutani
Executive Officer
State Land Use Commission
P. O. Box 2359
Honolulu, HI 96804

Dear Mr. Furutani:

Richard Smart dba Parker Ranch
Special Permit Application
Continued Operation of Quarries
TMK: 4-7-07:Portion of 11;
5-6-01:Portion of 51;
6-7-01:Portions of 03 & 25

Pursuant to the State Land Use Commission's request at its meeting on Wednesday, May 4, this is to inform you that Quarry Sites Nos. 1 and 2 were in operation on a periodic basis prior to 1961.

Although the petitioner's application stated that these two sites were first quarried in 1963 and 70 respectively, they were in existence prior to those dates. The dates listed in the application are when the present operators initially commenced quarry activities on the two sites.

We hope the information provided clarifies your concerns expressed at the meeting. Should you have any other questions, please feel free to contact us.

Sincerely,

SIDNEY FUKE
Director

NH:cdm

cc: James Whitman
Robert Carlsmith (Kona Ofc)

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kailua United Methodist Church
Kailua, Hawaii

May 4, 1977 - 9:30 a.m.

Approved
AUG 16 1977

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
James Carras
Charles Duke
Colette Machado
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell
Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Michael Marsh, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

ACTION

SP77-259 - MASATSU & EUNICE M. KAWAMOTO
Application for a Special Permit to allow the construction of a building for storage/processing and commercial sale of beef products at Ka'auhuhu Homesteads, North Kohala, Hawaii

Mr. Gordan Furutani, Executive Officer, pointed out the subject parcel on the maps and summarized the staff report, and enumerated the conditions which had been imposed by the Hawaii County Planning Commission.

Commissioner Oura moved to approve the Special Permit, subject to the conditons imposed by the Hawaii County Planning Commission, which was seconded by Commissioner Carras and unanimously carried.

SP77-260 - RICHARD SMART DBA PARKER RANCH
Application for a Special Permit to allow the continued operation of 5 existing quarry sites at Hamakua, Hawaii

Mr. Furutani oriented the Commission to the parcel under petition with the aid of the posted maps, and summarized the staff report and read the conditions which had been imposed by the Hawaii County Planning Commission.

Since 5 sites were involved in this application, Chairman Tangen recommended that the records clearly indicate that should one site violate any of the conditions, the status of the other 4 sites will not be jeopardized.

Commissioner Whitesell felt that the County's transmittal of the records should reflect accurate information, such as information concerning the existence of quarrying activities prior to the enactment of the Land Use Law.

Commissioner Carras moved to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission, which was seconded by Commissioner Oura and carried unanimously.

SP71-122 - SIGNAL PROPERTIES, INC
Application to allow an extension of time condition for a rock quarry located at Puako, South Kohala, Hawaii

A brief summary of the staff report was presented by Mr. Furutani, including the County's conditions. Subject lands were identified on the map.

Commissioner Oura raised a question concerning the dust problem to the Puako houselots from the quarrying operation. The Executive Officer advised that the only resolution to this problem, at the time the Special Permit was approved in 1972, was a recommendation to the applicant that it take every precaution to avoid any noise or dust problems.

Mr. Furutani noted that he had advised the petitioner to communicate with the County regarding the change of name from Signal Properties, Inc. to Signal Puako and also to reaffirm that the total area involved in the petition was 150 acres, and to submit this in writing to the Land Use Commission. Mr. Norman Hayashi of the Hawaii Planning Department reported that they had not been advised of these matters by the petitioner.

Commissioner Oura moved to approve the extension request, subject to the conditions imposed by the Hawaii County Planning Commission, and subject further to the condition that Signal Puako be required to take such steps as necessary to alleviate the dust problems for the Puako houselots as required by the County, and failing to do so the Special Permit will become null and void. The motion was seconded by Commissioner Carras and unanimously passed.

CONTINUED HEARING

A76-420 - DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT
(Kawainui Marsh)

Chairman Tangen announced that the next item on the agenda was a continued hearing on the petition by the Department of

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP77-260 RICHARD SMART dba PARKER RANCH DATE May 4, 1977

PLACE Kailua United Methodist Church 1110 Kailua Road Kailua, Oahu TIME 9:30 a.m.

NAME	YES	NO	ABSTAIN	ABSENT
MIYASATO, SHINSEI	X			
DUKE, CHARLES	X			
MACHADO, COLETTE	X			
YANAI, EDWARD	X			
OURA, MITSUO	X			
CARRAS, JAMES	X			
SAKAHASHI, STANLEY	X			
WHITESELL, CAROL	X			
TANGEN, EDDIE	X			

Comments: I move that we approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission May 4, 1977
9:30 a.m.

FROM: Staff

SUBJECT: SP77-260 - Richard Smart dba Parker Ranch

The petitioner, Richard Smart dba Parker Ranch, is requesting this Special Permit to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District.

The five (5) sites include the following:

Site No. 1 is located along the mauka or south side of the old Mamalahoa Highway, approximately 3½ miles on Honoka'a side of the old Mamalahoa Highway-Hawaii Belt Highway junction, Kapa'aula, Hamakua, Hawaii, Tax Map Key 4-7-7: portion of 11. This site is about ten (10) acres in size and presently operated by Al Lirou on a month-to-month quarry agreement basis. It was first quarried in 1963. Approximately 25,000 cubic yards (c.y.) of hard rock are removed annually. The operation includes dynamiting, crushing, loading and limited stockpiling.

The General Plan Land Use Pattern Allocation Guide Map designates this area as Extensive Agriculture (pasturage and range lands). The County zoning designation is Agricultural 40-acres (A-40a).

According to the U. S. Department of Agriculture Soil Conservation Services Soil Survey Report issued in December 1973, this area is classified as Rough Broken Land which is a miscellaneous land type that consists of very steep, precipitous land. The soil material ranges from very shallow to deep. Stone and rock outcrops are common in some areas. The annual rainfall ranges from 50 inches to more than 150 inches.

The surrounding lands are basically used for grazing. According to the County Planning Department's land use inventory, the nearest dwelling is situated over 1,500 feet west of the subject site.

Access to this site is via the Old Mamalahoa Highway which has a 50-foot right-of-way.

Site No. 2 is located on the mauka side of the Mahukona-Hawi Road, slightly over two (2) miles Kawaihae side of Hawi Village, Honipu, North Kohala, Hawaii, Tax Map Key 5-6-1: portion of 51. This site is about six (6) acres in size and presently operated by the County of Hawaii on a month-to-month quarry agreement. It was first quarried in 1970. Approximately 10,000 c.y. of cinder are removed annually. The operation includes scraping, loading and limited stockpiling.

The General Plan Land Use Pattern Allocation Guide Map designates the area as Intensive Agriculture. The County zoning designation is Agricultural 20-acres (A-20a).

The Soil Survey Report classifies this site as Kohala series which consists of well-drained silty clays that formed in material from basic igneous rock influenced by volcanic ash. This area receives from 40 to 60 inches of rainfall annually.

The surrounding lands are basically used for grazing. The closest single-family dwelling is located approximately 1,800 feet Kawaihae side of the subject area on Parker Ranch land.

Access to this site is from the 70-foot wide Mahukona-Hawi Road.

Site No. 3 is located along the west side of Saddle Road, approximately 4,000 feet from the Saddle Road-Mamalahoa Highway junction, Waikoloa, South Kohala, Hawaii, Tax Map Key 6-7-1: portion of 3. This site is about sixty (60) acres in size and presently operated by the Allied aggregates. It was first quarried in 1945. Approximately 10,000 c.y. of cinder are removed annually. The operation includes scraping, loading and limited stockpiling.

The General Plan Land Use Pattern Allocation Guide Map designates the area as Extensive Agriculture. The County zoning designation is Agricultural 40-acres (A-40a).

The land is of the Kolohana Soil Series which consists of somewhat excessively drained loamy fine sands that formed in volcanic ash, sand, and cinders at a depth of about 42 inches. The area receives from 20 to 40 inches of rainfall annually.

The surrounding lands are used for grazing. There are no dwellings in close proximity to the site.

Access to the site is from the Saddle Road.

Site No 4. is located approximately 3.3 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, Hawaii, Tax Map Key 6-7-1: portion of 25. This site is about thirty (30) acres in size and presently operated by Shield Pacific, Ltd. It was first quarried in 1945. Approximately 50,000 c.y. of hard rock are removed annually. The operation includes dynamiting, crushing, loading, and limited stockpiling.

The General Plan Land Use Pattern Allocation Guide Map designates the area as Extensive Agriculture. The County zoning designation is Agriculture 40-acres (A-40a).

The land is of the Puu Pa Soil Series which consists of well-drained stony, very fine sand, loams that formed in volcanic ash. The surface layer and the layer below are extremely stony, very fine, sandy loam about 6 inches and 34 inches thick respectively. The area receives from 20 to 35 inches of rainfall annually.

The surrounding lands are used for grazing. There are no dwellings in close proximity.

Site No. 5 is located approximately 2.2 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, Hawaii, Tax Map Key 6-7-1: portion of 25. This site is about five (5) acres in size and presently operated by Pacific Concrete and Rock Co., Ltd. It was first quarried in 1945. Approximately 20,000 c.y. of cinder are removed annually. The operation includes scraping, loading and limited stockpiling.

The General Plan Land Use designation, County zoning and soil characteristics are the same as for Site No. 4.

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

"Request is hereby made to continue operation of various existing quarries on the Parker Ranch. Each of these quarries has been operated for years and existed prior to the establishment of district boundaries and regulations. These sites are far removed from populated areas and can in no way adversely affect surrounding properties nor burden public agencies. The grazing activity which predominates the areas in question has never been hindered by these quarry operations. These quarries are also a major source of construction material for the Kohala District and directly benefit both the State and County Highway Departments."

Pertinent comments from governmental agencies:

1. Department of Public Works

   Site No. 1 - "The spoil or waste from this quarry is stockpiled on the side of the roadway (Mamalahoa Highway). This fill is estimated to be about 8 feet to 10 feet high, consisting of moderately rocky soil. The slope of this fill is about 1½:1, and the toe of the slope is very close to the paved roadway, possibly encroaching into the roadway right-of-way. We feel that this stockpile should be modified to conform with the provisions of the Hawaii County Ordinance No. 168, as it may become hazardous."

For the Commission's information, Ordinance 168 is the Grading Ordinance.

Site No. 2 - "The subject quarry should present a negligible water pollution hazard as it is contained within a hollow. It is almost entirely hidden from the Kohala-Kawaihae Belt Highway because of this. Mrs. Kawamoto, a neighbor of this quarry site, noted slight dust problems when the wind is blowing toward her home, but stated that dust was not visible in the air, and the inconvenience was slight. We could recommend that quarrying operations be confined to the side of the cinder cone away from this home, but we understood that this has already been dictated by the Smarts. Therefore, we have no objections to this site."

Site No. 3 - "There seems to be no real problems on this site. There is a defined drainageway makai of the operation, which passes under Saddle Road and goes to sheet flow in the pasture there. No build up of silt was noted. The access to the quarry site is unpaved and dusting problems may occur during hauling operations. There are no homes for miles here, so this dusting problem cannot be considered serious or hazardous."

Sites Nos. 4 and 5 - "The Department of Public Works had the following comments regarding these latter two (2) sites:

"This site has both a blue rock quarry and a cinder quarry. It is located several miles from the Waimea-Kona Roadway, well away from any homes. There are no drainage problems or erosion problems seen on the sites. There is a dust problem at the rock quarry, caused by arid conditions on site. The biggest dust producer is the access road, which is loose crushed rock. This dust problem is minimized to the general public due to the remote location of the quarry. Problems noted: This is an arid region and water is not readily available."

All other cooperating agencies, including the Hawaii County Police Department, Hawaii County Department of Water Supply, Hawaii County Fire Department, State Department of Agriculture, Hawaii Electric Light Company, U. S. Soil Conservation Service and State Department of Transportation had no comments on or objections to the subject request.

According to the petition, with the exception of the Allied Aggregates quarrying operation, all of the quarrying agreements with the operators are informal agreements. The quarries will be in operation for the indefinite future under agreements between Parker Ranch and the quarrying operators.

At the public hearing held by the Hawaii County Planning Commission on February 14, 1977, four (4) persons testified on

behalf of the applicant.

On March 14, 1977, the Hawaii County Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission as it was found:

"1. That the petitioner is requesting the Special Permit to allow the continued operation of five (5) existing quarry sites. With the exception of Site No. 2, the quarry sites have been in operation prior to adoption of the State Land Use District Regulations; thus, are considered nonconforming. However, Part IV of the State Land Use Rules and Regulations allows an existing nonconforming use to continue provided said use is not expanded or increased in intensity. The nonconforming quarrying activities at existing sites may continue provided the activity is confined to the actual existing area of excavation. However, once the activity is expanded horizontally beyond the existing boundaries of excavation, it becomes an expansion of a nonconforming use; and thus, a Special Permit would be required. Since the petitioner intends to horizontally expand the boundaries of some of the existing sites, a Special Permit is required. The petitioner's intent also is to legally delineate the boundaries of the quarry sites in order that the sites would become conforming ones.

In light of the above, it is determined that the quarrying of this particular request will not substantially alter or change the essential character of the areas under consideration as the lands have been quarried for many years and is still being done so to date.

"2. That the intent of quarrying operations is to extract materials which can be used in all types of construction. The result of the quarrying operations would benefit the general public by providing materials needed for the construction activities, such as roads or otherwise. Quarrying activities constitute an unusual use as they must be conducted in areas which have the appropriate geological raw materials for their intended uses or for products which eventually will be produced. The areas under consideration and the types of materials extracted in the past have proven to be suitable for quarrying activities. As such, it is determined that although the lands under consideration can still be used for agricultural purposes as evidenced by the surrounding cattle grazing activity, it is determined that the use at the requested locations will make the highest and best use of the lands involved for the public welfare.

"3. That the quarry sites are located in areas which do not cause significant disruption to nor have significantly

adverse impacts on surrounding land uses. As stated earlier, there will be no change in the present use of the properties. Therefore, the impact on the surrounding properties and their improvements would be negligible, and would not change the existing character of the areas. Surrounding lands are basically used for the grazing of cattles or are vacant of any uses. The closest single-family dwelling situtated to any one quarry sites is over 1,500 feet away. Furthermore, the great distance of the quarry sites from urbanized areas coupled with existing regulations will assure that the quarrying activities will have no significantly adverse effect on surrounding properties. Further, no significant adverse impact on roads and vehicular traffic and the like are expected, particularly since mitigating measures will be imposed and spelled out as conditions of approval of the Special Permit request."

Based upon the above findings, it was determined that the Special Permit request is reasonable and will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations and the adopted land use policies of the County of Hawaii as embodied in the County's General Plan document and zoning code.

Recommendation for approval was subject to the following conditions:

"1. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the five (5) quarry sites within six (6) months of the effective date of the Special Permit.

"2. That the following requirements shall be applied to the specified sites:

a. Site No. 1 (TMK: 4-7-07: Portion of 11 - identified as Exhibit BB on file with the County of Hawaii Planning Department).

1) Maximum of ten (10) acres.

2) Operation limited to dynamiting, portable crusher, loading and stockpiling.

3) Stockpiled material shall be outside of the government right-of-way (Mamalahoa Highway).

4) Any debris left on Mamalahoa Highway as a result of the quarry operation shall be cleared by the quarry operator.

b. Site No. 2 (TMK: 5-6-01: Portion of 51 - Exhibit CC)

1) Maximum of six (6) acres.

2) Operation limited to scraping, loading and limited stockpiling.

3) Operation be confined to the side of the existing cinder cone away from the Kawamoto dwelling.

c. Site No. 3 (TMK: 6-7-01: Portion of 3 - Exhibit DD)

1) Maximum of sixty (60) acres.

2) Operation limited to scraping, loading, limited stockpiling and installation of scales.

3) Any debris left on Saddle Road as a result of the quarrying operation shall be cleared by the quarry operator.

d. Site No. 4 (TMK: 6-7-01: Portion of 25 - Exhibit DD)

1) Maximum of thirty (30) acres.

2) Operation limited to dynamiting, portable crusher, loading and limited stockpiling.

e. Site No. 5 (TMK 6-7-01: Portion of 25 - Exhibit DD)

1) Maximum of five (5) acres.

2) Operation limited to scraping, loading and limited stockpiling.

"3. That the rules and regulations of the State Department of Health shall be complied with.

"4. That the operations, including the loading and hauling, be limited to between the hours of 7:00 a.m. and 5:00 p.m. on Mondays through Saturdays only.

"5. That the quarrying operations and its allied uses be terminated ten (10) years after the effective date of the Special Permit or their prior abandonment, whichever occurs first.

"6. That upon termination of the operations, the lands shall be graded to blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition, subject to the approval of the County of Hawaii Planning Director.

"7. That all other applicable rules and regulations be complied with.

The Hawaii County Planning Commission further stated that "should any of the foregoing conditions not be met, the Special Permit may be deemed null and void."

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

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

Dear Mr. Fuke:

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

Please note that petitions
SP77-259 Masatsu & Eunice M. Kawamoto SP71-122 Signal Properties,
✓SP77-260 Richard Smart dba Parker Ranch Inc.

will be acted on at that time.

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

Very truly yours,

GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

April 19, 1977

MR. JAMES M. WHITMAN, BUSINESS MANAGER
PARKER RANCH
P. O. Box 458
Kamuela, Hawaii 96743

Dear Mr. Whitman:

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

Please note that petition

SP77-260 - RICHARD SMART dba PARKER RANCH

will be acted on at that time.

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

Very truly yours,

GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

April 19, 1977

ROBERT W. CARLSMITH, Esq.
Carlsmith, Carlsmith, Wichman and Case
Attorneys at Law
P. O. Box 686
Hilo, Hawaii 96720

Dear Mr. Carlsmith:

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

Please note that petition

SP77-260 - RICHARD SMART dba PARKER RANCH

will be acted on at that time.

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

Very truly yours,

GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME, & PLACE

May 4, 1977 - 9:30 a.m.
Kailua United Methodist Church
1110 Kailua Road
Kailua, Hawaii

A G E N D A

I. ACTION

1. SP77-259 - Masatsu & Eunice M. Kawamoto
To allow the construction of a building for storage/ processing and commercial sale of beef products on one (1) acre of land situated within the State Land Use Agricultural District at Ka'auhuhu Homesteads, 2nd Series, North Kohala, Hawaii.

2. SP77-260 - Richard Smart dba Parker Ranch
To allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District in the Hamakua, North Kohala, and South Kohala Districts of Hawaii.

3. SP71-122 - Signal Properties, Inc.
To allow an extension of time condition for a rock quarry located at Puako, South Kohala, Hawaii.

II. CONTINUED HEARING

A76-420 - Department of Planning & Economic Development
(Kawainui Marsh)
To reclassify approximately 250 acres, more or less, from the Urban District to the Conservation District at Kawainui Marsh, Kailua, Oahu.

III. MISCELLANEOUS

1. Adoption of Minutes

2. Meeting Schedule

*A copy of this agenda was mailed to all persons and organizations on the attached mailing list. 4/19/77

1. All Islands 2. Hawaii 3. Oahu

COUNTY OF HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

LAND USE COMMISSION
STATE OF HAWAII
MAR 30 10 24 AM '77

March 16, 1977

Mr. Gordan Furutani
Executive Officer
Land Use Commission
190 S. King St., Suite 1795
Honolulu, HI 96813

SP77-260

Re: Special Permit Application
Applicant: Richard Smart dba Parker Ranch

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 was to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District. SITE NO. 1 is located along the mauka or south side of the old Mamalahoa Highway, approximately 3 1/2 miles Honoka'a side of the old Mamalahoa Highway-Hawaii Belt Highway junction, Kapa'aula, Hamakua, Hawaii, Tax Map Key 4-7-07:portion of 11. This site is about ten (10) acres in size and presently operated by Al Lirou. SITE NO. 2 is located on the mauka side of the Mahukona-Hawi Road, slightly over two (2) miles Kawaihae side of Hawi Village, Honipu, North Kohala, Hawaii, Tax Map Key 5-6-01:portion of 51. This site is about six (6) acres in size and presently operated by the County of Hawaii. SITE NO. 3 is located along the west side of Saddle Road, approximately 4,000 feet from the Saddle Road-Mamalahoa Highway junction, Waikoloa, South Kohala, Hawaii, Tax Map Key 6-7-01:portion of 3. This site is about sixty (60) acres in size and presently operated by the Allied Aggregates. SITE NO. 4 is located approximately 3.3 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, Hawaii, Tax Map Key 6-7-01:portion of 25. This site is about thirty (30) acres in size and presently operated by Shield Pacific, Ltd. SITE NO. 5 is located approximately 2.2 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, Hawaii, Tax Map Key 6-7-01:portion of 25. This site is about five (5) acres in size and presently operated by Pacific Concrete and Rock Co., Ltd.

The Planning Commission at a duly advertised public hearing held on February 14, 1977 in the Cafetorium of the Waimea Elementary and Intermediate School, Waimea, South Kohala, Hawaii, discussed the subject request. The Commission on March 14, 1977, voted to recommend the approval of the special permit to the Land Use Commission as it was found:

1. That the petitioner is requesting the Special Permit to allow the continued operation of five (5) existing quarry sites. With the exception of Site No. 2, the quarry sites have been in operation prior to adoption of the State Land Use District Regulations; thus, are considered nonconforming. However, Part IV of the State Land Use Rules and Regulations allows an existing nonconforming use to continue provided said use is not expanded or increased in intensity. The nonconforming quarrying activities at existing sites may continue provided the activity is confined to the actual existing area of excavation. However, once the activity is expanded horizontally beyond the existing boundaries of excavation, it becomes an expansion of a nonconforming use; and thus, a Special Permit would be required. Since the petitioner intends to horizontally expand the boundaries of some of the existing sites, a Special Permit is required. The petitioner's intent also is to legally delineate the boundaries of the quarry sites in order that the sites would become conforming ones.

   In light of the above, it is determined that the quarrying of this particular request will not substantially alter or change the essential character of the areas under consideration as the lands have been quarried for many years and is still being done so to date.

2. That the intent of quarrying operations is to extract materials which can be used in all types of construction. The result of the quarrying operations would benefit the general public by providing materials needed for the construction activities, such as roads or otherwise. Quarrying activities constitute an unusual use as they must be conducted in areas which have the appropriate geological raw materials for their intended uses or for products which eventually will be produced. The areas under consideration and the types of materials extracted in the past have proven to be suitable for quarrying activities. As such, it is determined that although the lands under consideration can still be used for agricultural purposes as

evidenced by the surrounding cattle grazing activity, it is determined that the use at the requested locations will make the highest and best use of the lands involved for the public welfare.

3. That the quarry sites are located in areas which do not cause significant disruption to nor have significantly adverse impacts on surrounding land uses. As stated earlier, there will be no change in the present use of the properties. Therefore, the impact on the surrounding properties and their improvements would be negligible, and would not change the existing character of the areas. Surrounding lands are basically used for the grazing of cattles or are vacant of any uses. The closest single-family dwelling situated to any one quarry site is over 1,500 feet away. Furthermore, the great distance of the quarry sites from urbanized areas coupled with existing regulations will assure that the quarrying activities will have no significantly adverse effect on surrounding properties. Further, no significant adverse impact on roads and vehicular traffic and the like are expected, particularly since mitigating measures will be imposed and spelled out as conditions of approval of the Special Permit request.

Based on the above reasons, it is determined that the Special Permit request is reasonable and will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations and the adopted land use policies of the County of Hawaii as embodied in the County's General Plan document and Zoning Code. The granting of the request also will not be detrimental to the health, safety, and general welfare of the public.

The favorable recommendation was also subject to the following conditions:

1. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the five (5) quarry sites within six (6) months of the effective date of the Special Permit.

2. That the following requirements shall be applied to the specified sites:

    a. Site No. 1 (TMK: 4-7-07:Portion of 11 - Identified as Exhibit BB on file with the County of Hawaii Planning Department)

1) Maximum of ten (10) acres.

2) Operation limited to dynamiting, portable crusher, loading and stockpiling.

3) Stockpiled material shall be outside of the government right-of-way (Mamalahoa Highway).

