DIVISION OF HYDROGRAPHY
TERRITORY OF HAWAII

TOPOGRAPHIC MAP OF THE ISLAND OF HAWAII

COUNTY OF HAWAII

SURVEYED BY THE GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR

IN COOPERATION WITH THE
TERRITORY OF HAWAII
INGRAM M. STAINBACK, GOVERNOR
A. LESTER MARKS, COMMISSIONER OF PUBLIC LANDS

MAP COMPILED BY THE
NATIONAL PARK SERVICE
WITH REVISIONS BY
H. T. STEARNS

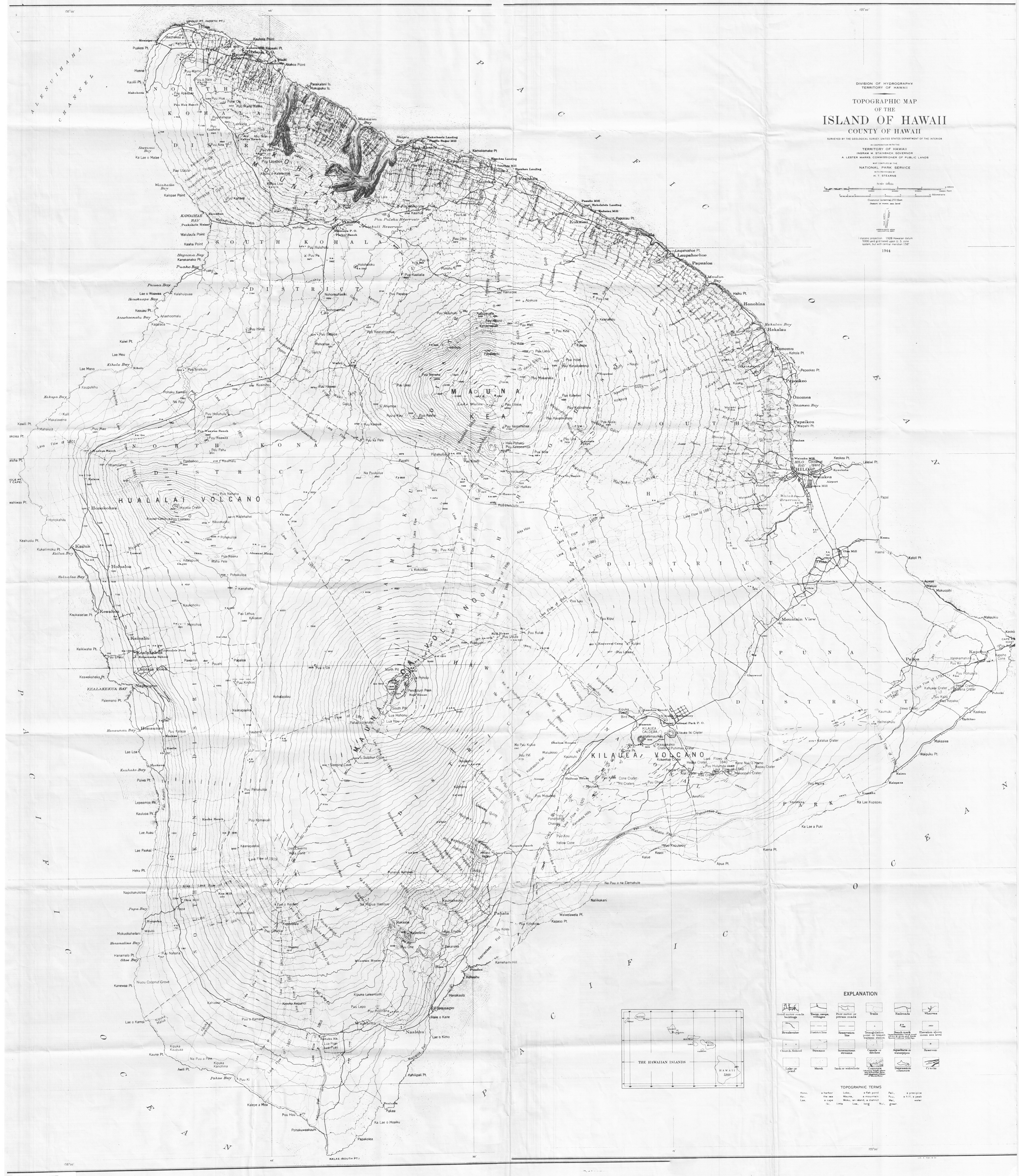
Scale 1:80000

Contour interval 250 feet
Datum is mean sea level

APPROXIMATE MEAN DECLINATION, 1944

Polyconic projection. 1928 Hawaiian datum
5000 yard grid based upon U. S. zone system, but with central meridian 158°

1944



EXPLANATION

Good motor roads buildings
Towns, camps, villages
Poor motor or private roads
Trails
Railroads
Wharves
Breakwater
District line
Reservation line
Triangulation point or transit traverse station
Bench mark (Approximate height above mean low water elevation, in feet, and designation of bench mark, "Bench mark without tablet")
Elevation above mean sea level
Church, School
Streams
Intermittent streams
Canals or ditches
Aqueducts or waterpipes
Reservoir
Lake or pond
Marsh
Tank or waterhole
Contours (Approximate height above mean low water elevation, and steepness of slopes of the surface)
Depression contours
Cracks

THE HAWAIIAN ISLANDS

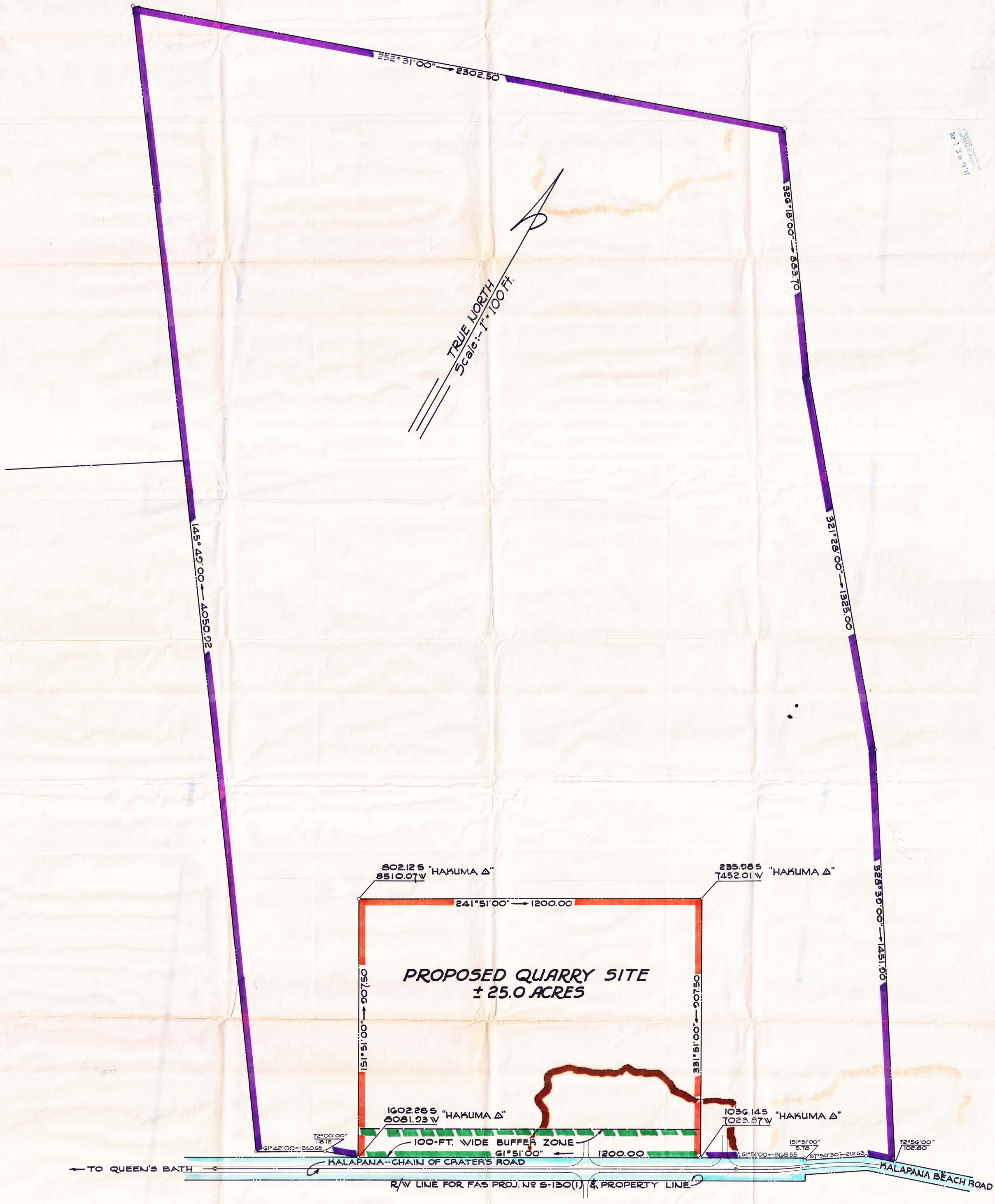
KAUAI
Nihoa
OAHU
Kaena Pt.
MOLOKAI
LANAI
Kahoolawe
MAUI
HAWAII
Kiwaiu Pt.

TOPOGRAPHIC TERMS

Hono, a harbor
Kai, the sea
Lae, a cape
Iki, little
Loko, a fish pond
Mauna, a mountain
Moku, an island, a district
Loa, long
Pali, a precipice
Puu, a hill, a peak
Wai, water
Nui, great

Lith. A. Hoen & Co.

BP05406
5406



LAND USE COMMISSION
STATE OF HAWAII
SEP 7 3 14 PM '77

LAND USE COMMISSION
STATE OF HAWAII
SEP 7 3 14 PM '77

5407
BP05407

GILBERT K. HARA
ATTORNEY AT LAW
297 WAIANUENUE AVENUE
HILO, HAWAII 96720
TELEPHONE 935-0866

LAND USE COMMISSION
STATE OF HAWAII
JAN 22 7 56 AM '79

January 19, 1979

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

ATTENTION: Norman Hayashi

Re: Special Permit 77-272 (Luc No. 368)
TMK: 1-2-02:3

Dear Mr. Fuke:

Please be advised that the undersigned represents Allied Aggregates Corporation as it relates to the above caption Special Permit, and I am responding on its behalf to your letter of January 10, 1979. It is this office position and the position of my client that there is a misunderstanding as it relates to condition (1) of the Special Use Permit. At the public hearing held at the State Land Use Commission, it was our understanding that the quarry operation and its allied use will terminate within 5 years after the effective date of the Special Use Permit or upon the expiration of applicant contract to supply aggregates to the Kalapana By-Pass Road OR the Chain of Craters Road. It should be noted that at the hearing we represented to the Commission that we would seek to supply aggregates for both projects, and base on our representation, condition (1) as imposed by the County was amended. It was not intended that after one project was completed the permit be terminated. It was intended that we have the opportunity at both projects and that the permit terminates after the completion of the jobs or 5 years, whichever is sooner.

COPY

Since there is a possibility that we may have the opportunity to supply rocks for the Kalapana By-Pass Road, the Special Use Permit should still be in existence even if the Chain of Craters Road project is completed.

If you have additional questions on this matter, please feel free to contact the undersigned.

Yours truly,

Gilbert K. Hara

GILBERT K. HARA

GKH:bhk

cc: State Land Use Commission
Allied Aggregates Corporation

COPY

Strathmore ERASABLE ONION SKIN

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII
JAN 12 4 20 PM '79

January 10, 1979

Allied Aggregates Corporation
c/o James R. Kuwaye, President
160 Keaa Street
Hilo, HI 96720

Gentlemen:

Special Permit 77-272 (Luc No. 368)
TMK: 1-2-02:3

At its meeting of September 8, 1977, the State Land Use Commission approved your Special Permit request to establish a temporary quarry operation subject to the conditions of the County Planning Commission and as amended by the Land Use Commission.

Condition No. 1 of the Special Permit, as amended by the Land Use Commission, states "That the quarrying operation and its allied uses be terminated within five (5) years after the effective date of the Special Permit or upon expiration of the applicant's contract to supply rock and gravel for the Kalapana by-pass road or Chain of Craters Road Projects, whichever is sooner."

It has been brought to our attention that the Chain of Craters Road, which you have a contract to supply M. Sonomura Contracting Co., Inc. with rock and gravel, is nearing completion.

Therefore, may we please have a status report within thirty days as to when your contract with M. Sonomura Contracting Co., Inc. to supply rock and gravel for the Chain of Crater Road Project will terminate.

Your prompt response and cooperation on this matter will be greatly appreciated.

Should you have any questions, please feel free to contact Norman Hayashi or Francis Saiki of this office at 961-8288.

Sincerely,

Sidney M Fuke

SIDNEY FUKE
Planning Director

FS:jk

cc: State Land Use Commission

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

AUG 1 9 44 AM '78

CERTIFIED MAIL

July 28, 1978

Allied Aggregates Corporation
c/o James R. Kuwaye, President
160 Keaa Street
Hilo, HI 96720

Dear Gentlemen:

Non-compliance with a Condition of
Special Permit (SP 77-272)
TMK: 1-2-02:3

At its meeting of September 8, 1977, the State Land Use Commission approved your Special Permit request to establish a temporary quarry operation subject to the conditions of the County Planning Commission and as amended by the Land Use Commission.

Condition No. 4 of the Special Permit states, "That a landscaped buffer or screening zone be provided along the main highway fronting the subject property. The landscaping plan shall be submitted to the Planning Department for review and approval prior to the commencement of operation."

In a letter, dated February 6, 1978, your attorney, Mr. Gilbert K. Hara, stated that, "Our proposal to satisfy Condition No. 4 is to leave untouched, a strip of existing foliage approximately 100 feet wide to serve as a screening zone as shown on the accompanying 'Grading Permit' plan." Subsequently, in a letter, dated February 15, 1978, we notified Mr. Hara that "We have reviewed the information provided, (in his letter of February 6, 1978) and have found them to be acceptable."

On July 24, 1978, my staff conducted a field inspection of the subject property and found the following:

1. The rock crusher is located 5 feet from the front property line.

2. The generator is located 11 feet from the front property line.

3. The water tank is located 18 feet from the front property line.

4. All of the other equipment, such as the conveyors and gas tank, and half of the stock pile are located within the one hundred-foot buffer zone.

5. A portion of the quarrying being done is located within the buffer zone.

Based on the above, we must regrettably inform you that you are in violation of the Special Permit Condition No. 4. Please be further informed that all work on the subject property must immediately cease and desist. Additionally, within ten (10) calendar days of receipt of this letter, you must submit to this office your plan to rectify this violation. This plan must be approved by this office prior to commencing with any remedial work. All remedial activity shall be completed within sixty (60) days of the approval plan.

Should any of the above not be complied with within the specified times, we shall have no alternative but to refer this matter to the Corporation Counsel for their appropriate legal action. At that time, too, this matter will be transmitted to the Planning Commission for its review and action may be taken to revoke the Special Permit.

Should you have any questions on this matter, please feel free to contact Francis Saiki or Masa Onuma of this office.

Sincerely,

Sidney M Fuke

SIDNEY FUKE
Director

FS:ak
cc: Mayor's Office (Ed Fujimoto)
Corporation Counsel
State Land Use Commission
Department of Public Works
William Mielcke, Planning Commission Chairman

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

MAR 2 3 08 PM '78

February 28, 1978

Mr. Gilbert K. Hara
Attorney At Law
297 Waianuenue Ave.
Hilo, HI 96720

Dear Mr. Hara:

Allied Aggregate Corporation
Special Permit No. 77-272
Temporary Quarry Operation
TMK: 1-2-02:Portion of 3

Thank you for providing us with a copy of the approved Grading Permit No. 183 issued by the Department of Public Works.

As indicated in your letter, we will await the submission of the necessary permit from the State Department of Health.

Again, we thank you for keeping us appraised of your activities.

Sincerely,

Sidney M Fuke

SIDNEY FUKE
Director

NH:mmk

cc: SLUC
S. Iwashita, Allied Aggregate Corp.

COPY

PLANNING DEPARTMENT — COUNTY OF HAWAII

25 AUPUNI STREET — HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

FEB 17 10 00 AM '78

February 15, 1978

Mr. Gilbert Hara
297 Waianuenue Avenue
Hilo, HI 96720

Dear Mr. Hara:

Allied Aggregate Corporation
Special Permit No. 77-272
Temporary Quarry Operation
TMK: 1-2-02:Portion of 3

Thank you for your letter of February 6, 1978, informing us as to Allied Aggregate Corporation's compliance with the conditions as stipulated in the above described Special Permit.

We have reviewed the information provided, especially those which apply to conditions no. 2 (metes and bounds description), no. 4 (landscaping plan), and no. 9 (archaeological report), and have found them to be acceptable. Therefore, you may commence operation at the temporary quarry site as soon as the Grading Permit and the necessary permits from the State Department of Health are secured. We would appreciate it if you would inform us as soon as these permits have been issued.

Should you have any questions in the meantime, please feel free to contact us.

Sincerely,

Sidney M. Fuke

SIDNEY FUKE
Director

NH:sb

cc: State Land Use Commission

Permanent Record
SOUTHWESTERN CO.

February 6, 1978

Mr. Gilbert K. Hara
Attorney at Law
297 Waianuenue Avenue
Hilo, Hawaii 96720

Dear Mr. Hara:

This is to acknowledge that your assumption of January 18, 1978, as being the effective date for Special Permit 77-272 - Allied Aggregates Corporation is correct.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
cc: Hawaii Planning Department

EAGLE-A
TYPE-ERASE
MADE IN U.S.A.

GILBERT K. HARA
ATTORNEY AT LAW
297 WAIANUENUE AVE.
HILO, HAWAII 96720
TELEPHONE 935-0866

LAND USE COMMISSION
STATE OF HAWAII
FEB 2 11 04 AM '78

February 1, 1978

Mr. Gordan Y. Furutani
Executive Officer
Land Use Commission
State of Hawaii
Suite 1795, Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813

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

Re: Allied Aggregate Corporation - Special Use Permit (SP 77-272)

Gentlemen:

Pursuant to Condition No. 1, as modified by the State Land Use Commission, and Condition No. 11, as added by the State Land Use Commission, as it relates to the effective date of the Special Permit, please be advised that Allied Aggregate Corporation has obtained the contract to supply to the general contractor rocks and gravels for the Chain of Craters Road.

Enclosed for your information is a copy of Purchase Order No. 1205 from M. Sonomura Contracting Co., Inc., the general contractor. If we do not hear from your office, we will assume that Condition 1 and 11 have been met, and the effective date of our Special Permit is January 18, 1978, which date is the date of the Purchase Order.

If there are any questions relative to the above, please feel free to contact the undersigned.

Yours truly,

Gilbert K. Hara

GILBERT K. HARA, Attorney
for Allied Aggregate Corporation

GKH:bhk

Enclosure

PURCHASE ORDER

№ 1205

M. Sonomura Contracting Co., Inc.

P. O. Box 1452 100 Kukila Street Hilo, Hawaii 96720

Project Chain of Craters Road ERFO 2(2) Date January 18, 1978

To Allied Aggregates Corporation
160 Keaa St.
Hilo, Hawaii 96720

Provide the Following Items:

Item No. 304 (13) Crushed Aggregate Base (Grading Special)

$5.20 per ton, F.O.B. Kalapana Quarry
$8.00 per ton, Delivered at project site

Item No. 304 (14) Subbase Leveling Course in Cuts

$5.20 per ton, F.O.B. Kalapana Quarry
$8.00 per ton, Delivered at Project site

ALL PRICES INCLUDE TAX

ACKNOWLEDGMENT --- Sign, return pink copy

Company Allied Aggregate Corporation

By [illegible]

Date [illegible]

IMPORTANT

Your submittals, if any, are required by _____.

You will be liable for liquidated damages resulting from delays in your submittals and material delivery.

September 21, 1977

Mr. James Kuwaye, President
ALLIED AGGREGATES CORPORATION
160 Keaa Street
Hilo, Hawaii 96720

Dear Mr. Kuwaye:

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.

25% COTTON
EXCELERASE

September 21, 1977

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting of September 8, 1977, the Land Use Commission voted to approve a Special Permit request by Allied Aggregates Corporation, Hawaii (SP77-272) to allow the establishment of a temporary quarry operation on approximately 25 acres of land situated within the State Land Use Agricultural District at Kaunaloa, Puna, Hawaii, Tax Map Key 1-2-2: portion of 3.

Approval of this Special Permit is subject to the ten (10) conditions imposed by the Hawaii County Planning Commission, with the following modifications:

1. Condition No. 1 was modified to read:

   "That the quarrying operation and its allied uses be terminated within five (5) years after the effective date of the Special Permit (effective date to commence as specified in Condition No. 11), or upon expiration of the applicant's contract to supply rock and gravel for the Kalapana By-Pass Road or Chain of Craters Road projects, whichever is sooner."

2. Condition No. 2 was modified to read:

   "That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the quarry site prior to commencement of any operation. The quarry site shall be limited to a maximum area of twenty-five (25) acres, as delineated in the attached map showing the metes and bounds description."

25% COTTON
EXCEL
Fox River

3. County's condition No. 10 was shifted to No. 12 and two additional conditions, Nos. 10 and 11, were added to read:

"10. That the Planning Director may issue a cease and desist order if there is any adverse impact upon the surrounding area by reason of the applicant's failure to comply with the State and County's regulations and ordinances relative to noise, dust, and other environmental factors, or with these conditions."

"11. That the Special Permit will not take effect unless the applicant is the successful bidder on either the Kalapana By-Pass Road project or the reconstruction of the Chain of Craters Road; or unless he obtains a sub-contract to supply rock and gravel to the general contractor on either of these projects.

Pursuant to condition No. 11, the petitioner, upon obtaining a contract to supply aggregate materials for either the Kalapana By-Pass Road project or the reconstruction of the Chain of Craters Road, shall notify the Hawaii County Planning Commission and the State Land Use Commission. This date shall be the effective date of the Special Permit.

