

SPECIAL PERMIT	
Petition Received	<u>6/5/78</u>
Maps	<u>2/2/78 onx</u>
Action Span	<u>6/5/78 - 7/20/78</u>
Action Date	<u>7/18/78</u>
Recordation	<u>8/9/78</u>

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

3869

Mr. Robert Behrens
Page 2
October 23, 1979

LAND USE COMMISSION
STATE OF HAWAII

Oct 31 10 02 AM '79

Should you wish to pursue the retail sale of building materials on the subject property, you will have to resubmit a Special Permit application which consists of sixteen (16) copies of the completed application form, a location map, a development/site plan, and a \$100.00 processing fee. October 23, 1979

Should you have any questions, please feel free to contact Norman Howard, Director of this department.

Mr. Robert Behrens, President
Cai-Ga-Crete Hawaii, Inc.
Box 3096, Waikoloa Village Station
Kamuela, HI 96743

Sincerely,
Stanley M. Fuke

Stanley M. Fuke

Dear Mr. Behrens:

Termination of Special Permit 78-300
Retail Sales of Building Materials
Tax Map Key: 6-8-02:portion of 15

The State Land Use Commission, at its meeting on July 18, 1978, approved Special Permit 78-300 to allow the retail sale of building materials on the subject property. This Special Permit was approved subject to the conditions imposed by the Hawaii County Planning Commission at its regular meeting on May 18, 1978. The State Land Use Commission stated additionally, that the petitioner's failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit.

Our understanding of the petitioner's public representations was that a 2,000 square foot building was to be built on the subject property should the Special Permit be approved. The use of this building was to display building tiles and other products manufactured on the premises, as well as to display and sell other hardware and building materials. As such, Condition 2 was stated to read:

"That plans for Plan Approval, including a landscaping plan, shall be submitted to the Planning Department within one (1) year of the effective date of the Special Permit."


The deadline to submit plans for "Plan Approval", July 18, 1979, has passed and we have not received any plans for "Plan Approval" and/or a building permit to review and approve. As such, we regret to inform you that the petitioner's failure to comply with Condition No. 2 is reason for termination of Special Permit 78-300.

Mr. Robert Behrens
Page 2
October 23, 1979

Should you wish to pursue the retail sale of building materials on the subject property, you will have to resubmit a Special Permit application which consists of sixteen (16) copies of the completed application form, a location map, a development/site plan, and a \$100.00 processing fee.

Should you have any questions, please feel free to contact Norman Hayashi or Gerald Hay of this department.

Sincerely,



Sidney M. Fuke
Planning Director

GH:gs

cc: ✓ State Land Use Commission
Planning Commission



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

⊕ ⊕ ⊕
LAND USE COMMISSION

GEORGE R. ARIYOSHI
Governor

CHARLES W. DUKE
Chairman

SHINICHI NAKAGAWA
Vice Chairman

Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

February 9, 1979

COMMISSION MEMBERS:

James Carras
Colette Machado
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai

GORDAN FURUTANI
Executive Officer

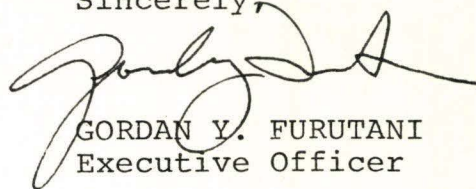
Mr. Sidney Fuke
Planning Director
Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Subject: SP78-300 - Cal-Ga-Crete Hawaii, Inc., Hawaii

In reference to our letter to you dated
July 21, 1978, enclosed is a copy of the
Decision and Order on SP78-300 for your informa-
tion and records.

Sincerely,



GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: **Cal-Ga-Crete, Inc.**

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)
Petition for Special Permit)
of CAL-GA-CRETE HAWAII, INC.)
)
)
)
)
)

SP78-300
CAL-GA-CRETE HAWAII, INC.

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

FEB 9 1979

Date

by


Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)	SP78-300
Petition for Special Permit)	
of CAL-GA-CRETE HAWAII, INC.)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND
)	DECISION AND ORDER

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

FINDINGS OF FACT

1. The Petition for Special Permit was filed by CAL-GA-CRETE HAWAII, INC., to allow the retail sale of building materials on approximately 1.23 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-02: portion of 15.