4) Any debris left on Mamalahoa Highway as a result of the quarry operation shall be cleared by the quarry operator.

b. Site No. 2 (TMK: 5-6-01:Portion of 51 - Exhibit CC)

1) Maximum of six (6) acres.

2) Operation limited to scraping, loading and limited stockpiling.

3) Operation be confined to the side of the existing cinder cone away from the Kawamoto dwelling.

c. Site No. 3 (TMK: 6-7-01:Portion of 3 - Exhibit DD)

1) Maximum of sixty (60) acres.

2) Operation limited to scraping, loading, limited stockpiling and installation of scales.

3) Any debris left on Saddle Road as a result of the quarrying operation shall be cleared by the quarry operator.

d. Site No. 4 (TMK: 6-7-01:Portion of 25 - Exhibit DD)

1) Maximum of thirty (30) acres.

2) Operation limited to dynamiting, portable crusher, loading and limited stockpiling.

e. Site No. 5 (TMK: 6-7-01:Portion of 25 - Exhibit DD)

1) Maximum of five (5) acres.

2) Operation limited to scraping, loading and limited stockpiling.

3. That the rules and regulations of the State Department of Health shall be complied with.

4. That the operations, including the loading and hauling, be limited to between the hours of 7:00 a.m. and 5:00 p.m. on Mondays through Saturdays only.

5. That the quarrying operations and its allied uses be terminated ten (10) years after the effective date of the Special Permit or their prior abandonment, whichever occurs first.

6. That upon termination of the operations, the lands shall be graded to blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition, subject to the approval of the County of Hawaii Planning Director.

7. That all other applicable rules and regulations be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

Enclosed are copies of the Exhibits from the subject docket.

Lorraine R. Jitchaku

(Mrs.) Lorraine R. Jitchaku
Chairman, Planning Commission

lat

Enclosures

cc Robert W. Carlsmith
James Whitman
Land Use Division, DPED

LIST OF EXHIBITS - RICHARD SMART dba PARKER RANCH

A. Application Form

A-1. Applicant's letter (11/1/76)

A-2. Quarry list

A-3. Whitman's letter dated 7/9/76

A-4. Quarry list

A-5. Site no. 1 map (TMK: 4-7-07)

A-6. Site no. 2 map (TMK: 5-6-01)

A-7. Site no. 3, 4 & 5 map (TMK: 6-7-01)

B.

C. Departmental acknowledgment letter (11/9/76)

D. Letter to agencies (11/10/76)

E. Police Department (11/15/76)

F. Water Supply (11/15/76)

G. Fire Department (11/18/76)

H. Agriculture (11/18/76)

I. Helco (11/19/76)

J. Soil Conservation Service (11/22/76)

K. Transportation, Highways Div. (11/26/76)

L. Public Works (11/29/76)

M. Applicant's letter (12/14/76)

M-1. Agreement with Allied

N. Departmental acknowledgment letter

O. Public Hearing Notice

O-1. Public hearing notice in Hawaii Tribune-Herald

P. Letter to applicant (12/28/76)

Q. Surrounding property owners list

R. Map for surrounding property owners (Site No. 1)

S. Letter to surrounding property owners (Site No. 1) (1/3/77)

T. Map for surrounding property owners (Site No. 2)

U. Letter to surrounding property owners (Site No. 2) (1/3/77)

V. Letter from applicant (1/3/77)

W. Letter to applicant (1/6/77)

X. Photo Site No. 1 (Please return)

Y. Photo Site No. 2 (Please return)

Z. Photo Site No. 3 (Please return)

AA. Photo Site No. 4 & 5 (Please return)

BB. Presentation map - Site 1 (Please return)

CC. Presentation map - Site 2 (Please return)

DD. Presentation map - Site 3, 4 & 5 (Please return)

EE. Letter from Whitman (1/5/77)

FF. Letter to Whitman (1/10/77)

GG. Staff background

HH. Letter to surrounding property owners (1/11/77)

II. Letter to applicant (1/11/77)

JJ. Letter to surrounding property owners (1/26/77)

KK. Public Hearing notice (2/14/77)

KK-1. Public Hearing notice in Hawaii Tribune-Herald

LL. Letter to applicant (1/27/77)

MM. Applicant's letter (1/19/77)

NN. Public Hearing transcript (2/14/77)

OO. Minutes (2/14/77)

PP. Letter to applicant (2/15/77)

QQ. Letter to applicant (2/28/76)

RR. Staff recommendation

SS. Voting sheet

TT. Minutes (3/14/77)

UU. Letter to applicant (3/15/77)

PLICATION FOR SPECIAL PERMIT

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION.

APPLICANT: Richard Smart dba Parker Ranch

APPLICANT'S SIGNATURE: By: James M. A Duncan His Attorney-in-Fact

ADDRESS: P.O. Box 458, Kamuela, Hawaii 96743

TELEPHONE: 885-7311

TAX MAP KEY: * see attached list AREA: _____ (Size of Parcel)

OWNER: _____

OWNER'S SIGNATURE: _____

APPLICANT'S INTEREST, IF NOT OWNER: _____

REQUESTED USE: Continuation of established quarry operations at the sites designated herewith.

APPLICANT'S REASON(S) FOR REQUESTING SPECIAL PERMIT: *(Please attach)*

NOTE: The applicant must show that:

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

THIS APPLICATION MUST BE ACCOMPANIED BY:

(a) 16 copies of the completed application form with attachments.
(b) 16 copies of a location map.
(c) 16 copies of a site plan with existing and proposed uses.
(d) any additional information.
(e) $100.00 processing fee.

For Official Use:

Date received _____
120th day _____
Public Hearing date _____
Action date _____
To Land Use Commission _____

EXHIBIT A

P.D. 3 2/75

C. WENDELL CARLSMITH
JAMES H. CASE
CHARLES R. WICHMAN
DONN W. CARLSMITH
ROBERT E. BETHEA
JAMES W. BOYLE
BURNHAM H. GREELEY
GEORGE G. GRUBB
JACK HALPIN
TOM C. INGLEDUE
DAVID L. IRONS
J. THOMAS VAN WINKLE
DAVID C. LAXSON
TOM C. LEUTENEKER
ROBERT W. CARLSMITH
MICHAEL J. MEDEIROS
HOWARD R. GREEN
JOHN F. LEZAK
A. BERNARD BAYS
GERALD A. SUMIDA
JOSEPH T. KIEFER
IVAN M. LUI-KWAN
TERENCE J. O'TOOLE
PETER STARN
LAWRENCE S. OKINAGA

THOMAS A. RULON
THOMAS T. WOOD
RONALD Y. SHIGETANI
ROBERT E. STRAND
RAYMOND S. IWAMOTO
RAYMOND K. HASEGAWA
WILLIAM F. ROOS, JR.
SUSAN P. WALKER
JAMES C. STOKES
TIM E. DeSILVA
VIRGINIA J. LUM
FRANCES E. LIU

CARLSMITH, CARLSMITH, WICHMAN AND CASE
ATTORNEYS AT LAW
P. O. Box 686
HILO, HAWAII 96720

MERRILL L. CARLSMITH
OF COUNSEL

HILO OFFICE:
121 WAIANUENUE AVENUE
(808) 935-6644

CABLE ADDRESS
CARLSMITH HILO

HONOLULU OFFICE:
2200 PACIFIC TRADE CENTER
(808) 524-5112

KONA OFFICE:
P. O. BOX 768
CAPTAIN COOK
(808) 323-2611

November 1, 1976

Planning Department
County of Hawaii
25 Aupuni Street
Hilo, HI 96720

Gentlemen:

Re: Special Permit Request - Quarrying Operations
Richard Smart dba Parker Ranch
TMK: 4-7-7:11(por.), 5-6-1:51(por.) and
6-7-1:3(por.) and 4

This letter is a further to my letter of July 28, 1976, with respect to the above. I am enclosing 16 copies of a Request for Special Use Permit which has been amended by attaching a new schedule which contains information requested by your department.

Also enclosed is a check in the amount of $100.00 for the filing fee.

Very truly yours,

CARLSMITH, CARLSMITH, WICHMAN AND CASE

Robert W. Carlsmith

RWC/bt
Enclosures

EXHIBIT B 4-1

EXHIBIT # A-2

PARKER RANCH QUARRIES

TAX MAP KEY	OPERATOR	TYPE OF OPERATION	FIRST QUARRIED	TERMINATION	TENANCY	TYPE OF MATERIAL	STOCKPILE	MATERIAL REMOVED ANNUALLY
4-7-07-11	Al Lirou	Dynamite Portable Crusher Loading	1963	Indefinite	Month-to-Month	Hardrock	Limited	25,000 c.y.
6-01-51	County	Scraping & Loading	1970	"	"	Cinder	"	10,000 c.y.
6-7-01-03	State County Waimea Equip. Lindsey Bros.	"	1945	"	"	"	"	100,000 c.y.
6-7-01-03	Shield Pacific	Dynamite Portable Crusher Loading	1945	"	"	Hardrock	"	50,000 c.y.
6-7-01-03	Pacific Concrete	Scraping & Loading	1945	"	"	Cinder	"	20,000 c.y.

PARKER RANCH
KAMUELA, HAWAII 96743

July 9, 1976

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

Gentlemen:

Request is hereby made to continue operation of various existing quarries on the Parker Ranch.

Each of these quarries has been operated for years and existed prior to the establishment of district boundaries and regulations.

These sites are far removed from any populated areas and can in no way adversely affect surrounding properties nor burden public agencies. The grazing activity which predominates the areas in question has never been hindered by these quarry operations.

These quarries are also a major source of construction material for the Kohala District and directly benefit both the State and County Highway Departments.

The application for special permit is attached and your favorable consideration of this petition is respectfully requested.

Very truly yours,

PARKER RANCH

James M. Whitman
Business Manager

JMW:ap

Enclosure

EXHIBIT A-3

TAX MAP KEY	TOTAL AREA	APPROX. QUARRY AREA	OWNER	APPLICANT'S INTEREST	CURRENT OPERATOR
4-7-07-11	647.10 ac.	10.0 ac.	Richard Smart		Al Lirou
5-6-01-51	329.795 ac.	6.0 ac.	Richard Smart		County of Hawaii
Parcel E 6-7-01-03(por)	23,979 ac.	30.0 ac.	George Isaacs	Lessee	State of Hawaii County of Hawaii Waimea Equip. Co. A&G Lindsey Bros.
Parcel F 6-7-01-03(por) & 6-7-01-04	22,469 ac.	30.0 ac.	Richard Smart		Shield Pacific
Parcel F 6-7-01-03(por) & 6-7-01-04	22,469 ac.	5.0 ac.	Richard Smart		Pacific Concrete & Rock

EXHIBIT A-24

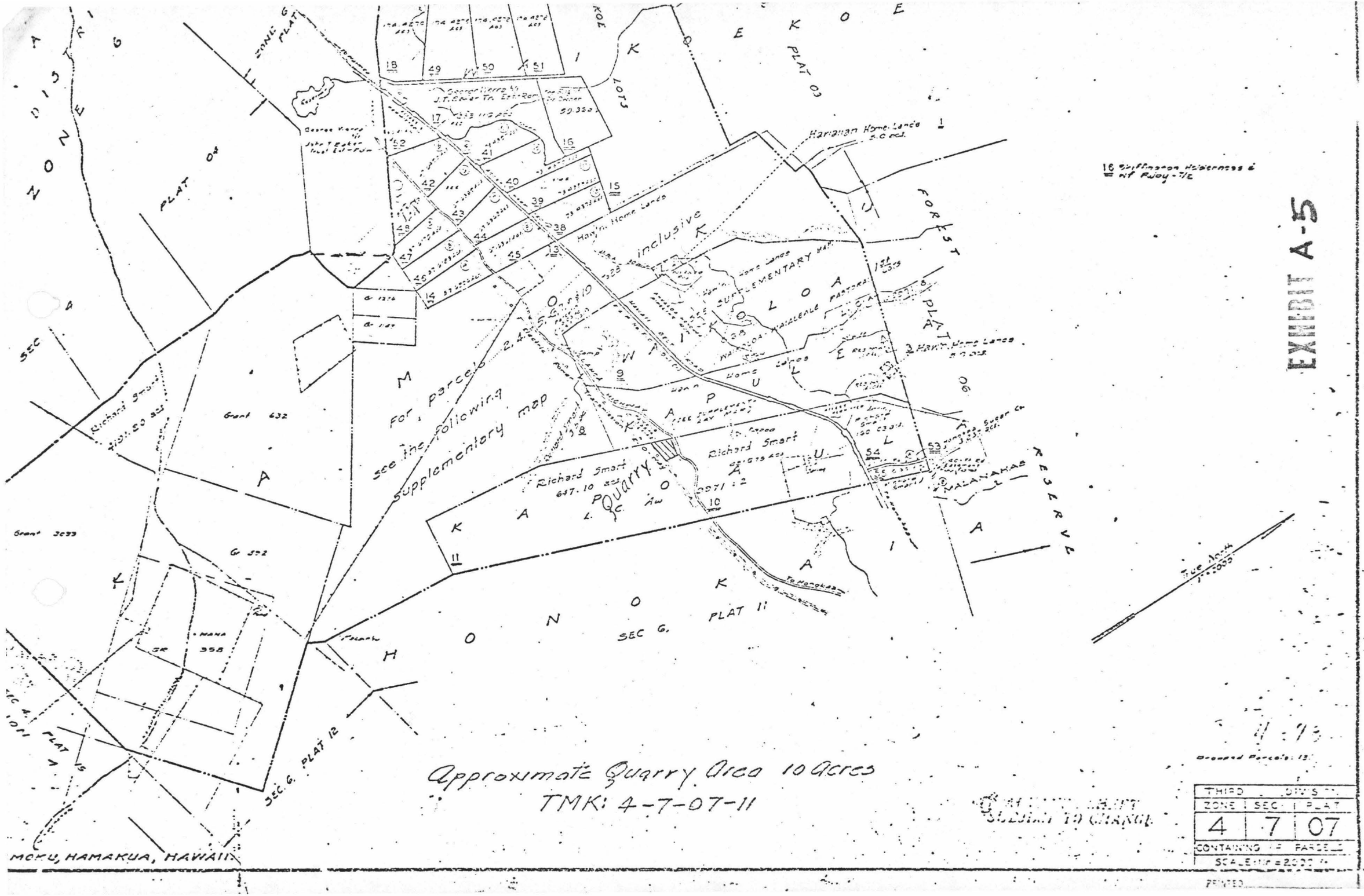


EXHIBIT A-5
Approximate Quarry Area 10 Acres
TMK: 4-7-07-11
For parcels 2, 4, 5, 6, 7, 8, 9, 10 inclusive
see the following supplementary map
Quarry
Richard Smart
Hawn Home Lands
Hawaiian Home Lands
Grant 632
Grant 3033
Grant 352
Grant 358
SEC 6. PLAT 11
SEC 6. PLAT 12
SEC 4. PLAT 15
PLAT 03
PLAT 04
PLAT 06
FOREST RESERVE
MALANAHAE
MOKU, HAMAKUA, HAWAII
True North
THIRD DIVISION
ZONE 4
SEC 7
PLAT 07
CONTAINING OF PARCELS
SCALE: 1 in = 2000 ft
PRINTED

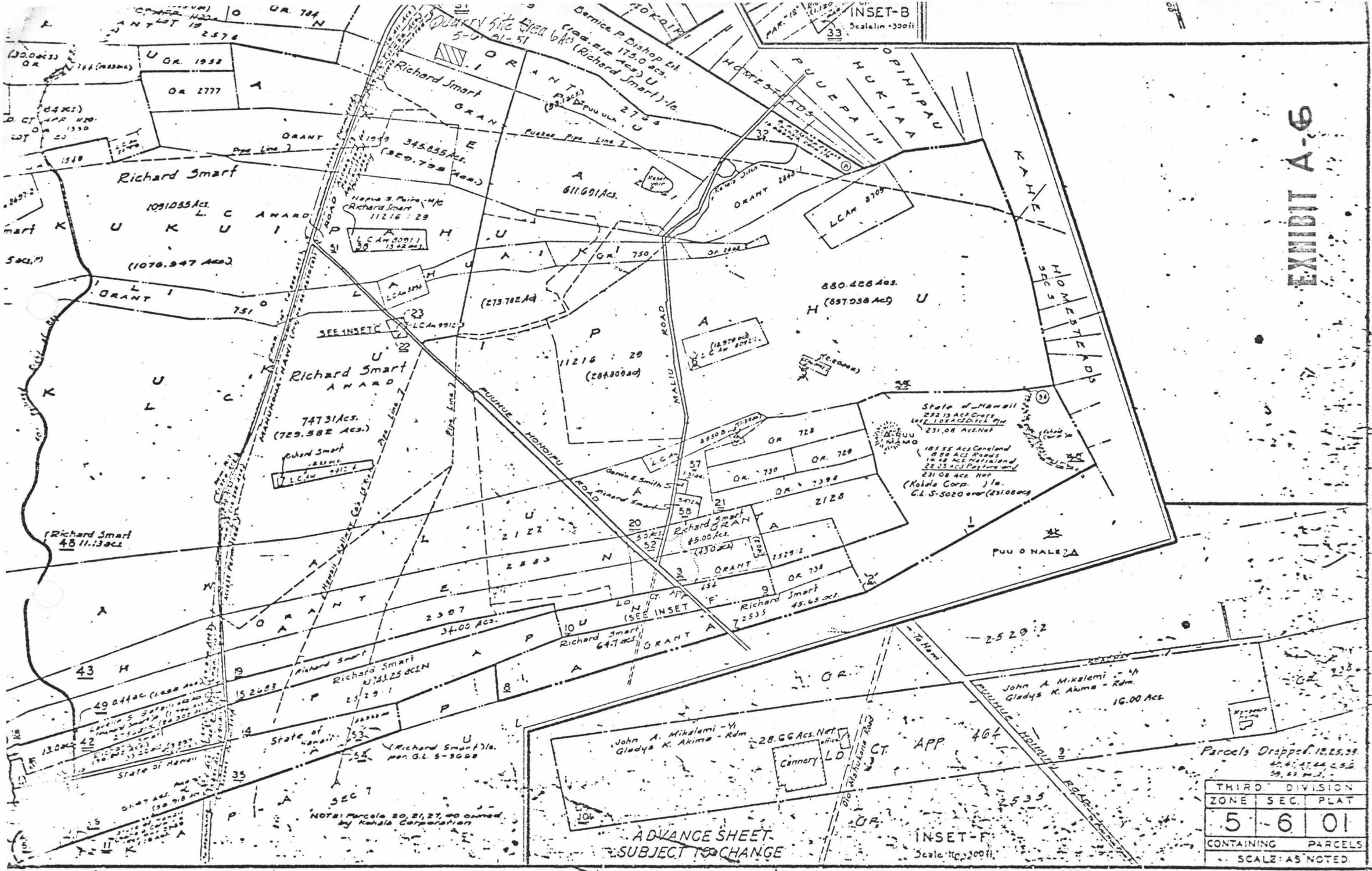
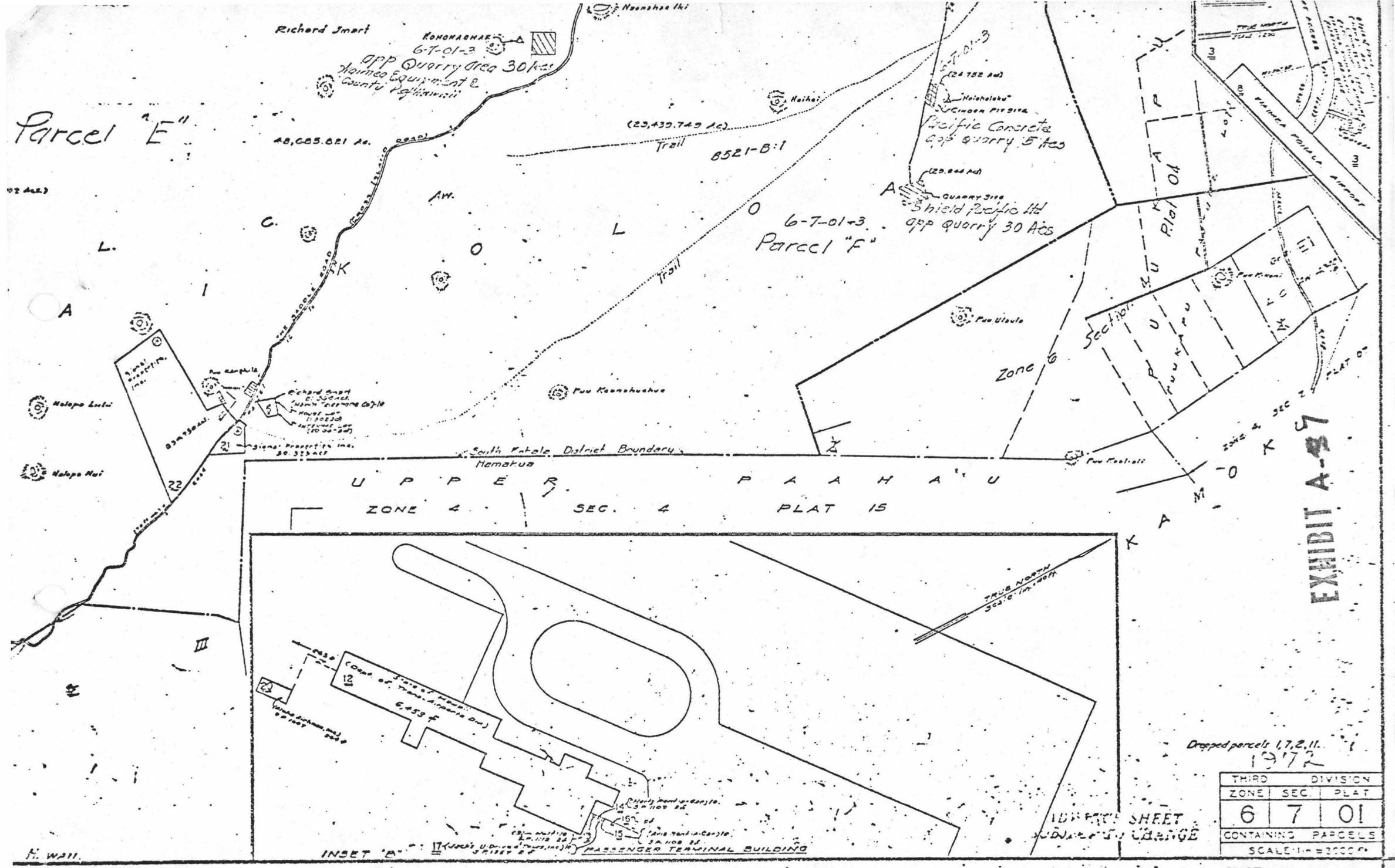


EXHIBIT A-6
INSET-B
Scale in 300 ft
INSET-F
Scale in 300 ft
SEE INSET C
SEE INSET F
Richard Smart
Richard Smart ANARD
Richard Smart GRANT
Richard Smart 64.7 acs.
Richard Smart 45.00 Acs.
Richard Smart 45.65 acs.
Richard Smart 34.00 Acs.
Richard Smart 2307
Richard Smart 2122
Richard Smart 2565
Richard Smart 2128
Richard Smart 2529:1
Richard Smart 2529:2
Richard Smart 2535
Richard Smart 4811.13 acs.
Richard Smart 7473 1 Acs. (729.582 Acs.)
Richard Smart 1091.033 Acs.
Richard Smart 611.691 Acs.
Richard Smart 880.428 Acs. (857.038 Acs.)
Richard Smart 11216 : 29 (284.800 ac)
Richard Smart (273.782 Ac)
Richard Smart (1078.947 Acs.)
Richard Smart 345.855 Acs. (SEC. 7 Acs.)
Richard Smart 175.0 acs. (Gen. 81.2 Acs.) U
Richard Smart 27.6 ac
Richard Smart U 733.25 ac SSN
Richard Smart 15.2683
Richard Smart 25.29:1
Richard Smart 25.29:2
Richard Smart 2.5 29:2
Richard Smart 2.5 29:1
Richard Smart 2.5 29:3
Richard Smart 2.5 29:4
Richard Smart 2.5 29:5
Richard Smart 2.5 29:6
Richard Smart 2.5 29:7
Richard Smart 2.5 29:8
Richard Smart 2.5 29:9
Richard Smart 2.5 29:10
Richard Smart 2.5 29:11
Richard Smart 2.5 29:12
Richard Smart 2.5



Richard Smart
6-7-01-3
app Quarry area 30 Acs
Kaimea Equipment & County Pofikawaii
Parcel "E"
48,685.821 Ac.
(23,439.749 Ac)
Trail
8521-B:1
Heihei
6-7-01-3
Pacific Concrete
app quarry 5 Acs
Quarry Site
Shield Pacific Ltd
app Quarry 30 Acs
6-7-01-3
Parcel "F"
Trail
Puu Ulaula
Puu Keanahuehue
Zone 6
Section
Plat 04
South Kokala District Boundary
Hamakua
U P P E R P A A H A U
ZONE 4 SEC. 4 PLAT 15
K A M O K
TRUE NORTH
6,453 ft
INSET "B"
PASSENGER TERMINAL BUILDING
Dropped parcels 1,7,2,11.
1972
THIRD DIVISION
ZONE 6 SEC. 7 PLAT 01
CONTAINING PARCELS
SCALE 1 in = 3000 ft
PRINTED
EXHIBIT A-37

November 9, 1976

Mr. Robert Carlsmith
P. O. Box 686
Hilo, HI 96720

Re: Special Permit - Continue Quarry Operation
Richard Smart dba Parker Ranch
TMK: 4-7-07:11(Por); 5-6-01:51(Por);

This is to acknowledge receipt of the above-mentioned special permit application on November 8, 1976.