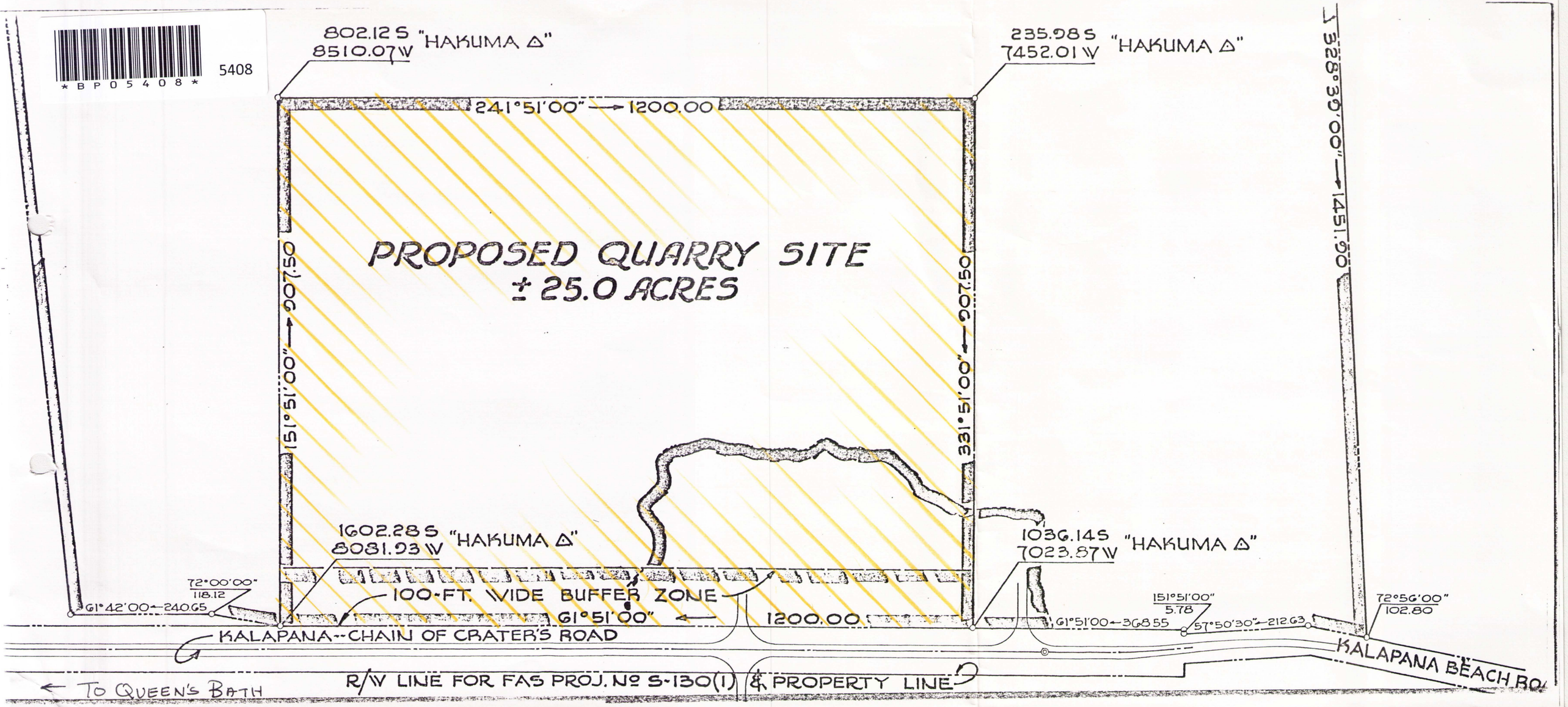
A copy of the staff report is enclosed for your information.

Very truly yours,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encls.
cc: Allied Aggregates Corporation
Department 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 & Econmic Development
Office of Environmental Quality Control
Division of Land Management, DLNR

BP05408
5408



STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Approved 1/17/78

Conference Room 322 (B & C)
New State Building
Honolulu, Hawaii

September 8, 1977 - 9:00 a.m.

COMMISSIONERS PRESENT: Stanley Sakahashi, Chairman
Charles Duke, Vice Chairman
Colette Machado
Shinsei Miyasato
Shinichi Nakagawa
Mitsuo Oura
Carol Whitesell
Edward Yanai

COMMISSIONER ABSENT: James Carras

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

Ray P. Russell, Court Reporter

ADDITION TO THE AGENDA

Commissioner Oura moved to add the matter of an executive session to the agenda, which was seconded by Vice Chairman Duke and carried with the following votes:

Ayes: Commissioners Nakagawa, Yanai, Machado, Whitesell, Duke, Oura, Miyasato, Chairman Sakahashi

CONTINUED ACTION

SP77-272 - ALLIED AGGREGATES CORPORATION
Special Permit application to allow the stablishment of a temporary quarrying operation at Kaunaloa, Puna, Hawaii

The Commission continued with its deliberation of the subject Special Permit request which had been continued from the meeting on August 24, 1977.

Mr. Daniel Yasui, staff planner, presented the staff report and pointed out the area under petition on the various maps,

and also elaborated on the location of existing homes in close proximity to the project site.

A short recess was called to permit the Commissioners an opportunity to review the walk-through study of the proposed site which had been conducted by Professor William J. Bonk, submitted by the petitioner.

Mr. Gilbert Hara representing the petitioner responded to questions raised concerning the existence of another quarry in the general area, measures being planned to control dust. etc.

Vice Chairman Duke proposed that condition No. 1 imposed by the County be modified by adding the following: "or upon expiration of all the applicant's contracts to supply rock and gravel for the Kalapana By-Pass Road and Chain of Crater Road, whichever is sooner". He further recommended the addition of 2 more conditions to be numbered 10 and 11 (thereby changing the present condition No. 10 to read NO. 12) as follows:

No. 10 - "That the Planning Director may order a cease and desist order if there is any adverse impact upon the surrounding area by reason of applicant's failure to comply with the State and County regulations and ordinances relative to noise, dust, and other envrionmental factors, or with these conditions."

No. 11 - "That the Special Permit will not take effect unless the applicant is the successful bidder on either the Kalapana By-Pass Road project or the reconstruction of the Chain of Craters Road; or unless he obtains a sub-contract to supply rock and gravel to the general contractor on either of these two projects."

Much discussion evolved around the sale of quarried material by the petitioner for use on projects other than the aforementioned two contracts. It was generally agreed that side sale to little jobs during the life of the Special Permit and remnant material following the conclusion of the two projects will be permissible.

Deputy Attorney General Marsh advised the Commission of the procedural methods employed by the Department of Health in enforcing its health regulations and standards under varying circumstances.

At Mr. Furutani's request, Mr. Hara agreed that the petitioner will provide the County also with the metes and bounds description and archaeological walk-through report which had been submitted to the Land Use Commission.

Vice Chairman Duke moved that the Special Permit be approved, subject to the conditions imposed by the Hawaii County Planning Commission, and subject also to the modification and additions as discussed earlier. The motion was seconded by Commissioner Oura and carried with the following votes:

Ayes: Commissioners Machado, Miyasato, Oura, Nakagawa, Whitesell, Yanai, Duke, Chairman Sakahashi

CONTINUED HEARING

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

Mr. Furutani, Executive Officer, stated that the hearing on this petition had been continued from August 16, 1977 and reviewed for the Commission the record to date.

EXHIBITS

During the course of today's proceedings, the following Exhibits were admitted into the record:

City & County of Honolulu

Exhibits X and Y

Castle, et al

Exhibits 1, 2, 7-A, 7-B, 7-C, 9-A and B (with the green and yellow demarcations, in lieu of the ones previously submitted), 10, 14, 17, 26

Ad Hoc Committee for Kawainui Marsh

Exhibit 44 (over Mr. Higa's objections)

HAROLD L. CASTLE, ET AL

George Houghtailing (cont.)

Cross examination by Mr. Lee----------46 to 84

The hearing was recessed from 11:42 a.m. to 1:30 p.m for lunch.

1:30 p.m.

George Houghtailing (cont.)

Cross examination by Mr. Lee (cont.)----------86 to 91

Examination by Commissioner Whitesell----------91 to 92

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP77-272 Allied Aggregates Corp.

DATE September 8, 1977

PLACE Conf. Rm. 322 (B&C) ~~New State Building~~ Honolulu, Hawaii

TIME 9:00 a.m.

	NAME	YES	NO	ABSTAIN	ABSENT
	YANAI, EDWARD	X			
	CARRAS, JAMES				X
M	DUKE, CHARLES	X			
	WHITESELL, CAROL	X			
	NAKAGAWA, SHINICHI	X			
S	OURA, MITSUO	X			
	MIYASATO, SHINSEI	X			
	MACHADO, COLETTE	X			
	SAKAHASHI, STANLEY	X			

Comments:

See motion on attached sheet.

I move that we approve the Special Permit subject to the conditions imposed by the Hawaii County Planning Commission, and subject also to the following modifications:

Add the following to condition #1:

> "or upon expiration of the applicant's contract to supply rock and gravel for the Kalapana By-Pass Road and Chain of Crater Road projects, whichever is sooner."

Modify condition #2 by adding:

> "as delineated in the attached map showing the metes and bounds description."

Shift condition #10 to #12, and add the following two additional conditions:

> #10. That the Planning Director may order a cease and desist if there is any adverse impact upon the surrounding area by reason of the applicant's failure to comply with the State and County regulations and ordinances relative to noise, dust, and other environmental factors or with these conditions.
>
> #11. That the Special Permit will not take effect unless the applicant is the successful bidder on either the Kalapana By-Pass Road project or the reconstruction of the Chain of Crater Road; or unless he obtains a sub-contract to supply rock and gravel to the general contractor on either of these projects.

September 7, 1977

RECEIVED
SEP 8 1977
State of Hawaii
LAND USE COMMISSION

Mr. Shigeki Iwashita
Allied Aggregates Corporation
160 Keaa Street
Hilo, Hawaii 96720

Dear Mr. Iwashita:

Attached is a copy of the archaeological assessment of the proposed quarry site at Kaunaloa, Hawaii.

This assessment documents my survey of the area and makes a recommendation as to clearance from possible archaeological restrictions.

If further information is needed or if I am able to answer any questions pertaining to this project please feel free to contact me.

Sincerely,

William J. Bonk

William J. Bonk
Professor of Anthropology
University of Hawaii
Hilo College

INTRODUCTION

On August 25, 1977 I received a telephone call from Mr. Shigeki Iwashita of Allied Aggregates Corporation asking if I would carry out a walk-through archaeological survey. The area to be examined consisted of approximately twenty five acres at Kaunaloa, in the Puna district of Hawaii. As I wanted more information before undertaking such a project, I asked if we could meet that same day. This, I hoped, would allow for a more through idea of the requirements asked of me. In addition, I was also concerned with a more detailed delineation of the area to be surved.

Mr. Iwashita met with me, provided a map of the area, information that it was proposed as a quarry site, and a deadline of September 8, 1977 for completion of a report. Knowing that I could not get to the area for a few days, due to other commitments, I requested that a survey team erect clearly distinguishable corner markers for the study area. This was asked for so as to facilitate my examination when at last I would be able to cover the surface of the area.

PROCEDURE

On three seperate occasions I moved through the area delineated by the surveyers' colored tape flags. In short, I carriedout a walk-through archaeological survey of the area.

First, I followed the flag line along the southwestern boundary. Following that, I did the same along the northeastern boundary line. In both cases I walked northwestward to the corner markers, checking within the study area along a band of approximately 100 yards. After reaching the southwestern corner marker I worked northeastward, covering about one-third the length of the area under study. I next did the same for the other end of the rectangular study area. Lastly, I covered the central portion of the area.

FINDINGS

The survey area is heavily covered with wilelaiki (Christmas berry), lama, at least two species of guava, some lauhala (pandanus), and a few scattered kukui nut trees. I'm sure there may be other species of trees but they would be few and far between as the above are the common varieties. In addition, the ground cover consists of scattered patches of lantana, sword fern, and laua'e (maile-scented fern). Here and there one finds a birds-nest fern, noni, or perhaps some ti. A struggling papaya tree was found on a few occasions. Near the northwestern border of the area, as well as in patches elsewhere, I found lilikoi (passion fruit) vines draped in the trees and ripe fruit on the ground.

Wilelaiki is generally the dominant species although in localized places the hala or lama dominates.

The area is very rocky, with dips and high points, some reaching 25 to 30 feet in height. Almost all of the area consists of an old a'a lava flow with boulders and jumbled rock making it a very difficult area to move about in and to examine. One has to climb up and down the up-thrust mounds of rock and to cut through the underbrush when it bars movement.

Rocks are often coated with lichen and ground cover takes up the space or holes between rocks.

In general, the area certainly was not ideal for human habitation or use without some modification of the severe ground surface. In only one place did I note anything that might have indicated a cultural presence. Along the southwestern boundary line a small rock shelter contained a scattered number of kukui nut shells. This may have been used as a storage area, although nothing else was found at this location.

RECOMMENDATIONS

In addition to the possible collection of nuts and other plant products, I found no indication of cultural remains in the area. In short, no archaeologically significant material is present in the study area as far as I have been able to determine.

Since there is no substantial evidence of archaeological data, I see no reason for restrictions and therefore provide archaeological clearance.

However, if concealed archaeological material is encountered during land modification, I would advise all necessary steps toward study, protection and/or appropriate action.

GILBERT K. HARA
ATTORNEY AT LAW
297 WAIANUENUE AVE.
HILO, HAWAII 96720
TELEPHONE 935-0866

LAND USE COMMISSION
STATE OF HAWAII
SEP 7 3 14 PM '77

September 6, 1977

Mr. Gordon Y. Furutani
Executive Officer
State of Hawaii
Land Use Commission
Suite 1795
190 S. King Street
Honolulu, Hawaii 96813

Dear Mr. Furutani:

Pursuant to the last meeting of the State Land Use Commission as it relates to Petition SP77-272-Allied Aggregates Corporation, enclosed please find a map showing the metes and bounds description of the 25 acres that my client plans to use as a temporary quarry. In addition thereto, please find a sheet entitled Pertinent Data Information explaining the various drawings on the map.

Yours truly,

Gilbert K. Hara

GILBERT K. HARA

GKH:bhk

Enclosures

Pertinent Data/Information :-

):- Area delineated in :-

Light Blue : Government rights-of-way ;

Green : 100± ft. wide (minimum) buffer-zone within the proposed quarry site that will be undisturbed;

Brown : Approximate area previously utilized for quarrying, crushing & processing aggregates for FAS. Project No. S-130(1) ;

Orange : Requested site of proposed quarrying, crushing & processing facilities, containing an area of ± 25.0 acres including the "buffer-zone", and being a portion of TMK:-1-2-02:3 ;

Purple : Entire perimeter of TMK:-1-2-02:3 owned by Edward S.T. Ching & Wife, Elsie H. containing 198.061 Acres.

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

August 25, 1977

Mr. Sidney Fuke
Planning Director
Hawaii Planning Department
County of Hawaii
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 the continuation of the action meeting on petition SP77-272 - ALLIED AGGREGATES CORPORATION will be held at that time.

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

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Enclosure: Agenda

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

August 25, 1977

Mr. Gilbert K. Hara
Attorney at Law
297 Waianuenue Avenue
Hilo, Hawaii 96720

Dear Mr. Hara:

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

Please note that the continuation of the action meeting on petition SP77-272 - ALLIED AGGREGATES CORPORATION will be held at that time.

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

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Enclosure: Agenda

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

August 25, 1977

Mr. James Kuwaye, President
Allied Aggregates Corporation
160 Keaa Street
Hilo, Hawaii 96720

Dear Mr. Kuwaye:

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

Please note that the continuation of the action meeting on petition SP77-272 - ALLIED AGGREGATES CORPORATION will be held at that time.

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

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Enclosure: Agenda

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

August 25, 1977

Mr. Shigeki Iwashita, Vice President
Allied Aggregates Corporation
160 Keaa Street
Hilo, Hawaii 96720

Dear Mr. Iwashita:

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

Please note that the continuation of the action meeting on petition SP77-272 - ALLIED AGGREGATES CORPORATION will be held at that time.

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

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Enclosure: Agenda

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME, & PLACE

September 8, 1977 - 9:00 a.m.
Conference Room 322 (B & C)
New State Building
1151 Punchbowl Street
Honolulu, Hawaii

A G E N D A

I. CONTINUED ACTION

1. SP77-272 - Allied Aggregates Corporation

To allow the establishment of a temporary quarrying operation on approximately 25 acres of land situated within the State Land Use Agricultural District at Kaunaloa, Puna, Hawaii.

II. CONTINUED HEARING

1. A76-420 - Dept. of Planning & Economic Development (Kawainui Marsh)

To reclassify approximately 250 acres from the Urban District to the Conservation District at Kawainui Marsh, Kailua, Oahu.

III. MISCELLANEOUS

1. Adoption of Minutes - May 11, 1977, May 12, 1977, & May 17, 1977

2. Meeting Schedule

*A COPY OF THIS AGENDA WAS MAILED TO ALL PERSONS AND ORGANIZATIONS ON THE ATTACHED MAILING LISTS: 8/26/77

1. ALL ISLANDS 2. HAWAII 3. OAHU

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission August 24, 1977
10:00 a.m.

FROM: Staff

SUBJECT: SP77-272 - Allied Aggregates Corporation

The petitioner, Allied Aggregates Corporation, is requesting a Special Permit to allow the establishment of a temporary quarrying operation on approximately 25 acres of land situated within the State Land Use Agricultural District at Kaunaloa, Puna, Hawaii, Tax Map Key 1-2-2: portion of 3. The subject property is located along the mauka side of the Kalapana Chain of Craters Road, approximately .9 miles west of the Kalapana Vacation Lots Subdivision at Kaunaloa. (See attached County Exhibits A-3 and A-4)

The proposed quarrying operation is to include crushing and processing facilities and an asphalt concrete batching plant. Allied Aggregates Corporation intends to enter into a five year lease agreement with the property owners, Edward and Elsie Ching, should they be successful in obtaining the Special Permit.

The aggregate materials from the quarry site are to be principally used for the proposed reconstruction of the Chain of Craters Road and for the proposed Kalapana By-Pass Road project. The petitioner has stated that should Allied Aggregates Corporation not be successful in any of the bids for the construction or supplying of materials for either the Chain of Craters Road or Kalapana By-Pass Road projects, there would be no justification for this Special Permit. At the time of the public hearing, bids for aggregate materials for the two road projects had not been let out.

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

"Applicant desires to establish a temporary quarrying operation, aggregate crushing and processing facilities, and if feasible and allowable, an asphaltic concrete batching plant on the land in question which is zoned and classified as Agriculture. Pursuant to the State Land Use Law, more specifically, Chapter 205-5, Hawaii Revised Statutes, as amended, Special Use Permit may be allowed. Chapter 205-6, Hawaii Revised Statutes, as amended, specifically grants the Planning Commission the authority to issue Special Use Permit for certain unusual and reasonable use within agricultural district.

"Chapter 8, Article 7 of the County Code governs the regulations for agricultural district. Article 7, Section 3(Q) which

governs permitted use within an agricultural district states:

'Commercial excavation or removal of natural building material or minerals.'

"As such, since this proceedings involves a permitted use by the County Zoning Code, and since the Planning Commission under the State Land Use laws are authorized to issue Special Use Permit within agricultural district, this application is not contrary to the objective sought to be accomplished by the Land Use laws and regulations.

"The proposed quarry site will be located approximately 32 miles from Hilo. A portion of the land for which this Special Use Permit is being requested had previously been utilized for almost identical purposes during the construction of Kalapana-Chain of Craters Road. (State portion of the Chain of Craters Road) The area upon which the former facilities were located was at one time devoided of its natural foliage, but presently it is over grown with grass, shrubs, lantana, christmas-berry trees, scattered growths of lauhala, kukui and guava, blending naturally with the surrounding environment.

"The establishment of the proposed facilities will not adversely affect the surrounding properties and/or property owners. Any alterations to the physical characteristic and appearance can be adequately landscaped to blend and render it compatible with its surroundings upon termination of the quarry use.

"There are no commercial establishments or religious institutions within miles of these proposed facilties.

"It is Applicant's intention to use aggregates from the quarry site for the proposed reconstruction of the Chain of Craters Road (Federal project) and/or the proposed Kalapana By-Pass Road (State project). In addition thereto, Applicant presently contemplates selling aggregates to property owners within the Kalapana areas. However, sales to residents is contingent on whether Applicant is successful in selling aggregates to the larger projects; otherwise, the quarry operation would not be economically feasible. The proposed Chain of Craters Road is approximately 12 miles from the quarry site and the proposed Kalapana By-Pass Road is approximately 3 miles away. The approximate distance from the proposed quarry site to the nearest inhabited dwelling on the Kalapana side is 5,000 L.F. and to the Volcano side is 2,000 L.F. Pacific Paradise Ocean Front Estates Subdivision is approximately 4,500 L.F. away and there are two residence within the subdivision but are located in the rear portion of the subdivision. Queens bath located on the Volcano side of the proposed quarry site is approximately 1.15 miles away.

Between the first inhabited dwelling for the quarry site to Queens bath, there are only six dwellings. It should be noted, however, that all inhabited dwellings noted herein were by visual inspection of the surrounding areas. Furthermore, the properties surrounding the proposed quarry site are all 'virgin land', untouched by any type of development.

"The rocks found on the land in question are suitable for road construction and will meet the specifications imposed by governmental agencies responsible for public highways.

"The land in question abuts an improved public highway (Chain of Craters Road) and there is a County water system adjoining the land. While it is recognized that there will be the probability of potential air pollution from dust particles in operating the quarry and related facilities, these conditions will be kept at a minimum since as quarry operators, we will have to comply with Chapter 43 of the Public Health Regulation of the Department of Health, State of Hawaii. Failure to comply with the Public Health Regulation would prevent the Applicant from receiving the necessary authorization from the Department of Health to operate such facilities.

"As to the problems of noise pollution, we know from previous use of the land for quarrying that noise will be less than is customary for a general quarry operation. Generally, the rocks to create aggregates will be recovered by using bulldozers to push and scrape the land. Blasting, if any, will be minimum.

"Furthermore, any sound or dust from the operational area will generally be dissipated and be carried away from the inhabited areas by the winds that normally blows from the southwesterly direction.

"The Applicant's operation will in no way unreasonably burden public agencies since roads, streets, sewers, water, drainage, school improvements, and police and fire protection are either already available or are not needed or necessary for the proposed use.

"The land upon which Applicant seeks to operate the proposed quarry has never been used for what it is presently zoned; namely, agriculture. The only previous use was that of a quarry. As to whether the land is in fact suitable for agricultural use is questionable. The 'Detailed Land Classification - Island of Hawaii' prepared by the Land Study Bureau, University of Hawaii, on Map No. 662, shows that the land is classified as E262. On page 27 of this study, Table 1 tells us what the figure '262' represents. On soil series it indicates 'Aa'; Depth-'No Soil Materials'; Color-'Dark Brown to Nearly Black'; Parent Material-'Aa'; Drainage-'Excessively Drained'; Slope (per cent)-'0 to 35, generally under 20'; Climate-'Subhumid'; Mean Annual Rainfall (inches)-'40 to 60';

Elevation (feet)-'Sea Level to 2000'; Machine Tillability-'Unsuited'. On Page 45 of this study, under the heading Land Class Acreages, it states as follows:

'The Big Island Agriculture lands have been grouped into suitability classes based upon the master productivity rating presented in Table 3. Descriptively these classes are as follows: A-very good; B-good; C-fair; D-poor; E-very poor.'