2. The subject property is located next to the Waikoloa Village Quarry site, south of the Waikoloa Road.

3. The proposal is for the construction of a 2,000-square foot building to be used for the display of building tiles and other products manufactured on the premises. Also included in the request is the display and sale of other hardware and building materials.

4. The subject property contains a 1,650-square foot building which is used for manufacturing building tile. An office structure is also planned for the site. Both of these uses were permitted through Special Permit No. 70-85 granted to Boise Cascade Properties, Inc. This permit also

allowed the operation of a quarry and other building activities. The Petitioner is requesting a separate Special Permit to allow the retail sale of hardware and building materials.

5. The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the subject area as Open. The site is presently zoned Open.

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

7. Surrounding land uses include the Boise Cascade quarrying operation, the Waikoloa repair and maintenance facility and vacant lands.

8. All essential utilities including water and electricity are available to the site.

9. Access to the site is provided from the 2,500-foot long private Waikoloa Road. This road possesses a 22-foot wide pavement width and serves as the primary access to the Waikoloa Village quarry.

10. The Petitioner has in part stated that the proposed use of the subject site would not adversely affect surrounding properties nor unreasonably burden public agencies to provide services and facilities.

11. The County Department of Research and Development has indicated that the proposed use would be best situated in a commercial zone and that within the Waikoloa Village area there are zoned commercial parcels which are vacant.

12. The County Fire Department, Department of Water Supply, Police Department, Department of Public Works, Hawaii Electric Light Company, Inc., State Department of Agriculture

and U.S.D.A. Soil Conservation Service had no objections to the granting of the Special Permit.

13. The Hawaii County Planning Department recommended approval of the application for Special Permit.

14. The Hawaii County Planning Commission conducted a public hearing on the application for Special Permit on April 13, 1978. At that time, a representative of the Petitioner spoke in support of the request. There were no other persons testifying concerning the application for Special Permit.

CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in a Agricultural District may be permitted by Special Permit pursuant to HRS Chapter 205-6, and State Land Use Commission District Regulation, Part V.

2. The approval of the subject request will be consistent with the Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for the public health and welfare of the people of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District not only includes land with high capacity or potential for agricultural uses, but also lands which are surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics. The subject property's dominant soil type is A'a lava, which is in the U.S. Department of Agriculture, Soil Conservation Service's capability Class VIII.

This class is the lowest in the Soil Conservation Service's ranking system for agricultural activity. The Land Study Bureau's rating of these lands for overall agricultural productivity is also very poor as they are classified as Class "E". It is therefore concluded that approval of the subject request will 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 the determining of the Agricultural District.

3. The subject area has already been effectively removed from agricultural production by the granting of Special Permit 70-85 which allowed quarrying and related activities to be conducted in this area of the Waikoloa Development. The continued use of this area for nonagricultural pursuits will have no effect on the overall agricultural potential of the region or of the Island and State.

4. The proposed use will not adversely affect surrounding properties. The subject area is a portion of an existing quarrying operation which was permitted under Special Permit 70-85. This Special Permit allowed the operation of a quarry and ancillary activities on an approximately 45-acre site adjacent to the Waikoloa Village urban area. Consequently, this 45-acre site, which has subsequently been developed with the Waikoloa Quarry, ancillary activities including a rock crusher and a screening facility, a repair and maintenance facility and the building tile manufacturing operation, has been in what can be characterized as industrial uses since the granting of the Special Permit in 1970. The construction

of the proposed building to display floor tiles and other products manufactured on the premises as well as to display and sell hardware and building materials will not adversely affect the existing industrial character of the area.

5. The subject area is adequately buffered from other surrounding uses. The subject area is situated approximately 2,000 feet from the nearest residential zoned district and approximately 1,900 feet from the highway. Any adverse impacts to these areas will be primarily visual in nature. These impacts can be adequately mitigated by virtue of the relative isolation of the subject area and by the imposition of conditions.

6. The proposed use will not unreasonably burden public agencies to provide roads, sewers, water and drainage improvements, and police and fire protection. The Waikoloa Development has been relatively independent with respect to the provision of these services including the development of their own water system and the maintenance of the Waikoloa Volunteer Fire Department. Furthermore, the subject area is already improved and serviced by these facilities and infrastructure. The addition of the proposed retail use to the existing manufacturing uses will not significantly increase nor affect the provision of these services.