The County Planning Commission will conduct a public hearing on this request within a period of not less than thirty (30) nor more than one hundred twenty (120) days from the receipt of the application. The Planning Commission will then act on the application not earlier than fifteen (15) days after the public hearing but within a reasonable time thereafter. Should the Planning Commission recommend favorably on the request, it will be forwarded to the State Land Use Commission for final action.

The Planning Commission may deny the request if it deems that the proposed use does not meet with the special permit guidelines. In such a circumstance, its decision will be considered final. However, in accordance with the provisions of Chapter 205-6, Hawaii Revised Statutes, a Planning Commission denial may be appealed to the circuit court of the circuit in which the land is situated, in this case, the Third Circuit Court.

Please be informed that three of the questions posed in our letter of August 9, 1976, were not answered. They were: (1) When were these areas first quarried? (2) How long will the quarries be in operation? and (3) Has there been any formal agreement consummated between Parker Ranch and the quarry operators? What are the terms of the agreement?

Notice of the time and place of the public hearing will be forwarded to you as soon as your application is placed on the Commission agenda for action. Should any questions arise in the meantime, please contact Norman Hayashi or Ilima Piianaia of this Department.

Sidney M Fuke

RAYMOND SUEFUJI
Director

NH:rfd

cc: James Whitman
SLUC
DPED, Land Use Div.

EXHIBIT C

NOV 10 1976

COUNTY OF HAWAII
PLANNING DEPARTMENT
Hilo, Hawaii

RECEIPT Date November 9 19 76 3085

Received From Richard Smart dba Parker Ranch

Address

One hundred and no/100 Dollars $ 100.00

For Special Permit - con't Quarry Operations

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK	100	—
BALANCE DUE			MONEY ORDER		

By Laurie Viveiros

8K808 Rediform

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, Police, Fire, Soil Conserv., Dept. of Ag., Helco, Virginia-staff planner

Date: November 10, 1976

From: Planning Director

Subject: SPECIAL PERMIT APPLICATION
Richard Smart dba Parker Ranch
(Con't. Quarry Operation - 5 Sites)
TMK: 4-7-7:11(por); 5-6-1:51(por);
6-7-1:3(por) & 4

May we have your comments within two (2) weeks from the above date for the special permit application filed by Mr. Richard Smart dba Parker Ranch.

Raymond Suefuji
Director

lgv

atch

EXHIBIT D

NOV 10 1976

POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720

OUR REFERENCE

YOUR REFERENCE

GUY A. PAUL
CHIEF OF POLICE

November 15, 1976

TO : RAYMOND SUEFUJI, PLANNING DIRECTOR

FROM : GUY A. PAUL, CHIEF OF POLICE

SUBJECT: SPECIAL PERMIT APPLICATION
RICHARD SMART dba PARKER RANCH
(Con't. Quarry Operation - 5 Sites)
TMK: 4-7-7:11 (por); 5-6-1:51 (por); 6-7-1:3 (por) & 4

The special permit application submitted by Richard Smart dba Parker Ranch has been reviewed and from the police standpoint, we can foresee no adverse effects from the requested land use.

GUY A. PAUL
CHIEF OF POLICE

RLP/k

EXHIBIT E

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII
P. O. BOX 1820 • HILO, HAWAII 96720 • 25 AUPUNI STREET

November 15, 1976

TO: Planning Department

FROM: Department of Water Supply

SUBJECT: SPECIAL PERMIT APPLICATION
RICHARD SMART DBA PARKER RANCH
(CON'T. QUARRY OPERATION - 5 SITES)
TMK: 4-7-7:11(POR.); 5-6-1:51(POR.);
6-7-1:3(POR) AND 4

We have no objections to this request.

Akira Fujimoto
Manager

WHS

... Water brings progress...

EXHIBIT F

HAWAII COUNTY FIRE DEPARTMENT

TO: Planning

DATE: November 18, 1976

FROM: Fire

SUBJECT: Special Permit Application
Richard Smart dba Parker Ranch
(Con't Quarry Operation - 5 Sites)
TMK: 4-7-7:11 (por); 5-6-1:51 (por);
6-7-1:3(por) & 4

Operation of these quarries pose no problems to our operations.

Fire Inspector

HFD-30
11/29/74 - 1M

EXHIBIT G

GEORGE R. ARIYOSHI
GOVERNOR

JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE

YUKIO KITAGAWA
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
1428 SO. KING STREET
HONOLULU, HAWAII 96814

November 18, 1976

MEMORANDUM

To: Mr. Raymond Suefuji, Director
Hawaii County Planning Department

Subject: Special Permit Application
Richard Smart dba Parker Ranch
(Con't. Quarry Operation - 5 sites)
TMK: 4-7-7:11(por); 5-6-1:51(por);
6-7-1:3(por) & 4

The Department of Agriculture has no objection to the special permit request for the continuation of established quarry operations at the various designated sites.

Thank you for the opportunity to comment.

for Yukio Kitagawa
JOHN FARIAS, JR.
Chairman, Board of Agriculture

JF:k:h

EXHIBIT H

HAWAII ELECTRIC LIGHT COMPANY, INC.
P. O. BOX 1027 HILO, HAWAII-96720

November 19, 1976

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

Attention: Mr. Raymond Suefuji
Director

Subject: Special Permit Application
Richard Smart dba Parker Ranch
(Con't. Quarry Operation - 5 Sites)
TMK: 4-7-7:11 (por); 5-6-1:51 (por);
6-7-1:3 (por) & 4

Gentlemen:

We have no comments to the above application as per your memorandum of November 10, 1976.

Very truly yours,

Jitsuo Niwao

Jitsuo Niwao, Manager
Engineering Department

JN: bk

EXHIBIT I

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

P.O. Box 1089, Kamuela, Hi. 96743

Nov. 22, 1976

Planning Dept.
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

SUBJECT:
review SPECIAL PERMIT APPLICATION
Richard Smart dba Parker Ranch
(con't Quarry Operation - 5 sites)

We have no adverse comments or suggestions relative to the special permit application. This land use does not appear to be detrimental to the surrounding land uses.

Ned Pennington
District Conservationist

EXHIBIT J

GEORGE R. ARIYOSHI
GOVERNOR

E. ALVEY WRIGHT
DIRECTOR

DEPUTY DIRECTORS
DOUGLAS S. SAKAMOTO
WALLACE AOKI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
HAWAII DISTRICT
50 MAKAALA STREET
P. O. BOX 276
HILO, HAWAII 96720

IN REPLY REFER TO:

HWY-H 76-2.1472

November 26, 1976

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 Application
Richard Smart dba Parker Ranch
TMK: 4-7-7:11 por, 5-6-1:51 por, 6-7-1:3 por & 4

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

CHAS L. SCHUSTER

EXHIBIT K

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE November 29, 1976

Memorandum

TO : Planning Department

FROM : Chief Engineer

SUBJECT: Special Permit Application
Continued Quarry Operation - (5 Sites)
TMK: 4-7-07:11, 5-6-01:51, 6-7-01:3 and 6-7-01:4

A field observation was conducted for each of the quarry sites and our comments are as follows:

1. TMK: 4-7-07:11 (Al Lirou - Operator) - Hamakua District.

   The spoil or waste from this quarry is stockpiled on the side of the roadway (Mamalahoa Highway). This fill is estimated to be about 8 ft. to 10 ft. high, consisting of moderately rocky soil. The slope of this fill is about 1-1/2: 1, and the toe of the slope is very close to the paved roadway, possibly encroaching into the roadway R/W. (See picture No. 7 and 8).

   We feel that this stockpile should be modified to conform with the provisions of Hawaii County's Ordinance 168, as it may become hazardous.

2. TMK: 5-6-01:51 (County-Kohala District - Operator) - Occasional Use.

   The subject quarry should present a negligible water pollution hazard as it is contained within a hollow. It is almost entirely hidden from the Kohala-Kawaihae Belt Highway because of this.

   Mrs. Kawamoto, a neighbor of this quarry site, noted slight dust problems when the wind is blowing toward her home, but stated that dust was not visible in the air, and the inconvenience was slight.

   We could recommend that quarrying operations be confined to the side of the cinder cone away from this home, but we understand that this has already been dictated by the Smarts. Therefore, we have no objections to this site.

3. TMK: 6-7-01:3 (County, State, Waimea Equipment Company, A&G Lindsey Bros. - Operators) - Off Saddle Road, Waimea, Kohala District.

   There seems to be no real problem on this site. There is a defined drainageway makai of the operation, which passes under Saddle Road

EXHIBIT L

and goes to sheet flow in the pasture there. No buildup of silt was noted.

The access to the quarry site is unpaved, and dusting problems may occur during hauling operations. There are no homes for miles here, so this dusting problem cannot be considered serious or hazardous.

4. TMK: 6-7-01:3 (Shield Pacific - Operator)

This site has both a blue rock quarry and a cinder quarry. It is located several miles from the Waimea-Kona Roadway, well away from any homes. There were no drainage problems or erosion problems seen on the sites.

There is a dust problem at the rock quarry, caused by arid conditions on site. The biggest dust producer is the access road, which is loose crushed rock. This dust problem is minimized to the general public due to the remote location of the quarry. Problems noted: This is an arid region and water is not readily available.

EDWARD HARADA
Chief Engineer

Enc.

EXHIBIT

C. WENDELL CARLSMITH
JAMES H. CASE
CHARLES R. WICHMAN
DONN W. CARLSMITH
ROBERT E. BETHEA
JAMES W. BOYLE
BURNHAM H. GREELEY
GEORGE G. GRUBB
JACK HALPIN
TOM C. INGLEDUE
DAVID L. IRONS
J. THOMAS VAN WINKLE
DAVID C. LAXSON
TOM C. LEUTENEKER
THOMAS D. WELCH, JR.
ROBERT W. CARLSMITH
MICHAEL J. MEDEIROS
HOWARD R. GREEN

JOHN F. LEZAK
A. BERNARD BAYS
GERALD A. SUMIDA
JAMES R. KEEGAN
JOSEPH T. KIEFER
IVAN M. LUI-KWAN
WILLIAM J. ROSDIL
TERENCE J. O'TOOLE
PETER STARN
THOMAS A. RULON
LAWRENCE S. OKINAGA
RONALD Y. SHIGETANI
ROBERT E. STRAND
RAYMOND S. IWAMOTO
ALAN M. ROODHOUSE
RAYMOND K. HASEGAWA
WILLIAM F. ROOS, JR.
SUSAN P. WALKER
JAMES C. STOKES
TIM E. DeSILVA

CARLSMITH, CARLSMITH, WICHMAN AND CASE
ATTORNEYS AT LAW
P.O. Box 686
HILO, HAWAII 96720

MERRILL L. CARLSMITH
OF COUNSEL

HILO OFFICE:
121 WAIANUENUE AVENUE
(808) 935-6644

CABLE ADDRESS
CARLSMITH HILO

HONOLULU OFFICE:
2200 PACIFIC TRADE CENTER
(808) 524-5112

KONA OFFICE:
P. O. BOX 768
CAPTAIN COOK
(808) 323-2611

December 14, 1976

Mr. Raymond Suefuji
Director
Planning Department
25 Aupuni Street
Hilo, HI 96720

Dear Mr. Suefuji:

Re: Special Permit - Continue Quarrying Operation
Richard Smart dba Parker Ranch
TMK: 4-7-07:11(Por); 5-6-01:51(Por)

This letter is in reply to your letter of November 19, 1976. The information you requested in that letter is as follows:

In the fourth column of the supplemental information sheet we supplied, the dates the quarry activities were initiated are stated. At the present time, the quarries will be in operation for the indefinite future under agreements between Parker Ranch and the quarry operators. With the exception of Allied Aggregates Quarrying operation, TMK 6-7-01-3, all of the quarrying agreements are informal agreements with the operators. With respect to the Allied Aggregates' agreement, the present term is from January 1, 1977, to December 31, 1981. A copy of the agreement is attached.

I believe this completes the information required by you.

Very truly yours,

CARLSMITH, CARLSMITH, WICHMAN AND CASE

Robert W. Carlsmith

RWC/bt
Enclosure

cc James Whitman

EXHIBIT A

QUARRYING AGREEMENT

THIS AGREEMENT entered into this 19th day of November, 1976, by and between RICHARD SMART, doing business as Parker Ranch, whose address is Kamuela, County and State of Hawaii, hereinafter called "Parker Ranch", and ALLIED AGGREGATES CORPORATION, a Hawaii corporation, whose address is 160 Keaa Street, Hilo, County and State of Hawaii, hereinafter called "Allied",

W I T N E S S E T H:

WHEREAS, Parker Ranch is presently the owner of a Quarry Site, located on the Saddle Road, approximately 1 mile mauka of the Mamalahoa and Saddle Road junction, Tax Map Key No. ~~6-7-01-1,~~ 6-7-01-3, containing an area of approximately 60 (sixty) acres, and further identified by Exhibit A attached hereto; and

WHEREAS, said Quarry Site is grandfathered as it relates to zoning laws of the County of Hawaii; and

WHEREAS, Allied is in the business of quarrying and is desirous of operating the said quarry site and Parker Ranch is desirous of allowing Allied to operate said site.

NOW, THEREFORE, in consideration of the above recitals and covenants hereinafter contained, the parties hereby agree as follows:

1. That Allied is hereby granted an exclusive quarrying right to the quarry site owned by Parker Ranch located at the above described site for the term and conditions hereinafter set forth.

EXHIBIT M-1

2. This exclusive quarrying right is for the purpose of quarrying soil, soil-cinder materials, and aggregate products.

3. The term of this Agreement shall be for a term of five years, beginning January 1, 1977, and ending December 31, 1981. An option to extend this Agreement for an additional term of five years is hereby granted, which option shall be exercised by notice in writing to Parker Ranch no later than six months prior to the expiration of the term hereof and subject, however, to the payment of royalty which shall be mutually agreed to 90 days prior to the expiration of the first five year period. If the royalty payment cannot be mutually agreed, then the matter shall be submitted to arbitration, each of the parties hereto to select one person and the persons so selected shall select a third person and their decision, in writing, shall be binding upon the parties hereto. However, in no event shall the payment be lower than the preceding period.

4. In consideration for the exclusive rights granted it, Allied agrees to pay Parker Ranch royalty for materials removed from the quarry site per Exhibit B attached hereto and made a part hereof by reference plus all Hawaiian gross income receipts taxes payable by Parker Ranch or Allied on account of the royalty payment herein. As an advance for each year's royalty, the sum of $20,000.00 shall be paid on or before the 31st of January during the term of this Agreement.

5. Parker Ranch shall be permitted to purchase at cost all of its requirement of soil, soil-cinder materials and aggregate products from the said quarry site.

6. Allied shall, during the term of this Agreement, obtain and maintain a comprehensive liability insurance at its own expense, and Parker Ranch shall be named thereunder as additional insured. Allied shall indemnify and hold harmless Parker Ranch from all claims arising out of its use of the premises including any actions brought by or on behalf of any governmental agency and shall pay reasonable attorney's fees in connection therewith.

7. Allied shall, at its own expense, construct and maintain a serviceable access road from the public highway to the said quarrying site during the term of this Agreement.

8. Allied agrees that it will maintain excavation grades as directed by Parker Ranch, and will restore excavated areas in a neat and presentable manner, leaving the area free of excessive depression.

9. Parker Ranch agrees that upon execution of this Agreement, Allied shall be granted exclusive rights to quarry soil, cinder and aggregate materials from the above described quarry site and shall peaceably hold and enjoy said premises, free and clear from interference by others claiming through Parker Ranch.

10. Parker Ranch agrees that Allied may employ, hire, authorize, or designate other persons or firms to set up equipment and operate the said quarry operations during the term of this Agreement, subject to the terms and conditions set forth herein.

11. Allied shall comply with all County, State and Federal environmental ordinances and statutes and obtain any permits necessary for its operations at its own expense.

12. Allied shall install a scale on the site and shall submit reports of sales on a monthly basis to Parker Ranch, and shall further submit reports of sales to the appropriate State agency as required by State statutes, rules and regulations.

13. Allied shall, in behalf of Parker Ranch, register the quarry with the United States Bureau of Mines and shall submit all necessary reports in compliance with Federal laws, rules and regulations.

14. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties hereto. Allied shall be deemed at all times to be an independent contractor.

IN WITNESS WHEREOF, RICHARD SMART and ALLIED AGGREGATES CORPORATION, by its proper officers duly authorized, have hereunto set their hands on the day and year first above written.

Richard Smart
RICHARD SMART

ALLIED AGGREGATES CORPORATION

By James R Kenwye - Pres.

By Joshua Kenwye Secretary

STATE OF HAWAII)
) SS:
COUNTY OF HAWAII)

On this 19th day of November, 1976, before me personally appeared RICHARD SMART, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

James H. Whitman
Notary Public, Third Judicial Circuit, State of Hawaii

My commission expires 4/25/79

STATE OF HAWAII)
) SS:
COUNTY OF HAWAII)

On this 17th day of November, 1976, before me personally appeared James R. Kuwaye and Yoshinobu Kuwaye, to me personally known, who, being by me duly sworn, did say that they are the President and Secretary respectively, of ALLIED AGGREGATES CORPORATION; and that the seal affixed to said instrument is the corporate seal of said corporation, and that the instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and said James R Kuwaye and Yoshinobu Kuwaye acknowledged the instrument to be the free act and deed of said corporation.

Sue A. Tokunaka
Notary Public, Third Judicial Circuit, State of Hawaii

My commission expires 3/6/77

EXHIBIT B

PARKER RANCH QUARRY
ROYALTY PAYMENTS - SADDLE ROAD PIT ONLY
YEARS 1977 - 1981

YEAR		Cu. yds.	Royalty Rate	Amount Royalty
1977				
	0 - 25,000	25000	075	18750
	25,001 - 50,000	25000	065	16250
	50,001 - 75,000	25000	055	13750
	75,001 - 100,000	25000	045	11250
	100,001 - and over	20000	040	8000
		120000	ave. 0566	68000
1978				
	0 - 25,000	25000	075	18750
	25,001 - 50,000	25000	065	16250
	50,001 - 75,000	25000	055	13750
	75,001 - 100,000	25000	045	11250
	100,001 - and over	35000	040	14000
		135000	ave. 0548	74000
1979				
	0 - 25,000	25000	075	18750
	25,001 - 50,000	20000	065	13000
	50,001 - 75,000	-	055	-
	75,001 - 100,000	-	045	-
	100,001 - and over	-	040	-
		45000	ave. 0705	31750
1980				
	0 - 25,000	25000	075	18750
	25,001 - 50,000	20000	065	13000
	50,001 - 75,000	-	055	-
	75,001 - 100,000	-	045	-
	100,001 - and over	-	040	-
		45000	ave. 0705	31750
1981				
	0 - 25,000	25000	075	18750
	25,001 - 50,000	20000	065	13000
	50,001 - 75,000	-	055	-
	75,001 - 100,000	-	045	-
	100,001 - and over	-	040	-
		45000	ave. 0705	31750
		390000	ave. 0608	237250

Sp Permit

December 28, 1976

Mr. Robert Carlsmith
P. O. Box 686
Hilo, Hawaii 96720

Re: Special Permit - Continue Quarry Operation
Richard Smart dba Parker Ranch
TMK: 4-7-07:11(por); 5-6-01:51(por);
6-7-01:portions of 3 & 25

This is to acknowledge receipt of the additional information requested in our letter of November 19, 1976.

According to the information submitted, there is an agreement between Parker Ranch and Allied Aggregates. In the original petition, however, there is no mention of Allied Aggregates being a present operator of one of the requested quarry sites. An explanation on this matter at your earliest convenience would be greatly appreciated.

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

Raymond Suefuji

Raymond Suefuji
Director

NH:lgv

cc James Whitman

EXHIBIT N

DEC 29 1976

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: Waimea School Cafetorium, Waimea, South Kohala, Hawaii

DATE: Thursday, January 13, 1977

TIME: 7:00 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. PETITIONER: RICHARD SMART dba PARKER RANCH

LOCATION:

Site No. 1: Along the mauka or south side of the old Mamalahoa Highway, approximately 3 1/2 miles Honoka'a side of the old Mamalahoa Highway-Hawaii Belt Highway junction, Kapa'aula, Hamakua, TMK: 4-7-07:portion of 11. This site is about ten (10) acres in size and presently operated by Al Lirou.

Site No. 2: On the mauka side of the Mahukona-Hawi Road, slightly over two (2) miles Kawaihae side of Hawi Village, Honipu, North Kohala, TMK: 5-6-01:portion of 51. This site is about six (6) acres in size and presently operated by the County of Hawaii.

EXHIBIT O

Site No. 3: Along the west side of Saddle Road, approximately 4,000 feet from the Saddle Road-Mamalahoa Highway junction, Waikoloa, South Kohala; TMK: 6-7-01:portion of 3. This site is about thirty (30) acres in size and presently operated by the State of Hawaii, County of Hawaii, Waimea Equipment Co., and A & G Lindsey Bros.

Site No. 4: Approximately 3.3 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01:portion of 25. This site is about thirty (30) acres in size and presently operated by Shield Pacific, Ltd.

Site No. 5: Approximately 2.2 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01:portion of 25. This site is about five (5) acres in size and presently operated by Pacific Concrete and Rock Co., Ltd.

PURPOSE: Special Permit request to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District.

2. PETITIONER: DALLAS BLACKISTON

LOCATION: Along the west side of Pu'uhonu Road in the vicinity of Kealakekua Bay, Kahauloa House Lots, Kahauloa 1st, South Kona.

TMK: 8-3-06:9

PURPOSE: Variance request to allow the retention of the boat storage area of an existing structure with a 5'-3" front yard setback in lieu of the minimum requirement of 20'-0" as stipulated within the Single Family Residential - 15,000 square foot (RS-15) zoned district.

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

PLANNING COMMISSION
LORRAINE R. JITCHAKU, Chairman
By RAYMOND H. SUEFUJI, Planning Director

(Hawaii Tribune-Herald: January 3 and 11, 1977)

PUBLIC HEARING

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: Waimea School Cafetorium, Waimea, South Kohala, Hawaii
DATE: Thursday, January 13, 1977
TIME: 7:00 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. PETITIONER: **RICHARD SMART dba PARKER RANCH**
LOCATION:

Site No. 1: Along the mauka or south side of the old Mamalahoa Highway, approximately 3½ miles Honoka'a side of the old Mamalahoa Highway-Hawaii Belt Highway junction, Kapa'aula, Hamakua, TMK: 4-7-07:portion of 11. This site is about ten (10) acres in size and presently operated by Al Lirou.