"On the basis of agricultural productivity, E is the lowest classification given to land in the detailed land study classification. In this instant case, the land in question is classified as E, meaning that the land is unsuitable for agriculture use. From the above data, it can be seen that the use of the land for a temporary quarry will not take land away from agriculture. In fact, after the completion of this quarry operation, the land may become better suited for agriculture since the land will be leveled. Additionally, the previous quarry use shows that a portion of this once sparsely vegetated land now supports a larger vegetation. From the above facts, the proposed use will not substantially alter or change the essential character of the land and the present use.

"The construction of the proposed restoration of the Chain of Craters Road, presently rendered inaccessible by the recent lava flow, is scheduled for sometime in June or July of this year. The construction of this road will require thousands of tons of crushed aggregares. The Volcanoes National Park regulation definitely prohibits any quarrying operations within its boundaries and authorization to permit crushing and processing within its confines is very unlikely.

"Therefore, all project requirements of these material will have to be furnished and hauled from sources outside the 'Park' boundary. The nearest commercial source for these types of material is located in Hilo, approximately 40 miles away from either terminals of this project; the terminals being the Volcano side or the Kalapana side.

"If the application for a quarry site is denied, it would necessitate the hauling of road materials from Hilo which is 40 miles away. This would create additional usage of hauling vehicles, and consequently, the unnecessary consumption of petroleum products which would be contrary to the present goal set by President Carter to conserve energy. In addition, hauling of materials from Hilo would place an unreasonable burden either on the Keaau-Volcano Road or the Keaau-Pahoa-Kalapana Road. In using the Keaau-Volcano Road, the trucks would have to pass through areas which are heavily traveled creating traffic hazards. Furthermore, upon reaching the National Park, the trucks would have to travel through narrow winding roads. If the Keaau-Pahoa-Kalapana Road is used, similar traffic hazard conditions would be present especially

through Pahoa Village and through Kaimu Beach.

"If the Applicant's Special Use Permit is granted, we would be operating in an area which is presently not heavily utilized due to the Chain of Craters Road being blocked by lava causing a dead end road. Furthermore, vehicular traffic from the quarry operation would not create any hazard since from the proposed quarry site to the project site residential dwellings are at a minimum.

"Another proposed project within the vicinity of the proposed facilities is the Kalapana By-Pass Road which should be under construction before September 1979. The crush aggregates requirements for this project will be similar to those required for the restoration of the Chain of Craters Road. This road will create similar conditions as have already been mentioned for the completion of the National Park Chain of Craters Road.

"Based on the above reasons, we respectively ask that the Planning Commission favorably consider the Applicant's petition for a Special Use Permit to operate a quarry. Such approval will be in the best interest of the public welfare."

In the Special Permit application to the Hawaii County Planning Department, the petitioner indicated that the permit request was to encompass all of parcel 3, an area of approximately 198.06 acres. It was later clarified at the public hearing, however, that the petitioner intends to utilize only 25 acres of parcel 3 for the proposed quarrying operation.

A representative of the petitioner indicated at the hearing that this 25 acre site would generally be the area fronting the Chain of Craters Road and toward the Kalapana side (eastern portion) of the parcel. The precise delineation of this 25 acre area was not provided. The Hawaii County Planning Commission thus stated as a condition precedent to the establishment of the quarry:

"That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the quarry site prior to commencement of any operation. The quarry site shall be limited to a maximum area of twenty-five (25) acres."

The County's General Plan Land Use Pattern Allocation Guide Map designates the subject site for Extensive Agricultural uses (pastorage and range lands). The County's Zoning designation is Agriculture with a 3-acre minimum lot size (A-3a).

The U.S. Department of Agriculture Soil Conservation Services' Soil Survey Report of 1973 classifies the subject land as Lava Flows, Aa, which is described as a miscellaneous land type. This lava is rough and broken with practically no soil covering.

The Land Study Bureau's overall master productivity rating for agricultural use is Class "E" or Very Poor.

The subject site receives an annual rainfall of between 60 to 90 inches.

The subject property is presently vacant of any structures or use. The area is overgrown with grass, shrubs, and scattered growths of lauhala, kukui, and guava. According to a land use survey conducted by the Planning Department, there are existing dwellings on properties situated diagonally across from the subject property (makai of the Kalapana Chain of Craters Road). The majority of surrounding lands are presently vacant.

Pertinent comments from governmental agencies:

1. Department of Water Supply

   The Hawaii County Department of Water Supply had no adverse comments to offer with regard to the subject request. It did note, however, that there is an 8-inch waterline along the Kalapana Chain of Craters Road to serve the site.

2. Department of Public Works

   The Hawaii County Department of Public Works provided the following comments:

   "1. The grading work shall conform to the grading ordinance.

   "2. The applicant shall obtain a grading permit."

3. State Department of Transportation

   The State Department of Transportation supplied the following comments:

   "1. Crushing and processing facilities should be located to provide a buffer or screening zone along the State Highway frontage.

   "2. Access to proposed site shall be confined to existing paved access."

4. Fire Department

   The Hawaii County Fire Department had the following comment: "This is more a health and pollution hazard rather than fire."

5. State Department of Health

   The State Department of Health stated the following with regard to the permit request:

"Each and every quarry operation is required to obtain from the Department of Health:

1. Authority to Construct permit

2. Permit to Operate Crushers and/or Batch Plants.

"Public Health Regulations, Chapter 43, Air Pollution Control is the reference document."

6. State Department of Agriculture

"The Department of Agriculture has no objections to the subject application. For the record, however, it should be noted that land with a Land Study Bureau "E" master productivity rating can be utilized for agricultural production and, in fact, such lands are utilized for papaya and vanda orchid production in the Kapoho area."

7. State Department of Land and Natural Resources

The Historic Preservation Office of the Department of Land and Natural Resources provided the following comments:

"Existing records have been checked for archaeological and historical sites that may be affected by this undertaking. The following information and recommendations are for your consideration in processing this application:

"Although no significant sites are known for these lands, sites are quite likely to be present.

"This application should be approved with the following stipulations:

"It will be necessary to make investigations of both the background materials and the land parcel itself before final recommendations can be made. The applicant should contract a professional archaeologist to carry out research within the guidelines of a scope of work that can be prepared by this office."

All other cooperating agencies, including the Hawaii Electric Light Company, Hawaii County Department of Research and Development and Hawaii County Police Department had no comments on or objections to the subject request.

At the public hearing held by the Hawaii County Planning Commission on June 16, 1977, five persons testified in opposition to the permit request. Concerns regarding dust and noise pollution, increased traffic, and adverse visual impact of the proposed project were raised. A letter in opposition to the subject permit

request was received by the Planning Commission on June 16, 1977. (See attached County Exhibit Q) Two representatives of the petitioner provided testimony to clarify and substantiate the permit request. A copy of the hearing transcript is attached. (County Exhibit S)

On July 21, 1977, the Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission based upon the following findings:

"1. That the proposed use would not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which these lands are best suited in the interest of public health and welfare of the people.

The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural district does include lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soil and other related characteristics. The subject property's dominant soil type is a'a lava, which is in the USDA, Soil Conservation Service's capability Class VIII. Class VIII Soils have severe limitations that preclude their use for commercial plants. This class is the lowest in the Soil Conservation Service's ranking system for agricultural activity. The Land Study Bureau's rating for this land for overall agricultural productivity is also very poor as they are classified as Class "E". However, although it is still possible that some agricultural activities may be conducted on the subject property, it is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the capability class rating of the subject property for agricultural productivity and and above-cited criterion for determining the Agricultural District classification.

Further, the use of the subject property for non-agricultural purposes is not expected to have any adverse effect on the overall agricultural potential of the region of the County and State as the land is not presently being used for any agricultural activity.

It is also felt that the granting of the quarrying activity will not be in conflict with the County of Hawaii's land use policies as expressed in the Zoning Code. Quarrying operations and the commercial excavation or removal of natural building materials are conditionally permitted uses within the County's Agricultural zoned districts.

"2. That the requested use at its particular location would be a reasonable one as the area under consideration is deemed to be suitable for quarrying activities. A quarrying activity constitutes an unusual use inasmuch as it must locate in an area which has the appropriate geological raw materials for the products which will eventually be produced. At the same time, such activity must be located in an area within which it will not cause significant disruption to nor have significantly adverse impacts on surrounding land uses. Although there are some single-family dwellings in the vicinity, adverse effect which might possibly occur can be minimized by taking a number of mitigating measures. The effects of fugitive dust and noise can be controlled at the site by present regulations. Prior to commencement of the quarrying operation, an Authority to Construct permit and a permit to operate crushers and/or batch plants must be obtained from the State Department of Health in accordance with Public Health Regulations, Chapter 43, Air Pollution Control. The Department of Health has the responsibility of enforcing the Air Quality Standards to assure that the proposed use will not diminish the air quality.

"3. That the proposed use will not substantially alter or change the essential character of the land and the present use. Although the land is presently vacant of any use, it was formerly used as a quarry site. The types of materials extracted from the area in the past have proven to be suitable for the intended purpose. The petitioner's intention is to use the aggregates from the quarry site for the proposed reconstruction of the Chain of Craters Road and for the proposed Kalapana By-Pass Road project. Aggregates will also be offered for sale to residents in the area.

Presently, the nearest commercial source of crushed aggregates is located in Hilo, a distance of approximately 30 to 35 miles from the Kalapana area. In light of present circumstances, it is determined that the requested use at its proposed location can make the highest and best use of the land involved, and would also benefit the general public by providing materials needed for construction activities, such as roads, lot improvement, or otherwise.

"4. That the proposed use will not unreasonably burden public agencies to provide roads, water, and other infrastructures and services. All essential services and facilities are available to the subject area."

It was a further finding of the Planning Commission that:

"Upon reviewing and analyzing the subject request, various areas of concern which could lead to potential problems were

raised. These concerns, however, can be alleviated and problems can be prevented through the imposition of specific conditions of approval."

The favorable recommendation was subject to the following conditions:

"1. That the quarrying operation and its allied uses be terminated within five (5) years after the effective date of approval of the Special Permit.

"2. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the quarry site prior to commencement of any operation. The quarry site shall be limited to a maximum area of twenty-five (25) acres.

"3. That the operation, including loading and hauling be limited to the hours between 7:00 a.m. and 5:00 p.m. on Monday through Friday only.

"4. That a landscaped buffer or screening zone be provided along the main highway fronting the subject property. The landscaping plan shall be submitted to the Planning Department for review and approval prior to the commencement of operation.

"5. That only one (1) access from the main highway will be permitted. The access road to the site shall be improved with an oil-treated surface to a width of ten (10) feet. The roadway shall be maintained by the petitioner throughout the life of the Special Permit. Should the oil-treated surface prove insufficient in alleviating fugitive dust problems, the petitioner may be required to pave the roadway.

"6. That the petitioner/representative(s) shall receive the necessary permits from the State Department of Health prior to commencement of operation.

"7. That upon termination of the operation, the land shall be graded to blend with the surrounding areas and revegetated. Further, the site shall be left in a nonhazardous condition, subject to the approval of the Planning Department.

"8. That a Grading Permit be secured from the Department of Public Works prior to commencement of operation.

"9. That an archaeological walk-through survey of the site shall be conducted prior to issuance of a grading permit. The petitioner/representative(s) shall notify the

Planning Director in writing before the survey is undertaken and shall submit a full report of the survey to the Director prior to obtaining the grading permit.

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

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Approved 1/17/78

School Cafetorium
Kealakehe Elementary School
Kailua, Kona, Hawaii

August 24, 1977 - 10:00 a.m.

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

COMMISSIONERS ABSENT: Shinichi Nakagawa
Edward Yanai

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

Ray P. Russell, Court Reporter

ACTION

SP77-270 - EDWIN YOUNG
Special Permit application to allow the operation of a food dispensing unit in conjunction with a proposed picnic ground at Hana, Maui

Mr. Daniel Yasui, staff planner, pointed out the subject parcel of land on the maps and oriented it with various surrounding landmarks; and read the conditions imposed by the Maui County Planning Commission.

There was a general discussion concerning the time period for the Special Permit and requirement for the petitioner to provide bathroom facilities.

It was moved by Commissioner Whitesell and seconded by Commissioner Miyasato that the Special Permit be approved, subject to the conditions imposed by the Maui County Planning Commission, and the additional condition that minimum bathroom facilities be provided; and that the question of the time period be cleared with the Maui Planning Commission. The motion was unanimously approved.

SP77-271 - AMERON HC&D
Special Permit application to allow the expansion of an existing quarry operation at Puunene, Maui

The Executive Officer located the subject property on the maps and oriented it with various landmarks. He also gave a resume of the staff report and presented the environmental analysis submitted by the petitioner.

In response to questions posed by Vice Chairman Duke, Mr. T. E. Bastis, Manager of HC&D, elaborated on the land reclamation program his company had engaged in, working together with the sugar plantation, and how many acres had been put back into successful cane production.

Commissioner Whitesell observed that in the petitioner's environmental analysis several problem areas were discussed but no specific control measures had been recommended. Vice Chairman Duke recommended that the County's condition No. 4 be clarified by specifying the mitigative control measures which the petitioner will be required to implement.

Vice Chairman Duke moved that the Special Permit be approved, subject to the conditions imposed by the Maui County Planning Commission and subject further to the clarification of condition No. 4. The motion was seconded by Commissioner Miyasato and unanimously carried.

SP77-272 - ALLIED AGGREGATES CORPORATION
Special Permit application to allow the establishment of a temporary quarrying operation at Puna, Hawaii

Mr. Furutani advised that the specific location of the 25-acre site which petitioner was proposing to quarry had not been defined. He read pertinent portions of the staff report and indicated on the map the location of the residents who had protested the proposed use during the County's hearing.

Vice Chairman Duke expressed concern about the lack of specific information regarding the operation. He therefore moved that the matter be deferred until additional information was available regarding the metes and bounds of the 25-acre area.

Mr. Gilbert Hara, attorney representing the applicant, submitted that he will be able to prvide the specific metes and bounds to the Commission by September 8, 1977.

The motion was seconded by Commissioner Oura and unanimously passed.

Both Mr. Shigeki Iwashita, Vice President of Allied Aggregates, and Mr. Hara responded to several questions which were raised by Commissioner Whitesell regarding the archaeological walk-through survey that the petitioner was scheduled to conduct on the property.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP77-272 ALLIED AGGREGATES CORP. DATE August 24, 1977

PLACE Kealakehe Elem. School Kailua, Kona, Hawaii TIME 10:00 a.m.

	NAME	YES	NO	ABSTAIN	ABSENT
	WHITESELL, CAROL	X			
	MACHADO, COLETTE	X			
S	OURA, MITSUO	X			
M	DUKE, CHARLES	X			
	MIYASATO, SHINSEI	X			
	NAKAGAWA, SHINICHI				X
	CARRAS, JAMES	X			
	YANAI, EDWARD				X
	SAKAHASHI, STANLEY	X			

Comments: I move that we defer this until September 8, 1977 until we can get additional information regarding the specific metes and bounds.

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

August 12, 1977

Mr. Sidney Fuke
Planning Director
Hawaii Planning Department
County of Hawaii
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 petition

SP77-272 - ALLIED AGGREGATES CORPORATION

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

August 12, 1977

Mr. James Kuwaye, President
Allied Aggregates Corporation
160 Keaa Street
Hilo, Hawaii 96720

Dear **Mr. Kuwaye:**

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

Please note that petition

SP77-272 - ALLIED AGGREGATES CORPORATION

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

August 12, 1977

Mr. Gilbert K. Hara
Attorney at Law
297 Waianuenue Avenue
Hilo, Hawaii 96720

Dear Mr. Hara:

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

Please note that petition

SP77-272 - ALLIED AGGREGATES CORPORATION

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

August 24, 1977 - 10:00 a.m.
School Cafetorium
Kealakehe Elementary School
Palani Road
Kailua, Kona, Hawaii

A G E N D A

I. ACTION

1. SP77-270 - Edwin Young
To allow the operation of a food dispensing unit (lunchwagon) in conjunction with a proposed picnic ground on approximately 2 acres of land situated within the State Land Use Agricultural District at Nahiku, Hana, Maui.

2. SP77-271 - Ameron HC&D (Maui)

To allow the expansion of an existing quarry operation on approximately 194.5 acres of land situated within the State Land Use Agricultural District at Puunene, Maui.

3. SP77-272 - Allied Aggregates Corporation
To allow the establishment of a temporary quarrying operation on approximately 25 acres of land situated within the State Land Use Agricultural District at Kaunaloa, Puna, Hawaii.

II. HEARING

1. A77-430 - Department of Transportation
To reclassify 822.66 acres, more or less, presently in the Conservation District into the Urban District at Keahole, Hawaii, for airport and energy research use.

III. MISCELLANEOUS

1. Adoption of Minutes

2. Meeting Schedule

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF HAWAII

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

RECEIVED
JUL 27 1977
State of Hawaii
LAND USE COMMISSION

July 22, 1977

SP77-272

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

Dear Mr. Furutani:

Special Permit Application
Petitioner: Allied Aggregates Corp.
TMK: 1-2-02:portion of 3

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 establishment of a temporary quarrying operation, including crushing and processing facilities, and an asphaltic concrete batching plant on 25± acres of land situated within the State Land Use Agricultural District at Kaunaloa, Puna, Hawaii, Tax Map Key 1-2-02:portion of 3.

The Planning Commission at a duly advertised public hearing held on June 16, 1977 in the Multi-purpose Room, Hilo High School, South Hilo, Hawaii, discussed the subject request. The Commission on July 21, 1977, voted to recommend the approval of the special permit to the Land Use Commission based on the following findings:

1. That the proposed use would not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which these lands are best suited in the interest of public health and welfare of the people.

   The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural district

PERMANENT RECORD
LITHOFOTH CO. U.S.A.

does include lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soil and other related characteristics. The subject property's dominant soil type is a'a lava, which is in the USDA, Soil Conservation Service's capability Class VIII. Class VIII Soils have severe limitations that preclude their use for commercial plants. This class is the lowest in the Soil Conservation Service's ranking system for agricultural activity. The Land Study Bureau's rating for this land for overall agricultural productivity is also very poor as they are classified as Class "E." However, although it is still possible that some agricultural activities may be conducted on the subject property, it is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the capability class rating of the subject property for agricultural productivity and the above-cited criterion for determining the Agricultural District classification.

Further, the use of the subject property for non-agricultural purposes is not expected to have any adverse effect on the overall agricultural potential of the region of the County and State as the land is not presently being used for any agricultural activity.

It is also felt that the granting of the quarrying activity will not be in conflict with the County of Hawaii's land use policies as expressed in the Zoning Code. Quarrying operations and the commercial excavation or removal of natural building materials are conditionally permitted uses within the County's Agricultural zoned districts.

2. That the requested use at its particular location would be a reasonable one as the area under consideration is deemed to be suitable for quarrying activities. A quarrying activity constitutes an unusual use inasmuch as it must locate in an area which has the appropriate geological raw materials for the products which will eventually be produced. At the same time, such activity must be located in an area within which it will not cause significant disruption to nor have significantly adverse impacts on surrounding land uses. Although there are some single-family dwellings in the vicinity, adverse effect which might possibly occur can be minimized by taking a number of mitigating measures. The effects of fugi-

tive dust and noise can be controlled at the site by present regulations. Prior to commencement of the quarrying operation, an Authority to Construct permit and a permit to operate crushers and/or batch plants must be obtained from the State Department of Health in accordance with Public Health Regulations, Chapter 43, Air Pollution Control. The Department of Health has the responsibility of enforcing the Air Quality Standards to assure that the proposed use will not diminish the air quality.

3. That the proposed use will not substantially alter or change the essential character of the land and the present use. Although the land is presently vacant of any use, it was formerly used as a quarry site. The types of materials extracted from the area in the past have proven to be suitable for the intended purpose. The petitioner's intention is to use the aggregates from the quarry site for the proposed reconstruction of the Chain of Craters Road and for the proposed Kalapana By-Pass Road project. Aggregates will also be offered for sale to residents in the area.

   Presently, the nearest commercial source of crushed aggregates is located in Hilo, a distance of approximately 30 to 35 miles from the Kalapana area. In light of present circumstances, it is determined that the requested use at its proposed location can make the highest and best use of the land involved, and would also benefit the general public by providing materials needed for construction activities, such as roads, lot improvement, or otherwise.

4. That the proposed use will not unreasonably burden public agencies to provide roads, water, and other infrastructures and services. All essential services and facilities are available to the subject area.

It should be pointed out that the petitioner had publicly stated at the hearing that should Allied Aggregates Corporation not be successful in any of the bids in regards to the construction or supplying of materials for either the Chain of Crater Road or Kalapana By-Pass Road projects, there would be no justification for this Special Permit.

Upon reviewing and analyzing the subject request, various areas of concern which could lead to potential problems were raised. These concerns, however, can be alleviated and problems can be prevented through the imposition of specific conditions of approval.

The favorable recommendation was also subject to the following conditions:

1. That the quarrying operation and its allied uses be terminated within five (5) years after the effective date of approval of the Special Permit.

2. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the quarry site prior to commencement of any operation. The quarry site shall be limited to a maximum area of twenty-five (25) acres.

3. That the operation, including loading and hauling be limited to the hours between 7:00 a.m. and 5:00 p.m. on Monday through Friday only.

4. That a landscaped buffer or screening zone be provided along the main highway fronting the subject property. The landscaping plan shall be submitted to the Planning Department for review and approval prior to the commencement of operation.

5. That only one (1) access from the main highway will be permitted. The access road to the site shall be improved with an oil-treated surface to a width of ten (10) feet. The roadway shall be maintained by the petitioner throughout the life of the Special Permit. Should the oil-treated surface prove insufficient in alleviating fugitive dust problems, the petitioner may be required to pave the roadway.

6. That the petitioner/representative(s) shall receive the necessary permits from the State Department of Health prior to commencement of operation.

7. That upon termination of the operation, the land shall be graded to blend with the surrounding areas and revegetated. Further, the site shall be left in a nonhazardous condition, subject to the approval of the Planning Department.

8. That a Grading Permit be secured from the Department of Public Works prior to commencement of operation.

9. That an archaeological walk-through survey of the site shall be conducted prior to issuance of a grading permit. The

petitioner/representative(s) shall notify the Planning Director in writing before the survey is undertaken and shall submit a full report of the survey to the Director prior to obtaining the grading permit.

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

Enclosed are copies of the Exhibits from the subject docket.