7. The use described in the Petition is an unusual and reasonable use pursuant to HRS Chapter 205-6, and State Land Use Commission District Regulation, Part V.

DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit Number 78-300 for the retail sale of building materials on approximately 1.23 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-02: portion of 15, be approved subject to the following conditions:

1. That the proposed retail use shall be limited to the display and sale of building materials and hardware as substantially represented by the petition. Furthermore, that such retail use shall cease upon the termination or substantial alteration of the building tile manufacturing operation granted under Special Permit 70-85.

2. That plans for Plan Approval, including a landscaping plan, shall be submitted to the Planning Department within one (1) year of the effective date of the Special Permit.

3. That construction of the proposed facilities shall commence within one (1) year from the receipt of Final Plan Approval and shall be completed within two (2) years thereafter.

4. That all other applicable rules and regulations, including those of the Department of Health, shall be complied with.

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

DATED: Honolulu, Hawaii, February 7, 1979.

LAND USE COMMISSION

By C. W. Duke
C. W. DUKE
Chairman and Commissioner

By Shinichi Nakagawa
SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By James R. Carras
JAMES R. CARRAS
Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By Mitsuo Oura
MITSUO OURA
Commissioner

By George R. Pascua
GEORGE R. PASCUA
Commissioner

No.

974860

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO

SIDNEY FUKE

STREET AND NO.

25 Aupuni St.

P.O., STATE AND ZIP CODE

Hilo, Hawaii 96720

POSTAGE

\$ 1.32

CONSULT POSTMASTER FOR FEES

CERTIFIED FEE

.80¢

SPECIAL DELIVERY

¢

RESTRICTED DELIVERY

¢

OPTIONAL SERVICES

RETURN RECEIPT SERVICE

SHOW TO WHOM AND DATE
DELIVERED

.45 ¢

SHOW TO WHOM, DATE, AND
ADDRESS OF DELIVERY

¢

SHOW TO WHOM AND DATE
DELIVERED WITH RESTRICTED
DELIVERY

¢

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

¢

TOTAL POSTAGE AND FEES

\$ 2.57

POSTMARK OR DATE



PS Form 3800, Apr. 1976 SP 77-265, SP 77-269, SP 78-300, 301, 307

PS Form 3811, Aug. 1978

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

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

- Show to whom and date delivered. \$
 - Show to whom, date, and address of delivery. \$
 - RESTRICTED DELIVERY
Show to whom and date delivered. \$
 - RESTRICTED DELIVERY.
Show to whom, date, and address of delivery. \$
- (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

MR. SIDNEY FUKE

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	974860	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

[Handwritten Signature]

DATE OF DELIVERY

8/13/79

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

307

No. 974848

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO
ROBERT BEHRENS

STREET AND NO.
Box 3086 Waikoloa Vill.

P.O., STATE AND ZIP CODE
Kamuela, Hi. 96743^{Stn}

POSTAGE \$.41

CERTIFIED FEE .80¢

SPECIAL DELIVERY ¢

RESTRICTED DELIVERY ¢

OPTIONAL SERVICES
RETURN RECEIPT SERVICE
SHOW TO WHOM AND DATE DELIVERED .45¢

SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY ¢

SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY ¢

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

TOTAL POSTAGE AND FEES \$ 1.66

POSTMARK OR DATE



SP78-300 Cal-Ga-Crete Hawaii
PS Form 3800, Apr. 1976

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

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

PS Form 3811, Aug. 1978

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

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

- Show to whom and date delivered.
 - Show to whom, date, and address of delivery.
 - RESTRICTED DELIVERY
Show to whom and date delivered.
 - RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.
- (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

ROBERT BEHRENS

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	974848	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

Shelma Titolo

4. DATE OF DELIVERY



5. ADDRESS (Complete only if requested)

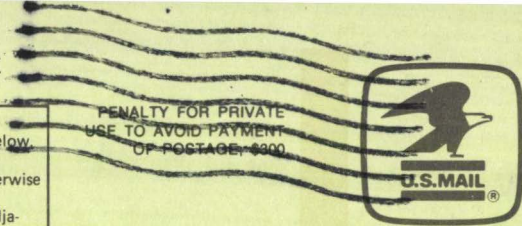
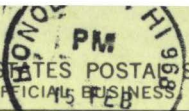
6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

DA

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



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

SENDER INSTRUCTIONS

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

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

**RETURN
TO**



State of Hawaii
LAND USE COMMISSION
Suite 1795, Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813

(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)

July 21, 1978

Mr. Robert Behrens, President
Cal-Ga-Crete Hawaii, Inc.
Box 3096 Waikoloa Village Station
Kamuela, Hawaii 96743

Dear Mr. Behrens:

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

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

A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP78-300 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encls.