Site No. 2: On the mauka side of the Mahukona-Hawi Road, slightly over two (2) miles Kawaihae side of Hawi Village, Honipu, North Kohala, TMK: 5-6-01:portion of 51. This site is about six (6) acres in size and presently operated by the County of Hawaii.

Site No. 3: Along the west side of Saddle Road, approximately 4,000 feet from the Saddle Road-Mamalahoa Highway junction, Waikoloa, South Kohala; TMK: 6-7-01:portion of 3. This site is about thirty (30) acres in size and presently operated by the State of Hawaii, Waimea Equipment Co., and A & G Lindsey Bros.

Site No. 4: Approximately 3.3 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01:portion of 25. This site is about thirty (30) acres in size and presently operated by Shield Pacific, Ltd.

Site No. 5: Approximately 2.2 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01:portion of 25. This site is about five (5) acres in size and presently operated by Pacific Concrete and Rock Co., Ltd.

PURPOSE: Special Permit request to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District.

2. PETITIONER: **DALLAS BLACKISTON**
LOCATION: Along the west side of Pu'uhonu Road in the vicinity of Kealakekua Bay, Kahauloa House Lots, Kahauloa 1st, South Kona.
TMK: 8-3-06:9
PURPOSE: Variance request to allow the retention of the boat storage area of an existing structure with a 5'-3" front yard setback in lieu of the minimum requirement of 20'-0" as stipulated within the Single Family Residential—15,000 square foot (RS-15) zoned district.

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

PLANNING COMMISSION
LORRAINE R. JITCHAKU, Chairman
By RAYMOND H. SUEFUJI, Planning Director

(833—Hawaii Tribune-Herald: January 3, 11, 1977.)

EXHIBIT O-1

December 28, 1976

Mr. Robert Carlsmith
Attorney at Law
P. O. Box 686
Hilo, HI

Re: Notice of a Public Hearing
Special Permit Application
Richard Smart dba Parker Ranch
Tax Map Key: 4-7-07:portion of 11
5-6-01:portion of 51
6-7-01:portion of 3
6-7-01:portion of 25

This is to inform you that the above request has been scheduled for a public hearing. Said hearing will be held beginning at 7:00 p.m. on Thursday, January 13, 1977 at the Waimea School Cafetorium, Waimea, South Kohala, 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 is enclosed for your information.

Sidney M Fuke

Raymond Suefuji
Director

LAT:kth

Enclosure

cc: James Whitman
State Land Use Commission
Land Use Division, DPED

EXHIBIT P

DEC 2 8 1976

SPECIAL PERMIT
RICHARD SMART
QUARRY OPERATIONS – 5 SITES

SITE # 1 (4-7-07: POR 11)

4-7-07: 4 Walter Puhi
Kamuela HI 96743

Hawaiian Home Lands
19 Lazarus, Eleazer K Jr.
c/o Eleazer K. Lazarus Jr.
P.O. Box 307
Kamuela, HI 96743

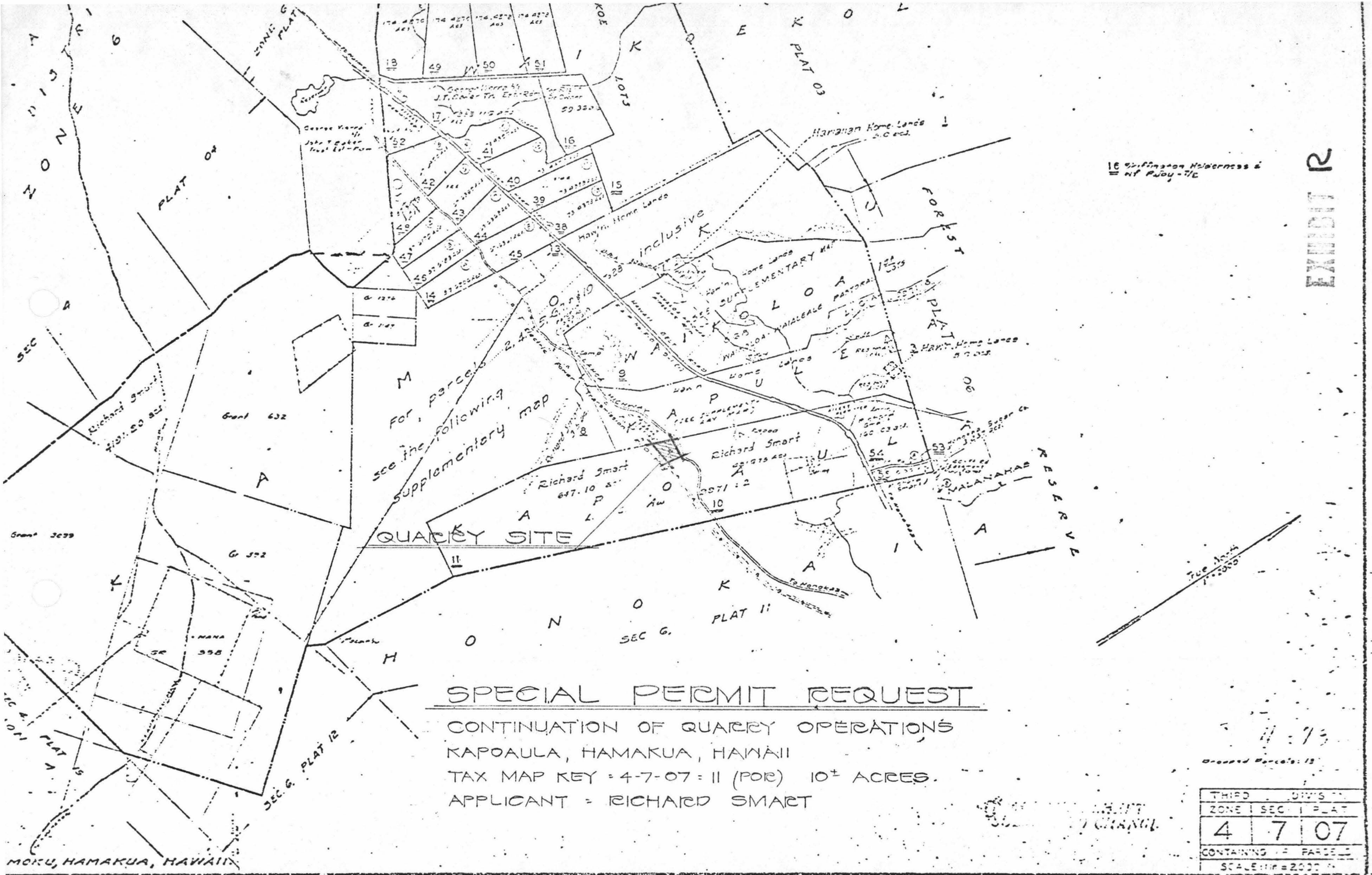
SITE # 2 (5-6-~~01~~: POR 51)

5-6-01:31 Bishop B.P. TR EST
P.O. Box 3466
Hnl. HI 96801

~~SITE # 3 (6-7-01:~~

SITES # 3, 4 & 5 (6-7-01: POR 3)
(ADJACENT OWNERS – NONE (ALL RICH SMART)

EXHIBIT Q



SPECIAL PERMIT REQUEST

CONTINUATION OF QUARRY OPERATIONS
KAPOAULA, HAMAKUA, HAWAII
TAX MAP KEY = 4-7-07 = 11 (POR) 10± ACRES.
APPLICANT = RICHARD SMART

THIRD DIVISION		
ZONE	SEC	PLAT
4	7	07
CONTAINING PARCELS		
SCALE: 1 in = 2000 ft		

PRINTED

EXHIBIT R

COUNTY OF HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

RAYMOND H. SUEFUJI
Director

January 3, 1977

Dear Property Owner: (TMK:

Re: Special Permit Application
Kapa'aula, Hamakua, TMK 4-7-07:11 (por.)
Honipu, North Kohala, TMK 5-6-01:51 (por.)
Waikoloa, South Kohala, TMK 6-7-01:3 (por.) & 25 (por.)

You are hereby notified that a request for a special permit to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District has been submitted by Richard Smart dba Parker Ranch.

The quarry site adjacent to your area is situated along the mauka or south side of the old Mamalahoa Highway, approximately 3 1/2 miles Honoka'a side of the old Mamalahoa Highway-Hawaii Belt Highway junction, Kapa'aula, Hamakua, TMK: 4-7-07:portion of 11. This site is about ten (10) acres in size and presently operated by Al Lirou.

A public hearing on the subject among others will be held beginning at 7:00 p.m. on Thursday, January 13, 1977 at the Waimea School Cafetorium, Waimea, South Kohala, Hawaii.

You are invited to comment on the application at the hearing or submit written comments prior to the hearing.

Raymond Suefuji
Director

lat

Enclosure

EXHIBIT S

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
March 14, 1977

The Planning Commission met in regular session at 10:04 a.m. and recessed because of the electric power outage and reconvened at 10:37 a.m. in the Councilroom, County Building with Chairman Jitchaku presiding.

PRESENT: Lorraine R. Jitchaku
Scott H. Asai
Shigeru Fujimoto
J. Walsh Hanley
Arthur W. Martin
William F. Mielcke
Haruo Murakami
Charles H. Sakamoto, Jr.

ABSENT: None

Sidney M. Fuke, Acting Planning Director (evening session)
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

Stephen G. Bess, Acting Corporation Counsel
David Murakami, representing Ex-officio Member Edward Harada
Quirino Antonio, representing Ex-officio Member Akira Fujimoto

and about 15 people in attendance at 10:00 a.m., about 25 people at 1:00 p.m., about 6 people at 3:30 p.m. and about 50 people at 7:00 p.m.

EXHIBIT TT

LAND USE COMMISSION
SPECIAL PERMIT
RICHARD SMART dba
PARKER RANCH
KAPA'AULA, HAMAKUA
HONIPU, N. KOHALA
WAIKOLOA, S. KOHALA

Special Permit request to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District. SITE NO. 1 is located along the mauka or south side of the old Mamalahoa Highway, approximately 3 1/2 miles Honoka'a side of the old Mamalahoa Highway-Hawaii Belt Highway junction, Kapa'aula, Hamakua, TMK: 4-7-07:portion of 11. This site is about ten (10) acres in size and presently operated by Al Lirou. SITE NO. 2 is located on the mauka side of the Mahukona-Hawi Road, slightly over two miles Kawaihae side of Hawi Village, Honipu, North Kohala, TMK: 5-6-01:portion of 51. This site is about six (6) acres in size and presently operated by the County of Hawaii. SITE NO. 3 is located along the west side of Saddle Road, approximately 4,000 feet from the Saddle Road-Mamalahoa Highway junction, Waikoloa, South Kohala, TMK: 6-7-01:portion of 3. This site is about sixty (60) acres in size and presently operated by the Allied Aggregates. SITE NO. 4 is located approximately 3.3 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01:portion of 25. This site is about thirty (30) acres in size and presently operated by Shield Pacific, Ltd. SITE NO. 5 is located approximately 2.2 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01: portion of 25. This site is about five (5) acres in size and presently operated by Pacific Concrete and Rock Co., Ltd.

Staff recommended favorable consideration based on the findings and with the conditions, on file. Staff indicated that the quarry operators will be responible for leveling and grading and Parker Ranch would be overseeing the overall operations.

Mr. Murakami moved to send a favorable recommendation to the SLUC for the continued operation of the five quarries based on the staff's recommendations and conditions as outlined; seconded by Mr. Asai; carried with seven aye votes.

LAND USE COMMISSION
SPECIAL PERMIT
MASATSU KAWAMOTO
KA'AUHUHU, NORTH KOHALA

Special Permit request to allow the construction of a building for storage/processing and commercial sale of beef products on approximately one (1) acre of land situated within the State Land Use Agricultural District. The property involved is located along the west side of the lower Hawi Road, approximately 3,400 feet makai or north of the Hawi-Niulii Road-Hawi Road intersection, Ka'auhuhu Homesteads, 2nd Series, North Kohala, TMK: 5-5-13:portion of 22.

Staff recommended favorable consideration based on the findings and with the conditions, on file.

Mr. Asai moved to send a favorable recommendation to the SLUC for the reasons and with the conditions as stipulated by the staff; seconded by Mr. Fujimoto: carried with seven aye votes.

STREET NAMES

Staff recommended approval as listed on the agenda. Staff explained that the names of transliteration are no longer being allowed; but those listed on the agenda were put on reserve in the past. The County Council had also gone on record to require Hawaiian names for all new streets.

for LUC

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

RAYMOND H. SUEFUJI
Director

COUNTY OF
HAWAII

January 3, 1977

Dear Property Owner: (TMK:

Re: Special Permit Application
Kapa'aula, Hamakua, TMK 4-7-07:11 (por.)
Honipu, North Kohala, TMK 5-6-01:51 (por.)
Waikoloa, South Kohala, TMK 6-7-01:3 (por.) & 25 (por.)

You are hereby notified that a request for a special permit to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District has been submitted by Richard Smart dba Parker Ranch.

The quarry site adjacent to your area is situated on the mauka side of the Mahukona-Hawi Road, slightly over two (2) miles Kawaihae side of Hawi Village, Honipu, North Kohala, Hawaii, TMK: 5-6-01: portion of 51. This site is about six (6) acres in size and presently operated by the County of Hawaii.

A public hearing on the subject among others will be held beginning at 7:00 p.m. on Thursday, January 13, 1977 at the Waimea School Cafetorium, Waimea, South Kohala, Hawaii.

You are invited to comment on the application at the hearing or submit written comments prior to the hearing.

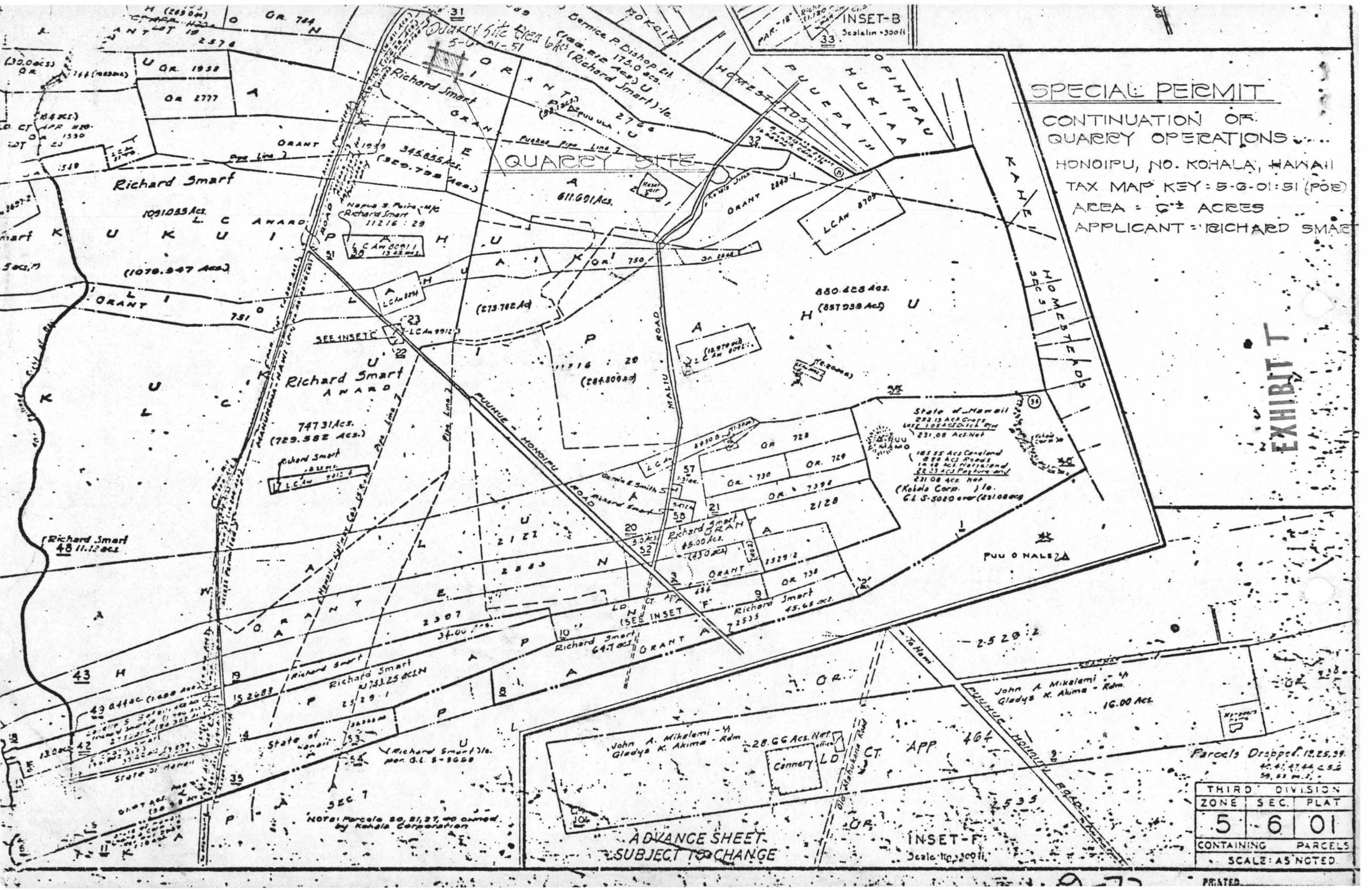
Sel Fuke

Raymond Suefuji
Director

lat

Enclosure

EXHIBIT U


SPECIAL PERMIT
CONTINUATION OF QUARRY OPERATIONS
HONOIPU, NO. KOHALA, HAWAII
TAX MAP KEY: 5-6-01:51 (POR)
AREA = 6± ACRES
APPLICANT: RICHARD SMART
EXHIBIT T
QUARRY SITE
Quarry Site Area 6 Acs (5-6-01-51)
Richard Smart
Richard Smart ANARD
Richard Smart 747.31 Acs. (729.582 Acs.)
Richard Smart 1091.083 Acs.
(1070.947 Acs.)
611.601 Acs.
880.428 Acs.
(857.038 Acs.)
(273.782 Ac)
(284.800 ac)
Richard Smart 48 11.12 acs
Richard Smart 45.00 Acs.
Richard Smart 64.7 acs
Richard Smart 45.65 ac.
Richard Smart 34.00 Acs.
Richard Smart 23.25 ACS N
Richard Smart 43 0.44 ac (1.68 Acs)
Richard Smart 42 13.0 ac
Richard Smart 35 0.47 Acs
Richard Smart 53 0.55 Acs
Richard Smart 54 0.55 Acs
Richard Smart 55 0.55 Acs
Richard Smart 56 0.55 Acs
Richard Smart 57 1.5 Acs.
Richard Smart 58 0.50 Acs.
Richard Smart 59 0.50 Acs.
Richard Smart 60 0.50 Acs.
Richard Smart 61 0.50 Acs.
Richard Smart 62 0.50 Acs.
Richard Smart 63 0.50 Acs.
Richard Smart 64 0.50 Acs.
Richard Smart 65 0.50 Acs.
Richard Smart

C. WENDELL CARLSMITH
JAMES H. CASE
CHARLES R. WICHMAN
DONN W. CARLSMITH
ROBERT E. BETHEA
JAMES W. BOYLE
BURNHAM H. GREELEY
GEORGE G. GRUBB
JACK HALPIN
TOM C. INGLEDUE
DAVID L. IRONS
J. THOMAS VAN WINKLE
DAVID C. LAXSON
TOM C. LEUTENEKER
THOMAS D. WELCH, JR.
ROBERT W. CARLSMITH
MICHAEL J. MEDEIROS
HOWARD R. GREEN

JOHN F. LEZAK
A. BERNARD BAYS
GERALD A. SUMIDA
JAMES R. KEEGAN
JOSEPH T. KIEFER
IVAN M. LUI-KWAN
WILLIAM J. ROSDIL
TERENCE J. O'TOOLE
PETER STARN
THOMAS A. RULON
LAWRENCE S. OKINAGA
RONALD Y. SHIGETANI
ROBERT E. STRAND
RAYMOND S. IWAMOTO
ALAN M. ROODHOUSE
RAYMOND K. HASEGAWA
WILLIAM F. ROOS, JR.
SUSAN P. WALKER
JAMES C. STOKES
TIM E. DeSILVA

CARLSMITH, CARLSMITH, WICHMAN AND CASE
ATTORNEYS AT LAW
P.O. Box 686
HILO, HAWAII 96720

MERRILL L. CARLSMITH
OF COUNSEL

HILO OFFICE:
121 WAIANUENUE AVENUE
(808) 935-6644

CABLE ADDRESS
CARLSMITH HILO

HONOLULU OFFICE:
2200 PACIFIC TRADE CENTER
(808) 524-5112

KONA OFFICE:
P. O. BOX [redacted] 147
CAPTAIN COOK
(808) 323-2611

January 3, 1977

Planning Department
County of Hawaii
25 Aupuni Street
Hilo, HI 96720

Attention: Norman Hayashi

Dear Norman:

Re: Special Permit - Continue Quarry Operation
Richard Smart dba Parker Ranch
TMK: 4-7-07:11(por); 5-6-01:51(por);
6-7-01:portions of 3 & 25

Thank you for your letters of December 28, 1976, with respect to the above. Allied Aggregates will be quarrying materials from the quarry site situate on one of the quarrying sites situate on Tax Map Key 6-7-01:3. This particular quarry site is situate on the westerly side of the Saddle Road approximately one mile from the Saddle Road Junction.

Other operators sharing the site are the State of Hawaii, the County of Hawaii, Waimea Equipment and the Lindsey Brothers.

I believe this information will enable you to identify the quarry to be used by Allied Aggregates. If you have any further questions, please get in touch with me.

Very truly yours,

CARLSMITH, CARLSMITH, WICHMAN AND CASE

Robert W. Carlsmith

RWC/bt

cc: James Whitman

EXHIBIT V

Sp Permit

January 6, 1977

Mr. Robert Carlsmith
P. O. Box 147
Capt Cook, HI 96704

Re: Special Permit - Richard Smart dba Parker Ranch
To Continue Quarrying Operation
TMK: 4-7-07:11(Por); 5-6-01:51(Por);
6-7-01:03 and 25 (Pors)

Thank you for your early response to our letter of December 29, 1976 regarding the above-described application. In reviewing the information received, however, there appear to be certain discrepancies. May we please have clarification of the following:

1. The quarrying agreement between Parker Ranch and the Allied Aggregates states that the area to be quarried is about sixty (60) acres. The application submitted says thirty (30) acres. What is the request actually for -- thirty or sixty acres?

2. The agreement with Allied Aggregates states that Allied has exclusive quarrying rights to site identified as TMK: 6-7-01:01(portion); yet, in your January 3 letter, you state that the quarrying rights to this site will be shared by Allied with the present operators, viz., the State of Hawaii, County of Hawaii, Waimea Equipment, and A&G Lindsey Bros. We did receive a telephone call from A&G Lindsey Bros., informing us that they no longer had an agreement to conduct quarrying activities at this site. If this is so, may we assume that Allied does, in fact, have exclusive quarrying rights at this site and that the informal agreements with the present operators have been terminated?

3. Exhibit A of the agreement with Allied was not attached. Please send us a copy of this exhibit.

We request that the above information be made available prior to or at the public hearing to be held on January 13. Should you have any questions, please feel free to contact Norman Hayashi or Ilima Piianaia of this office.

Raymond Suefuji

RAYMOND SUEFUJI
Director

cc: James Whitman

NH:rfd

EXHIBIT W

JAN 7 - 1977

PARKER RANCH
KAMUELA, HAWAII 96743

January 5, 1977

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

Re: Notice of Public Hearing
Special Permit Application
Richard Smart dba Parker Ranch
Tax Map Key: 4-7-07-11 (por.)
5-6-01-51 (por.)
6-7-01-3 (por.)
6-7-01-25 (por.)

With reference to the above Notice of Hearing, kindly be advised that the quarry at 6-7-01-3, identified as Site No. 3 in your notice, had a change of operator effective January 1, 1977. Allied Aggregates of Hilo will take over management and operation of pit. They will install scales and have complete control of all materials removed from the pit. They in turn will sell material to all independent contractors as well as the State and County.

A copy of this agreement with Allied Aggregates has been forwarded to you by our attorney, Robert Carlsmith.