Sincerely,

Lorraine R. Jitchaku

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

NH:mh

Enclosures

cc Mr. Gilbert Hara
Mr. James Kuwaye
Land Use Division, DPED

LIST OF EXHIBITS - ALLIED AGGREGATES CORPORATION

A. Hara's letter (4/28/77)

A-1. Application form

A-2. Applicant's reasons

A-3. Island Map

A-4. Location Map

B. Acknowledgement letter (5/2/77)

C. Letter to agencies (5/2/77)

D. Helco (5/5/77)

E. R & D (5/6/77)

F. Water Supply (5/9/77)

G. Public Works (5/9/77)

H. DOT, Highways (5/9/77)

I. Fire (5/10/77)

J. Health (5/11/77)

K. Police (5/13/77)

L. Agriculture (5/20/77)

M. Historic Preservation Officer (6/8/77)

N. Public Hearing Notice

O. Letter to applicant (6/2/77)

P. Letter to surrounding property owners (6/3/77)

P-1. Map for surrounding property owners

P-2. List of surrounding property owners

Q. Letter from Armbruster (6/16/77)

R. Minutes (6/16/77)

S. Public Hearing transcript (6/16/77)

T. Letter to applicant (6/17/77)

U. Letter to applicant (7/1/77)

V. Presentation Map (Please Return)

W. Staff background

X. Staff recommendation

Y. Voting Sheet

Z. Minutes (7/21/77)

ZZ. Letter to applicant (7/22/77)

GILBERT K. HARA
ATTORNEY AT LAW
297 WAIANUENUE AVE.
HILO, HAWAII 96720
TELEPHONE 935-0866

April 28, 1977

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

Re: Allied Aggregates Application for a Special Use Permit for Quarrying

Dear Mr. Fuke:

Enclosed please find 16 copies of Allied Aggregates application for a Special Use Permit to operate a quarry on Tax Map Key: 1-2-02-3 in Kalapana, Puna, Hawaii. In addition to the application, please find the Memorandum in Support of Application and the site map. Also a check in the amount of $100.00.

Since time is of the essence as it relates to this matter, we would appreciate it if your department could expedite this matter. Should either you or your staff require additional information, please feel free to phone the undersigned at 935-0866 or Mr. Iwashita of Allied Aggregates, whose phone number is 961-3455.

Yours truly,

GILBERT K. HARA

GKH:bhk

Enclosures

EXHIBIT A

APPLICATION FOR SPECIAL PERMIT

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT: Allied Aggregates Corporation

APPLICANT'S SIGNATURE: James R Kinney - Pres

ADDRESS: 160 Keaa Street

Hilo, Hawaii 96720

TELEPHONE: 961-3455

TAX MAP KEY: 1-2-02:3 AREA: 198.061 Acres
(Size of Parcel)

OWNER: Edward S. T. Ching and Elsie H. Ching

OWNER'S SIGNATURE: Edward S T Ching Elsie H. Ching

APPLICANT'S INTEREST, IF NOT OWNER: Lessee

REQUESTED USE: Establishment of temporary quarrying operation; aggregate crushing and processing facilities; and if feasible an asphaltic concrete batching plant.

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-1

MEMORANDUM IN SUPPORT OF APPLICATION

PETITIONER:

Petitioner, ALLIED AGGREGATES CORPORATION, is a Hawaii corporation, having its principal place of business at 160 Keaa Street, Hilo, County and State of Hawaii. Petitioner is engaged in the business of general contracting and the operation of quarries. Petitioner has an Agreement with the owners of the land in question, dated April 12, 1977, wherein if Petitioner is successful in obtaining a Special Use Permit to operate a quarry, a five (5) year Lease will be entered into by and between the Petitioner and Edward and Elsie Ching, the property owners.

LAND IN QUESTION:

The land in question is situated in Kalapana, District of Puna, Island of Hawaii, County and State of Hawaii, and more specifically shown in Exhibit "A" attached hereto and made a part hereof. The land consists of one (1) lot containing a total area of 198.061 acres, more or less, and bearing Tax Map Key: 1-2-02-3.

The land is presently not utilized and is presently over grown with grass, shrubs and lantana, and the land characteristic is such that chances of intensive cultivation is NOT foreseeable.

The land is presently situated in an agriculture district and is zoned for 3 acres ag. The County General Plan Map has the land classified as agriculture-orchard. Furthermore, the land is classified as agricultural by the State Land Use Commission.

EXHIBIT A-2

JUSTIFICATION FOR SEEKING A SPECIAL USE PERMIT:

Applicant desires to establish a temporary quarrying operation, aggregate crushing and processing facilities, and if feasible and allowable, an asphaltic concrete batching plant on the land in question which is zoned and classified as Agriculture. Pursuant to the State Land Use law, more specifically, Chapter 205-5, Hawaii Revised Statutes, as amended, Special Use Permit may be allowed. Chapter 205-6, Hawaii Revised Statutes, as amended, specifically grants the Planning Commission the authority to issue Special Use Permit for certain unusual and reasonable use within agricultural district.

Chapter 8, Article 7 of the County Code governs the regulations for agricultural district. Article 7, Section 3(Q) which governs permitted use within an agricultural district states:

> "Commercial excavation or removal of natural building material or minerals."

As such, since this proceedings involves a permitted use by the County Zoning Code, and since the Planning Commission under the State Land Use laws are authorized to issue Special Use Permit within agricultural district, this application is not contrary to the objective sought to be accomplished by the Land Use laws and regulations.

The proposed quarry site will be located approximately 32 miles from Hilo. A portion of the land for which this Special Use Permit is being requested had previously been utilized for almost identical purposes during the construction of Kalapana-Chain of Craters Road. (State portion of the Chain of Craters Road).

The area upon which the former facilities were located was at one time devoided of its natural foliage, but presently it is over grown with grass, shrubs, lantana, christmas-berry trees, scattered growths of lauhala, kukui and guava, blending naturally with the surrounding environment.

The establishment of the proposed facilities will not adversely affect the surrounding properties and/or property owners. Any alterations to the physical characteristic and appearance can be adequately landscaped to blend and render it compatible with its surroundings upon termination of the quarry use.

There are no commercial establishments or religious institutions within miles of these proposed facilities.

It is Applicant's intention to use aggregates from the quarry site for the proposed reconstruction of the Chain of Craters Road (Federal project) and/or the proposed Kalapana By-Pass Road (State project). In addition thereto, Applicant presently contemplates selling aggregates to property owners within the Kalapana areas. However, sales to residents is contingent on whether Applicant is successful in selling aggregates to the larger projects; otherwise, the quarry operation would not be economically feasible. The proposed Chain of Craters Road is approximately 12 miles from the quarry site and the proposed Kalapana By-Pass Road is approximately 3 miles away. The approximate distance from the proposed quarry site to the nearest inhabited dwelling on the Kalapana side is 5,000 L.F. and to the Volcano side is 2,000 L.F. Pacific Paradise Ocean Front Estates Subdivision is approximately 4,500 L.F.

away and there are two residence within the subdivision but are located in the rear portion of the subdivision. Queens bath located on the Volcano side of the proposed quarry site is approximately 1.15 miles away. Between the first inhabited dwelling for the quarry site to Queens bath, there are only six dwellings. It should be noted, however, that all inhabited dwellings noted herein were by visual inspection of the surrounding areas. Furthermore, the properties surrounding the proposed quarry site are all "virgin land", untouched by any type of development.

The rocks found on the land in question are suitable for road construction and will meet the specifications imposed by governmental agencies responsible for public highways.

The land in question abuts an improved public highway (Chain of Craters Road) and there is a County water system adjoining the land. While it is recognized that there will be the probability of potential air pollution from dust particles in operating the quarry and related facilities, these conditions will be kept at a minimum since as quarry operators, we will have to comply with Chapter 43 of the Public Health Regulation of the Department of Health, State of Hawaii. Failure to comply with the Public Health Regulation would prevent the Applicant from receiving the necessary authorization from the Department of Health to operate such facilities.

As to the problems of noise pollution, we know from previous use of the land for quarrying that noise will be less than is customary for a general quarry operation. Generally, the rocks to create aggregates will be recovered by using bulldozers to push and scrape the land. Blasting, if any, will be very minimum.

Furthermore, any sound or dust from the operational area will generally be dissipated and be carried away from the inhabited areas by the winds that normally blows from the southwesterly direction.

The Applicant's operation will in no way unreasonably burden public agencies since roads, streets, sewers, water, drainage, school improvements, and police and fire protection are either already available or are not needed or necessary for the proposed use.

The land upon which Applicant seeks to operate the proposed quarry has never been used for what is is presently zoned; namely, agriculture. The only previous use was that of a quarry. As to whether the land is in fact suitable for agricultural use is questionable. The "Detailed Land Classification-Island of Hawaii" prepared by the Land Study Bureau, University of Hawaii, on Map No. 662 shows that the land is classified as E262. On page 27 of this study, Table 1 tells us what the figure "262" represents. On soil series it indicates "Aa"; Depth-"No Soil Materials"; Color-"Dark Brown to Nearly Black"; Parent Material-"Aa"; Drainage-"Excessively Drained"; Slope (per cent)-"0 to 35, generally under 20"; Climate-"Subhumid"; Mean Annual Rainfall (inches)-"40 to 60"; Elevation (feet)-"Sea Level to 2000"; Machine Tillability-"Unsuited". On Page 45 of this study, under the heading Land Class Acreages, it states as follows:

> "The Big Island Agriculture lands have been grouped into suitability classes based upon the master productivity rating presented in Table 3. Descriptively these classes are as follows: A-very good; B-good; C-fair; D-poor; E-very poor."

On the basis of agricultural productivity, E is the lowest classification given to land in the detailed land study classification. In this instant case, the land in question is classified as E, meaning that the land is unsuitable for agriculture use. From the above datas, it can be seen that the use of the land for a temporary quarry will not take land away from agriculture. In fact, after the completion of this quarry operation, the land may become better suited for agriculture since the land will be leveled. Additionally, the previous quarry use shows that a portion of this once sparsely vegetated land now supports a larger vegetation. From the above facts, the proposed use will not substantially alter or change the essential character of the land and the present use.

The construction of the proposed restoration of the Chain of Craters Road, presently rendered inaccessible by the recent lava flow, is scheduled for sometime in June or July of this year. The construction of this road will require thousands of tons of crushed aggregates. The Volcanoes National Park regulation definitely prohibits any quarrying operations within its boundaries and authorization to permit crushing and processing within its confines is very unlikely.

Therefore, all project requirements of these material will have to be furnished and hauled from sources outside the "Park" boundary. The nearest commercial source for these types of material is located in Hilo, approximately 40 miles away from either terminals of this project; the terminals being the Volcano side or the Kalapana side.

If the application for a quarry site is denied, it would necessitate the hauling of road materials from Hilo which is 40 miles away. This would create additional usage of hauling vehicles, and consequently, the unnecessary consumption of petroleum products which would be contrary to the present goal set by President Carter to conserve energy. In addition, hauling of materials from Hilo would place an unreasonable burden either on the Keaau-Volcano Road or the Keaau-Pahoa-Kalapana Road. In using the Keaau-Volcano Road, the trucks would have to pass through areas which are heavily traveled creating traffic hazards. Furthermore, upon reaching the National Park, the trucks would have to travel through narrow winding roads. If the Keaau-Pahoa-Kalapana Road is used, similar traffic hazard conditions would be present especially through Pahoa Village and through Kaimu Beach.

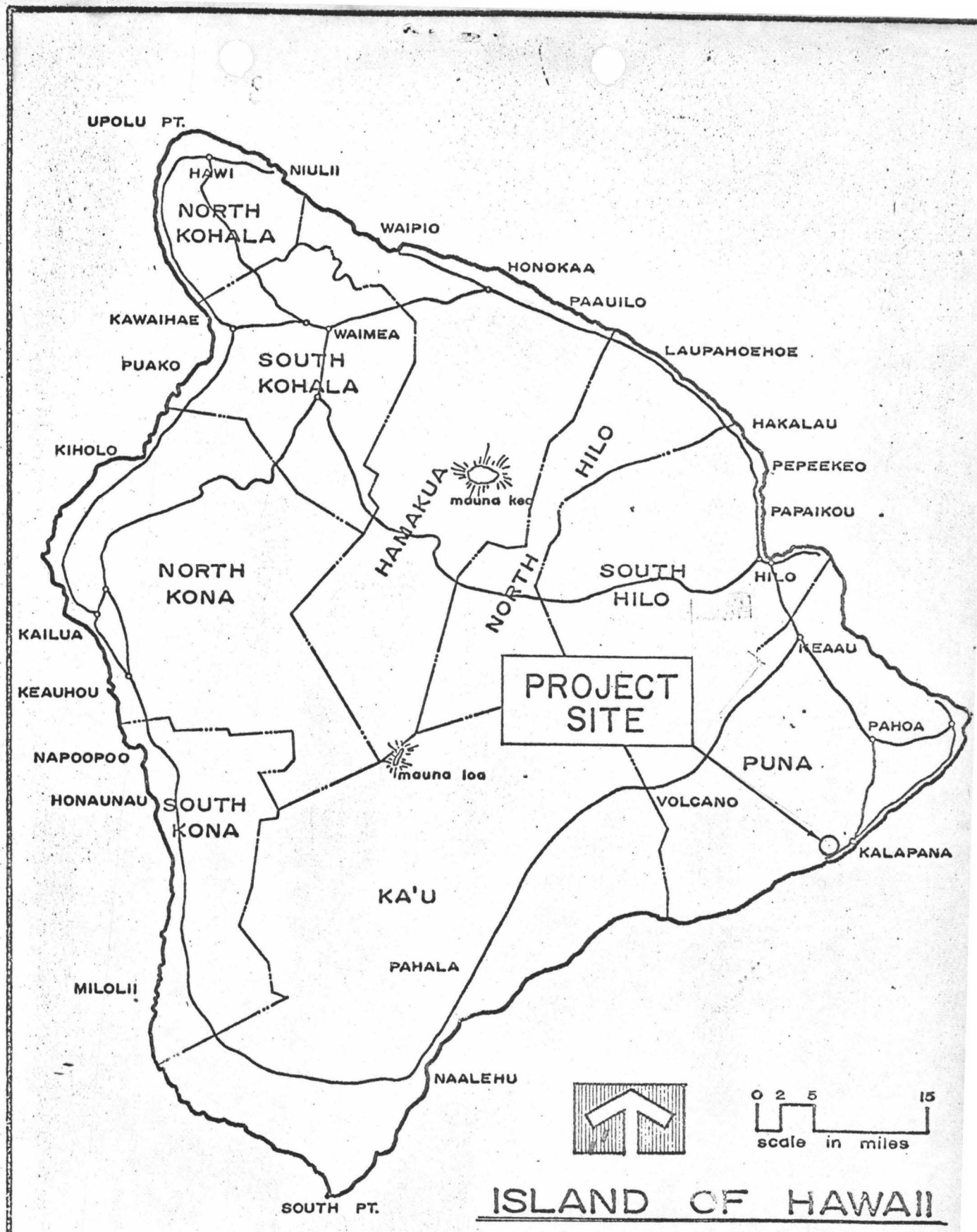
If the Applicant's Special Use Permit is granted, we would be operating in an area which is presently not heavily utilized due to the Chain of Craters Road being blocked by lava causing a dead end road. Furthermore, vehicular traffic from the quarry operation would not create any hazard since from the proposed quarry site to the project site residential dwellings are at a minimum.

Another proposed project within the vicinity of the proposed facilities is the Kalapana By-Pass Road which should be under construction before September 1979. The crush aggregates requirements for this project will be similar to those required for the restoration of the Chain of Craters Road. This road will create similar conditions as have already been mentioned for the completion of the National Park Chain of Craters Road.

Based on the above reasons, we respectively ask that the Planning Commission favorably consider the Applicant's petition for a Special Use Permit to operate a quarry. Such approval will be in the best interest of the public welfare.

Respectively submitted,

GILBERT K. HARA
Attorney for Allied
Aggregates Corporation



ISLAND OF HAWAII

LOCATION MAP

EXHIBIT A-3

KALAPANA-KUPAHUA
PLAT 92
GR. PLAT 16
1942
KALAPANA
PLAT 14
PLAT 13
GRANT
State of Hawaii
550.00 Acs.
(Hawaii Planters, Inc. Sta.
por. G. L. S-3710
Part "A"
State of Hawaii
(Hawaii Planters, Inc. Sta.
por. G. L. S-3710
Part "B"
98.82 Acs.
Stonewalls
Byron M. Fox
25.05 Acs.
11.6002 Ac
Mary Kekihiwa Lewis Kekihiwa
25.0 Ac (±)
Byron M. Fox
Hawaii Planters, Inc. - 16.03
James P. Kohl - 18.00
Anthony M. Silveri - 18.00/939
Clifford O. Brown - 18.00/939
Hawaii Planters, Inc. - 231.00/939
Mary E. Fox
Elizabeth K. Towne - 1/2
Henry C. Horner
Burton M. Fox
TRS Hawaii Land Corp. - T/C
Tuck Cheng
Edward S.T. Ching
Kan Wai Ching
Edwin K.W. Ching
Reginald K.W. Ching
Robert K.W. Ching
Mary S.L. Ching - trust
38.245 Acs.
Orville E. Ross & wf. Joan S. - T/E
Martha Konanui Est. - Und.
Mrs. Riley Est. - Und.
Hattie Along etal - Und.
Yasuji Arakaki - Und.
Oliver K. Roberts & wf. Maizie K. - T/E - Und.
Martha N. Moore
Edward S.T. Ching & wf. Elsie H. - T/E
Ct. App.
Lot 198.001 Acs.
Albert F. Lee Est.
GRANT 3208
313.51 acs.
Charles Akuna - (2.0 ac)
Daniel K. Kaloi, Sr, decd. (101.00 ac)
103.0 Acs.
GR. 2216
GR. 2093
GR. 1004
CHAIN of CRATERS RD.
KASP. No. S-0130(1) UNIT I
(80-Ft. Wide)
To Kupahua
True North
KALAPANA, KUPAHUA,

EXHIBIT A-4

SP

May 2, 1977

Mr. Gilbert Hara
297 Waianuenue Avenue
Hilo, HI 96720

Dear Mr. Hara:

Application for a Special Permit
Allied Aggregates Corporation
Quarry and Related Activities
TMK: 1-2-02:03

This is to acknowledge receipt of the abovementioned special permit application on April 28, 1977.

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.

Notice of the time and place of the public hearing will be forwarded to you as soon as your application is placed on the agenda for Commission action. Should any questions arise in the meantime, please contact Norman Hayashi or Ilima Piianaia of this Department, at 961-8288.

Sincerely,

Sidney M Fuke

SIDNEY FUKE
Acting Director

rfd

cc: James Kuwaye
SLUC

EXHIBIT B MAY 2 1977

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, R & D, Police, Fire, Soil Conserv., Agr., HELCO, & Hist'l Pres. Ofcr.

Date: May 2, 1977

From: Acting Director

Subject: Special Permit Application
Allied Aggregates Corporation
Quarry and Related Activities
TMK: 1-2-02:03

The attached application for a special permit is forwarded for your review. May we have written comments within two weeks so that we may process the request within the legally specified time period.

rfd
Enclosure

EXHIBIT C

MAY 03 1977

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

May 5, 1977

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

Attention: Mr. Sidney M. Fuke
Acting Director

Gentlemen:

SUBJECT: Special Permit Application
Allied Aggregates Corporation
Quarry and Related Activities
TMK: 1-2-02:03

We have no comments to the above application as per your memorandum of May 2, 1977.

Very truly yours,

JNiwao(cmh)

Jitsuo Niwao, Manager
Engineering Department

JN:cmh

EXHIBIT D

HERBERT T. MATAYOSHI, MAYOR
CLARENCE W. GARCIA, DIRECTOR

DEPARTMENT OF RESEARCH AND DEVELOPMENT

COUNTY OF HAWAII • 25 AUPUNI STREET • HILO, HAWAII 96720 • TELEPHONE (808) 961-8366

May 6, 1977

MEMORANDUM

TO: PLANNING DIRECTOR

FROM: DIRECTOR Clarence W. Garcia

SUBJECT: SPECIAL PERMIT APPLICATION
ALLIED AGGREGATES CORPORATION
QUARRY AND RELATED ACTIVITIES
TMK: 1-2-02:03

We have no comments to the abovementioned subject.

EXHIBIT E

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820 • HILO, HAWAII 96720 • 25 AUPUNI STREET

May 9, 1977

TO: Planning Department

FROM: Department of Water Supply

SUBJECT: SPECIAL PERMIT APPLICATION
ALLIED AGGREGATES CORPORATION
QUARRY AND RELATED ACTIVITIES
TMK: 1-2-02:03

We have no adverse comments to offer on this special permit application for a quarry operation.

For your information, there is an 8-inch waterline along the Government Road.

E. W. Hoke

for Akira Fujimoto
Manager

GK

EXHIBIT F

... Water brings progress...

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

Date May 9, 1977

MEMORANDUM

TO: Planning Department

FROM: Chief Engineer

SUBJECT: Application for Special Permit
Applicant: Allied Aggregates Corporation
Location: Kalapana, Puna, HI
TMK: 1-2-02:03

We have reviewed the subject application and our comments are as follows:

1. The grading work shall conform to the grading ordinance.

2. The applicant shall obtain a grading permit.

EDWARD HARADA, Chief Engineer

EXHIBIT G

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 77-2.459

May 9, 1977

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
Allied Aggregates Corporation
Quarry and Related Activities
TMK 1-2-02:03

We have the following comments on the subject application:

1. Crushing and processing facilities should be located to provide a buffer or screening zone along the State Highway frontage.

2. Access to proposed site shall be confined to existing paved access.

CS

CHAS L. SCHUSTER

EXHIBIT H

HAWAII COUNTY FIRE DEPARTMENT

TO: Planning **DATE:** May 10, 1977

FROM: Fire

SUBJECT: Special Permit Application
Allied Aggregates Corporation
Quarry and Related Activities
TMK: 1-2-02:03

This is more of a health and pollution hazard rather than fire.

Jerome W. Fukushima
Fire Inspector

HFD-30
11/29/74 - 1M

EXHIBIT I

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, R & D, Police, Fire, Soil Conserv., Agr., HELCO, & Hist'l Pres. Ofcr.

Date: May 2, 1977

From: Acting Director

MAY 6 - 1977

Subject: Special Permit Application
Allied Aggregates Corporation
Quarry and Related Activities
TMK: 1-2-02:03

The attached application for a special permit is forwarded for your review. May we have written comments within two weeks so that we may process the request within the legally specified time period.

rfd
Enclosure

May 11, 1977
Department of Health, Hilo

Each and every quarry operation is required to obtain from the Department of Health:

1. Authority to Construct permit
2. Permit to Operate Crushers and/or Batch Plants.

Public Health Regulations, Chapter 43, Air Pollution Control is the reference document.