July 21, 1978

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on July 18, 1978, the Land Use Commission voted to approve a Special Permit request by Cal-Ga-Crete Hawaii, Inc., Hawaii (SP78-300) to allow the retail sale of building materials on approximately 1.23 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-2: portion of parcel 15.

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

A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP78-300 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Enc.

cc: Cal-Ga-Crete Hawaii, Inc.

July 21, 1978

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

Attention: Mr. Hideto Kono, Director

Gentlemen:

At its meeting on July 18, 1978, the Land Use Commission voted to approve a Special Permit request by Cal-Ga-Crete Hawaii, Inc., Hawaii (SP78-300) to allow the retail sale of building materials on approximately 1.23 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-2: portion of parcel 15. Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission.

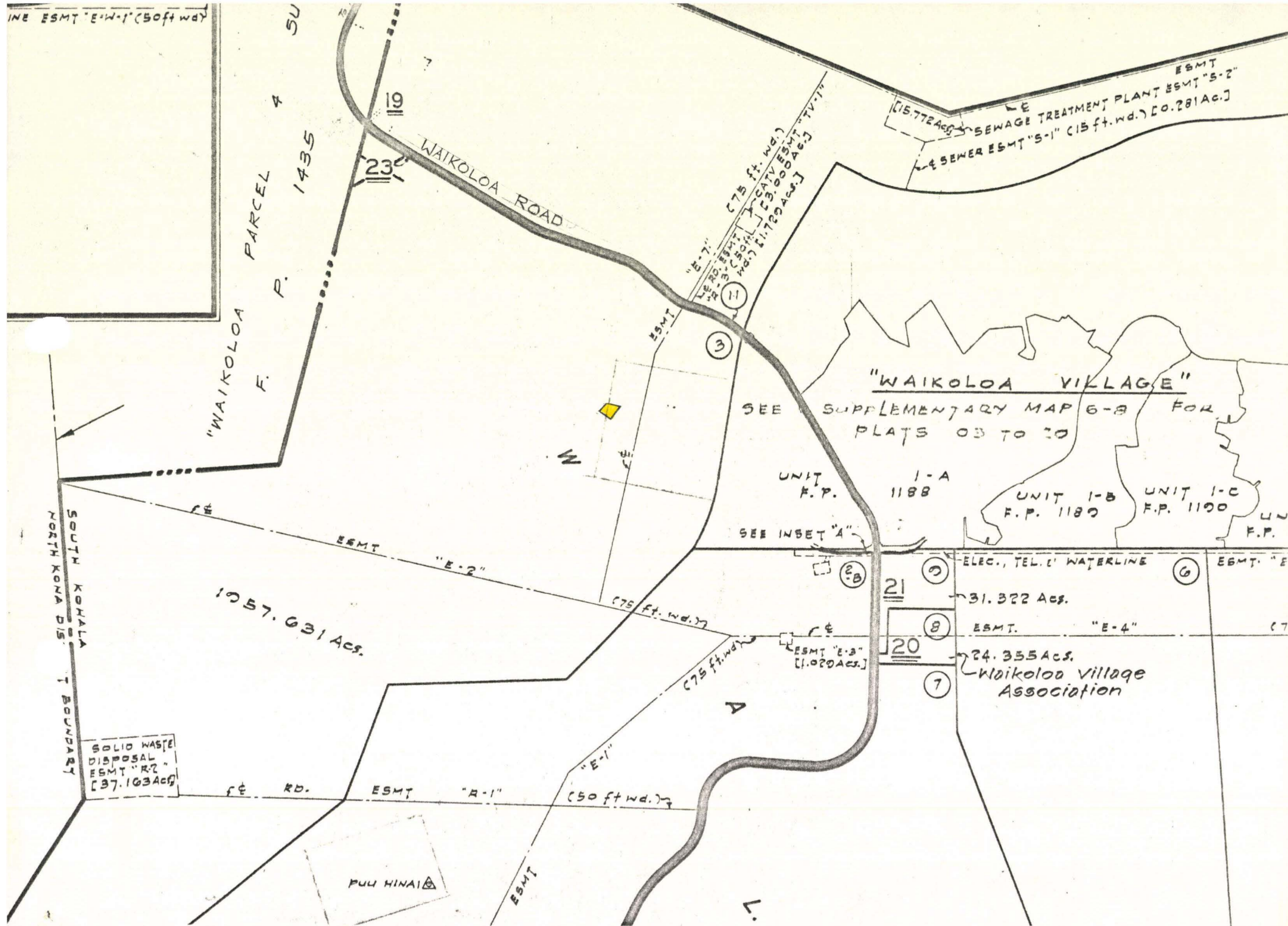
Please note that a copy of the Land Use Commission's Decision and Order on this matter is on file at the Commission's office.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encl.