Very truly yours,

James M. Whitman

James M. Whitman
Business Manager

JMW:ap

EXHIBIT EE

January 10, 1977

Mr. James Whitman
P. O. Box 458
Kamuela, HI 96743

Re: Special Permit Application
Richard Smart dba Parker Ranch
To Continue Quarrying Operation
TMK: 4-7-07:11(Por); 5-6-01:51(Por);
6-7-01:03 and 25(Por)

Thank you for your letter of January 5, which clarified the operatorship of the quarry on property described by TMK: 4-7-0L:03. However, we still need clarification to Item No. 1 in our letter of January 6 to Mr. Robert Carlsmith, copy of which was sent to you. As stated in Item No. 3 of that letter, Exhibit A of the agreement with Allied Aggregates must also be filed.

We request that the additional information be made available prior to or at the public hearing to be held on January 13. Should you have any questions, please feel free to contact Norman Hayashi or Ilima Piianaia of this office.

for Sidney M. Fuke

RAYMOND SUEFUJI
Director

NH:rfd

cc: Robert Carlsmith

EXHIBIT FF

JAN 11 1977

SPECIAL PERMIT: Richard Smart dba Parker Ranch

The petitioner, Richard Smart dba Parker Ranch, is requesting a Special Permit to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District.

As indicated on the presentation map identified as Exhibit BB, Site No. 1, is located along the mauka or south side of the old Mamalahoa Highway, approximately 3½ miles Honokaa side of the old Mamalahoa Highway-Hawaii Belt Highway junction, Kapa'aula, Hamakua (TMK: 4-7-07:portion of 11). This site is about ten (10) acres in size and presently operated by Al Lirou on a month-to-month informal lease agreement basis. It was first quarried in 1963. The type of material being quarried is hard rock and approximately 25,000 cubic yards (c.y.) are removed annually. The operation includes dynamiting, portable crusher, loading and limited stockpiling.

The General Plan Land Use Pattern Allocation Guide Map designates this area as Extensive Agriculture (Pasturage and range lands). The County zoning designation is Agricultural 40-acres (A-40a).

According to the U.S. Department of Agriculture Soil Conservation Service's Soil Survey Report issued in December 1973, this area is classified as Rough Broken Land which is a miscellaneous land type that consists of very steep, precipitous land. The soil material ranges from very shallow to deep. Stone and rock outcrops are common in some areas. The annual rainfall ranges from 50 inches to more than 150 inches.

The wind comes from the easterly direction.

EXHIBIT GG

The surrounding lands are basically used for grazing. According to the Planning Department's land use inventory, the closest dwelling is situated over 1,500 feet west of the subject site.

Access to this site is via the Old Mamalahoa Highway which has a 50-foot right-of-way.

In regards to this site, the Department of Public Works had the following comments:

"The spoil or waste from this quarry is stockpiled on the side of the roadway (Mamalahoa Highway). This fill is estimated to be about 8 feet to 10 feet high, consisting of moderately rocky soil. The slope of this fill is about 1½:1, and the toe of the slope is very close to the paved roadway, possibly encroaching into the roadway right-of-way. We feel that this stockpile should be modified to conform with the provisions of the Hawaii County Ordinance No. 168, as it may become hazardous."

For the Commission's information, Ordinance 168 is the Grading Ordinance.

SITE NO. 2 (Exhibit CC) is located on the mauka side of the Mahukona-Hawi Road, slightly over two (2) miles Kawaihae side of Hawi Village, Honipu, North Kohala (TMK: 5-6-01:portion of 51). This site is about six (6) acres in size and presently operated occasionally by the County of Hawaii on a month-to-month informal lease agreement. It was first quarried in 1970. The type of material being quarried is cinder and approximately 10,000 c.y. are removed annually. The operation includes scraping, loading and limited stockpiling.

EXHIBIT

The General Plan Land Use Pattern Allocation Guide Map designates the area as Intensive Agriculture. The County zoning designation is Agricultural 20-acres (A-20a).

The Soil Survey Report classifies this site as Kohala series which consists of well-drained silty clays that formed in material from basic igneous rock influenced by volcanic ash. This area receives from 40 to 60 inches or rainfall annually.

The wind comes from the easterly direction.

The surrounding lands are basically used for grazing. The closest single-family dwelling is located approximately 1,800 feet Kawaihae side of the subject area on Parker Ranch land.

Access to this site is from the 70-foot wide Mahukona-Hawi Road. The site is about 1,000 feet mauka of the highway.

The Department of Public Works had the following comments regarding this site:

"The subject quarry should present a negligible water pollution hazard as it is contained within a hollow. It is almost entirely hidden from the Kohala-Kawaihae Belt Highway because of this. Mrs. Kawamoto, a neighbor of this quarry site, noted slight dust problems when the wind is blowing toward her home, but stated that dust was not visible in the air, and the inconvenience was slight. We could recommend that quarrying operations be confined to the side of the cinder cone away from this home, but we understood that this has already been dictated by the Smarts. Therefore, we have no objections to this site."

Mrs. Kawamoto's home which the department makes reference to is the dwelling situated about 1,800 feet from the site.

SITE NO. 3 (Exhibit DD) is located along the west side of Saddle Road, approximately 4,000 feet from the Saddle Road-Mamalahoa Highway junction, Waikoloa, South Kohala (TMK: 6-7-01:portion of 3). This site is about thirty (30) acres in size and was being quarried by the State of Hawaii, County of Hawaii, Waimea Equipment Co., and A & G Lindsey Bros. According to a January 5th letter received from the petitioner, Allied Aggregates will have exclusive rights to this site. This is also stated in the Quarrying Agreement entered in November 1976 between Richard Smart and Allied Aggregates. The agreement, however, states an area of sixty (60) acres instead of the requested thirty (30) acres. The terms of this agreement is for five (5) years, starting on January 1, 1977 and ending December 31, 1981.

This site was first quarried in 1945. The type of material quarried is cinder and approximately 100,000 c.y. are removed annually. The operation includes scraping, loading, limited stockpiling and installation of scales.

The General Plan Land Use Pattern Allocation Guide Map designates the area as Extensive Agriculture. The County zoning designation is Agricultural 40-acres (A-40a).

The land is of the Kolohana Soil Series which consists of somewhat excessively drained loamy fine sands that formed in volcanic ash, sand, and cinders at a depth of about 42 inches. The area receives from 20 to 40 inches of rainfall annually.

The surrounding lands are used for grazing. There are no dwellings in close proximity to the site.

Access to the site is from the Saddle Road. The site is about 500 feet Kona side of Saddle Road.

The Department of Public Works had the following comments regarding this site:

"There seems to be no real problems on this site. There is a defined drainageway makai of the operation, which passes under Saddle Road and goes to sheet flow in the pasture there. No build up of silt was noted. The access to the quarry site is unpaved and dusting problems may occur during hauling operations. There are no homes for miles here, so this dusting problem cannot be considered serious or hazardous."

SITE NO. 4 (Exhibit DD) is located approximately 3.3 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala (TMK: 6-7-01:portion of 25). This site is about thirty (30) acres in size and presently operated by Shield Pacific, Ltd. It was first quarried in 1945. The type of material quarried is hard rock and approximately 50,000 c.y. are removed annually. The operation includes dynamiting, portable crusher, loading, and limited stockpiling.

The General Plan Land Use Pattern Allocation Guide Map designates the area as Extensive Agriculture. The County zoning designation is Agriculture 40-acres (A-40a).

The land is of the Puu Pa Soil Series which consists of well-drained stony, very fine sand, loams that formed in volcanic ash. The

surface layer and the layer below are extremely stony, very fine, sandy loam about 6 inches and 34 inches thick respectively. It is under lain by fragmented Aa lava. The area receives from 20 to 35 inches of rainfall annually.

The wind comes from the northeasterly direction.

The surrounding lands are used for grazing. There are no dwellings in close proximity. The site is about three (3) miles straight-line distance from Mamalahoa Highway.

SITE NO. 5 (Exhibit DD) is located approximately 2.2 miles southeast or mauka of the Waimea-Kohala Airport and 1 mile makai of Site No. 4, Waikoloa, South Kohala (TMK: 6-7-01:portion of 25). This site is about five (5) acres in size and presently operated by Pacific Concrete and Rock Co., Ltd. It was first quarried in 1945. The type of material quarried is cinder and approximately 20,000 c.y. are removed annually. The operation includes scraping, loading and limited stockpile.

The General Plan Land Use designation, County zoning and soil characteristics are the same as Site No. 4.

The site is about 2 miles straight-line distance from Mamalahoa Highway.

The Department of Public Works had the following comments regarding these latter two (2) sites:

"This site has both a blue rock quarry and a cinder quarry. It is located several miles from the Waimea-Kona Roadway, well away from

any homes. There are no drainage problems or erosion problems seen on the sites. There is a dust problem at the rock quarry, caused by arid conditions on site. The biggest dust producer is the access road, which is loose crushed rock. This dust problem is minimized to the general public due to the remote location of the quarry. Problems noted: This is an arid region and water is not readily available."

All other cooperating agencies had no comments on or objections to the subject request.

According to the petition, with the exception of the Allied Aggregates quarrying operation, all of the quarrying agreements with the operators are informal agreements. The quarries will be in operation for the indefinite future under agreements between Parker Ranch and the quarrying operators.

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

"Request is hereby made to continue operation of various existing quarries on the Parker Ranch. Each of these quarries has been operated for years and existed prior to the establishment of district boundaries and regulations. These sites are far removed from populated areas and can in no way adversely affect surrounding properties nor burden public agencies. The grazing activity which predominates the areas in question has never been hindered by these quarry operations. These quarries are also a major source of construction material for the Kohala District and directly benefit both the State and County Highway Departments."

COUNTY OF HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

RAYMOND H. SUEFUJI
Director

January 11, 1977

Dear Property Owner:

Re: Special Permit Application - Richard Smart dba Parker Ranch
Kapa'aula, Hamakua, TMK 4-7-07:11 (por.)
Honipu, North Kohala, TMK 5-6-01:51 (por.)
Waikoloa, South Kohala, TMK 6-7-01:3 (por.) & 25 (por.)

Please refer to our letter of January 3, 1977 in which you were notified of the above public hearing. This is to inform you that the public hearing scheduled for January 13, 1977 has been postponed due to lack of a quorum. We apologize for the inconvenience.

We will notify you when the above matter is ready to be placed before the Planning Commission.

Raymond Suefuji
Director

lat

EXHIBIT HH

January 11, 1977

Mr. Robert W. Carlsmith
Attorney at Law
Carlsmith, Carlsmith,
Wichman & Case
P. O. Box 686
Hilo, HI 96720

Re: Special Permit Application - Richard Smart dba Parker Ranch
TMK: 4-7-07:11 (por.), 5-6-01:51 (por.) & 6-7-01:3(por.) & 25 (por.)

Please be informed that the meeting of January 13, 1977 has been postponed due to lack of a quorum. We apologize for the inconvenience. You will be notified as to when your application will be scheduled.

In the meantime, should you have any questions regarding the request, please feel free to contact the Planning Department at 961-8288.

Sidney M Fuke

Raymond Suefuji
Director

lat

cc Mr. James W. Whitman
State Land Use Commission
Land Use Division, DPED

EXHIBIT II

JAN 1 1 1977

COUNTY OF HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

RAYMOND H. SUEFUJI
Director

January 26, 1977

Dear Property Owner: (TMK:

Re: Special Permit Application
Petitioner: Richard Smart dba Parker Ranch
Kapa'aula, Hamakua, TMK 4-7-07:11 (por.)
Honipu, North Kohala, TMK 5-6-01:51 (por.)
Waikoloa, South Kohala, TMK 6-7-01:3 (por.) & 25 (por.)

Please refer to our letter of January 11, 1977 at which time we notified you of the postponement of the above public hearing.

This is to inform you that a public hearing on the subject among others will be held beginning at 4:00 p.m. on Monday, February 14, 1977 at the Waimea School Cafetorium, Waimea, South Kohala, Hawaii.

You are invited to comment on the application at the hearing or submit written comments prior to the hearing.

Raymond Suefuji
Director

lat

EXHIBIT JJ

PUBLIC HEARINGS

PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of pubic 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: Waimea School Cafetorium, Waimea, South Kohala, Hawaii

DATE: Monday, February 14, 1977

TIME: 4:00 p.m. (Items 1 & 2)

7:00 p.m. (Item 3)

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

1. PETITIONER: MASATSU KAWAMOTO

   LOCATION: Along the west side of the lower Hawi Road, approximately 3,400 feet makai or north of the Hawi-Niulii Road - Hawi Road intersection, Ka'auhuhu Homesteads, 2nd Series, North Kohala.

   TMK: 5-5-13:portion of 22

   PURPOSE: Special Permit request to allow the construction of a building for Storage/ Processing and Commercial Sale of Beef Products on approximately one (1) acre of land situated within the State Land Use Agricultural District.

EXHIBIT KK

2. PETITIONER: RICHARD SMART dba PARKER RANCH

LOCATION: SITE 1 is located along the mauka or south side of the old Mamalahoa Highway approximately 3 1/2 miles Honoka'a side of the old Mamalahoa Highway-Hawaii Belt Highway junction, Kapa'aula, Hamakua, TMK: 4-7-07:portion of 11. This site is about ten (10) acres in size and presently operated by Al Lirou. SITE NO. 2 is located on the mauka side of the Mahukona-Hawi Road, slightly over two (2) miles Kawaihae side of Hawi Village, Honipu, North Kohala, TMK: 5-6-01:portion of 51. This site is about 6 (six) acres in size and presently operated by the County of Hawaii. SITE NO. 3 is located along the west side of Saddle Road, approximately 4,00 feet from the Saddle Road-Mamalahoa Highway junction, Waikoloa, South Kohala, TMK: 6-7-01:portion of 3. This site is about thirty (30) acres in size and presently operated by Allied Aggregates. SITE NO. 4 is located approximately 3.3 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01: portion of 25. This site is about thirty (30) acres in size and presently operated by Shield

Pacific, Ltd. SITE NO. 5 is located approximately 2.2 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01:portion of 25. This site is about five (5) acres in size and presently operated by Pacific Concrete and Rock Co., Ltd.

PURPOSE: Special Permit request to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District.

3. PETITIONER: BOISE CASCADE HOME AND LAND CORPORATION

LOCATION: Makai of the Queen Ka'ahumanu Highway, from the highway to the shoreline, in the land divisions of Anaeho'omalu and Waikoloa, South Kohala.

TMK: 6-8-01:26 and portion of 5 and and 6-9-07: 1 to 30

PURPOSE:

a. Change of Zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for the adjustment and reconfiguration of various existing zoning boundaries.

b. Planned Unit Development (PUD) Permit request to allow the construction of six-story hotels on hotel site no. 12 and site nos. 9 and 10. The proposed hotel on site no. 12 will initially contain 350 rooms, but will be designed to allow

for future expansion from 350 to over 400 rooms. The proposed hotel on site nos. 9 and 10 will have approximately 525 rooms. Also requested is to allow up to one-half of the required parking stalls for the proposed hotels to be located off-site at a central hotel parking area. A relief from the required number of on-site loading spaces is also requested.

c. Partial Planned Unit Development (PUD) Permit request to allow the construction of future hotels on four (4) other sites (hotel site nos. 4, 8, 14 and 28x) at heights of six-stories in lieu of the maximum allowable of three (3) stories and forty-five (45) feet. Also requested is to allow up to one-half of the required parking stalls for these future hotels to be located off-site at a central hotel parking area.

d. Planned Development Permit (PDP) request to allow the ultimate construction of 3,000 hotel units and approximately 3,430 condominium units.

e. Special Permit request to allow the establishment of a temporary construction and maintenance yard on 7.09 acres of land situated within the State Land Use Agricultural District.

f. Special Permit request to allow the establishment of a Waste-Water Reclamation Plant (STP) on 17.6 acres of land situated within the State Land Use Agricultural District. The proposed use will be located mauka of the Queen Ka'ahumanu Highway.

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
LORRAINE R. JITCHAKU, Chairman
by RAYMOND H. SUEFUJI
Planning Director

(Hawaii Tribune-Herald: February 4 and 11, 1977)

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: Waimea School Cafetorium, Waimea, South Kohala, Hawaii
DATE: Monday, February 14, 1977
TIME: 4:00 p.m. (Item 1 & 2)
7:00 p.m. (Item 3)

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

1. PETITIONER: MASATSU KAWAMOTO
LOCATION: Along the west side of the lower Hawi Road, approximately 3,400 feet makai or north of the Hawi-Niulii Road-Hawi Road intersection, Ka'auhuhu Homesteads, 2nd North Kohala.

TMK: 5-5-13:portion of 22
PURPOSE: Special Permit request to allow the construction of a building for Storage/Processing and Commercial Sale of Beef Products on approximately one (1) acre of land situated within the State Land Use Agricultural District.

2. PETITIONER: RICHARD SMART dba PARKER RANCH
LOCATION: SITE 1 is located along the mauka or south side of the old Mamalahoa Highway approximately 3½ miles Honoka'a side of the old Mamalahoa Highway-Hawaii Belt Highway junction, Kapa'aula, Hamakua, TMK: 4-7-07:portion of 11. This site is about ten (10) acres in size and presently operated by Al Lirou. SITE NO. 2 is located on the mauka side of the Mahukona-Hawi Road, slightly over two (2) miles Kawaihae side of Hawi Village, Honipu, North Kohala, TMK: 5-6-01:portion of 51. This site is about 6 (six) acres in size and presently operated by the County of Hawaii. SITE NO. 3 is located along the west side of Saddle Road, approximately 4,00 feet from the Saddle Road-Mamalahoa Highway junction, Waikoloa, South Kohala, TMK: 6-7-01: portion of 3. This site is about thirty (30) acres in size and presently operated by Allied Aggregates. SITE NO. 4 is located approximately 3.3 miles southwest or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01: portion of 25. This site is about thirty (30) acres in size and presently operated by Shield Pacific, Ltd. SITE NO. 5 is located approximately 2.2 miles southwest or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01: portion of 25. This site is about five (5) acres in size and presently operated by Pacific Concrete and Rock Co., Ltd.

PURPOSE: Special Permit request to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District.

3. PETITIONER: BOISE CASCADE HOME AND LAND CORPORATION
LOCATION: Makai of the Queen Ka'ahumanu Highway from the highway to the shoreline, in the land divisions of Anaeho'omalu and Waikoloa, South Kohala.

TMK: 6-8-01:26 and portion of 5 and 6-9-07: 1 to 30
PURPOSE:
a. Change of Zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for the adjustment and reconfiguration of various existing zoning boundaries.
b. Planned Unit Development (PUD) Permit requeat to allow the construction of six-story hotels on hotel site no. 12 and site nos. 9 and 10. The proposed hotel on site no. 12 will initially contain 350 rooms, but will be designed to allow for future expansion from 350 to over 400 rooms. The proposed hotel on site nos. 9 and 10 will have approximately 525 rooms. Also requested is to allow up to one-half of the required parking stalls for the proposed hotels to be located off-site at a central hotel parking area. A relief from the required number of on-site loading spaces is also requested.
c. Partial Planned Unit Development (PUD) Permit request to allow the construction of future hotels on four (4) other sites (hotel site nos. 4, 8, 14 and 28x) at heights of six-stories in lieu of the maximum allowable of three (3) stories and forty-five (45) feet. Also requested is to allow up to one-half of the required parking stalls for these future hotels to be located off-site at a central hotel parking area.
d. Planned Development Permit (PDP) request to allow the ultimate construction of 3,000 hotel units and approximately 3,430 condominium units.
e. Special Permit request to allow the establishment of a temporary construction and maintenance yard on 7.09 acres of land situated within the State Land Use Agricultural District.
F. Special Permit request to allow the Establishment of a Waste-Water Reclamation Plant (STP) on 17.6 acres of land situated within the State Land Use Agricultural District. The proposed use will be located mauka of the Queen Ka'ahumanu Highway.

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
LORRAINE R. JITCHAKU, Chairman
by RAYMOND H. SUEFUJI
Planning Director

(147 — Hawaii Tribune-Herald: February 4, 11, 1977.)

EXHIBIT KK-1

January 27, 1977

Mr. Robert W. Carlsmith
Attorney at Law
Carlsmith, Carlsmith, Wichman & Case
P. O. Box 686
Hilo, HI 96720

Re: Notice of a Public Hearing
Special Permit Application
Petitioner: Richard Smart dba Parker Ranch
Tax Map Key 4-7-07:portion of 11
5-6-01:portion of 51
6-7-01:portion of 3 & portion of 25

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 4:00 p.m. at the Waimea School Cafetorium, Waimea, S. Kohala, 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 is enclosed for your information.

Sidney M Fuke

Raymond Suefuji
Director

lat:ml

Enclosure

cc James Whitman
State Land Use Commission
Land Use Division, DPED

EXHIBIT LL

FEB 1 1977

REC'D BY PLANNING Commission at hearing on 2/14/77. Nicole

CARL SMITH

PARKER RANCH
KAMUELA, HAWAII 96743

January 19, 1977

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

Re: Special Permit for Richard Smart
d/b/a Parker Ranch to Continue
Quarry Operations
TMK: 4-7-07-11; 5-6-01-51;
6-7-01-03; 6-7-01-25

Kindly be advised that the quarry situated on Tax Map Key 6-7-01-03 to be operated by Allied Aggregates is estimated to encompass approximately 60 acres. This estimate is given without benefit of an actual survey.

Our original permit application specified an area of 30 acres which now appears to have been grossly underestimated according to those more knowledgeable in eyeballing acreage.

Very truly yours,

James M. Whitman

James M. Whitman
Business Manager

JMW:ap

EXHIBIT mm

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
February 14, 1977

A regularly advertised public hearing, on the application of Richard Smart dba Parker Ranch, was called to order at 4:20 p.m. in the Cafetorium of the Waimea Elementary & Intermediate School, Waimea, South Kohala, by Chairman Jitchaku.

PRESENT: Lorraine R. Jitchaku
Scott H. Asai
Shigeru Fujimoto
J. Walsh Hanley
Arthur W. Martin
William F. Mielcke
Haruo Murakami
Charles H. Sakamoto, Jr.

ABSENT: Akira Fujimoto, Ex-officio Member

Sidney M. Fuke, Deputy Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

David Murakami, representing Ex-officio Member Edward Harada

and about 9 people in attendance

CHAIRMAN: Public hearing. Public hearing on the application of Richard Smart dba Parker Ranch for a Special Permit request to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District. SITE NO. 1 is located along the mauka or south side of the old Mamalahoa Highway, approximately 3 1/2 miles Honoka'a side of the old Mamalahoa Highway-Hawaii Belt Highway junction, Kapa'aula, Hamakua, TMK: 4-7-07:portion of 11. This site is about ten (10) acres in size and presently operated by Al Lirou. SITE NO. 2 is located on the mauka side of the Mahukona-Hawi Road, slightly over two (2) miles Kawaihae side of Hawi Village, Honipu, North Kohala, TMK: 5-6-01:portion of 51. This site is about six (6) acres in size and presently operated by the County of Hawaii. SITE NO. 3 is located along the west side of Saddle Road, approximately 4,000 feet from the Saddle Road-Mamalahoa Highway junction, Waikoloa, South Kohala, TMK: 6-7-01:portion of 3. This site is about thirty (30) acres in size and presently operated by the Allied Aggregates. SITE NO. 4 is located approximately 3.3 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01:portion of 25. This site is about thirty (30) acres in size and presently operated by Shield Pacific, Ltd. SITE NO. 5 is located approximately 2.2 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01:portion of 25. This site is about five (5) acres in size and presently operated by Pacific Concrete and Rock Co., Ltd. Staff.

HAYASHI: (Staff presented background information on file.)

CHAIRMAN: Thank you. Do any of the Commissioners have any questions in regards to the staff's report? Commissioner Martin.

EXHIBIT NN

MARTIN: Madam Chairman. These are requests for a continued operation. Why are they coming in? Is there a time up or something?

HAYASHI: Okay. The reason why they are coming in is although it's an existing quarry, a nonconforming quarry operation, they can excavate downwards. But, once they expand, you know laterally or horizontally, then that would constitute an expansion. Therefore, a Special Permit will be required for the expansion of that use. This is why Parker Ranch has come in for the Special Permit.

MARTIN: The expansion would be the number of acres that are mentioned here?