Harold Matsuura

HAROLD MATSUURA
Chief Sanitarian, Hawaii

EXHIBIT J

POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720

OUR REFERENCE

YOUR REFERENCE

GUY A. PAUL
CHIEF OF POLICE

May 13, 1977

TO : SIDNEY FUKE, PLANNING DIRECTOR

FROM : GUY A. PAUL, CHIEF OF POLICE

SUBJECT: SPECIAL PERMIT APPLICATION - ALLIED AGGREGATES CORPORATION
QUARRY AND RELATED ACTIVITIES
TMK: 1-2-02:03

The special permit application submitted by Allied Aggregates Corporation 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 K

GEORGE R. ARIYOSHI
GOVERNOR

JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE

YUKIO KITAGAWA
DEPUTY TO THE CHAIRMAN

BOARD MEMBERS:

IRWIN M. HIGASHI
MEMBER - AT - LARGE

ERNEST F. MORGADO
MEMBER - AT - LARGE

KALFRED K. YEE
MEMBER - AT - LARGE

SHIZUTO KADOTA
HAWAII MEMBER

STEPHEN Q. L. AU
KAUAI MEMBER

FRED M. OGASAWARA
MAUI MEMBER

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

May 20, 1977

MEMORANDUM

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

Subject: Special Permit Application
Allied Aggregates Corporation
Quarry and Related Activities
TMK: 1-2-02: 03

The Department of Agriculture has no objections to the subject application. For the record, however, it should be noted that land with a Land Study Bureau "E" master productivity rating can be utilized for agricultural production and, in fact, such lands are utilized for papaya and vanda orchid production in the Kapoho area.

We appreciate the opportunity to provide these comments.

John Farias Jr.

JOHN FARIAS, JR.
Chairman, Board of Agriculture

EXHIBIT L

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII

CHRISTOPHER COBB, CHAIRMAN
BOARD OF LAND & NATURAL RESOURCES

EDGAR A. HAMASU
DEPUTY TO THE CHAIRMAN

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

DIVISIONS:
CONVEYANCES
FISH AND GAME
FORESTRY
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

June 8, 1977

MEMORANDUM

TO: Sidney Fuke
Planning Department
County of Hawaii

FROM: RH for Historic Preservation Office
Department of Land and Natural Resources

RE: Special Permit Application, Allied Aggregates Corporation Quarry and Related Activities, TMK 1-2-02:3, Kalapana, Hawaii Island

Existing records have been checked for archaeological and historical sites that may be affected by this undertaking. The following information and recommendations are for your consideration in processing this application:

Although no significant sites are known for these lands, sites are quite likely to be present.

This application should be approved with the following stipulations:

It will be necessary to make investigations of both the background materials and the land parcel itself before final recommendations can be made. The applicant should contract a professional archaeologist to carry out research within the guidelines of a scope of work that can be prepared by this office.

EXHIBIT 11

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: Hilo High School Multi-purpose Room, South Hilo, Hawaii

DATE: June 16, 1977

TIME: 4:00 p.m. (Items 1 and 2)
7:00 p.m. (Items 3 - 5)

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

1. AMENDMENT TO CONDITION C, CHANGE OF ZONE ORDINANCE NO. 75.

   Proposed amendment to Condition C of Ordinance No. 75 relating to a change of zone request granted to Eugene Kennedy Investment, Inc. in November of 1974. The proposal is to amend a park requirement as stipulated in the ordinance. The change of zone request was from an Agricultural 3-acre (A-3a) to a Single Family Residential - 15,000 square foot (RS-15) zoned district. The property is located along the

EXHIBIT N

Puna side of Haihai Street, diagonally across from the Waiakea Homesite Subdivision, Waiakea Homesteads, South Hilo, TMK: 2-4-38:3 and 4.

2. PETITIONER: TOSHIO ABE

LOCATION: Along the mauka side of a 40-foot wide Homestead Road, across from Kilau Subdivision, approximately 1,400 feet from the Homestead Road - Hawaii Belt Highway intersection, Manowaiopae Homesteads, Laupahoehoe, North Hilo.

TMK: 3-6-08:6

PURPOSE: Change of zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 21,047 square feet of land from a Single Family Residential - 15,000 square foot (RS-15) to a Single Family Residential - 10,000 square foot (RS-10) zoned district.

3. PETITIONER: STATE OF HAWAII, HAWAII HOUSING AUTHORITY

LOCATION: Adjacent to Ainaola Park, at the corner of Ainaola Drive and Komohana Street, Waiakea House Lots, 6th Series, Waiakea, South Hilo.

TMK: 2-4-41:1

PURPOSE: Cluster Plan Development (CPD) Permit request to allow the creation of a 66-lot residential subdivision on 22+ acres of land situated within the Single Family Residential - 15,000 square foot (RS-15) zoned district.

4. AMENDMENT TO CHAPTER 8 (ZONING CODE).

A proposed bill to amend Chapter 8 (Zoning Code), Article 14 and 15 to allow restaurant uses within the Industrial zoned districts.

5. PETITIONER: ALLIED AGGREGATES CORPORATION

LOCATION: Along the mauka side of the Kalapana Chain of Craters Road, approximately .9 mile west of the Kalapana Vacation Lots Subdivision, Kaunaloa, Puna.

TMK: 1-2-02:3

PURPOSE: Special Permit request to allow the establishment of a temporary quarrying operation, including crushing and processing facilities, and an asphaltic concrete batching plant on 198 acres of land situated within the State Land Use Agricultural District.

Maps showing the general locations and boundaries of the

areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and 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
(MRS.) LORRAINE R. JITCHAKU, Chairman
By SIDNEY M. FUKE
Planning Director

(Hawaii Tribune-Herald: June 6 and June 14, 1977)

June 2, 1977

Mr. Gilbert Hara
297 Waianuenue Avenue
Hilo, HI 96720

Dear Mr. Hara:

Notice of a Public Hearing
Special Permit Application - Allied Aggregates Corp.
Tax Map Key 1-2-02:3

This is to inform you that the above request has been scheduled for a public hearing. Said hearing among others will be held beginning at 7:00 p.m. on Thursday, June 16, 1977, in the Hilo High School Multi-purpose Room, South Hilo, Hawaii.

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

A copy of the hearing notice is enclosed for your information.

Sincerely,

Sidney Fuke

SIDNEY FUKE
Director

lat:sb

Enclosure

cc: Mr. James Kuwaye

EXHIBIT O

JUN 3 1977

Luc

PLANNING DEPARTMENT

COUNTY OF HAWAII

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

June 6, 1977

Dear Property Owner: (TMK:

Special Permit Application
Kaunaloa, Puna, Hawaii
Tax Map Key 1-2-02:3

You are hereby notified that a request for a Special Permit to allow the establishment of a temporary quarrying operation, including crushing and processing facilities, and an asphaltic concrete batching plant on 198 acres of land situated within the State Land Use Agricultural District has been submitted by the petitioner, Allied Aggregates Corporation.

The property involved is situated along the mauka side of the Kalapana Chain of Craters Road, approximately .9 mile west of the Kalapana Vacation Lots Subdivision, Kaunaloa, Puna, Hawaii.

A public hearing on the subject among others will be held beginning at 7:00 p.m. on Thursday, June 16, 1977 at the Hilo High School Multi-purpose Room, South Hilo, Hawaii.

You are invited to comment on the application at the hearing or submit written comments prior to the hearing.

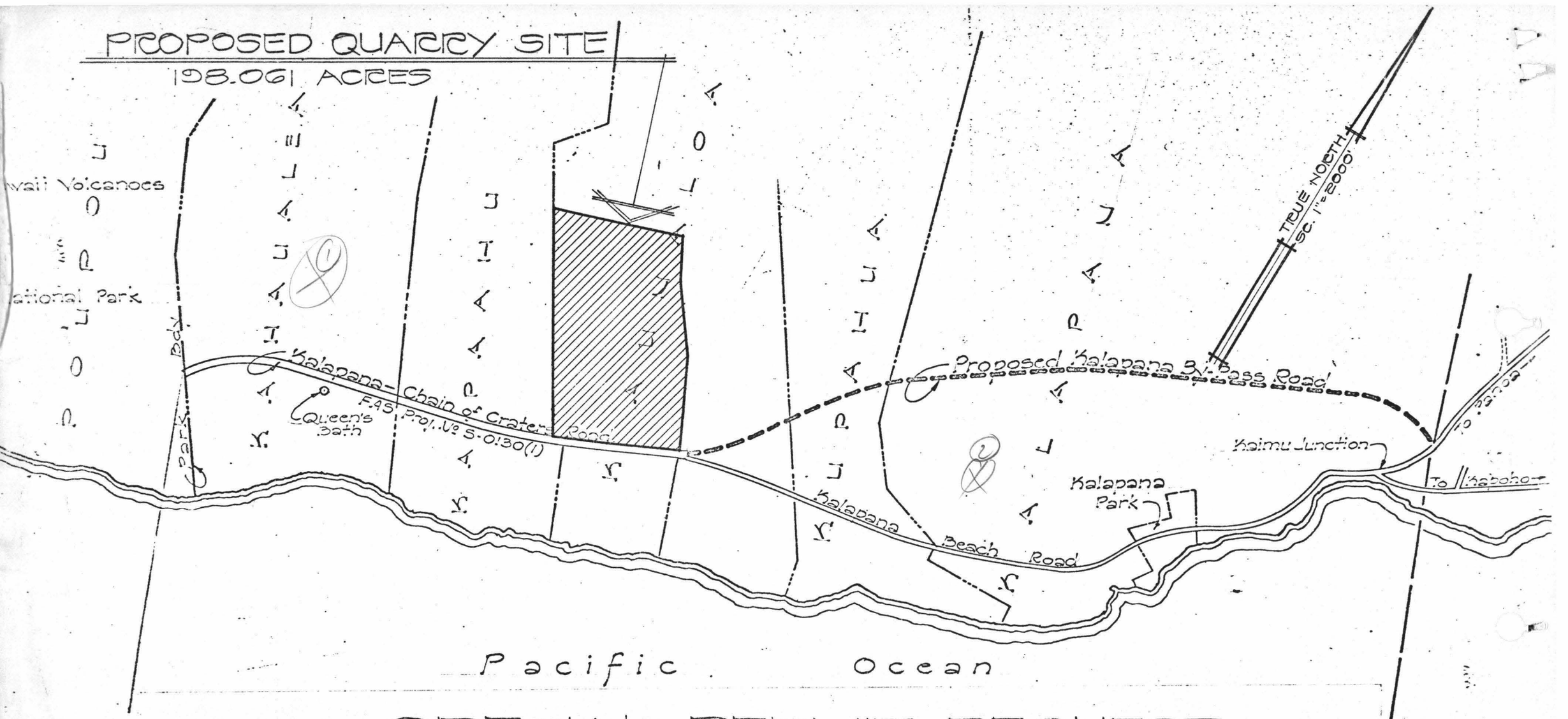
Sid Fuke

SIDNEY FUKE
Director

lat

Enclosure

EXHIBIT P



SPECIAL PERMIT REQUEST

TEMPORARY QUARRY OPERATION
INCLUDING CRUSHING AND PROCESSING
FACILITIES AND ASPHALTIC CONCRETE
BATCHING PLANT.

KAUNALOA, PUNA, HAWAII

TAX MAP KEY : 1-2-02 : 3

APPLICANT : ALLIED AGGREGATES CORPORATION

MAY 27, 1977

EXHIBIT P-1

SPECIAL PERMIT
ALLIED AGGREGATE CORPORATION
QUARRY & RELATED ACTIVITIES
T.M.K. 1-2-02:3 (198.061 Acs)

1-2-02:2 25, 27 & 28
Ken Wai Ching, et al Trust
c/o Edward S.T. Ching Realty, Inc.
119 Merchant St., Rm 303
Hono., HI 96813

4
Kaloi, Daniel, Sr. et al
Kaloi, Albert
650 Iana St.
Kailua, HI 96734

6
Dept. of Land & Natural Resources
P.O. Box 621
Hono., HI 96809

Parcel 6 & 7
Hawaii Planters, Inc.
James Wohl
P.O. Box 362
Hilo, HI 96720

7
Same as parcel 6

18
Lucia Chang
Michael A. Brenesell
2315 Hoonanea St., Hono., HI 96822

24
See back

25
(same as parcel 2)
Edward S.T. Ching
Edward S.T. Ching Realty, Inc.
119 Merchant St., Rm 303
Hono., HI 96813

& 26 6, 7
DLNR, State of Hawaii (See above for complete address)

27
Same parcel 25

28
" " "

1-2-01:18
Oulu S. Konanui, et al
21 Paipai St.
Hilo, HI 96720

EXHIBIT P-2

1-2-02:24 ~~Emma~~ Leslie + Emma K. Kauhi
P.O. Box 135
Pahoa, HI 96778

24 Yasuki Arakaki, et al
" P.O. Box 258
Keaau, HI 96749

" 24 Riley Estate, et al
Robert Kaipo
P.O. Box 114, Hawaii Nat'l Park, HI 96718

" 24 Hattie Aiona, et al
Sidney Wong
P.O. Box 1218, Hilo, HI 96720

" 24 Sarah P. Meyer
346 C. Manono St., Kailua, HI 96734

Rec'd at 6/16
public hearing.
DKes

June 16, 1977

Planning Commission
State of Hawaii
Hilo, Hawaii

Attention: Ms. Lorraine Jitchaku

This letter is being written with the intent of indicating our disfavor of the proposed quarry for the area of Kalapana to be more exact where the State Highway Chain of Craters Roads begins and old road ends. If such quarry were to be allowed, one can be sure Beautiful Kalapana Black Sands Beach area would be terribly downgraded.
What with the noise, pollution, heavy trucks in the area, one of the most beautiful places on all the Islands, and perhaps one of the last to be untouched, why must Kalapana suffer again. Hasn't she suffered enough with the 1975 November Earthquake sinking 3 ft. to 14ft. Do we need large holes in the area to further weaken the lands we live on. Please think twice before allowing such a horrible thing to take place. I am most assuredly against such a quarry.

Richard J. Armbruster

Richard J. Armbruster

Doris A. Armbruster

Doris A. Armbbuster
Pacific Paradise Ocean Front Estates

EXHIBIT Q

LHC

PLANNING COMMISSION

Planning Department
County of Hawaii

June 16, 1977

The Planning Commission met in regular session at 2:05 p.m., in the Hilo High School Multi-Purpose Room, South Hilo, with Chairman Lorraine Jitchaku presiding.

PRESENT: Lorraine R. Jitchaku
Scott H. Asai
Shigeru Fujimoto
Haruo Murakami
William J. Paris, Jr.
Charles H. Sakamoto, Jr.

ABSENT: J. Walsh Hanley
Arthur W. Martin
William F. Mielcke

Sidney M. Fuke, Planning Director
Norman Hayashi, Planner
Virginia Goldstein, Planner

Lionel Meyer, Deputy Corporation Counsel
David Murakami, representing Ex-Officio Member, Edward Harada
Quirino Antonio, representing Ex-Officio Member, Akira Fujimoto

and approximately 19 people in attendance at 2:00 p.m.; about 3 people at 4:00 p.m., and about 20 people at 7:00 p.m.

EXHIBIT R

Mr. Sakamoto moved to send a favorable recommendation to the County Council with the conditions outlined by the staff; seconded by Mr. Asai; carried unanimously.

MEETING SCHEDULE — The next meeting will be on June 23, 1977 at 7:00 p.m., in Hilo on the Bikeway Plan. The subsequent meeting will be on June 30, 1977 in Kona with the Bikeway Plan scheduled in the evening.

RECESS — Chairman called a recess at 4:30 p.m., until the scheduled public hearing at 7:00 p.m.

****

RECONVENED FOR PUBLIC HEARINGS — Meeting was reconvened at 7:00 p.m. to continue with the following public hearings.

Since the representative for the Hawaii Housing Authority CPD Permit was not in attendance, moved to Item No. 2.

ZONING AMENDMENT RESTAURANT USES — A duly advertised public hearing was held on a proposed bill to amend Chapter 8 (Zoning Code), Article 14 and 15 to allow restaurant uses within the Industrial zoned districts.

Staff presented background information on file and recommended that a favorable recommendation be forwarded to the County Council.

Mr. Paris moved to close the public hearing; seconded by Mr. Fujimoto; carried.

Mr. Murakami moved that the request by the Planning Director to amend the Zoning Code to allow restaurant uses within the industrial area be approved as the staff stated in their report and that a favorable recommendation be forwarded to the County Council; seconded by Mr. Sakamoto; carried unanimously.

LAND USE COMMISSION SPECIAL PERMIT ✓ALLIED AGGREGATES CORP. KAUNALOA, PUNA — A duly advertised public hearing was held for a Special Permit request to allow the establishment of a temporary quarrying operation, including crushing and processing facilities, and an asphaltic concrete batching plant on 198 acres of land situate within the State Land Use Agricultural District. The property involved is located along the mauka side of the Kalapana Chain of Craters Road, approximately .9 mile west of the Kalapana Vacation Lots Subdivision, Kaunaloa, Puna, TMK: 1-2-02:3.

Staff presented background information on file.

Mr. Gilbert Hara, attorney for the applicant, and Mr. Shigeki Iwashita, Vice-President of Allied Aggregates were present to answer questions. It was stated that it is the applicant's intention to use the aggregates from the quarry site for the proposed reconstruction of the Chain of Craters Road and/or the proposed Kalapana By-Pass Road.

There were five persons from the area who were opposed to the Special Permit. Some of the concerns raised were the dust/noise pollution, added traffic, and that the proposed location is too close to the highway.

The applicant stated that with the stringent requirements set for quarrying operations pollution problems would be minimal.

Mr. Murakami moved to close the public hearing; seconded by Mr. Sakamoto; 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.

CLUSTER PLAN DEVELOPMENT
HAWAII HOUSING AUTHORITY
STATE OF HAWAII
WAIAKEA, SOUTH HILO

A duly advertised public hearing was held for a Cluster Plan Development (CPD) Permit to allow the creation of a 66-lot residential subdivision on 22+ acres of land situated within the Single-family Residential - 15,000 square foot (RS-15) zoned district. The property involved is located adjacent to Ainaola Park, at the corner of Ainaola Drive and Komohana Street, Waiakea House Lots, 6th Series, Waiakea, South Hilo, TMK: 2-4-41:1.

Staff presented background information on file and recommended approval.

The request was changed to a 65-lot subdivision instead of 66 lots.

The representative from the Public Works Department voiced an objection to the variance to allow the 40-foot road right-of-way and recommended that the State acquire the 5 feet from each side.

It was stated that this road stub would be ideal as far as traffic circulation within that area but that there is no mandatory requirement that it be provided

Mr. Asai moved to close the public hearing; seconded by Mr. Sakamoto; carried.

It was moved by Mr. Murakami that the request for the CPD permit be given a favorable recommendation only as it relates to the minimum lot size and that the 40-foot right-of-way be deleted from consideration.

Further discussion ensued on the road right-of-way. Inasmuch as the State did not make any payment offer for the land, it was felt that the property owners should be approached with a definite proposal to buy the land with condemnation to be the last resort. If negotiations with the owners cannot be met, then and only then should the right-of-way be abandoned.

The Director strongly suggested that in the event that there will be no road there, that some sort of public accessway be provided so that the residents from the Kawailani Street area will have a legitimate accessway to Ainaola Park. Director suggested that the Commission could go along with staff's recommendation on lot size and the 40-foot right-of-way with the added condition that the Department of Public Works, Hawaii Housing Authority and the Planning Department get together and try to come to a mutually acceptable solution within 6 months.

This was agreeable and staff will re-write conditions.

The previous motion was withdrawn by the maker.

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
June 16, 1977

A regularly advertised public hearing, on the application of Allied Aggregates Corporation was called to order at 7:08 p.m., in the Hilo High School Multi-Purpose Room, South Hilo, by Chairman Jitchaku.

PRESENT: Lorraine R. Jitchaku
Scott H. Asai
Shigeru Fujimoto
Haruo Murakami
William J. Paris, Jr.
Charles H. Sakamoto, Jr.

ABSENT: J. Walsh Hanley
Arthur J. Martin
William F. Mielcke

Akira Fujimoto, Ex-officio Member

Sidney M. Fuke, Planning Director
Norman Hayashi, Planner
Virginia Goldstein, Planner

Lionel Meyer, Deputy Corporation Counsel
David Murakami, representing Ex-officio Member, Edward Harada

and approximately 20 people in attendance

CHAIRMAN: The next item is a public hearing on the application of Allied Aggregates Corporation for a Special Permit to allow the establishment of a temporary quarrying operation, including crushing and processing facilities, and an asphaltic concrete batching plant on 198 acres of land situated within the State Land Use Agricultural District. The property involved is located along the mauka side of the Kalapana Chain of Craters Road, approximately .9 mile west of the Kalapana Vacation Lots Subdivision, Kaunaloa, Puna, TMK: 1-2-02:3. Staff.

HAYASHI: (Staff presented background information on file.)

CHAIRMAN: Thank you, Norman. Are there any questions on the staff's report and background? I have one question Norman. What year was the Chain of Craters Road--the construction of the Kalapana Chain of Craters Road started?

HAYASHI: I don't have that information on hand.

CHAIRMAN: Oh, okay, thank you. Are there any other questions of the staff's report? Commissioner Murakami.

MURAKAMI: Madam Chairman. Norman, you mentioned about the archaeological--investigate the archaelogical background. You folks have any idea as to who's making the study or who's going to be making the study?

HAYASHI: Commissioner Murakami, this is a recommendation made by the State Historical Preservation Officer for the applicant to contract out to an archaeologist to look over the possible site or investigate the area.

MURAKAMI: On this condition, what is the staff's feeling? Let the staff go into or let them go into contract?

EXHIBIT S

HAYASHI: Well, at this point in time, we haven't made any determination.

MURAKAMI: Thank you.

CHAIRMAN: Are there any other questions to the staff's report? Commissioner Asai.

ASAI: Norman, you mentioned that in the land study you found some houses right across. Can you show me on the map just about whereabouts are those houses located.

HAYASHI: Yes. They have some houses just about here (pointing on map), diagonally across from the subject property. In fact, for the Commissioner's information, all the dots represent houses.

CHAIRMAN: I have a question, Norman. Can you show where on the map Queen's Bath is located, or is it off the map?

HAYASHI: Queen's Bath is off the map--in this direction (pointing on map). This is the Kalapana-Kaimu Beach area.

CHAIRMAN: Okay, thank you. Are there any other questions on the staff's report? If not, the Chair at this time would like to call on a representative of the applicant, Allied Aggregates Corporation.

HARA: Madam Chairman, members of the Commission, for the record my name is GILBERT HARA, I am the attorney for Allied Aggregates Corporation, the applicant. I would like to introduce Mr. Iwashita, who is the Vice President of Allied Aggregates.

CHAIRMAN: Mr. Hara, at this time, to make things easier, we would like Mr. Iwashita to introduce himself. He may be questioned later by some of the Commissioners.

HARA: All right.

IWASHITA: My name is Shigeki Iwashita and I'm working for Allied Aggregates. My position there is Vice President. Thank you.

CHAIRMAN: This is a public hearing. Mr. Hara is an attorney and Mr. Iwashita at this time the Chair would like to swear you in. Do you swear to tell the truth and nothing but the truth on this matter now before the Hawaii County Planning Commission?