cc: Department of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Office of Environmental Quality Control
Division of Land Management, DLNR



STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 (B & C)
New State Building
1151 Punchbowl Street
Honolulu, Hawaii

July 18, 1978 - 9:30 a.m.

Approved
SEP 27 1978

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
James Carras
Shinsei Miyasato
Mitsuo Oura
George Pascua

COMMISSIONERS ABSENT: Colette Machado
Carol Whitesell
Edward Yanai

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

Ray Russell, Court Reporter

ACTION

A77-433 - ENCHANTED LAKE PARTNERS

In the matter of the boundary amendment petition by Enchanted Lake Partners, Docket A77-433, on which a hearing was held on February 27, 1978 by the Hearing Officer, a resume of his prepared report to the Commission was presented by Hearing Officer Benjamin Matsubara. It was Mr. Matsubara's conclusion that reclassification of the approximately 2.8 acres of land at Enchanted Lakes, Kailua, Oahu from Conservation to Urban was reasonable, non-violative of Section 205-2 of the Hawaii Revised Statutes, and consistent with the Interim State-wide Land Use Guidance Policy.

All of the parties to the petition submitted that they had no objections to the Hearing Officer's report.

Vice Chairman Nakagawa moved that the Hearing Officer's report be accepted and the petition to amend the land use

and oriented the Commission to the location of the subject property.

Upon motion by Commissioner Carras, seconded by Commissioner Oura, the request for a one-year extension to commence drilling of exploratory geothermal wells was unanimously approved, subject to the conditions imposed by the Hawaii County Planning Commission.

✓ SP78-300 - CAL-GA-CRETE HAWAII, INC.
TO ALLOW THE RETAIL SALE OF BUILDING MATERIALS AT WAIKOLOA, SOUTH KOHALA, HAWAII

Mr. Furutani reported on the details of the request by the petitioner and also pointed the area involved on the maps.

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

SP78-301 - THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
TO ALLOW THE ESTABLISHMENT OF A CHURCH AT KEAAU, PUNA, HAWAII

A resume of the subject request was presented by Mr. Furutani.

It was moved by Commissioner Carras and seconded by Commissioner Pascua to approve the Special Permit, subject to the conditions imposed by the Hawaii Planning Commission. The motion was unanimously approved.

SP78-305 - HIROSHI MATSUYAMA
TO ALLOW THE ESTABLISHMENT OF A COUNTRY GENERAL STORE AND A SERVICE STATION AT KALAOA 5TH, NORTH KONA, HAWAII

Mr. Daniel Yasui, staff planner, described and identified the area under petition and summarized the information contained in the staff report.

Commissioner Carras moved to approve the Special Permit, subject to the conditions stipulated by the Hawaii Planning Commission. The motion was seconded by Commissioner Oura and unanimously carried.

SP78-306 - KONA CHURCH OF GOD
TO ALLOW THE ESTABLISHMENT OF A CHURCH AT KOHANAIKI, NORTH KONA, HAWAII

Staff Planner pointed out the location of the property on the maps and presented a summary of the staff report.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP78-300
Cal-Ga-Crete Hawaii, Inc.
Conf. Rm. 322 (B&C)
PLACE New State Bldg.
Honolulu, Hawaii

DATE July 18, 1978
TIME 9:30 a.m.