HAYASHI: This would be the total number of acre....

MARTIN: They would not be able to go beyond what acres are mentioned in here?

HAYASHI: That is correct, yes.

MARTIN: Is this for an indefinite planning?

HAYASHI: Well, you know, the Commission could stipulate any kind of time condition if you wish to if you were to recommend approval.

MARTIN: Their request is for an indefinite period?

HAYASHI: That is correct, yes.

CHAIRMAN: I think, at the time we call the applicant or a representative, you can ask your question then, Commissioner Martin. Commissioner Murakami, did you have a question?

MURAKAMI: No.

CHAIRMAN: I'm sorry, I thought I saw your hand raised. Are there any other questions of the staff's report? If not, at this time the Chair would.... Commissioner Mielcke, did you have a question?

MIELCKE: Yes. Norman, if they were to continue operation in the confines that are already defined, then, they would not have to make an application?

HAYASHI: That is correct, yes.

CHAIRMAN: At this time, the Chair would like to call a representative of the Parker Ranch. Will you state your name please.

ROBERT CARLSMITH: Robert Carlsmith.

CHAIRMAN: For the record and for the Commissioners' information, Mr. Carlsmith is an attorney and he need not be sworn in.

CARLSMITH: Thank you, Madam Chairman. And, the reason I'm saying Madam Chairman instead of Chairperson is that, that's what it has on your label in front of you. I guess, I should say Chairperson to be correct.

CHAIRMAN: I'm not too particular.

CARLSMITH: Members of the Commission. Perhaps, a word of explanation in light of what was just being discussed would be in order. The staff and I

have discussed this problem at some length prior to our filing on behalf of Richard Smart doing business as Parker Ranch. We discussed the matter before filing the special use application....application of special use permit. We do have a slight difference of opinion as to what would constitute a nonconforming use as far as this quarry operation is concerned. And, what we've done is we've gone ahead and filed the application figuring that this would be the most sensible way to proceed under the circumstances. To give you an example, the Site No. 4, 5 and 3, I think, those are the three sites are all located within a rather large tax keys. You could take a look at this nonconforming use in certain different ways. Such as the confined state of the tax keys involved or defined to maybe a perimeter enclosure or something of that sort. But, this particular tax key here is allowed 48,600 acres in size. And, of course, that's not the area that will be involved in nonconforming use. In any event, there is also one more item which should be pointed out. And, that is the site which is presently operated by the County of Hawaii, which is Site No. 2 near Kohala. As near as we can determine at the present time, that was first quarried around 1970. And, so that may not qualify as a nonconforming quarry. It is used intermittently by the County of Hawaii and, I believe, it's principally a cinder rock. We notified the County of Hawaii a short time ago that this matter was coming up and they seemed to wish to continue using the quarry site. They expressed some concern that that source might have to be.... special use permit were not allowed.

With me today are James Whitman, Al Lirou and Mr. Kuwaye of Allied Aggregates who will answer any questions if you have any, specifically, with respect to the quarrying operations. I think what we're asking for is pretty straight forward. What we'd like to do is we'd like to have a special permit which will allow Parker Ranch to continue with the quarries that they have been operating for many years and which the people in the community happen to go along with that use for this quarry for years. If you have any specific questionsyou need from the operators or Mr. Whitman, we'll be happy to answer them.

CHAIRMAN: Okay, I think at this time, the Chair would like to call the three of them up at one time, and there are several questions that will be posed. What we will do is, swear you in all at one time, since you are all here. Will you raise your right hand; unless, you're an attorney, you don't have to. Okay, will you swear to tell the truth and nothing but the truth now before the Planning Commission on your application.

TESTIFIERS: I do. (Messrs. Whitman, Kuwaye and Lirou were sworn in.)

CHAIRMAN: What we'll do is individually if you can note your name and then, we'll ask you questions.

JAMES WHITMAN: I'm James Whitman of Parker Ranch.

JAMES KUWAYE: James Kuwaye representing Allied Aggregates.

AL LIROU: Al Lirou representing Equipment Isle Sales.

CHAIRMAN: Okay, before I extend the questions to the Commissioners, there were several questions in the staff's report. And, there was one comment made by the Public Works Department, and that was on Site No. 1. And, the comments were that....in regards to the stockpiling on the side of the roadway on the Mamalahoa Highway. And, they do recommend that the stockpiling should be modified to conform to the grading ordinance. Have you any comments in regards to that?

LIROU: Yes. That's supposed to be lowered and the County Road Department is supposed to open up the road little more for me to make it more so it won't be so hazardous around there.

CHAIRMAN: So, you have nothing against that though? You conform to the recommendation.

LIROU: Yes, we're conforming to that. We just stuck a guy up there while it was wet where we couldn't move it out but, you know, and they were gonna make the road wider there with the County and myself participating.

CHAIRMAN: Thank you. Do any of the other Commissioners have any questions? Commissioner Hanley.

HANLEY: Yes. My first question is how come attorneys don't have to be sworn in?

CARLSMITH: Contrary to what lot of people indicate, I guess it's a matter of our being under some sort of sanction without having to swear. It is not because we're more trustworthy. It's because they already have been handled for this.

HANLEY: Thank you. My question was that like it's on Site 3 where the lease specifies one acreage in this special permit request specifies in other (inaudible).

CARLSMITH: All right. Let me clarify that. What we have in Site No. 3, which is going to be operated by Allied Aggregates, we had an eyeball estimation of 30 acres when the permit was originally submitted. When Allied and Parker Ranch looked over the site to make their agreement, the estimate was revised upwards and they figured it's about....the site actually should be considered to be about 60 acres. Now, I'm somewhat remiss here. I have a letter from Parker Ranch that I ought to read into the record at this time and submit it to the Commission. And, this is a corrective letter with respect to that particular request and it's addressed to the Planning Department regarding the special permit for Richard Smart dba Parker Ranch to continue quarry operations, Tax Map Key 4-7-07:11, 5-6-01:51, 6-7-01:3, 6-7-01:25. Kindly be advised the quarry situated on Tax Map Key 6-7-01:3 to be operated by Allied Aggregates is estimated to encompass approximately 60 acres. This estimate is given without benefit of actual survey. Our original permit application specified an area of 30 acres which now appears to have been grossly underestimated according to those more knowledgeable in eyeballing acreages. Yours very truly, James. M. Whitman, Business Manager. And, I'd like to submit this at present time for the records.

HAYASHI: Madam Chairman, for the record, we did not receive that letter.

CARLSMITH: No, that letter was not submitted.

KUWAYE: May I make a comment on this.

CHAIRMAN: Yes, Mr. Kuwaye, go ahead.

KUWAYE: The reason behind the request for 60 acres, originally, Parker Ranch had requested for 30 acres; but if you calculate the area, one acre foot will provide 1,500 cubic yards of material. Now, 60 acres, you times 60....1,500 times 60, that will be 90,000 cubic yards, 60 acre foot. The reasoning behind we wanted 60 acres because, if you multiply 90,000 by 5 feet which we think

5 feet would be reasonable and suitable material. Five times 90 would be 450,000 cubic yards. Our projection is to supply the users here 500,000 cubic yards over the next 5-year period. Now, 450,000, you'll have to take into consideration, the swellage of 1.2 pctg. That will give us ample supply, but maybe we may lose some along the line, but that was ball park figure anyway. So, this is how we did the area we have it quarried in the next 5-year period.

CHAIRMAN: Thank you. Commissioner Murakami.

MURAKAMI: Mr. Carlsmith, do the State know that you folks are making exclusively within company take over the quarrying?

CARLSMITH: Well, perhaps, I would refer that to Mr. Whitman who is negotiating with the State. The question was is the State advised Allied Aggregates is going to be using the quarry exclusively.

WHITMAN: No, but we've advised the Planning Commission, the County, however, you're talking with respect to the agreements with the State of Hawaii?

MURAKAMI: Yeh, because I know at one time State were mixing cinder way up there, you know, just around there. So, whether you folks are going to let the State handle this or what? Because, when you say exclusive (inaudible....) come again, maybe State. I don't know what deal you folks have with the State but they're gonna be completely out of it, or what?

WHITMAN: The State and County have both been notified and State has already made arrangements with Mr. Kuwaye here to utilize the pit and continue their soil/cinder operation.

CHAIRMAN: Commissioner Martin.

MARTIN: Madam Chairman, this question goes to the staff. That's pursuant to the letter that we have just received. Do we take it now that this would be part of the request, too?

HAYASHI: That is correct. That would be amended request.

MARTIN: So, it's how many acres?

HAYASHI: That will be 60 acres instead of the 30 that was originally requested for.

MARTIN: Then, I have another question to the applicants and that is to the length of time of the quarrying. Are you asking that you would be quarrying indefinitely?

CARLSMITH: Our request is for the indefinite future, yes. That is correct. And, the reason is because what we're doing is....it's very similar to perpetual use you would have if it were nonconforming use. And, that's what we felt would be reasonable under the circumstances. However, we really haven't discussed this particular point with the staff prior to this time.

MARTIN: To get to that Site No. 3, I can't quite see it on their response. Since it were enlarging the area, is there anything in that.... When I've been up there, I don't think there was anything else around there. Like, perhaps, it wouldn't be interfering with anything else around there?

CARLSMITH: No, there isn't anything else up in that area.

KUWAYE: May I make a comment on the quarry.

CHAIRMAN: Mr. Kuwaye.

KUWAYE: Whenever we applied for quarry operation, we clear ourselves, first with you people, the Land Use Board, Board of Health, Board of Agriculture, Bureau of Mines, OSHA and all the regulations imposed upon us were all complied. So, there is no need to fear as to illegal operation or anything like that. And, further for the record, I might say that the potential market here and the next five years, 500,000 cubic yards, the users will have various uses for these materials. Not only for topsoil but for home use, home gardening, landscaping; and of course the big users will be the resort development out here for your golf courses and for landscaping. Although, there are other uses like road building and perhaps we could provide the local people with blacktop or a cheaper grade of pavement material. And, also, we are looking into making 30 years of this material in developing compost - shipping out, exporting cinder to Honolulu to make compost, also to blend cinders with organic fertilizer to make it available to other islands and our local people here. We figure, there is a market value in excess of two million dollars. In time like this when our economy is so depressed, I think, two million dollars would be a hell of a lot of money generating to this economy here for West Hawaii and the Island of Hawaii. I would like for your Commission members to give that very serious consideration.

CHAIRMAN: Thank you Mr. Kuwaye. I think we lost a Hiloan. Have you become a part of Waimea, now? Have you made this your home?

KUWAYE: My home?

CHAIRMAN: I think we lost you.

KUWAYE: I wish I had a home here. It's a lovely place to be able to live.

CHAIRMAN: You've heard the staff's report and I asked Mr. Carlsmith if he has any questions in regards to the staff report. You have any comments to make? Mr. Lirou, Mr. Whitman?

LIROU: No, not at all.

WHITMAN: No.

CHAIRMAN: Commissioner Martin.

MARTIN: Just a comment, Madam Chairman. I think that you people would not be here if you wanted it to be an illegal quarry.

CHAIRMAN: Are there any other questions of the applicant or does the staff have any? Commissioner Asai.

ASAI: Maybe, David can answer my question. On Site No. 2, that's the quarry in Kohala, I believe, as operated by the County of Hawaii right now, that is primarily red cinders, it is used mostly on roads, David?

DAVID MURAKAMI: Yes. All of these quarries, we use to maintain the roads in the area. So, I have a question for Mr. Kuwaye because the County has worked with Mr. Lirou and Parker Ranch and we are very pleased, you know. Site 3 is going to be turned over to Allied Aggregates, and I was thinking we know what to expect. Previous to this, we had been using Site 3 to maintain the Saddle Road and the materials given to us by Parker Ranch free!

MURAKAMI: So, now, we gotta pay.

WHITMAN: I would like to correct that. The cost to the County and State was 75 cents a yard.

CHAIRMAN: Any other questions? Mr. Murakami.

D. MURAKAMI: What happens when Allied Aggregates takes over, then?

WHITMAN: Maybe, Mr. Kuwaye should answer that. I know he has already made a deal with the State.

CARLSMITH: Perhaps, at this juncture, it will be appropriate for the County to get together with Mr. Kuwaye and work out their arrangements on the matter than doing it during the meeting of all the rest of the Commissioners having to await these decisions to be made on.

CHAIRMAN: Mr. Kuwaye, the question Mr. Murakami had.... Mr. Murakami asked at prior to this application, that the County has been using the cinders, I guess, to a nominal fee. And, he was wondering, now, what the outcome would be. But, that's some negotiations, I guess, that the County will be able to do with you later.

KUWAYE: Perhaps, up to the State people. The County, we haven't negotiated at all. County has never approached nor have I approached the County. There's no problem. From the usage, it's such a small amount that it's a negligible amount anyway.

CHAIRMAN: Thank you. Are there any other questions of the applicants? Commissioner Murakami.

MURAKAMI: Mr. Kuwaye, what kind of setup you have with the State? Is it (inaudible) to the State already? I know, they use quite some of the, you know, cinder mix for their shoulder.

KUWAYE: Well, the State came up to me. They are making analysis of the cost whether it's cheaper to haul blacktop from Hilo or to do the mix over here. Over the years, they have been doing the mix, but I think it's a lot of (inaudible....) But, to me, it's within good economic sense for them to use this cinder and haul only the oil. There's no use of hauling all the aggregate from Hilo when you have to come to here and the use is here. But, I think they'll come around with an estimate than to pay a heavy penalty for the use of dirt, besides for (inaudible....) or cost for bulldozing and loading (inaudible....). And, their requirement would be 1,000 yards a year. So, we're not talking about taking the State for a ride or taking money or anything. In fact, I think, we'll be the losing end of the whole thing.

MURAKAMI: I think so.

CHAIRMAN: Commissioner Mielcke, did you have a question?

MIELCKE: Yes, Mr. Kuwaye, just looking at the quarry site there and it's a little hard for me to get a perspective. What 60 acres is going to work? Give me an idea where 60 acres in relation to the cinder cone goes?

KUWAYE: This puu, this cinder cone, will not be disturbed at all. And, from this side, will you find it, this service cut here?

MIELCKE: Yes.

KUWAYE: We will not enter into the puu. We will just cut gentle slope in there.

MIELCKE: Yes.

KUWAYE: It will be on the left to the side. Obviously, not this puu on the Waimea side.

MIELCKE: Okay, the cinder cone itself will not be....this cut here be affected?

KUWAYE: I don't that the rising slope would make a difference to this puu. It will have a gentle slope all the way up the cinder cone area (inaudible....) right on the edge of the puu's.

MIELCKE: So, the cut that we see here, that's....

KUWAYE: That's the previous cut. We will make it gently sloped. (Inaudible...) It will be gently graded, terraced and leveled off, so, it won't be unsightly (inaudible....). We will restore whatever we take out. Perhaps, there would be enough there for investment and for development.

CHAIRMAN: Thank you.

MARTIN: Madam Chairman.

CHAIRMAN: Commissioner Martin.

MARTIN: I think, for the record, it should indicate that what was being discussed with photos on Quarry Site 3, which I think is Exhibit Z....

MIELCKE: That's correct.

MARTIN: So, that should be in the record.

CHAIRMAN: Thank you. Any more questions of the applicant? David, is that all you have to say?

D. MURAKAMI: Yes.

CHAIRMAN: Thank you. Do you have any other comments, Mr. Carlsmith?

CARLSMITH: None.

CHAIRMAN: Thank you very much.

KUWAYE: One more comment.

CHAIRMAN: Mr. Kuwaye.

KUWAYE: We already had submitted to the users. You know, availability of material. Now, if you should not allow us to continue operation, this is gonna be hurting a lot of people around here, the resort development and many of the employees, too. Please consider that. Thank you.

CHAIRMAN: Thank you.

CARLSMITH: Thank you very much.

WHITMAN: Thank you.

CHAIRMAN: Thank you. Are there anyone present that would like to make any comments on this application before the County Planning Commission? If not, the Chairman would like to entertain a motion to close the public hearing or your discretion. Commissioner Murakami.

MURAKAMI: Madam Chairman, I move that the public hearing be closed.

CHAIRMAN: Any second?

FUJIMOTO: Second.

CHAIRMAN: It has been moved by Commissioner Murakami and seconded by Commissioner Fujimoto that public hearing be closed. All those in favor, say aye.

COMMISSIONERS: Aye.

CHAIRMAN: Opposed? Motion is carried. For your information, Mr. Carlsmith, the Commission will not take action until 15 days. So, you'll be advised when the next meeting will be. Thank you.

CARLSMITH: Thank you.

Public hearing was adjourned at 4:52 p.m.

Respectfully submitted,

Lei A. Tsuji

Lei A. Tsuji, Secretary

A T T E S T :

(Mrs.) Lorraine R. Jitchaku
Chairman, Planning Commission

LUC

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
February 14, 1977

The Planning Commission met in regular session at 11:08 a.m. at the State Department of Education - Kona Annex (former Kailua School), Kailua, North Kona, with Chairman Jitchaku presiding.

PRESENT: Lorraine R. Jitchaku
Scott H. Asai
Shigeru Fujimoto
J. Walsh Hanley
Arthur W. Martin
William F. Mielcke
Haruo Murakami
Charles H. Sakamoto, Jr.

ABSENT: Akira Fujimoto, Ex-officio Member

Sidney M. Fuke, Deputy Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

David Murakami, representing Ex-officio Member Edward Harada

and about 14 people in attendance at 11:00 a.m., about 9 people at 4:00 p.m. and about 60 people at 7:00 p.m.

EXHIBIT OO

No action was taken on the Special Permit in accordance with the SLUC's regulation since decisions on such petitions cannot be made earlier than 15 days after the close of the public hearing.

LAND USE COMMISSION
SPECIAL PERMIT
RICHARD SMART dba
PARKER RANCH
KAPA'AULA, HAMAKUA
HONIPU, NORTH KOHALA
WAIKOLOA, SOUTH KOHALA

A duly advertised public hearing was held for a Special Permit request to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District. SITE NO. 1 is located along the mauka or south side of the old Mamalahoa Highway, approximately 3 1/2 miles Honoka'a side of the old Mamalahoa Highway-Hawaii Belt Highway junction, Kapa'aula, Hamakua, TMK: 4-7-07:portion of 11. This site is about ten (10) acres in size and presently operated by Al Lirou. SITE NO. 2 is located on the mauka side of the Mahukona-Hawi Road, slightly over two (2) miles Kawaihae side of Hawi Village, Honipu, North Kohala, TMK: 5-6-01:portion of 51. This site is about six (6) acres in size and presently operated by the County of Hawaii. SITE NO. 3 is located along the west side of Saddle Road, approximately 4,000 feet from the Saddle Road-Mamalahoa Highway junction, Waikoloa, South Kohala, TMK: 6-7-01:portion of 3. This site is about thirty (30) acres in size and presently operated by the Allied Aggregates. SITE NO. 4 is located approximately 3.3 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01:portion of 25. This site is about thirty (30) acres in size and presently operated by Shield Pacific, Ltd. SITE NO. 5 is located approximately 2.2 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01:portion of 25. This site is about five (5) acres in size and presently operated by Pacific Concrete and Rock Co., Ltd.

Staff presented background information on file. Staff explained that operation of the nonconforming quarries may be continued provided that there is no lateral expansion of the existing sites. However, since there may be expansion of the sites, the petitioner decided to apply for the Special Permit request.

Attorney Robert Carlsmith, representing the petitioner, explained that he was informed by the staff to take this course of action in filing for the nonconforming uses presently existing. He pointed out that Sites 3, 4, and 5 are located within a rather large parcels. He mentioned that Site No. 2 in Kohala quarried by the County does not qualify as a nonconforming use because it began around 1970.

Mr. Al Lirou, operator of quarry Site No. 1, stated that the hazardous condition of the fill stockpiled on the side of Mamalahoa Highway will be corrected.

Mr. Carlsmith read a letter dated January 19, 1977 from Parker Ranch and addressed to the Planning Department regarding Site No. 3 operated by Allied Aggregates. It pertained to the quarry area encompassing approximately 60 acres rather than an underestimated 30 acres. He requested that the application be amended as such.

Mr. James Kuwaye of Allied Aggregates clarified that their project would require a larger area to supply the users with the materials. They intend to quarry for the next five years.

Mr. Murakami moved to close the public hearing; seconded by Mr. Fujimoto; carried.

No action was taken on the Special Permit in accordance with the SLUC's regulation since decisions on such petitions cannot be made earlier than 15 days after the close of the public hearing.

PRELIMINARY HEARING
VARIANCE
DODO MORTUARY, INC.
PUUEO, SOUTH HILO

Variance request to allow the expansion to the existing mortuary which is a nonconforming use situated within the Multiple Family Residential - 1,000 square foot (RM-1) zoned district. The property involved is located along Wainaku Street adjacent to the Clem Akina Park and the intersection of Waipahoehoe Lane and Wainaku Street, Puueo, South Hilo, TMK: 2-6-08:10.

Staff presented background information on file and recommended that this application be scheduled for a public hearing.

Mr. Larry Dodo, Director of Dodo Mortuary, Inc., stated that the extension of the existing building will provide badly needed areas. This was the case when they first moved into the building in 1967. He mentioned that a master plan will be drawn up by a Honolulu firm where a study will be made for a more workable future plan. He indicated that the proposed addition will accommodate seating for about 50 more people and possibly more with folding chairs.

On the question of meeting the parking requirements, Mr. Dodo stated that additional areas were asphalted for parking three years ago. They now have 93 marked stalls from the original 65 stalls required. Staff verified that on the basis of one parking for every 75 square feet of gross floor area, the 93 stalls will meet the added requirements. According to rough calculation, only 8 additional parking or a total of 73 to 75 stalls will be required.

Mr. Dodo added that additional parking is available on Wainaku Street.

Mr. Martin moved for a public hearing; seconded by Mr. Asai; carried.

RECESS

Chairman called for a recess at 5:20 p.m. until the scheculed public hearings at 7:00 p.m.

****

RECONVENED FOR
PUBLIC HEARINGS

Meeting was reconvened at 7:01 p.m. to continue with the following public hearings.

All those testifying were duly sworn in.

BOISE CASCADE HOME &
LAND CORPORATION
ANAEHO'OMALU & WAIKOLOA
SOUTH KOHALA

A duly advertised public hearing was held for the following requests at the Waikoloa Beach Resort complex located makai of the Queen Ka'ahumanu Highway in the land divisions of Anaeho'omalu and Waikoloa, South Kohala, TMK: 6-8-01:26 and portion of 5 and 6-9-07:1 to 30:

a. Special Management Area (SMA) Use Permit request to allow the entire development of the Waikoloa Beach Resort complex, which includes 3,000 hotel rooms, approximately 3,430 multiple residential units, 2 golf

February 15, 1977

Mr. Robert W. Carlsmith
Attorney at Law
Carlsmith, Carlsmith, Wichman & Case
P. O. Box 686
Hilo, HI 96720

Re: Special Permit Application
Tax Map Keys 4-7-07:portion of 11
5-6-01:portion of 51
6-7-01:portions of 3 & 25

The Planning Commission at its meeting of February 14, 1977, held a duly advertised public hearing on your application for a special permit to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District at Kapa'aula, Hamakua; Honipu, North Kohala; and Waikoloa, South Kohala, Hawaii.

In accordance with the provisions of Section 205-6, Hawaii Revised Statutes, the Commission shall act on such petition not earlier than fifteen (15) days after the said public hearing.

We shall notify you when the Commission is ready to take action on your request.

Lorraine R. Jitchaku

(Mrs.) Lorraine R. Jitchaku
Chairman, Planning Commission

lat:lgv

cc Mr. James Whitman
Land Use Commission
Land Use Division, DPED

EXHIBIT PP

FEB 15 1977

February 28, 1977

Mr. James Whitman, Agent
Richard Smart dba Parker Ranch
P. O. Box 458
Kamuela, HI 96743

Re: Special Permit Application
Tax Map Key 4-7-07:portion of 11
5-6-01:portion of 51
6-7-01:portions of 3 and 25

This is to inform you that the above application will be considered on Monday, March 14, 1977 by the Planning Commission. The meeting will be held in the Councilroom, County Building, Hilo, Hawaii, and is scheduled to begin at 10:00 am.