IWASHITA: I do.

CHAIRMAN: Thank you.

HARA: Madam Chairman, basically we have submitted a memorandum in support of our application and your staff has read our memorandum in support of our application. Therefore, we are here basically to answer any questions that the Commissioners may have.

CHAIRMAN: Okay, I have one for you. The area is situated on 198 acres. Is it to say that the request is to cover the entire 198 acres?

HARA: No, it is not. The primary reason is that it is an individual tax map key parcel and if you were to use only a certain portion of it then we would have to have it subdivided so we have to list the whole tax map key parcel. In fact, if I'm not mistaken back in 1964 when they did use the premises, they used approximately 25 acres--oh, 5 acres, that's it.

CHAIRMAN: Okay, then 5 acres. Would this be in the exact area as the past?

HARA: I think he (Iwashita) is ...

IWASHITA: Would you repeat for me, please?

CHAIRMAN: Okay, for the record, this is Mr. Iwashita. Would you use the mike, please. My question was--would you utilize the entire 198 acres. However as Attorney Hara mentioned that there is a possibility that--well, you know, according to the leasing agreement, whatever you decide on, you'll have to take the entire acreage. My question is, how many acres of the 198 acres involved would you be utilizing for the quarrying operation?

IWASHITA: Generally, we would be expecting to use about 20-25 acres at the very maximum.

CHAIRMAN: Okay, would you point out that area on the map for the Commissioners, please.

IWASHITA: (pointing on map) It would be generally in this area fronting the Chain of Craters Road, right down there and if you look at this property visually on the ground, this portion here at one time was used as a quarry. And this is the 5 acres that we're talking about. What we intend to do is stretch the 5 acres laterally and toward the mauka side of the property. It may be stretched for about 500 feet but maybe for the length of the area here--but we'd like to keep the area as uniform as possible and keep the remainder of the area in its natural state.

CHAIRMAN: Does it matter at the present time--in that particular area as far as the quarrying is concerned--does it matter whether you have the operations done in the back portion or is it easier where it is closer to the highway?

IWASHITA: It would be much easier because in applying for a permit from the Board of Health, it would require the pollution control of the dust and to have a pollution control, we would have to use quite a bit of water and the longer we have to string the pipe in will cost us that much more. And another reason is that the natural terrain of the land is such that if we were to go in further toward the back, then we would have to climb a cliff--maybe about 25-30 feet high. So what we wanted to do is just utilize and level off and go in and that would be the easiest way to meet the grading permit requirements of the County of Hawaii at the same time.

CHAIRMAN: Okay, is there a road at the present time in the area now?

IWASHITA: There are two paved accesses to the property.

CHAIRMAN: Is there any other question you would like to ask the applicant or Mr. Hara, Commissioners? Okay, the Director has a question for you.

DIRECTOR: Mr. Hara or Mr. Iwashita. You indicated to the Commission Chairman that you are talking essentially about 25± acres of land for the quarrying operation for the purpose of the Special Permit.

IWASHITA: That is correct.

DIRECTOR: For the record you should make it clear because the way the hearing notice came out, we tend to lend credence to the idea that it is 198 acres--which is in petition. If the intent is merely to satisfy the Subdivision Code requirement, I think that can be satisfied--but nevertheless, for the purpose of this Special Permit, it need not necessarily encompass the entire parcel.

So it is understood that we're talking about 25± acres along that portion fronting the Kalapana Chain of Craters Road.

IWASHITA: That is correct.

DIRECTOR: Has there been any studies dealing with the rock condition or the geologic condition in that area to justify your selection along the road as opposed to perhaps taking a more mauka to makai kind of situation.

IWASHITA: If you're talking about the quality of the material for road construction, the reason why we picked the site there, the material that we excavated and used from that particular quarry site met all the State's specifications which are very stringent.

DIRECTOR: So in other words, there has been some preliminary investigations conducted by your firm to ascertain the quality of the material in that area.

IWASHITA: That is correct and that can be verified by the State Highways because they were in charge of the Chain of Craters Road outside of the boundary that we had constructed way back in 1964 or 1965.

DIRECTOR: When was the investigation as far as the quality of the material in that area made. Was it recently or back in 1964?

IWASHITA: Back in 1964.

DIRECTOR: Okay, this relates to my second set of questions, then. The year of abandonment of the quarry, I would assume, was back in 1964.

IWASHITA: Well, the '64 is a partial guess on my part, but it's somewheres between '64 and '65. During the duration of the construction of that particular project.

DIRECTOR: So that quarry was initially established in conjunction with the construction of the Chain of Craters Road.

IWASHITA: That is correct.

DIRECTOR: When did that construction begin. Would you know off-hand?

IWASHITA: Well, I can say it wasn't a long project, it was a 6-8 month project in 1964--may have gone into '65, I'm not sure.

DIRECTOR: What is the applicant's intent after the 5-year program. Is it your intent to restore the property into a much more--to its natural state? Or leave it in its semi-callous state as it is now.

IWASHITA: If you look at quarry sites, well, we'll have to meet the grading permits so we'll have to grade the land properly and well--at the very beginning what you'll find after we pull out from the quarry site will be a barren site because all of the vegetation is taken off. But, if you see the present situation as it is now, you'll find that even if we do that, the land can be landscaped and it will be compatible with the surroundings very easily. In fact, from past experiences, we have found that the more you manuever around and move your material within the ground, the seeds start to come out and it begins to grow more profusely than naturally.

DIRECTOR: So it is the applicant's intent, it's my understanding, to--if the quarry is approved, to restore the ground.

IWASHITA: Yes, we'll have to leave it in a pleasant and ..(inaudible).. like manner before we leave the place.

DIRECTOR: Finally, do you have any intentions at the moment to at least conduct a walk-through historical site survey of the area?

IWASHITA: Can you repeat that, sir?

DIRECTOR: Do you have any preliminary intentions to at least conduct a walk-through historical survey of the subject area?

IWASHITA: Well, in listening to the staff recommendations ...

DIRECTOR: No, there was no recommendation.

IWASHITA: Well, I guess we'll have to do that but I guess we can make some kind of study to see what kind of archeological situation we will encounter within that area. But right now, I have made no such investigations. And for me to walk around, that's a very rough country, strictly 'a'ā, and I honestly don't believe there's anything there--but if you guys insist that I have to make a study, I'll do that study.

DIRECTOR: Thank you.

CHAIRMAN: Thank you, Director. Are there any other questions, Commissioners? Commissioner Murakami.

MURAKAMI: Mr. Iwashita, you know the Director has asked you about the archaeological study, the recommendation was made by the Historic Preservation Office Maybe you should contact somebody who know more or less what kind of archaeological background is. In the event that you folks go into this, would you folks agree to look into this archaeological background?

IWASHITA: Well, I feel personally like this. If there is any possibility that there is some archaeological things out there, I think we will make every effort to make an investigation but if its a case where there is no likelihood of that at all, personally I hate to spend a lot of money making an investigation.

CHAIRMAN: I have one question. You may not be able to answer. Do you know when the last--or if there was any recent eruption that went over or through the property--in that particular area.

IWASHITA: I think the flows that went through there must be all prehistoric--nothing in the last 100-150 years.

CHAIRMAN: Thank you. Are there any other questions of the applicant, Commissioners? Thank you. This is a public hearing so you may...we will probably call you up later. Okay, this is a public hearing. At this time, the Chair would like to call on anyone here who wishes to speak on this application now before the Planning Commission.

Okay, I would like to take a survey now of about how many of you will be speaking on this application. Will you raise your hand: Okay. Why don't we do this then. The Chair would like to mention that at least we'd let you go on for five minutes unless the Commissioners do have some questions for you--then we'll let you go on longer. However, at this time, I'd like to swear you in at one time. Okay, why don't you all rise now. Okay, will you raise your hands, please. Do you swear to tell the truth and nothing but the truth on this matter now before the Hawaii County Planning Commission?

GROUP: I do. (There were five persons sworn in)

CHAIRMAN: Thank you. We will call you up one at a time, so the first gentleman, Mr. Ford, would you like to be the first one up. Okay, this is a public hearing on the application now before the Commission which is in regards to the quarrying operation. Would you please state your name and speak into the microphone, please.

FORD: Thank you very much, Mrs. Chairman and Commissioners. My name is DAVE FORD. I can appreciate the gentleman desiring the use of a quarry in this particular area in order to facilitate the construction of the Chain of Craters Highway. However, I feel that the Kalapana area, in particular that immediate area, is one of sensitive beauty. There are people in the area--some are in good health, some are not in good health. I feel that the quarry area that is being so designated is too close to the main highway. I feel that houses that have occupants, particularly that may not be in the best of health, are going to be exposed to downwind dust particles and I can't see how this is going to be completely eliminated. It is the hope of many people to have the big island of Hawaii become more of a tour destination, tourist destination, as it has been in the past with clean non-pollutant type industry that would offer employment for local residents in the area. When the Chain of Craters highway does open, it is going to provide a tremendous amount of additional traffic around the island. This will become particularly evident in that the tourist businesses increased tremendously in the past 10 years since the Chain of Craters highway was originally and previously in operation. The Harry K. Brown Park and other park areas in the area are presently overcrowded, which is a problem for some of the people who live in the area. When the highway opens, there is going to be tremendous anticipated additional traffic in the area where people will be living or semi-living, staying overnight, etc., in the park area. It is this thought that prompted our development of a motel-type operation in this area to keep the traffic down from the park areas. Something that would be of benefit to the local people, something that would be appreciated by them as far as design is concerned. I would like to show you here, if I could our preliminary plan.

CHAIRMAN: Mr. Ford, at this time, the Chair would like to stop your presentation. I hate to say it, however, we are here having a public hearing in regards to Allied Aggregates. We are not entering any other exhibits. The photos were circulated. However, the Chair will not enter your photographs as exhibits in regards to this particular application. However, you're here, we're taking testimony on this particular application, so if you'll just continue on with your questions or answers or remarks that is related to this particular application.

FORD: Madam Chairman, the property that we are referring to where this proposed motel operation would be located are these 34 acres right here (pointing to map). We have approximately 880 feet here, 880 feet approximately on the ocean and we're on the downwind side and I think the operation in that it would be in this area would be something that would be unsightly as far as traffic is concerned. It would be something, I feel, that would create a health hazard for the people that would be utilizing this facility.

CHAIRMAN: Thank you. I have a question for you. Do you live in the surrounding area?

FORD: Yes, we do have a home.

CHAIRMAN: Would you point it out?

FORD: Our home is in Royal Gardens, which is above Queen's Bath.

CHAIRMAN: Maybe some of the Commissioners have some questions for you. Any questions of Mr. Ford? Commissioner Murakami?

MURAKAMI: Dave, you mentioned about the motel operation, how soon ...

CHAIRMAN: Commissioner Murakami--I'm sorry, however, the Chair would like to retract your question. We are here in behalf of ...

DIRECTOR: Perhaps I can help clarify. The application which is being considered is a Special Permit for a quarrying operation. What Mr. Ford is talking about is his private project and I'd like to point out that the area is not properly zoned for such things, so it might be rather premature at this point in time to talk about any specific resort related type of development proposals for the area. We are, that is to say, the Commission is right now considering a Special Permit for a quarrying operation.

FORD: I appreciate that. I understand that. We have applied for an amendment to the General Plan or are applying, I should say, at the present time.

CHAIRMAN: Thank you. Any other questions, Commissioner Murakami? Commissioner Sakamoto?

SAKAMOTO: Do you have a home near that area?

FORD: Our home is located above Queen's Bath, which from the site here, I would estimate Queen's Bath would be located about 100 yards, probably south towards the Chain of Craters of the entrance to the National Park and our home would be located in the Royal Gardens subdivision.

CHAIRMAN: Any other questions of Mr. Ford. If no, thank you, we appreciate your comments. The Chair would like to call the next person, closest to Mr. Ford. The gentlemen there.

KAAWALOA: Madam Chairman and members of the Planning Commission. My name is WILLIAM KAAWALOA and I am president of the Kalapana Community Organization.

CHAIRMAN: Mr. Kaawaloa, would you please spell your last name for the secretary

KAAWALOA: K A A W A L O A.

CHAIRMAN: And your first name?

KAAWALOA: William.

CHAIRMAN: You were sworn in? Go ahead.

KAAWALOA: Madam Chairman, before I start my statement, I have here a letter--Attention to Mrs. Lorraine Jitchaku, Chairman. It is by Richard J. Armbruster--I would like to read this letter out to the members and the rest of the people here (read letter on file).

CHAIRMAN: Thank you. Are you going to leave that as an exhibit, then? We will enter it into the record. Thank you.

KAAWALOA: To finish up my statement, Madam Chairman. You know a quarry of this size that we will start in Kalapana. It will create a lot of dust and we do have people that live adjacent to this piece of property that have moved away from the mainland to get away from the pollution and we do have children there that's asthmatics and more dust in this area will just create more of a problem for them. And the road is awfully narrow and if an operation like this do start in there--to get the children or whoever is going to be affected

by the dust problems in there--it will be a great disadvantage to them to try to go on that road with the big trucks coming in. Speaking in behalf of the Kalapana Community Organization, we are opposed to such an operation in Kalapana Another thing I'd like to add, that it is often that a quarry would go in and the land after they get through--the land is always left in--it looks in an awful distasteful shape. The people that used that property prior to that as a quarry didn't do much of a good job and we wouldn't like to see that happen. Especially, right next to the State Highway. And, also, there is a lot of plants--a lot of great Hawaiian food that is growing on the piece of property and we wouldn't want to see all of this disintegrated from us. It is an area where we can collect kukui nuts to make medicines and food- whatever you want. Its been used for years by the Hawaiian people and we would like to still be a part of that heritage to use it. For that matter, there is another quarry that is quite a ways--well, its not quite a ways--about 3 to 4 miles above that they had used to build the Kalapana-Kaimu Road. Why must they just go into an area that is untouched--we don't want to see this happen in Kalapana. Thank you.

CHAIRMAN: I have a question for you, William. You just mentioned that there was a quarry that was there. Could you please point out where the quarry is?

KAAWALOA: I'm sorry, Madam Chairman, it is not on the map. It is just below the Opihikao junction.

CHAIRMAN: Okay. Are you a resident of the area?

KAAWALOA: Yes, I am.

CHAIRMAN: Are you on the map? Can you point it out on the map.

KAAWALOA: Yes, I am, Madam Chairman. I stay in the Kalapana Vacation Lots.

CHAIRMAN: Are there any questions of William? Commissioner Sakamoto.

SAKAMOTO: William, you said that that place was untouched, but Mr. Iwashita said that had a quarry there.

KAAWALOA: Yes, I know they have been using it, but--when they actually used the piece of property, if I was here at that time, I would probably come up and say--like what I'm doing now, to oppose the operation of the quarry. I'm pretty sure I was not here at the time when they had used the property.

SAKAMOTO: But it was used.

KAAWALOA: Yes, they have used the property, but they have never...its just like a big hole. Its not a very suitable place where it is because you just go up the hill and if you get these big trucks there and as you go down and the two cars that he's talking about is ...a dangerous place right now. The way it is right now, coming off that road. After you get off that hill, you can't see anything below it so with trucks going up that road it will be just hazardous.

CHAIRMAN: Thank you. Any other questions for Mr. Kaawaloa. I have one question for you. Are you familiar with the history of the land in that particular acreage?

KAAWALOA: Hopefully, the rest of the people who come up and talk--you can ask some of them.

CHAIRMAN: Thank you very much. Okay, the Chair would like to call on anyone next who was sworn in earlier to come up.

NUUANU: Madam Chairman and members of the Planning Commission. I may repeat myself somewhat of what our president said.

CHAIRMAN: Can you please state your name?

NUUANU: I am HELEN NUUANU, corresponding secretary of the Kalapana Community Organization.

CHAIRMAN: Helen, would you please spell your last name?

NUUANU: N U U A N U. First I'll point our our home where we live (points on map) My husband and I are both definitely opposed to the aforementioned quarry operation, including crushing and processing facilities and asphaltic concrete batching plant at Kaunaloa, Puna. Some of our reasons being, our home is located approximately 2,000 feet downwind makai of the location of this quarrying operation. You can readily see all the dust and asphalt fumes, smoke pollution and noise would be carried to our home by the tradewinds, since the tradewinds come from mauka to ocean to makai in our area. And what will happen to our quiet, peaceful countryside and our fresh, clean air. I mean, that's one thing we're able to enjoy out there--is fresh, clean air right now. The reason why we live in Kapaahu is to get away from the pollution and the noise of the cities We're willing to live very simply without electricity and in times past without city water--just to be able to hear the birds sing and the surf pounding against the beach which we would not be able to hear due to the noise of the quarry operation and most important--breathe good, clean, fresh air day and night. We have worked long and hard with our Kalapana Community Organization with the Puna CDP workshops and consultants and with our Puna Councilman Tomio Fujii and the Council as a whole and the County Planning Department to preserve our Kaimu-Kalapana-Kapaahu area's lifestyle and our environment in its natural, rural state--beautiful and clean. One of the very last such places left on the island. The parcel of land now in question is covered with vegetation, with lush vegetation, I might add. Lauhala trees which are used by the Hawaiian people to weave their lauhala hats and sell them in the Volcano Park to tourists--make bands and hats and whatever. And kukui trees and wild fruits--it is lushly covered. And why destroy all that when there is another quarry site nearby--where there are no homes--and which has been more recently used. There's nothin within miles of this other quarry site--nothing. And this one is situated at Kilohana which is as Mr. Kaawaloa was mentioning--up at the Opihikao junction which was used in 1970-71 to build the State highway at that time--this quarry belongs to the State--why isn't it being used. And that's all I have to say. Thank you very much.

CHAIRMAN: Thank you. Are there any questions of Mrs. Nuuanu. Thank you, the Commissioners don't have any questions for you. Okay, the next speaker here.

ROBERTS: Madam Chairman and members of the Council. I am BUDDY ROBERTS and I live in Kalapana. I am located right below Allan Nuuanu, which is right there on the map. I, myself, am opposed to this type of crushing operation for the fact that I moved out of Puako a year and a half ago and the dust situation there was very bad for my two children who have asthma. And to move to Kalapana was an ideal place for them--the air is nice and clean, clear. We do have running water, we also have tank water which we utilize. And to have a quarry operation such as that--the way the wind comes over the mountain and flows down right into the sea--I know we will be dusted out just like how we were in Puako. And the vegetation right up there where the quarry site is, the lauhala and all those things--my grandmother, she still picks lauhala and she's 79 years old--and she picks lauhala to make baskets and lauhala hats and those things. And that is very good therapy for her to be able to get out and roam free--and to not be afraid of climbing over an abundance of traffic in crossing the road and what not. This is all what I have to say about the operation.

CHAIRMAN: Do you have any questions for Mr. Roberts? Thank you. I guess the Commissioners don't have any questions for you. Thank you, we appreciate your comments. Anyone else here who would like to speak on this particular application now before the Planning Commission?

QUESTION FROM AUDIENCE: There was a question as to whether this was a final hearing.

CHAIRMAN: This is a public hearing and if the Commission decides to close the public hearing today, then it will be final. Then we won't take action until 15 days after the closing of the public hearing; if the Commission wishes, they may want to close the public hearing or if the Commission wishes to defer action or also to continue the public hearing at another date- so it's a decision that we will have to make tonight. You weren't sworn in earlier. Do you swear to tell the truth and nothing but the truth on this particular application now before the Commission.

PAI: I do.

CHAIRMAN: Will you state your name.

PAI. My name is JAMES PAI. P A I. Up until a year ago in August, my mom lived in this area here (points to map). She passed away last year. Her home is still there and the estate is being probated. I don't live in Kalapana, but I do visit it a lot. And the first thing that comes to my mind is why? We're going to re-open the Chain of Crater Road. That's fine. That's an attraction for tourists--its and attraction for the local people on the island as well as the people on the neighbor islands. But that question still keeps coming back--why? Why do we need a quarry to construct a--to reopen the highway. We're asking people to come to this island, use the Chain of Craters Road and all of a sudden they'll come across this big quarry site--aesthetically, its a monster. So this question is simple--there's no logic in allowing a quarry of this magnitude to be operating in this area. Now, when the original Chain of Craters Road was constructed--where did the fills and materials come from. Is the contract for this reopening predicated on this quarry? If it is, then, I think that is not right. I don't think a bid of any kind should be submitted based on a quarry like this--with the intent of opening up a quarry--right in the heart of the attraction that you're trying to create--to reopen. How about an environmental impact statement. Is that going to be required? I don't know. But its a simple question--why? Why must a quarry be utilized right in this area? And there's no logic to it. That's all I have to say. This is more of an opinion--you know, a statement of my own.

CHAIRMAN: We thank you for your comments. May be the Commissioners have a question for you. Are there any questions of Mr. Pai? Otherwise, we thank you.

PAI: Thank you.

CHAIRMAN: Are there anyone else here who would like to comment on the application? I see Mrs. Kaawaloa hasn't come up yet. If not, at this time, the Chair would like to call upon the applicant or attorney Hara, if you have any--if you'd like to comment on the speakers.

HARA: Yes, I would like to say--1. Some of the witnesses indicated that they were concerned about the traffic. I would like to state that if the Kalapana terminal is used and the aggregates are hauled in from Hilo, you would have a more serious traffic problem than if our quarry is situated in the location we propose. 2) As far as pollution is concerned, we will be required to comply with the Department of Health regulations.

IWASHITA: May I elaborate?

CHAIRMAN: Certainly, come up and ...

IWASHITA: I sympathize with you people as far as noise pollution ...

CHAIRMAN: For the record Mr. Iwashita is speaking.

IWASHITA: Sorry. I sympathize with you people in regards to the concern about noise pollution and dust pollution but I can more or less guarantee you that for us, to even begin our crushing operations, will have to meet the Board of Health's regulations and to answer Mr. Pai's problem--question--, before the permit is granted, we are forced not to make an EIS Statement, but what is known as a Public Interest Statement and all those things that you are worried about--the archaeological stuff and the effect on environment and all the other things will come into consideration before we even have our permit. And to begin with on the dust control where the crusher is concerned with the application of water and all the facilities and all the precautions that we will take to have the dust controlled, I think you'd be surprised, there will be no dust at all. There will be more dust with a car running on a dirt road or a bulldozer or a plantation road with the dust coming out. You'll find that that kind of dust pollution is much much greater than the dust pollution that you'll find from a crusher operation. And that I can swear on a stack of Bibles and I have a witness right down there, too, if you want. Because I think Nelson worked with us- he's with the State Department and he knows for a fact that the dust pollution from a crusher operation is very very minimal if not nil--almost nothing at all. And as far as the traffic problem, too, the reason why we picked there is that--may I point on the map--this is actually a great big area, I don't think they can see in the back, but, this is a great big area but our concern is a small portion right down here which was at the most about 500 feet this way and about 1000 or 2000 feet going this way--so the water supply is right along the highway so what we're going to do is tap the water and use that water for our dust control Now as far as the noise and the dust problem, the dust that we're going to have is the dust particle from crushed aggregates and they don't fly very far. I don't think they even fly 200 feet from the crusher site. It settles down very fast. It's not the kind of dust you see at Puako or Wainaku, the cane field--its an entirely different kind of dust so I don't think you have to worry about that problem.