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

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

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission DATE: July 18, 1978
FROM: Staff
SUBJECT: SP78-300 - Cal-Ga-Crete Hawaii, Inc.

The petitioner, Cal-Ga-Crete Hawaii, Inc. is requesting a Special Permit to allow the retail sale of building materials on approximately 1.23 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-2: portion of parcel 15. The subject property is located next to the Waikoloa Village Quarry site, south of the Waikoloa Road.

The request is to specifically allow the construction of a 2,000-square foot building to be used for the display of building tiles and other products manufactured on the premises, as well as the display and sale of other hardware and building materials.

Presently existing within the subject area is a 1,650-square foot building constructed in 1977 and used for manufacturing building tile. A building permit has also been issued for a 576-square foot office structure. Both the floor tile manufacturing and related office uses were permitted through Special Permit No. 70-85 granted to Boise Cascade Properties, Inc., in 1970 for a period of 5 years. This permit, which was subsequently extended in 1975, allowed the operation of a quarry and other ancillary activities on an approximately 45 acre site which includes the subject area. Also permitted under this Special Permit was the construction and operation of a repair and maintenance facility for the Waikoloa development. The proposed retail sale of hardware and building materials is not permitted under Special Permit 70-85. Consequently, the petitioner is requesting a separate Special Permit to allow these uses.

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

"We need to expand our factory to include a show room for our products. We cannot justify the cost of the building and the employees for the small amount of walk-in traffic that come to see our tiles. By adding other products to our line, we could justify these costs and have our tiles displayed at the same time. This is very important to the success and growth of our tile manufacturing business.

- "A. Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations: The Energy Crisis is still very real. Our main inventory would consist of small items for the do it yourself home owner, who is constantly making special trips to Kamuela or Kona to pick up a gallon of paint thinner or a pound of nails, etc.. Our retail sales would greatly benefit the Waikoloa Community from this standpoint.
- "B. The desired use shall not adversely affect surrounding properties: The property is bordered on the front and one side by Boise's existing Quarry Operations, on one side by the Boise maintenance shop and yard and on the rear by raw land. We have already planted trees along the side of our existing building. We will continue landscaping and planting trees around the new buildings as they are completed. We are using steep pitched roofs of different angles. Our goal is to create rooflines and plantings as aesthetically pleasing as Waiakea Village in Hilo.
- "C. Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection: No burden for improvements shall be placed on public agencies. If, in the future, zoning is changed for this area to include light industrial, then the burden of improvements would be on the developer of the area. For the special use permit, it would be the responsibility of the applicant.
- "D. Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established: There is a definite need for a limited industrial area in Waikoloa.

This has been demonstrated by the County granting other temporary permits in the area.

- "E. The land upon which the proposed use is sought is unsuited for the uses permitted within the district: The A'a lava is not suited for agriculture - the use presently permitted.
- "F. The proposed use will not substantially alter or change the essential character of the land and the present use: The addition of retail sales of other building materials, to our present operation would not alter the present character of the land.
- "G. The proposed use will make the highest and best use of the land involved for the public welfare: We believe that the granting of this special use permit will benefit the community and allow our company to grow slowly and soundly during this interim period when there is no designated zoning for our type of business in this area."

The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the subject area as Open. The property is presently zoned Open.

Surrounding land uses include the Boise Cascade quarrying operation and other ancillary activities, the Waiakoloa repair and maintenance facility and vacant lands.

The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or "Very Poor" for the subject property. Soils of the subject area consist of A'a lava. This lava type has practically no soil covering. The lava is rough and broken, consisting of clinkery, hard, glassy, sharp pieces piled in tumbled heaps.

Access to the site from Waikoloa Road is by means of a 2,500 foot long private roadway. This road possesses a 22 foot-wide pavement width and serves as the primary access to the Waikoloa Village quarry.

All essential utilities including electricity and water are available to the subject area.

Pertinent comments from governmental agencies:

1. Fire Department

The County Fire Department had no objections to the permit request, but did note the following:

"The nearest hydrant is located approximately 2,000 feet distant. A fire truck is located about three blocks away (Waikoloa Volunteer Fire Company) and fire protection is provided by the Waimea Fire Station, over ten miles away."