We will notify you of the Commission's action.

A copy of the agenda is enclosed for your information.

Sidney M Fuke

Raymond Suefuji
Director

lat:lgv
Enclosure
cc Mr. Robert Carlsmith
State Land Use Commission
Land Use Division, DPED

EXHIBIT Q

MAR 2 1977

RECOMMENDATION: RICHARD SMART dba PARKER RANCH

Upon careful review of the request against the guidelines for considering a Special Permit, staff is recommending that it be given favorable consideration based on the following findings:

1. That the petitioner is requesting the Special Permit to allow the continued operation of five (5) existing quarry sites. With the exception of Site No. 2, the quarry sites have been in operation prior to adoption of the State Land Use District Regulations; thus, are considered nonconforming. However, Part IV of the State Land Use Rules and Regulations allows an existing nonconforming use to continue provided said use is not expanded or increased in intensity. The nonconforming quarrying activities at existing sites may continue provided the activity is confined to the actual existing area of excavation. However, once the activity is expanded horizontally beyond the existing boundaries of excavation, it becomes an expansion of a nonconforming use; and thus, a Special Permit would be required. Since the petitioner intends to horizontally expand the boundaries of some of the existing sites, a Special Permit is required. The petitioner's intent also is to legally delineate the boundaries of the quarry sites in order that the sites would become conforming ones.

   In light of the above, it is determined that the quarrying of this particular request will not substantially alter or change

EXHIBIT RR

the essential character of the areas under consideration as the lands have been quarried for many years and is still being done so to date.

2. That the intent of quarrying operations is to extract materials which can be used in all types of construction. The result of the quarrying operations would benefit the general public by providing materials needed for the construction activities, such as roads or otherwise. Quarrying activities constitute an unusual use as they must be conducted in areas which have the appropriate geological raw materials for their intended uses or for products which eventually will be ~~provided~~ produced. The areas under consideration and the types of materials extracted in the past have proven to be suitable for quarrying activities. As ~~soon as~~ such, it is determined that although the lands under consideration can still be used for agricultural purposes as evidenced by the surrounding cattle grazing activity, it is determined that the ~~requested~~ use at the requested locations will make the highest and best use of the lands involved for the public welfare.

3. That the quarry sites are located in areas which do not cause significant disruption to nor have significantly adverse impacts on surrounding land uses. As stated earlier, there will be no change in the present use of the properties. Therefore, the impact on the surrounding properties and their improvements would be negligible, and would not change the existing character of the areas. Surrounding lands are basically used for

the grazing of cattles or are vacant of any uses. The closest single-family dwelling situated to any one quarry site is over 1,500 feet away. Furthermore, the great distance of the quarry sites from urbanized areas coupled with existing regulations will assure that the quarrying activities will have no significantly adverse effect on surrounding properties. Further, no significant adverse impact on roads and vehicular traffic and the like are expected, particularly since mitigating measures will be imposed and spelled out as conditions of approval of the Special Permit request.

Based on the above reasons, it is determined that the Special Permit request is reasonable and will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations and the adopted land use policies of the County of Hawaii as embodied in the County's General Plan document and Zoning Code. The granting of the request also will not be detrimental to the health, safety, and general welfare of the public.

It is further recommended that the request be given favorable consideration subject to the following conditions:

1. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the five (5) quarry sites within six (6) months of the effective date of the Special Permit.

2. That the following requirements shall be applied to the specified sites:

a. Site No. 1 (TMK: 4-7-07:Portion of 11 - Identified on as Exhibit BB on file with the County of Hawaii Planning Department)

1) Maximum of ten (10) acres.

2) Operation limited to dynamiting, portable crusher, loading and stockpiling.

3) Stockpiled material shall be outside of the government right-of-way (Mamalahoa Highway).

4) Any debris left on Mamalahoa Highway as a result of the quarry operation shall be cleared by the quarry operator.

b. Site No. 2 (TMK: 5-6-01:Portion of 51 - Exhibit CC)

1) Maximum of six (6) acres.

2) Operation limited to scraping, loading and limited stockpiling.

3) Operation be confined to the [redacted] side of the existing cinder cone away from the Kawamoto dwelling.

c. Site No. 3 (TMK: 6-7-01:Portion of 3 - Exhibit DD)

1) Maximum of sixty (60) acres.

2) Operation limited to scraping, loading, limited stockpiling and installation of scales.

3) Any debris left on Saddle Road as a result of the quarrying operation shall be cleared by the quarry operator.

d. Site No. 4 (TMK: 6-7-01:Portion of 25 - Exhibit DD)

1) Maximum of thirty (30) acres.

2) Operation limited to dynamiting, portable crusher, loading and limited stockpiling.

e. Site No. 5 (TMK: 6-7-01:Portion of 25 - Exhibit DD)

1) Maximum of five (5) acres.

2) Operation limited to scraping, loading and limited stockpiling.

3. That the rules and regulations of the State Department of Health shall be complied with.

4. That the operations, including the loading and hauling, be limited to between the hours of 7:00 a.m. and 5:00 p.m. on Mondays through Saturdays only.

5. That the quarrying operations and its allied uses be terminated ten (10) years after the effective date of the Special Permit or their prior abandonment, whichever occurs first.

6. That upon termination of the operations, the lands shall be graded to blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition, subject to the approval of the County of Hawaii Planning Director.

7. That all other applicable rules and regulations be complied with.

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date March 14, 1977

Petitioner RICHARD SMART dba PARKER RANCH - Special Permit

_____

____Preliminary hearing ____Public hearing ____Request

ACTION: ✓ Approve

____Deny

____Defer

____Continue

____Schedule for public hearing

Other: _____

_____

_____

Commissioners	Aye	No	Absent	Abstain
Second ASAI, Scott H.	✓			
FUJIMOTO, Shigeru	✓			
HANLEY, J. Walsh			✓ Excused	
MARTIN, Arthur W.	✓			
MIELCKE, William F.	✓			
Moved MURAKAMI, Haruo	✓			
SAKAMOTO, Charles	✓			
JITCHAKU, Lorraine R.	✓			

EXHIBIT SS

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
March 14, 1977

The Planning Commission met in regular session at 10:04 a.m. and recessed because of the electric power outage and reconvened at 10:37 a.m. in the Councilroom, County Building with Chairman Jitchaku presiding.

PRESENT: Lorraine R. Jitchaku
Scott H. Asai
Shigeru Fujimoto
J. Walsh Hanley
Arthur W. Martin
William F. Mielcke
Haruo Murakami
Charles H. Sakamoto, Jr.

ABSENT: None

Sidney M. Fuke, Acting Planning Director (evening session)
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

Stephen G. Bess, Acting Corporation Counsel
David Murakami, representing Ex-officio Member Edward Harada
Quirino Antonio, representing Ex-officio Member Akira Fujimoto

and about 15 people in attendance at 10:00 a.m., about 25 people at 1:00 p.m., about 6 people at 3:30 p.m. and about 50 people at 7:00 p.m.

EXHIBIT TT

LAND USE COMMISSION
SPECIAL PERMIT
RICHARD SMART dba
PARKER RANCH
KAPA'AULA, HAMAKUA
HONIPU, N. KOHALA
WAIKOLOA, S. KOHALA

Special Permit request to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District. SITE NO. 1 is located along the mauka or south side of the old Mamalahoa Highway, approximately 3 1/2 miles Honoka'a side of the old Mamalahoa Highway-Hawaii Belt Highway junction, Kapa'aula, Hamakua, TMK: 4-7-07:portion of 11. This site is about ten (10) acres in size and presently operated by Al Lirou. SITE NO. 2 is located on the mauka side of the Mahukona-Hawi Road, slightly over two miles Kawaihae side of Hawi Village, Honipu, North Kohala, TMK: 5-6-01:portion of 51. This site is about six (6) acres in size and presently operated by the County of Hawaii. SITE NO. 3 is located along the west side of Saddle Road, approximately 4,000 feet from the Saddle Road-Mamalahoa Highway junction, Waikoloa, South Kohala, TMK: 6-7-01:portion of 3. This site is about sixty (60) acres in size and presently operated by the Allied Aggregates. SITE NO. 4 is located approximately 3.3 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01:portion of 25. This site is about thirty (30) acres in size and presently operated by Shield Pacific, Ltd. SITE NO. 5 is located approximately 2.2 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, TMK: 6-7-01: portion of 25. This site is about five (5) acres in size and presently operated by Pacific Concrete and Rock Co., Ltd.

Staff recommended favorable consideration based on the findings and with the conditions, on file. Staff indicated that the quarry operators will be responible for leveling and grading and Parker Ranch would be overseeing the overall operations.

Mr. Murakami moved to send a favorable recommendation to the SLUC for the continued operation of the five quarries based on the staff's recommendations and conditions as outlined; seconded by Mr. Asai; carried with seven aye votes.

LAND USE COMMISSION
SPECIAL PERMIT
MASATSU KAWAMOTO
KA'AUHUHU, NORTH KOHALA

Special Permit request to allow the construction of a building for storage/processing and commercial sale of beef products on approximately one (1) acre of land situated within the State Land Use Agricultural District. The property involved is located along the west side of the lower Hawi Road, approximately 3,400 feet makai or north of the Hawi-Niulii Road-Hawi Road intersection, Ka'auhuhu Homesteads, 2nd Series, North Kohala, TMK: 5-5-13:portion of 22.

Staff recommended favorable consideration based on the findings and with the conditions, on file.

Mr. Asai moved to send a favorable recommendation to the SLUC for the reasons and with the conditions as stipulated by the staff; seconded by Mr. Fujimoto: carried with seven aye votes.

STREET NAMES

Staff recommended approval as listed on the agenda. Staff explained that the names of transliteration are no longer being allowed; but those listed on the agenda were put on reserve in the past. The County Council had also gone on record to require Hawaiian names for all new streets.

March 15, 1977

Mr. Robert W. Carlsmith
Attorney at Law
Carlsmith, Carlsmith,
Wichman and Case
P. O. Box 686
Hilo, HI 96720

Re: Special Permit Application
Petitioner: Richard Smart dba Parker Ranch
Tax Map Keys: 4-7-07:portion of 11
5-6-01:portion of 51
6-7-01:portions of 3 & 25

The Planning Commission at its regular meeting of March 14, 1977 considered the above application for a Special Permit to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural Districts at Kapa'aula, Hamakua; Honipu, North Kohala; and Waikoloa, South Kohala, Hawaii.

The Commission voted to forward a favorable recommendation to the Land Use Commission subject to the following conditions:

1. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the five (5) quarry sites within six (6) months of the effective date of the Special Permit.

2. That the following requirements shall be applied to the specified sites:

   a. Site No. 1 (TMK: 4-7-07:Portion of 11 - Identified as Exhibit BB on file with the County of Hawaii Planning Department)

      1) Maximum of ten (10) acres.

      2) Operation limited to dynamiting, portable crusher, loading and stockpiling.

EXHIBIT UU

MAR 19 1977

3) Stockpiled material shall be outside of the government right-of-way (Mamalahoa Highway).

4) Any debris left on Mamalahoa Highway as a result of the quarry operation shall be cleared by the quarry operator.

b. Site No. 2 (TMK: 5-6-01:Portion of 51 - Exhibit CC)

1) Maximum of six (6) acres.

2) Operation limited to scraping, loading and limited stockpiling.

3) Operation be confined to the side of the existing cinder cone away from the Kawamoto dwelling.

c. Site No. 3 (TMK: 6-7-01:Portion of 3 - Exhibit DD)

1) Maximum of sixty (60) acres.

2) Operation limited to scraping, loading, limited stockpiling and installation of scales.

3) Any debris left on Saddle Road as a result of the quarrying operation shall be cleared by the quarry operator.

d. Site No. 4 (TMK: 6-7-01:Portion of 25 - Exhibit DD)

1) Maximum of thirty (30) acres.

2) Operation limited to dynamiting, portable crusher, loading and limited stockpiling.

e. Site No. 5 (TMK: 6-7-01:Portion of 25 - Exhibit DD)

1) Maximum of five (5) acres.

2) Operation limited to scraping, loading and limited stockpiling.

3. That the rules and regulations of the State Department of Health shall be complied with.

4. That the operations, including the loading and hauling, be limited to between the hours of 7:00 a.m. and 5:00 p.m. on Mondays through Saturdays only.

5. That the quarrying operations and its allied uses be terminated ten (10) years after the effective date of the Special Permit or their prior abandonment, whichever occurs first.

6. That upon termination of the operations, the lands shall be graded to blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition, subject to the approval of the County of Hawaii Planning Director.

7. That all other applicable rules and regulations be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

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

Lorraine R. Jitchaku

(Mrs.) Lorraine R. Jitchaku
Chairman, Planning Commission

lat

cc James Whitman
State Land Use Commission
Land Use Division, DPED

SP77-260 RICHARD SMART dba PARKER RANCH

SITE #2

INSET-A
Scale 1 in = 300 ft.

INSET-B
Scale 1 in = 300 ft.

INSET-C
Scale 1 in = 300 ft.

INSET-F
Scale 1 in = 300 ft.

TO HAWI

TO MAHUKONA

GOVERNMENT MAIN ROAD

MAHUKONA-HAWI (PPA) RD.

PUUHUE - HONOIPU ROAD

Richard Smart
423.90 Acs.
(269.0 ac)

Richard Smart
1091.055 Acs.

Richard Smart
458.5 acs. (P)

Richard Smart
1076.547 Acs.

Richard Smart
729.582 Acs.

Richard Smart
329.735 Acs.

Richard Smart
611.601 Acs.

Richard Smart
880.428 Acs.
(857.938 Ac.)

Richard Smart
186.218 Acs. U
(Richard Smart)-le

Richard Smart
48 11.13 acs.

Richard Smart
45.00 Acs.
(43.0 acs.)

Richard Smart
45.65 acs.

Richard Smart
64.7 acs.

Richard Smart
10743.2 acs. N

Richard Smart
34.00 Acs.

Richard Smart
AWARD

Richard Smart
0.46 ac.

Richard Smart
1.54 acs.

Richard Smart
0.882 Ac

Richard Smart
0.185 Ac.

Richard Smart
0.117 Acs.

Richard Smart
0.475 Ac.

Richard Smart
0.117 Acs.

Richard Smart
0.117 Acs.

Richard Smart
0.117 Acs

SP77-260 RICHARD SMART dba PARKER RANCH

THIRD DIVISION

ZONE	SEC.	PLAT
4	7	07

CONTAINING 18 PARCELS

SCALE: 1 in. = 2000 ft.

Dropped Parcels 13,

NOTICE: Owner's, lessee's and vendee's names recorded on this tax map print may not be current.
Administrative Directive 24-68 (Rev.) dated November 21, 1968

True North
1" = 2000'

16 James S. Holderness

8 Hawaiian Home Lands

SITE #1
HARD ROCK

TO HONOKAA

TO WAIMEA

Hawaiian Home Lands 5.6 acs.

FOREST

3 Hawn. Home Lands 5.0 acs.

PLAT 06

PLAT 03

PLAT 11

PLAT 02

ZONE 6 SEC. 3

ZONE 4 SEC. 4 PLAT A SECTION

Richard Smart 160.103 acs.

Richard Smart 647.10 acs

Richard Smart 1302.5402 acs.

Richard Smart 451.675 acs.

Richard Smart 1919.20 acs.

Richard Smart 99.36 acs.

Richard Smart 174.4278 acs.

George G. Raymond Estate, Leocadia H. T/C-1/4 (Max B. Smith & Christopher Cobb) A/S Marguerite B. Frager - 1/24 e/al - Ramm

George Vierra - 4/11

Great Hawaiian Financial Corp.

Adam C. Baker, Jr.

Henry H. Baker, Marguerite L. Frager, Maryann B. Walton - T/C (Richard Smart) le.

Stanley H. Raymond Estate, Inc. - 1/6 A.T.F. (Richard Smart) le.

Max B. Smith, Christopher Cobb - T/C (Richard Smart) le.

Robert H. Raymond, Juanita M. Raymond - 1/5 (Richard Smart) le.

Charles K. Baker Estate (Richard Smart) le.

Edward H. Baker (Richard Smart) le.

Keaukaha Dev. Corp. (Richard Smart) le.

Francis W. Stone & wf. Marjorie H. - T/C - 11/16, Daniel H. Case - Trustee - 5/16 - T/C (Richard Smart) le.

George Vierra - 1/1, George G. Raymond Estate, Leocadia H. - T/C - 1/4 (Max B. Smith & Christopher Cobb) A/S, Marguerite B. Frager - 1/24 e/al - Ramm

Charles K. Baker Estate & Edward H. Baker - T/C (Richard Smart) le.

Parcels 38, 43, 47 & 50: A. P. Baker, Inc. (Richard Smart) le.

Great Hawaiian Financial Corp.

Parcels 40, 44, Adam C. Baker, Jr.

Henry H. Baker, Marguerite L. Frager, Maryann B. Walton - T/C (Richard Smart) le.

Stanley H. Raymond Estate, Inc. - 1/6 A.T.F. (Richard Smart) le.

Max B. Smith, Christopher Cobb - T/C (Richard Smart) le.

Robert H. Raymond, Juanita M. Raymond - 1/5 (Richard Smart) le.

Charles K. Baker Estate (Richard Smart) le.

Edward H. Baker (Richard Smart) le.

Keaukaha Dev. Corp. (Richard Smart) le.

M parcels for following in the supplementary see supplement

UPPER PAAUHAU

ZONE 4, SEC. 4, PLAT A SECTION

5425

SP77-260 RICHARD SMART dba PARKER RANCH

THIRD DIVISION | ZONE 6 | SEC. 7 | PLAT 01

CONTAINING PARCEL

SCALE: lin. = 3000 ft

Dropped parcels 1, 7, 2, 11, 4,

NOTICE: Owner's, lessee's and vendee's names recorded on this tax map print may not be current. Administrative Directive 24-68 (Rev.) dated November 21, 1968

SHEET INDEX

HAWAII BELT ROAD

WAIMEA-KOHALA AIRPORT ACCESS

WAIMEA KOHALA AIRPORT

KAMUELA AIRPORT

SITE #5
CINDER

SITE #4
HARD ROCK

SITE #3
CINDER

SADDLE ROAD

MAMALAHOA HIGHWAY

PARKING

PASSENGER TERMINAL BUILDING

TO KONA

TO KONA

TO HILO

ZONE 7 NORTH KONA

ZONE 7 PUUANAHULU

ZONE 6 UPPER PAAHA

SEC. 4 PLAT 15

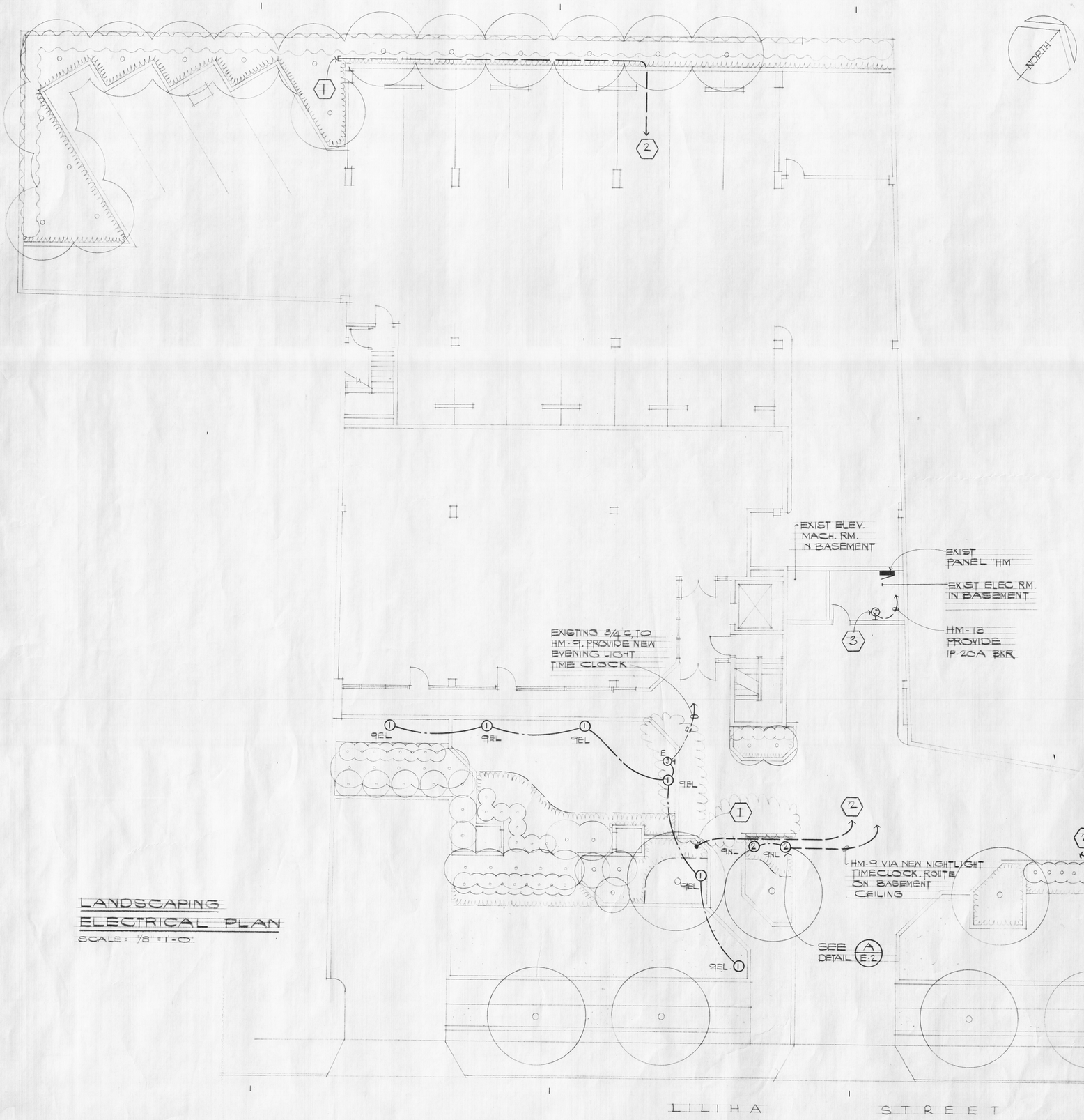
SEC. 1 KAWAIHAE 1 & 2

SEC. 8 KAWAIHAE 1 & 2

SEC. 5 KAWAIHAE 1 & 2

SEC. 6 WAIMEA VILLAGE

BP05426
5426



LANDSCAPING ELECTRICAL PLAN

SCALE: 1/8" = 1'-0"

NOTES:

1. PROVIDE 1/2"C STUB. VERIFY LOCATION WITH LANDSCAPE ARCHITECT.
2. ROUTE CONDUIT ON BASEMENT CEILING. HOMERUN TO IRRIGATION CONTROLLER IN BASEMENT ELEC. RM.
3. VERIFY IRRIGATION CONTROLLER LOCATION WITH LANDSCAPE ARCHITECT.

BENNETT & DRANE
Electrical Engineers, Ltd.

GENE M. DRANE
REGISTERED PROFESSIONAL ENGINEER
No. 1847-E
HAWAII, U.S.A.

This work was prepared by me or under my supervision and construction of this project will be under my supervision. ("Supervision of construction" shall be as defined in chapter 82, Rules of the Board of Professional Engineers, Architects and Surveyors, State of Hawaii, Subchapter 1, Section 16-82-2, *Definitions*, effective 10/16/82).