CHAIRMAN: I have a question, Mr. Iwashita. Is there a reason according to the report submitted--you're asking for 5 years. Is there any reason why you're asking for that length of time?

IWASHITA: Yes, thank you for bringing that question up. I think these people are worrying that this is going to be a permanent setup. It is not a permanent set up. The primary purpose of this crusher is to work in conjunction with the Chain of Craters Road that's going to be built where the lava has already blocke it now. And the reason why we're asking for a crusher there is that the Nationa Park will not allow any contractor or anybody to set up a crusher or even a quarrying facility within the park boundary. The road will require material and if we don't have it in Kalapana, the traffic problem will be such that the truck will have to haul it from Hilo, go all the way to the Volcano end or come back on the Pahoa-Kalapana Road and if you people come from the area, you know how tight that Pahoa section is. You know how dangerous it is and the section between the Kaimu Beach and the existing Chain of Craters Road that's a very very narrow road and you people will have problem with the traffic coming in--the AC trucks, your concrete trucks and all the trucks will be coming down and whereas where the quarry is being set up, there will be a very minimum of traffic because the tourists not coming there now because the Chain of Craters not being built. That is why there will be no traffic there. On the other question on the time element, the Chain of Craters Road will take about a year, that is all. Not more than one year, and to answer your question, Mrs. Jitchaku the reason why the 5-year program was set up was that the Kalapana By-Pass will be constructed shortly, too. I think the funds are such that is the State De-

partment does not encumber the funds by September 1979, the funds will revert back to the Federal Government so I'm pretty sure that the State Highways would like to construct the road before September 1979. Thank you.

CHAIRMAN: I have another question for you. There was some mention from the speakers tonight that there is a quarry down in Opihikao and there was one many years ago. How do you feel about that particular area. Are you aware of an area set aside some time ago?

IWASHITA: That is what bothers me because I can't think of the quarry sites close by. The only possible quarry that they may be talking about is during the construction of the Pahoa-Kalapana Road when the Iiliwi lava flow had come across there was a temporary setup just for the penetration base that was set up down there--but it wasn't a quarry--not as such, in those days in fact there was no requirement for a quarry permit or none of these strict requirements required at that time. That's the only quarry I can think of.

CHAIRMAN: Okay, thank you. Commissioners, do you have any questions. Okay, the Planning Director would like to ask you some questions.

DIRECTOR: Mr. Iwashita, according to your application, it is noted that the purpose of this quarry application is primarily to be used in conjunction with the Chain of Craters Road as well as the Kalapana By-Pass road and I would assume, it is my understanding, that neither one of these projects have been bidded out yet.

IWASHITA: Not yet, sir.

DIRECTOR: Okay. And it is my further understanding based upon your testimony that if your firm does not--is not awarded with this contract, both of these contracts, or either one of these contracts, that according to your statement that in your application would not be economically feasible to have such an operation in that area.

IWASHITA: With one exception. It is not a case where our firm will have the project or not. Even if we are not successful in getting the project in its entirety, we may have the crushing part of it and we can present that to the successful contractor and he may find that it may be much cheaper to buy it from us rather than haul it all the way from Hilo. So we may be still involved whether we are successful in getting the bid or not.

DIRECTOR: So you're talking about the possibility of the initial bid and perhaps the secondary bid of the subcontract.

IWASHITA: That is correct.

DIRECTOR: Than I would assume that if your firm is not successful in any one of the initial or the successive bids that there would be no justification for this Special Permit.

IWASHITA: That is correct.

DIRECTOR: From a purely, as your application points out, in terms of selling it to residents of that area.

IWASHITA: That is correct

DIRECTOR: Then largely, it is predicated upon the Kalapana Chain of Craters Road and the Kalapana By-Pass road.

IWASHITA: That is correct.

CHAIRMAN: Are there any other questions. Norman, staff member.

HAYASHI: One question for Mr. Iwashita. I don't think your application stated the hours of operation and the number of days you will be conducting the activity.

IWASHITA: The normal working hours will be from 7 in the morning to 3:30 in the afternoon and all those questions will have to be answered to the Department of Health before we can get a permit for the quarry site. As far as the duration of the crushing operation, it will be contingent upon the requirements of the Chain of Craters Road crushing requirements--and that is something that none of us knows right now because the plans are not out yet. Does that answer your question?

HAYASHI: In other words, you won't be using the quarrying operation on a continual basis--day in and day out--unless the construction commences on the Chain of Craters road.

IWASHITA: Yes, we won't be doing any crushing work unless we are successful in getting the subcontract or the whole portion of the crushing requirements and if it takes only a hundred days to crush all the required material--after we crush the hundred days, that's the end of the quarrying operation.

CHAIRMAN: Any other questions of the applicants? Please bear with us, Mr. Iwashita, quarries and batching plants seem to be a pet peeve for this Commission. You know it's like coming out of our ears--so please bear with us. It is important to the community involved and things like that--. We have to make sure that we have most of our questions answered and take our community in mind also.

IWASHITA: Thank you.

CHAIRMAN: At this time the Chair would like to mention that I am concerned about the area and there seems to be no one here who testified who seems to know about the history and background of the land. Is there anyone here who knows a bit of history of this particular 198 acres. When the last eruption was in that area. Okay, maybe we can get that information from the staff at the next meeting.

HAYASHI: Madam Chairman, if you close the public hearing, then that information won't be...

CHAIRMAN: Yes, I know.

HAYASHI: However, I believe that the last eruption in that area was in the 1800's.

CHAIRMAN: Thank you. Okay, Commissioners, any other questions? Otherwise, the Chair would like to ask once again, is there anyone here to speak on this application. Or Mr. Hara, Mr. Iwashita--do you have any more comments?

Yes sir? Come up. If it is related to this particular application and there is any new question, you would like to ask--you may come up. For the record would you state your name again, please.

ROBERTS: Buddy Roberts. Just like to make a comment about what the gentleman said about quarry and about the dust situation. I, myself, I am a truck driver and I have worked in quarries, out of quarries and delivered to quarries and they have a beautiful quarry set up in Kona in Honokohau and I see the dust situation. And they have one in Waimea--sitting way in back of the mountain and we see the dust situation over there and as much as they talk about the water that they're going to use to sprinkle down the dust and things like that

somehow it always seems that there is always some person who neglects to do his thing and to my estimation I would say that the winds come over that mountain around 10-15 miles per hour, thats a normal day--and it blows and to live through this dusty situation again is pretty heavy for me.

IWASHITA: Can I answer him, informally?

CHAIRMAN: No, we don't take anything informally. This is a legal meeting. However come and respond. If it gets out of hand, then the Chair would like to ... For the record, will you state your name again.

IWASHITA: I can understand his problem and his fears. Can I brag a little? It seems that the quarry operation we set up for the Mauna Kea Observatory Road and the quarry operation that we have in Keaau quarry and the quarry operation that we had in Waikoloa--our dust control system was so good that the Board of Health people asked people from Kauai and from Maui to come down and take a look at our situation and see how well a crusher can be set up without having any dust pollution.

ROBERTS: I do agree with you because I did see your crusher operation in Waikoloa--that's why I didn't mention Waikoloa.

CHAIRMAN: Okay, thank you. Is that all, Mr. Roberts.

ROBERTS: Yes, that's all I have to say.

CHAIRMAN: Commissioners, do you have any more questions before we continue on. This is the time to ask all the questions you may have. Yes, Mrs. Nuuanu. If there's anything new. Why don't you come up, we need all the information on tape. State your name again, please.

NUUANU: I just wanted to add that nobody has said anything about noise. Like Buddy says--the wind does come by our place and it goes directly from our place to Buddy's place, from that over that mountain over our place to Buddy's place about 15 miles per hour constantly--that's without high wind--thats normal. So what about noise? No one even mentioned noise--they only talking about dust. It's nice and quiet out there and I'd like to keep it that way if possible.

CHAIRMAN: Okay, thank you. Any more questions, Commissioners? If not, Chair would like to entertain a motion to either close the public hearing or--what is your pleasure. Commissioner Murakami.

MURAKAMI: Madam Chairman, I move to close the public hearing.

CHAIRMAN: There is a motion on the floor to close the public hearing, is there a second?

SAKAMOTO: Second the motion, Madam Chairman.

CHAIRMAN: It has been moved by Commissioner Murakami, seconded by Commissioner Sakamoto that the public hearing be closed. All those in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN: Opposed, no. Motion carried.

The public hearing was adjourned at 8:20 p.m.

Respectfully submitted,

Mary Hara

Mary Hara, Secretary Pro tem

A T T E S T :

Lorraine R. Jitchaku

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

June 17, 1977

Mr. Gilbert Hara
297 Waianuenue Avenue
Hilo, HI 96720

Dear Mr. Hara:

Special Permit Application
Petitioner: Allied Aggregates Corporation
Tax Map Key 1-2-02:3

The Planning Commission at its meeting of June 16, 1977, held a duly advertised public hearing on the above application for a special permit to allow the establishment of a tempory quarrying operation, including crushing and processing facilities, and an asphaltic concrete batching plant on 25± acres of land situated within the State Land Use Agricultural District.at Kaunaloa, Puna, 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.

Sincerely,

Lorraine R. Jitchaku

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

lgv
cc James Kuwaye
State Land Use Commission
Land Use Division, DPED

EXHIBIT T

JUN 21 1977

July 1, 1977

Mr. Gilbert Hara
297 Waianuenue Avenue
Hilo, HI 96720

Dear Mr. Hara:

Special Permit Application
Petitioner: Allied Aggregates Corporation
Tax Map Key 1-2-02:portion of 3

The above application will again be discussed on July 21, 1977 by the Planning Commission. The meeting will be held in the Councilroom, County Building, South Hilo, Hawaii and is scheduled to begin at 3:30 p.m..

You will be notified of the Commission's decision.

A copy of the agenda is enclosed for your information.

Sincerely,

Sidney Fuke
Director

lgv

Enclosure

cc Mr. James Kuwaye
State Land Use Commission
Land Use Division, DPED

EXHIBIT 4

JUL - 5 1977

SP77-272

Allied Aggregates Corp.

Exhibit V

SPECIAL PERMIT: Allied Aggregates Corporation

Allied Aggregates Corporation is requesting a Special Permit to allow the establishment of a temporary quarrying operation, to include crushing and processing facilities, and an asphaltic concrete batching plant on 198 acres of land situated within the State Land Use Agricultural District. The property involved is situated along the mauka side of the Kalapana Chain of Craters Road, about 0.9 mile west of the Kalapana Vacation Lots Subdivision, Kaunaloa, Puna, TMK: 1-2-02:03.

The landowners of the property involved are Edward and Elsie Ching. Should the Corporation be successful in obtaining the Special Permit, a five (5) year lease will be executed between the two parties concerned.

In support of the request, the petitioner has, in part, stated the following: (READ PORTIONS OF REASONS)

The County of Hawaii General Plan Land Use Pattern Allocation Guide Map designates the area for Extensive Agricultural uses (pastorage and range lands). The County's zoning designation is Agricultural 3-acre (A-3a).

According to the U.S. Department of Agriculture Soil Conservation Services' Soil Survey Report, issued in December 1973, the land is classified as Lava Flows, Aa, which is a miscellaneous land type. This lava has practically no soil covering, and is rough and broken. It is a mass of clinkery, hard, glassy, sharp pieces piled in tumbled heaps. The area receives from 60 to 90 inches of rainfall annually. The normal wind flow pattern is from the northeasterly direction.

The Land Study Bureau's overall master productivity rating for agricultural use is Class E or Very Poor.

The subject property is presently vacant of any structures or use. Although the petitioner has stated in its reasons that the closest dwelling is situated approximately 2,000 feet from the subject property, according to a land use survey conducted by the Planning Department, there are existing dwellings on properties situated diagonally across from the subject property (makai of Kalapana Chain of Craters Road). The majority of the surrounding lands are presently vacant.

EXHIBIT W

The Chain of Craters Road which fronts the subject property has a right-of-way width of eighty (80) feet.

There is an 8-inch waterline fronting the subject property. No electrical service is available to the area.

The Department of Public Works informs that a grading permit shall be obtained and that the grading work shall conform to the grading ordinance.

The State Department of Transportation, Highways Division had the following comments:

"1. Crushing and processing facilities should be located to provide a buffer or screening zone along the State Highway frontage."

"2. Access to proposal site shall be confined to existing paved access."

The State Department of Health offered the following:

"Each and every quarry operation is required to obtain from the Department of Health:

1. Activity to construct permit.
2. Permit to Operate Crushers and/or Batch Plants."

"Public Health Regulations, Chapter 43, Air Pollution Control is the reference document."

The State Department of Agriculture had no objections to the request. For the record, however, they have stated that "it should be noted that land with Land Study Bureau 'E' master productivity rating can be utilized for agricultural production and, in fact, such lands are utilized for papaya and vanda orchid production in the Kapoho area."

All other cooperating agencies hold no comments on or objections to the subject request.

Upon review of the request, the State Historic Preservation Office offered the following comments:

(READ)

RECOMMENDATION: ALLIED AGGREGATES CORP.

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 proposed use would not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which these lands are best suited in the interest of public health and welfare of the people.

   The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District does include lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soil and other related characteristics. The subject property's dominant soil type is a'a lava, which is in the USDA, Soil Conservation Service's capability Class VIII. Class VIII Soils have severe limitations that preclude their use for commercial plants. This class is the lowest in the Soil Conservation Services's ranking system for agricultural activity.

EXHIBIT X

The Land Study Bureau's rating for this land for overall agricultural productivity is also very poor as they are classified as Class "E". However, although it is still possible that some agricultural activities may be conducted on the subject property, it is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the capability class rating of the subject property for agricultural productivity and the above-cited criterion for determining the Agricultural District classifications.

Further, the use of the subject property for non-agricultural purposes is not expected to have any adverse effect on the overall agricultural potential of the region of the County and State as the land is not presently being used for any agricultural activity.

It is also felt that the granting of the quarrying activity will not be in conflict with the County of Hawaii's land use policies as expressed in the Zoning Code. Quarrying operations and the commercial excavation or removal of natural building materials are conditionally permitted used within

the County's Agricultural zoned districts.

2. That the requested use at its particular location would be a reasonable one as the area under consideration is deemed to be suitable for quarrying activities. A quarrying activity constitutes an unusual use inasmuch as it must locate in an area which has the appropriate geological raw materials for the products which will eventually be produced. At the same time, such activity must be located in an area within which it will not cause significant disruption to nor have significantly adverse impacts on surrounding land uses. Although there are some single family dwellings in the vicinity, adverse effect which might possibly occur can be minimized by taking a number of mitigating measures. The effects of fugitive dust and noise can be controlled at the site by present regulations. Prior to commencement of the quarrying operation, an Authority to Construct permit and a permit to operate Crushers and/or Batch Plants must be obtained from the State Department of Health in accordance with Public Health Regulations, Chapter 43, Air Pollution Control. The Department of Health has the responsiblity of enforcing the Air Quality Standards to assure that the proposed use will not diminish the air quality.

3. That the proposed use will not substantially alter or change the essential character of the land and the present use. Although the land is presently vacant of any use, it was formerly used as a quarry site. The types of materials extracted from the area in the past have proven to be suitable for the intended purpose. The petitioner's intention is to use the aggregates from the quarry site for the proposed reconstruction of the Chain of Craters Road and for the proposed Kalapana By-Pass Road project. Aggregates will also be offered for sale to residents in the area.

Presently, the nearest commercial source of crushed aggregates is located in Hilo, a distance of approximately 30 to 35 miles from the Kalapana area. In light of present circumstances, it is determined that the requested use at its proposed location can make the highest and best use of the land involved, and would also benefit the general public by providing materials needed for construction activities, such as roads, lot improvement, or otherwise.

4. That the proposed use will not unreasonably burden public agencies to provide roads, water, and other infrastructures and services. All essential services and facilities are available to the subject area.

It should be pointed out that the petitioner had publicly stated at the hearing that should Allied Aggregates Corporation not be successful in any of the bids in regards to the construction or supplying of materials for either the Chain of Crater Road or Kalapana By-Pass Road projects, there would be no justification for this Special Permit.

Upon reviewing and analyzing the subject request, various areas of concern which could lead to potential problems were raised. These concerns, however, can be alleviated and problems can be prevented through the imposition of specific conditions of approval. Accordingly, staff is further recommending that the request be given favorable consideration subject to the following conditions:

1. That the quarrying operation and its allied uses be terminated within five (5) years after the effective date of approval of the Special Permit.
2. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the quarry site prior to commencement of any operation. The quarry site shall be limited to a maximum area of twenty-five (25) acres.
3. That the operation, including loading and hauling, be limited to the hours between 7:00 A.M. and 5:00 P.M. on Monday through Friday only.
4. That a landscaped buffer or screening zone be provided along the main highway fronting the subject property. The landscaping plan shall be submitted to the Planning Department for review and approval prior to the commence-

ment of operation.

5. That only one (1) access from the main highway will be permitted. The access road to the site shall be improved with an oil-treated surface to a width of ten (10) feet. The roadway shall be maintained by the petitioner throughout the life of the Special Permit. Should the oil-treated surface prove insufficient in alleviating fugitive dust problems, the petitioner may be required to pave the roadway.

6. That the petitioner/representative(s) shall receive the necessary permits from the State Department of Health prior to commencement of operation.

7. That upon termination of the operation, the land shall be graded to blend with the surrounding areas and revegetated. Further, the site shall be left in a non-hazardous condition, subject to the approval of the Planning Department.

8. That a Grading Permit be secured from the Department Public Works prior to commencement of operation.

9. That an archaeological walk-through survey of the site shall be conducted prior to issuance of a grading permit. The petitioner/representative(s) shall notify the Planning Director in writing before the survey is undertaken and shall submit a full report of the survey to the Director prior to obtaining the grading permit.

10. 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.

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date July 21, 1977

Petitioner ALLIED AGGREGATES CORPORATION - Special Permit

____ Preliminary hearing ✓ Public hearing ____ Request

ACTION: ✓ Approve

____ Deny

____ Defer

____ Continue

____ Schedule for public hearing

Other: _____

Commissioners	Aye	No	Absent	Abstain
ASAI, Scott H.	✓			
FUJIMOTO, Shigeru	✓			
HANLEY, J. Walsh				
MARTIN, Arthur W.				✓
MIELCKE, William F.				
MURAKAMI, Haruo Sec.	✓			
PARIS, William Jr.	✓			
SAKAMOTO, Charles Mov	✓			
JITCHAKU, Lorraine R.	✓			

EXHIBIT Y

LUC

PLANNING COMMISSION

Planning Department
County of Hawaii

July 21, 1977

The Planning Commission met in regular sessions at 9:00 a.m. in the Pahoa High & Elementary School, Rooms F-7 and 8, Pahoa, Puna, Hawaii; Laupahoehoe Community School Library, Laupahoehoe, N. Hilo, Hawaii at 1:30 p.m. and in the Councilroom, County Building, South Hilo, Hawaii at 3:30 p.m. with Chairman Lorraine Jitchaku presiding.

PRESENT: Lorraine Jitchaku
Scott H. Asai
Haruo Murakami
William J. Paris, Jr.
Charles H. Sakamoto, Jr.
Shigeru Fujimoto (From 1:30 p.m.)
Arthur W. Martin (From 3:30 p.m.)

ABSENT: J. Walsh Hanley
William F. Mielcke

Duane Kanuha, Deputy Director
Norman Hayashi, Planner
Virginia Goldstein, Planner

David Murakami, representing Ex-officio Member Edward Harada
Earl Nakasato, Deputy Corporation Counsel (From 3:30 p.m.)
Quirino Antonio, representing Ex-Officio Member Akira Fujimoto (From 3:30 p.m.)

and approximately 10 people in attendance at 9:00 a.m., about 11 people at 1:30 p.m.; about 8 people at 3:30 p.m. and about 13 people at 4:30 p.m.

MINUTES: The minutes of June 30, 1977 were approved as circulated on a motion of Mr. Murakami, seconded by Mr. Asai; carried unanimously.

Deputy Director Kanuha announced that Mieko M. Kawasaki, secretary to Sidney Fuke, will be acting as secretary until a Planning Commission secretary can be selected; hopefully in about a month-and-a-half.

PUBLIC HEARING
SPECIAL MANAGEMENT AREA (SMA) USE PERMIT
PACIFIC PARADISE OCEAN FRONT ESTATES, LTD.
KAPAAHU, PUNA

A duly advertised public hearing on the application of Pacific Paradise Ocean Front Estates, Ltd. for a Special Management Area (SMA) Use Permit to allow the installation of underground utilities and roadway improvements within the Pacific Paradise Ocean Front Estates Subdivision located off of the Chain of Craters Road, Kapaahu, Puna, TMK: 1-2-28:79.

The staff presented the background information and recommendation on file.

Exhibit 2

On the question of whether most of the lot owners were absentee owners; the reply was that they were equally divided between the people of the State of Hawaii and those living outside of the State.

It was pointed out that when the subdivision was originally sold, it was not the intent of the developer to put in utilities but now felt that the underground utilities will benefit the property owners and beautify the area and that the cost of these improvements will not be passed on to the property owners; it will be borne entirely by the developer.

A news article in the Chicago Sun-Times which was submitted by a landowner was read into the record. According to the article, the petitioner was suspended from selling lots in Hawaii until they file certain information with HUD. It was clarified that the information has been filed with HUD, however, the article was misleading as the suspension of this sale was not for this particular subdivision.

The earthquake caused a subsiding of about 2-1/2 feet but most of the roads were above elevation and therefore not affected. Those portions of the roads which subsided will be elevated so that they will be above the high water mark.

It was stated that none of the lots closest to the ocean were affected by the earthquake because the elevation there were higher than five feet.

One of the property owners voiced the need of the utilities and improvements and how much it means to them.

It was moved by Mr. Murakami and seconded by Mr. Sakamoto that the Commission approve the application with the recommendation and conditions set forth by the staff. Motion was carried unanimously with five members present.

Continuation of a public hearing of the County Planning Commission, Laupahoehoe Community School Library, Laupahoehoe, Hawaii, was called to order at 1:30 p.m. with Chairman Jitchaku presiding.

In addition to the five Commissioners and others present at the first hearing, Commissioner Shigeru Fujimoto joined the group and approximately 11 people in attendance.