2. Department of Research and Development

The County Department of Research and Development noted the following:

- "a. The special permit application is for the establishment of a general hardware store to complement the existing operations which allows selling only products produced by the applicant.
- "b. The allowance of this special permit may meet the needs of the community as expressed by the applicant. However, the hardware store type of operation would be best situated in a commercial zone.
- "c. Within the Waikoloa Village area, there are zoned commercial parcels which are vacant."

3. Department of Water Supply

The County Department of Water Supply had no objections to the permit request, but did note that the Waikoloa development is serviced from a private water system.

4. Department of Health

The Department of Health stated the following:

"Air pollution discharges resulting from the manufacturing process may require a permit to construct and operate the facility. Please identify sanitary facilities in building plans."

Other cooperating agencies including the State Department of Agriculture, Police Department, U.S. Soil Conservation Service, Department of Public Works, and Hawaii Electric Light Company, Inc., had no objections to the Special Permit.

At the public hearing held by the Hawaii County Planning Commission on April 13, 1978, a representative of the petitioner spoke in support of the request. There was no public testimony in opposition to the Special Permit. For the Commission's information, the April 13, 1978 hearing transcript has been attached (County Exhibit R).

On May 18, 1978, the Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission based on the following findings:

"That the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for the public health and welfare of the people of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District not only includes land with high capacity or potential for agricultural uses, but also lands which are surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics. The subject property's dominant soil type is A'a lava, which is in the U.S. Department of Agriculture, 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 of these lands for overall agricultural productivity is also very poor as they are classified as Class 'E'. It is therefore 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 the determining of the Agricultural District.

"Further, the subject area has already been effectively removed from agricultural production by the granting of Special Permit 70-58 which allowed quarrying and related activities to be conducted in this area of the Waikoloa Development. The continued use of this area for nonagricultural pursuits will

have no effect on the overall agricultural potential of the region or of the Island and State.

"That the proposed use will not adversely affect surrounding properties. The subject area is a portion of an existing quarrying operation which was permitted under Special Permit 70-85. This Special Permit allowed the operation of a quarry and ancillary activities on an approximately 45-acre site adjacent to the Waikoloa Village urban area. Consequently, this 45-acre site, which has subsequently been developed with the Waikoloa Quarry, ancillary activities including a rock crusher and a screening facility, a repair and maintenance facility and the building title manufacturing operation, has been in what can be characterized as industrial uses since the granting of the Special Permit in 1970. The construction of the proposed building to display floor tiles and other products manufactured on the premises as well as to display and sell hardware and building materials will not adversely affect the existing industrial character of the area. The addition of the proposed use may in fact support and effectively commingle these existing uses. The County of Hawaii Zoning Code allows the operation of 'lumber yards and building material yards' as well as 'retail sales incidental and subordinate to permitted uses' in the Industrial zoned district. The proposed retail uses have been determined to be incidental and subordinate to the manufacturing operation presently existing on the subject area and therefore could be considered as a permitted use within the Industrial zoned district. It is therefore felt that the addition of the proposed retail activity with respect to the proposed relationship and scale to the manufacturing uses will have no detrimental effect on the surrounding properties.

"Furthermore, the subject area is adequately buffered from other surrounding uses. The subject area is situated approximately 2,000 feet from the nearest residential zoned district and approximately 1,900 feet from the highway. Any adverse impacts to these areas will be primarily visual in nature. These impacts can be adequately mitigated by virtue of the relative isolation of the subject area and by the imposition of conditions.

"That the proposed use will not unreasonably burden public agencies to provide roads, sewers, water and drainage improvements, and police and fire protection. The Waikoloa Development has been relatively independent with respect to the provision of these services including the development of their own water system and the maintenance of the Waikoloa Volunteer Fire Department. Furthermore, the subject area is already improved and serviced by these facilities and infra-

structures. The addition of the proposed retail use to the existing manufacturing uses will not significantly increase nor affect the provision of these services.

"That the granting of this request will provide a much needed service to the public, in this case, the residents and business concerns in this portion of South Kohala. Presently, the nearest area where similar services and materials area available is in the village of Kamuela, over 10 miles away. The granting of this request may further the purpose of the State Land Use Law and Regulations by encouraging the public welfare through the provisions of this facility on the proposed site."