PROJECT
LILIHA MEDICAL CENTER
LANDSCAPING

REVISIONS
DATE

JOB NO.
DRAWN BY LR/GH
CHECKED BY GMD
DATE 5/12/86
EVENT

SHEET TITLE
LANSCAPING ELECTRICAL PLAN

SHEET E-1
OF

LUC Maps

ALL OAHU UNIT 3 EMPLOYEES

SUBJECT: Ratification of the Collective Bargaining Agreement

Employees will be granted administrative time off and travel time to attend one of the following ratification meetings:

DATE	TIME	LOCATION	
May 24, 1977	9:30 a.m.-11:00 a.m.	McKinley H.S. Auditorium)	NO PARKING ON CAMPUS
May 24, 1977	2:00 p.m.- 3:30 p.m.	McKinley H.S. Auditorium)	
May 25, 1977	9:30 a.m.-11:00 a.m.	U.H. Kennedy Theater	
May 25, 1977	2:00 p.m.- 3:30 p.m.	Kaneohe District Park	
May 26, 1977	9:00 a.m.-10:30 a.m.	Pearl City H.S. Cafeteria	- Parking at Momilani Elementary School



STOCKPILING ALONG MAMALAHOA HWY

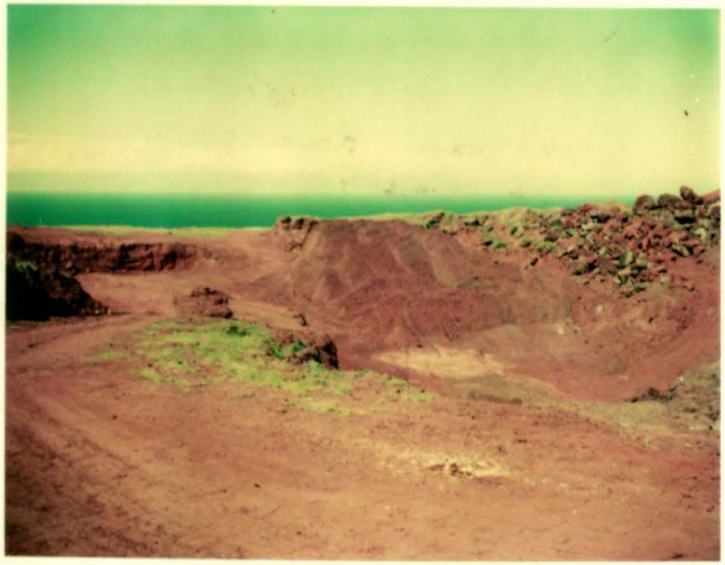


EXISTING PIT

QUARRY SITE NO. 1

OPERATOR: AL LIKOU

EXHIBIT X



EXISTING PIT



KAWAIHAE - SIDE OF SITE

QUARRY SITE NO. 2
OPERATOR: COUNTY OF HAWAII

EXHIBIT Y



EXISTING PIT



TAKEN FROM SADDLE ROAD

QUARRY SITE NO. 3

EXHIBIT Z

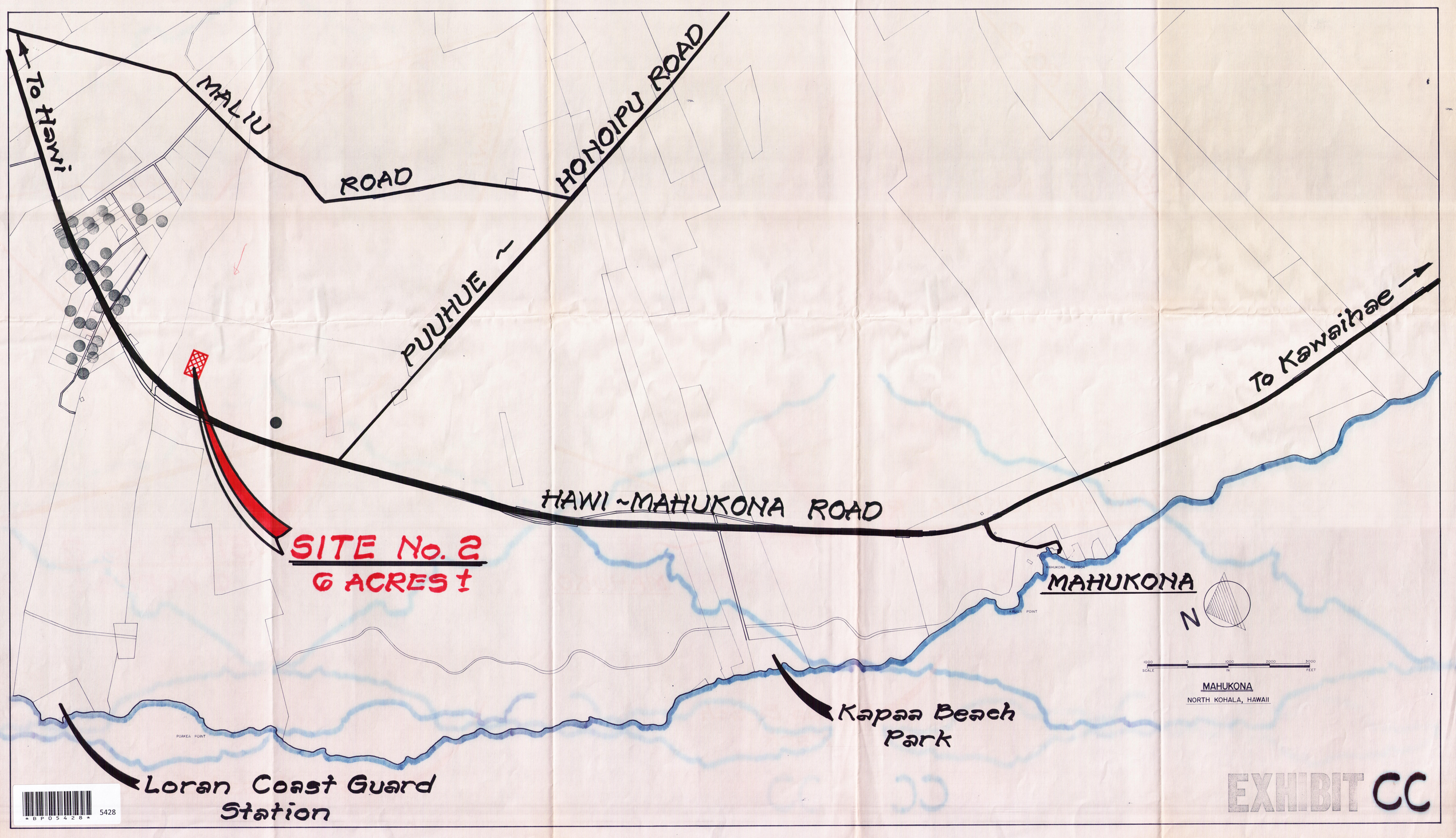


QUARRY SITE NO. 4

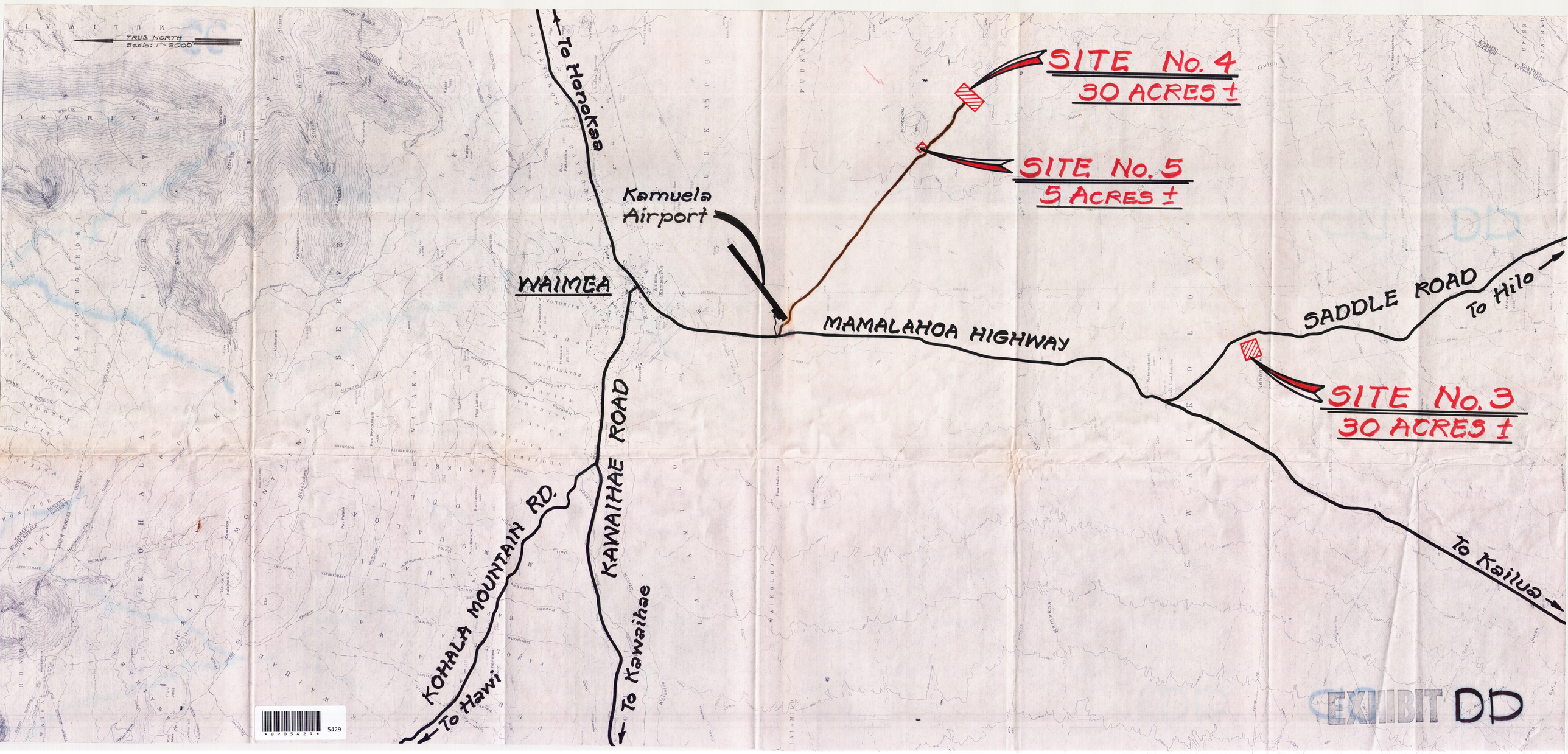


QUARRY SITE NO. 5

EXHIBIT AA


To Hawi
MALIU
ROAD
PUUHUE ~ HONOIPU ROAD
To Kawaihae
HAWI ~ MAHUKONA ROAD
SITE No. 2
6 ACRES ±
MAHUKONA
N
MAHUKONA
NORTH KOHALA, HAWAII
Kapaa Beach
Park
Loran Coast Guard
Station
EXHIBIT CC

5428


TRUE NORTH
Scale: 1"=2000'
To Honokaa
SITE No. 4
30 ACRES ±
SITE No. 5
5 ACRES ±
Kamuela
Airport
WAIMEA
MAMALAHOA HIGHWAY
SADDLE ROAD
To Hilo
SITE No. 3
30 ACRES ±
To Kailua
KAWAIHAE ROAD
To Kawaihae
KOHALA MOUNTAIN RD.
To Hawi
5429
EXHIBIT DD

Waipio Valley

HONOKAA-WAIPIO VALLEY ROAD

HONOKAA

HAWAII BELT ROAD

MAMALAHOA HIGHWAY

HAWAII BELT ROAD

To Hilo

To Waimea

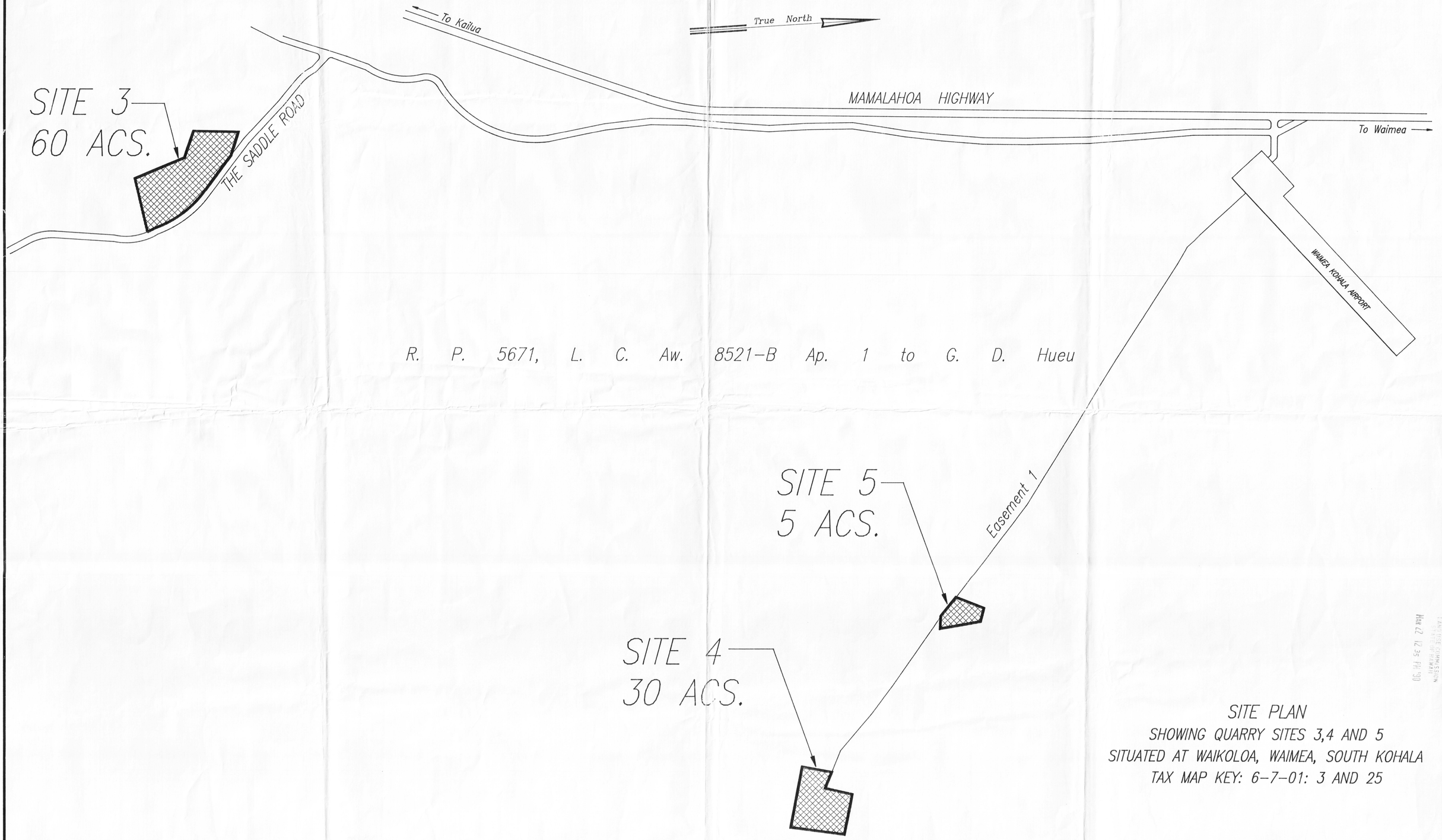
RICHARD SMART

SPECIAL PERMIT

SITE No. 1

10 ACRES ±

EXHIBIT BB



LAND USE COMMISSION
STATE OF HAWAII
MAR 22 12 35 PM '90

SITE PLAN

SHOWING QUARRY SITES 3,4 AND 5
SITUATED AT WAIKOLOA, WAIMEA, SOUTH KOHALA
TAX MAP KEY: 6-7-01: 3 AND 25

1000 500 0 1000 2000
Graphic Scale in Feet

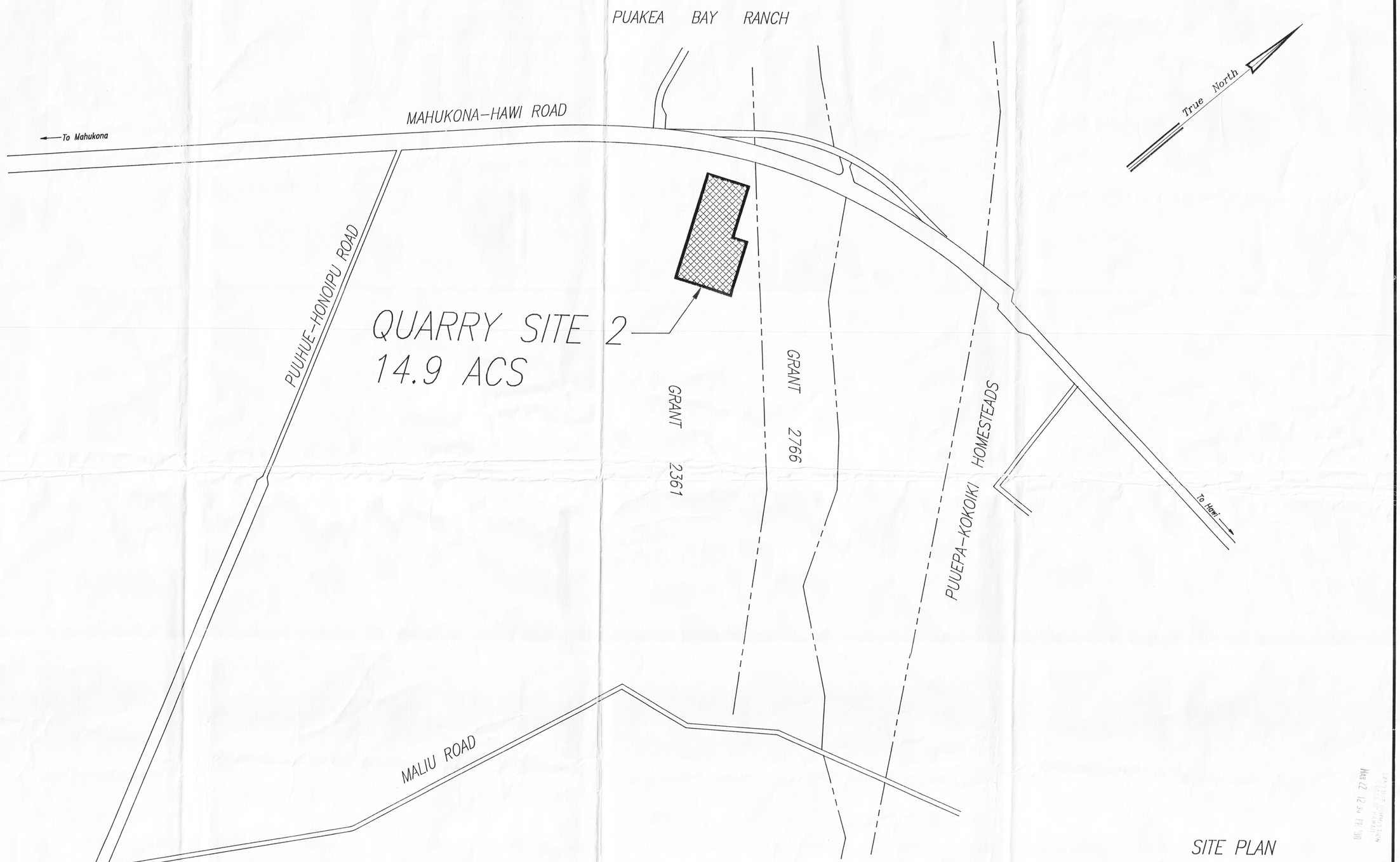
EXHIBIT W

BP05421 5421

HONOLULU, HAWAII
79-45A File:79-45A-3 Disk:JAN 1990 Plot:1=1

ENGINEERS SURVEYORS HAWAII, INC.
CIVIL ENGINEERS ~ LAND SURVEYORS ~ PLANNERS

1020 AUAHI STREET
JANUARY 17, 1990



SITE PLAN
SHOWING QUARRY SITE 2
SITUATED AT PUAKEA, NORTH KOHALA
TAX MAP KEY: 5–6–01:51

500 250 0 500 1000
Graphic Scale in Feet

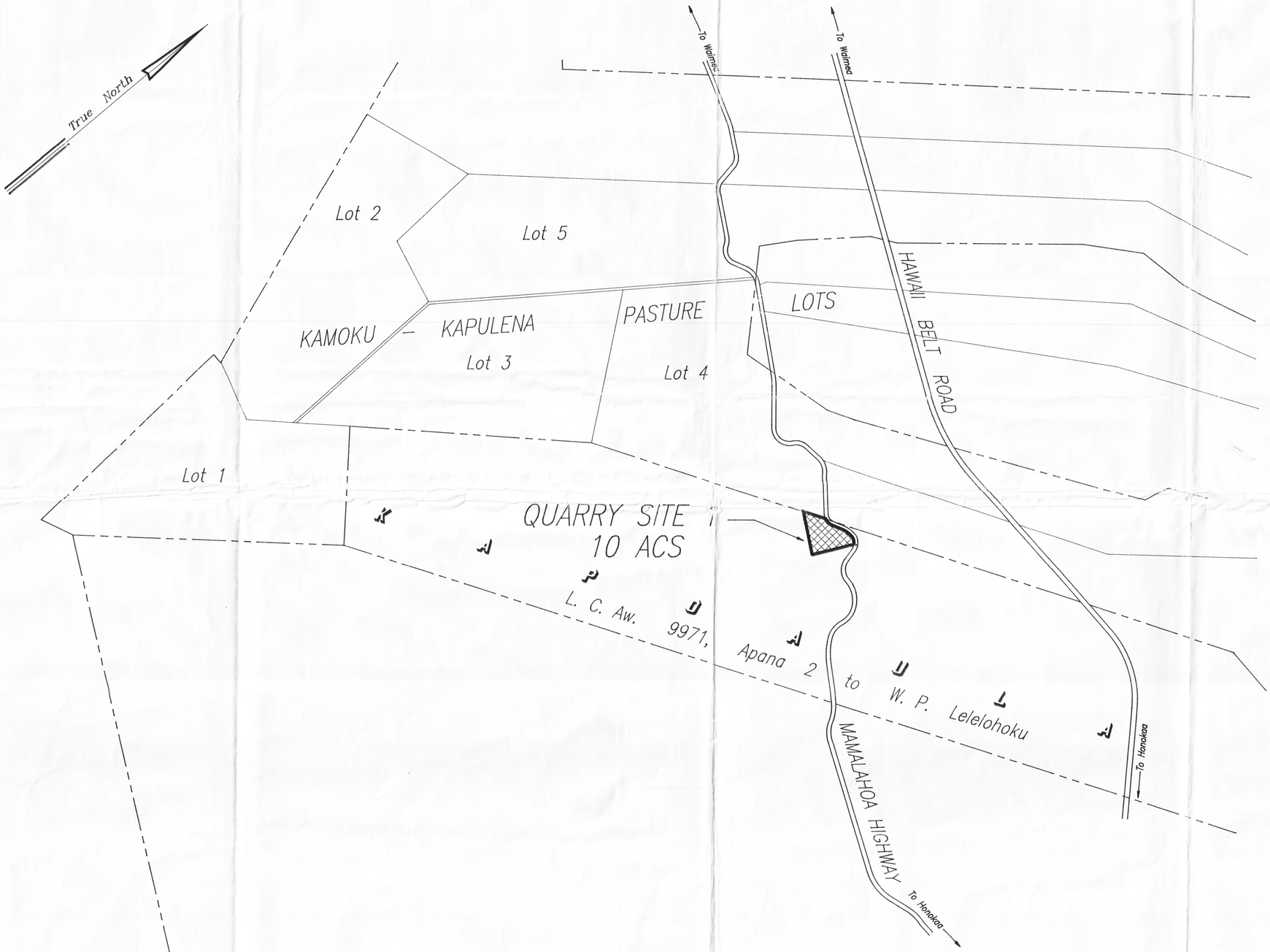
EXHIBIT V

BP054224 5422

HONOLULU, HAWAII
79-45A File:79-45A-2 Disk:JAN 1990 Plot:1=1

ENGINEERS SURVEYORS HAWAII, INC.
CIVIL ENGINEERS ~ LAND SURVEYORS ~ PLANNERS

1020 AUAHI STREET
JANUARY 17, 1990



SITE PLAN
SHOWING QUARRY SITE 1
SITUATED AT KAPOAULA, HAMAKUA
TAX MAP KEY: 4-7-07:11

1000 500 0 1000 2000
Graphic Scale in Feet

EXHIBIT U

5423

HONOLULU, HAWAII
79-45A File: 79-45A 1 Disk: JAN 1990 Plot: 1=1

ENGINEERS SURVEYORS HAWAII, INC.
CIVIL ENGINEERS ~ LAND SURVEYORS ~ PLANNERS

1020 AUAHI STREET
JANUARY 17, 1990