SPECIAL MANAGEMENT AREA (SMA) USE PERMIT
DEPT. OF PARKS AND RECREATION, COUNTY OF HI
HILO, HAWAII

A duly advertised public hearing on the application of the County of Hawaii, Department of Parks and Recreation for a Special Management Area (SMA) Use Permit to allow the improvement and further development for the Laupahoehoe Point Park for recreational uses. The proposed improvements include additional gymnasium parking, renovations to existing pavilion and restrooms, expansion of boat ramp, two (2) new restroom facilities, a new pavilion, four (4) new picnic shelters, ten (10) camp sites, and other related improvements. The area involved is the present site of the Laupahoehoe Point Park, Laupahoehoe, North Hilo, TMK: 3-6-02:24 & 26.

The staff presented the background information and recommendation on file.

The Department of Parks and Recreation informed the Commission that this piece of property was turned over to the County by the Coast Guard for recreational purposes.

On the question of when will the two road projects previously approved will be started; the reply was that due to unavailable funds at this time, no schedule is set but that they will try again next year to obtain funds.

As suggested by the Police Department, pathway lighting will be incorporated into the design of the parking areas.

On the question of how this project will be handled, it was stated that the project will be broken down into two different phases with different increments in each phase. This would all depend on available funding and could be a long range project.

The question of right-of-way of property owners in that area were cleared up to the satisfaction of the inquirers.

A request was made by the North Hilo Community Council President that the County place boundary pins so that the property owners can do something to their yards. This matter will be looked into by the Department of Public Works.

It was moved by Mr. Fujimoto and seconded by Mr. Sakamoto that the Commission give full support to the application; motion carried unanimously.

The Planning Commission reconvened at 3:30 p.m. in the Councilroom, County Building, with Chairman Jitchaku presiding.

SPECIAL PERMIT
ALLIED AGGREGATES CORP.
KAUNALOA, PUNA

Application of Allied Aggregates Corporation for a Special Permit to allow the establishment of a temporary quarrying operation, including crushing and processing facilites, and an asphaltic concrete batching plant on 25± acres of land situated within the State Land Use Agricultural District. The property involved is located along the mauka side of the Kalapana Chain of Craters Road, approximately .9 mile west of the Kalapana Vacation Lots Subdivision, Kaunaloa, Puna, TMK: 1-2-02:portion of 3.

As the background information was presented at a public hearing held on June 16, 1977, the staff presented their recommendation in favor of the request.

This was an action meeting and no public testimony was allowed.

Clarification of Item 4.4 of the staff's conditions relating to landscaping was requested. This condition was requested by the Department of Transportation, Highways Division, to screen out the visual effect between the roadway and the quarry site.

The petitioner's statement regarding justification of this special permit was clarified to mean that if the petitioner is not successful in getting the bids for the Chain of Crater Road or the Kalapana By-Pass Road projects, there will be no need for this special permit.

It was asked whether the petitioner would be required to put back the humous and organic material after the quarry operation is over; the reply was that it is in the grading ordinance and therefore required.

The reply to the question of why the noise problem was not listed as one of the conditions of the staff was that Hawaii County presently does not have a requirement regarding control of noise pollution. However, it was pointed out that a permit will be required from the State Department of Health prior to commencement of operations so these concerns relating to air and noise pollution may be handled by that Department.

Mr. Sakamoto moved to forward a favorable recommendation to the Land Use Commission with the conditions and recommendation of the staff; seconded by Mr. Murakami; motion carried with six ayes.

EXTENSION OF TIME
TOMMY ISHIMARU
KAHILIPALI IKI, KA'U

Request by Tommy Ishimaru for an extension of time for the operation of a quarry within the State Land Use Agricultural District which was granted by the State Land Use Commission on June 2, 1972. The area involved, consisting of 25± acres, is situated about 4,000 feet makai of the Hawaii Belt Highway between Waiohinu and Naalehu, approximately one-half mile from Naalehu Village, Kahilipali iki, Ka'u, TMK: 9-5-07:portion of 29.

(Commissioner Arthur Martin joined the group at this time)

Staff presented the background information and recommendation on file.

Applicant stated that his is the only quarry operation in Ka'u; that there are no houses near the quarry and no extensive crushing will be done if there are no construction work.

It was moved by Mr. Sakamoto and seconded by Mr. Martin that a favorable recommendation be sent to the Land Use Commission with the recommendation and conditions set forth by the staff. Motion carried unanimously.

AMENDMENT TO CONDITION 7
BOISE CASCADE HOME AND LAND CORPORATION
WAIKOLOA, SOUTH KOHALA

Request for an amendment to Condition 7 of Special Management Area (SMA) Use Permit No. 25 granted by the Planning Commission on February 14, 1977. Condition 7 pertains to the construction of the golf course and clubhouse facility. The property involved is within the Waiakoloa 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 6-9-07:1 to 30.

Staff presented the background information and recommendation on file.

Staff also recommended that the amended condition be as follows:

"7. That the plans for the golf course and golf clubhouse facility be submitted to the Planning Department for review and approval. Construction of the golf course shall commence by August 1, 1978. The golf clubhouse facility shall be completed and be in operation with the opening of the golf course."

Amendment to the condition was approved with a motion by Mr. Asai, seconded by Mr. Martin; carried unanimously.

PRELIMINARY HEARING
VARIANCE
VICTORIA SILVA
KALOPA HOMESTEADS, HAMAKUA

Variance to allow the creation of two (2) 4.38-acre lots in lieu of the minimum building site area requirement of five (5) acres as stipulated within the Agricultural 5-acre (A-5a) zoned district. The property involved is located along the east side of the Kalopa Upper Road, approximately 1,500 feet mauka of the old Government Main Road, Kalopa Homesteads, Hamakua, TMK: 4-4-08:46.

Staff requested deferral of this variance as more time is needed to review this application. The petitioner's attorney has been contacted and is agreeable to this deferral.

Mr. Martin moved to accept this deferral; seconded by Mr. Sakamoto; motion carried unanimously.

RECESS

The Chairman called for a recess at 4:10 p.m. until the scheduled public hearing at 4:30 p.m.

RECONVENED
PUBLIC HEARINGS

The meeting was reconvened at 4:30 p.m. to continue with the following public hearings:

VARIANCE
YUTAKA KUMUJI
WAIAKEA HOMESTEADS,
SOUTH HILO

A duly advertised public hearing was held for a variance to allow the construction of a single-family dwelling with a front yard setback of 14± feet along Santos Lane in lieu of the minimum requirement of twenty (20) feet as stipulated within the Single Family Residential - 15,000 square foot (RS-15) zoned district. The property involved is located at the corner of Santos Lane and Puainako Street, Waiakea Homesteads, 1st Series, South Hilo, TMK: 2-4-09:40.

The staff recommended that the request be approved. Mr. Asai so moved; seconded by Mr. Sakamoto; carried unanimously.

VARIANCE
CLYDE NAKAMURA
OLAA, HAWAII

A duly advertised public hearing was held for a variance to allow the subdivision of a proposed lot with a 100 feet building site average width in lieu of the minimum requirement of 110 feet as stipulated within the Single Family Residential - 20,000 square foot (RS-20) zoned district. The property involved is located along the east side of the Volcano Highway and to the Hilo side of Sako Store, Olaa Reservation Lots, Olaa, Puna, TMK: 1-7-19:12, Lot 2.

The staff recommended that the request be approved. Mr. Martin so moved; seconded by Mr. Murakami; carried unanimously.

USE PERMIT
SHIELD PACIFIC, LTD.
WAIAKEA, SOUTH HILO

A duly advertised public hearing was held for a Use Permit to allow the establishment of a temporary quarrying operation on a 12.7-acre lot situated within the General Industrial - one acre (MG-1a) zoned district. The property involved is the present site of Shield Pacific, Ltd.'s concrete batching plant located along Railroad Avenue near the intersection with Kukila Street, Hawaiian Home Land,

Panaewa Tract 2, Waiakea, South Hilo, TMK: 2-1-25:86.

The staff presented the background information and recommendation on file.

The staff recommended that the request be approved. Mr. Paris so moved; seconded by Mr. Sakamoto, carried unanimously.

SPECIAL PERMIT
BOB MASON, IN BEHALF OF THE NATIONAL ORGANIZATION OF NEW APOSTOLIC CHURCHES
WAIAKEA HOMESTEADS, WAIAKEA, SOUTH HILO

A duly advertised public hearing was held for a Special Permit to allow the establishment of a church on 43,628 square feet of land situated within the State Land Use Agricultural District. The property involved is located on the north side of Alani Street, approximately 650 feet east of the Alani Street-Malaai Road intersection, Waiakea Homesteads, Waiakea, South Hilo, TMK: 2-4-47:20.

The staff presented the background information and recommendation on file.

On the question of membership, it was stated that the church now has a membership of 39 but that the church will be built to seat 100 people. Also, that it is the intention of the church to keep the congregation as small as possible so when it becomes too large, it is their desire to look for an area where the majority of the people will be coming from, secure the land and build another church.

A question was asked as to whether other properties were looked into since the denial of the request about a year ago. The reply was that several real estate agencies and individuals who have property holdings were contacted but they were either too costly or the areas were not suitable places to build a church.

Action was deferred in accordance with the Land Use Commission's regulations regarding decisions on such petitions no earlier than 15 days after the public hearing.

ANNOUNCEMENT

The next Commissioner's meeting will be held on Thursday, July 28 in Kona. Subsequent meetings are scheduled for August 11 in Hilo and August 25 in South Kohala and Kona.

ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 5:45 p.m.

Respectfully submitted,

Mieko M. Kawasaki

Mieko M. Kawasaki, Secretary Pro Tem

A T T E S T :

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

July 22, 1977

Mr. Gilbert Hara
297 Waianuenue Avenue
Hilo, Hawaii 96720

Dear Mr. Hara:

Special Permit Application
Petitioner: Allied Aggregates Corporation
TMK: 1-2-02:portion of 3

The Planning Commission at its regular meeting of July 21, 1977 considered your application for a special permit to allow the establishment of a temporary quarrying operation, including crushing and processing facilities and an asphaltic concrete batching plant on 25± acres of land situated within the State Land Use Agricultural District at Kaunaloa, Puna, Hawaii.

The Commission voted to forward a favorable recommendation to the Land Use Commission subject to the following conditions:

1. That the quarrying operation and its allied uses be terminated within five (5) years after the effective date of approval of the Special Permit.

2. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the quarry site prior to commencement of any operation. The quarry site shall be limited to a maximum area of twenty-five (25) acres.

3. That the operation, including loading and hauling, be limited to the hours between 7:00 a.m. and 5:00 p.m. on Monday through Friday only.

4. That a landscaped buffer or screening zone be provided along the main highway fronting the subject property. The

JUL 2

landscaping plan shall be submitted to the Planning Department for review and approval prior to the commencement of operation.

5. That only one (1) access from the main highway will be permitted. The access road to the site shall be improved with an oil-treated surface to a width of ten (10) feet. The roadway shall be maintained by the petitioner throughout the life of the Special Permit. Should the oil-treated surface prove insufficient in alleviating fugitive dust problems, the petitioner may be required to pave the roadway.

6. That the petitioner/representative(s) shall receive the necessary permits from the State Department of Health prior to commencement of operation.

7. That upon termination of the operation, the land shall be graded to blend with the surrounding areas and revegetated. Further, the site shall be left in a non-hazardous condition, subject to the approval of the Planning Department.

8. That a Grading Permit be secured from the Department of Public Works prior to commencement of operation.

9. That an archaeological walk-through survey of the site shall be conducted prior to issuance of a grading permit. The petitioner/representative(s) shall notify the Planning Director in writing before the survey is undertaken and shall submit a full report of the survey to the Director prior to obtaining the grading permit.

10. 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.

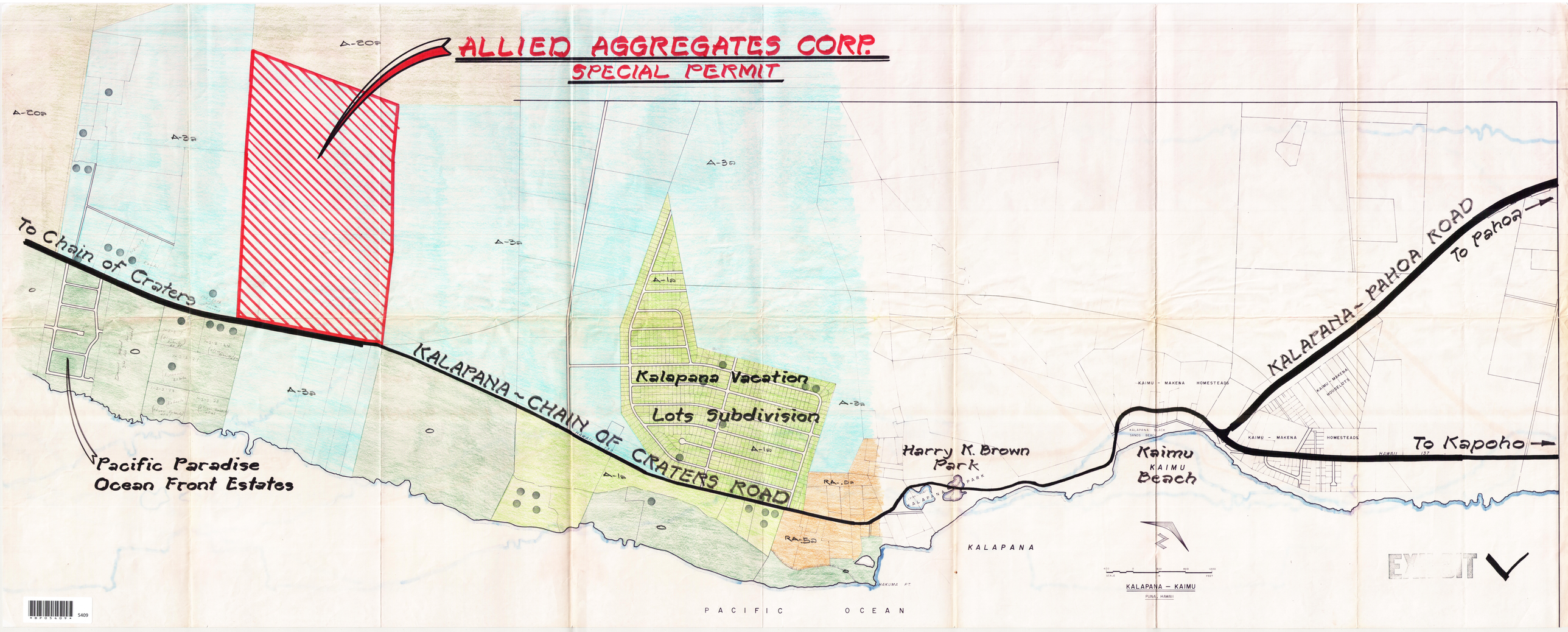
Sincerely,

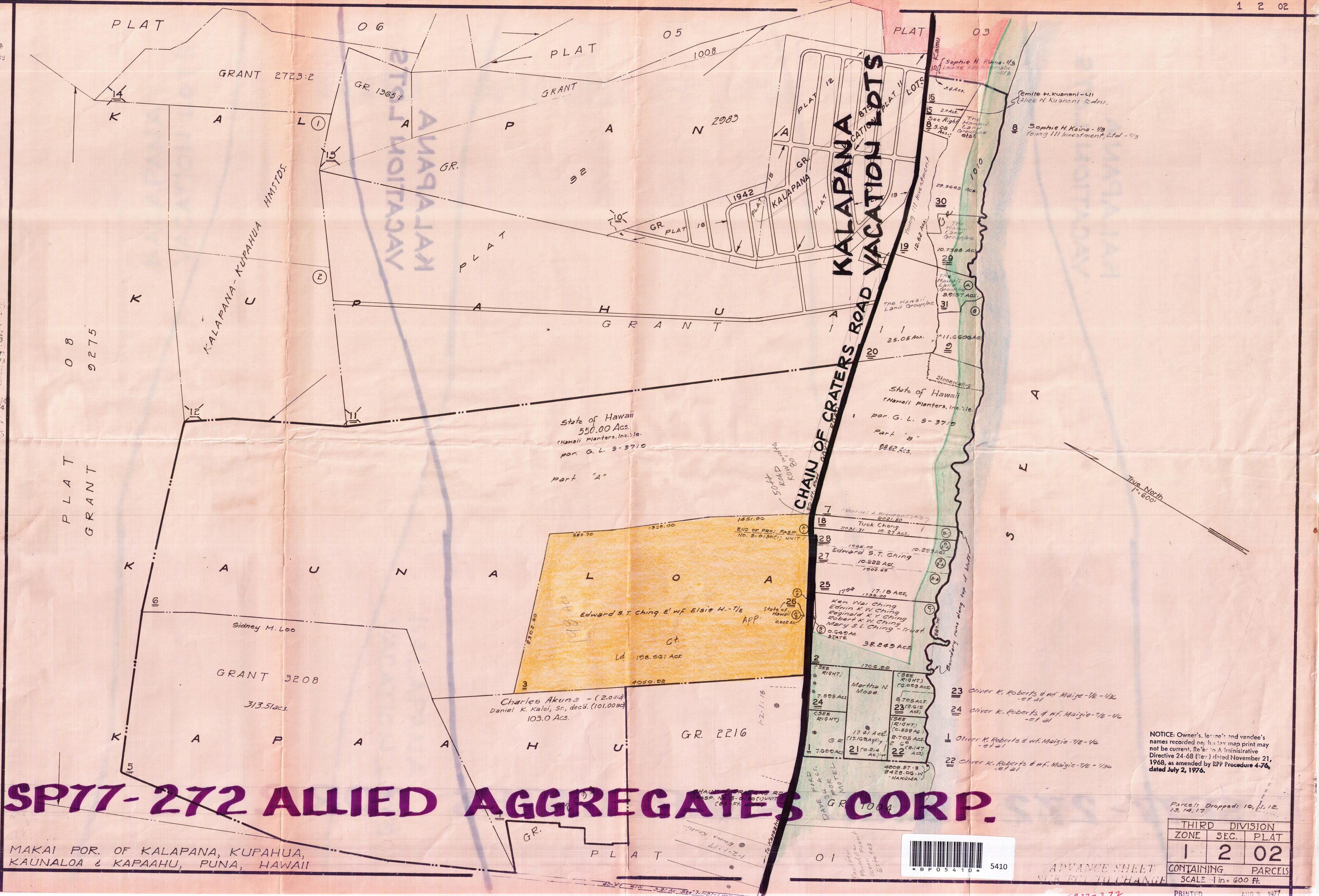
Lorraine R. Jitchaku

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

NH:mh
cc Mr. James Kuwaye
SLUC
Land Use Division, DPED

ALLIED AGGREGATES CORP.
SPECIAL PERMIT




PLAT 06
PLAT 05
PLAT 03
GRANT 2723:2
GR. 1365:1
GRANT 2983
KALAPANA
KAUNALOA
KAPAAHU
KUPAHUA
KALAPANA-KUPAHUA HMSTDS.
KALAPANA VACATION LOTS
CHAIN OF CRATERS ROAD
State of Hawaii
550.00 Acs.
(Hawaii Planters, Inc.) le.
por. G. L. S-3710
Part "A"
State of Hawaii
(Hawaii Planters, Inc.) le.
por. G. L. S-3710
Part "B"
9.862 Acs.
Edward S.T. Ching & wf. Elsie H. - T/E
Ct. Ld. 158.061 Acs.
Sidney M. Loo
GRANT 3208
313.51 acs.
Charles Akuna - (2.04 Ac.)
Daniel K. Kaloi, Sr., decd. (101.008 Ac.)
103.0 Acs.
GR. 2216
GR. 1004
Tuck Cheng
Edward S.T. Ching
Ken Wai Ching
Edwin K.W. Ching
Reginald K.Y. Ching
Robert K.W. Ching
Mary S.L. Ching - Trust
38.249 Acs.
Martha N. Moses
Oliver K. Roberts & wf. Maizie - T/E - 1/2 - et al
Sophie H. Kaina - 1/3
Louise Kalikinahala - 2/3
Emile W. Kuanani - 1/1
Alice H. Kuanani - Rdm.
Sophie H. Kaina - 1/3
Young III Investment, Ltd - 2/3
The Hawaii Land Group Inc.
True North
1" = 600'
MAKAI POR. OF KALAPANA, KUPAHUA, KAUNALOA & KAPAAHU, PUNA, HAWAII
SP77-272 ALLIED AGGREGATES CORP.
NOTICE: Owner's, lessee's and vendee's names recorded on this tax map print may not be current. Refer to Administrative Directive 24-68 (Rev.) dated November 21, 1968, as amended by RPP Procedure 4-76, dated July 2, 1976.
Parcels Dropped: 10, 11, 12, 13, 14, 17
THIRD DIVISION
ZONE 1 SEC. 2 PLAT 02
CONTAINING PARCELS
SCALE 1 in = 600 ft.
ADVANCE SHEET SUBJECT TO CHANGE
PRINTED AUG 3 1977
Dwg. No: 2300
Source: Survey Office
By: R.D.
5410

H-64
LAND USE COMMISSION
DEPT. OF PLANNING & ECONOMIC DEVELOPMENT
EFFECTIVE DATE: DEC 20 1974
R = RURAL
A = AGRICULTURAL
C = CONSERVATION
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
MAKAOPUHI CRATER QUADRANGLE
HAWAII—COUNTY AND ISLAND OF HAWAII
7.5 MINUTE SERIES (TOPOGRAPHIC)
CHAIN OF CRATERS
HAWAII VOLCANOES
NATIONAL PARK
KAMOAMOA
KALAPANA
VACATION LOTS
ROYAL GARDENS
PACIFIC PARADISE
OCEAN FRONT
ESTATES
CHAIN OF CRATERS ROAD
PACIFIC OCEAN
Chain of Craters Road
≈ 13-15 miles
Kalapana By-Pass Road
≈ 25-30 miles
SP77-272 ALLIED AGGREGATES CORP.
H-69
KALAPANA, HAW.
N1916.5—W15457.5
1966

PURCHASE ORDER

№ 1205

M. Sonomura Contracting Co., Inc.

P. O. Box 1452 100 Kukila Street Hilo, Hawaii 96720

Project Chain of Craters Road
ERFO 2(2)

Date January 18, 1978

To Allied Aggregates Corporation
160 Keaa St.
Hilo, Hawaii 96720

Provide the Following Items:

Item No. 304 (13) Crushed Aggregate Base (Grading Special)

$5.20 per ton, F.O.B. Kalapana Quarry
$8.00 per ton, Delivered at project site

Item No. 304 (14) Subbase Leveling Course in Cuts

$5.20 per ton, F.O.B. Kalapana Quarry
$8.00 per ton, Delivered at Project site

ALL PRICES INCL[illegible] TAX

ACKNOWLEDGMENT --- Sign, return pink copy

Company Allied Aggregat[illegible] Corporatio[illegible]

By [illegible]

Date [illegible]

IMPORTANT

Your submittals, if any, are required by [illegible]

You will be liable for liqu[illegible] damages resulting from de[illegible] your submittals and materi[illegible] delivery.