For the Commission's information, the minutes of the May 18, 1978 meeting have been attached (County Exhibit BB).

The favorable recommendation was subject to the following conditions:

- "1. That the proposed retail use shall be limited to the display and sale of building materials and hardware as substantially represented by the petition.

Furthermore, that such retail use shall cease upon the termination or substantial alteration of the building tile manufacturing operation granted under Special Permit 70-85.

- "2. That plans for Plan Approval, including a landscaping plan, shall be submitted to the Planning Department within one (1) year of the effective date of the Special Permit.
- "3. That construction of the proposed facilities shall commence within one (1) year from the receipt of Final Plan Approval and shall be completed within two (2) years thereafter.
- "4. That all other applicable rules and regulations, including those of the Department of Health, shall be complied with."

It was further stated by the Planning Commission that: "Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void."

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
April 13, 1978

A regularly advertised public hearing, on the application of Cal-Ga-Crete Hawaii, Inc., was called to order at 7:46 p.m., in the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Lorraine R. Jitchaku
Haruo Murakami
Bert H. Nakano
Alfredo Orita
Charles H. Sakamoto

ABSENT: William J. Paris, Jr.
Shigeru Fujimoto

Sidney M. Fuke, Director
Ilima Piianaia, Planner
Keith Kato, Planner

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

and about 4 people in attendance

CHAIRMAN: We'll move on to the next item. Public hearing on the application of Cal-Ga-Crete Hawaii, Inc. for a Special Permit to allow the retail sales of building materials on 1.226 acres of land located within the State Land Use Agricultural District. The area involved is located near the existing Boise Cascade maintenance shop south of Waikoloa Road, Waikoloa, South Kohala, TMK: 6-8-02: portion of 15. Staff?

KATO: (Presented background information on file.)

CHAIRMAN: Thank you, Keith. Commissioners, do you have any questions of the staff concerning this application?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Commissioner Murakami.

MURAKAMI: I notice the quarry extension was extended in 1975, can you tell me how many years they extended the operation of that quarry?

PIIANAIA: I believe it was a 5-year extension.

Exhibit R

MURAKAMI: Five years, thank you.

CHAIRMAN: Okay, staff, any further, I mean, Commissioners, any further questions of the staff?

PIIANAI: May I add something on to that?

CHAIRMAN: Sure.

PIIANAI: The extension was granted with the condition, if those of you who were on the Commission then remember, that Boise Cascade work with the Planning Department to find an industrial area within the Waikoloa mauka region.

CHAIRMAN: Okay, thank you. If there are no further questions of the staff, is the applicant or a representative of the applicant present?

BEHRENS: Yes.

CHAIRMAN: Would you come forward please. Yes, I'll ask you to identify yourself in the microphone please.

BEHRENS: Yes, I'm Bob Behrens, one of the owners of the company.

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

BEHRENS: B-e-h-r-e-n-s.

CHAIRMAN: Thank you. Mr. Behrens, we'll swear you in at this time. Do you swear to tell the truth and nothing but the truth on this matter now before the Hawaii County Planning Commission?

BEHRENS: Yes, I do.

CHAIRMAN: Thank you. Do you have anything to add to the staff's background report?

BEHRENS: I think they covered it pretty well, and our written application. The only thing that I might add, that we asked for the location down there rather than up in the commercial area because it would be in a closer proximity to the existing factory, that's the only reason. Also, that we're already situated there and to move up would involve purchasing other lands and being much more complicated for us.

CHAIRMAN: Thank you. Commissioners, do you have any questions of Mr. Behrens? Okay, thanks very much. We'll ask you to remain in the audience as there may be some questions that come up. This is a public hearing, the Chair, at this time, would like to invite anyone from the audience who wishes to testify either for or against

the application of Gal-Ga-Crete Hawaii, Incorporated, to so identify yourself. If there's no public testimony to come before the Commission, the Chair, at this time, will entertain a motion to -. Yes, go ahead, Commissioner Jitchaku.

JITCHAKU: Yes, Mr. Chairman, maybe for the staff. Is the existing pavement, is that roadway the entrance would be where the village store is and continue on in the back? How do you get into the area?

PIIANAIA: Well, basically, you come up through -.

JITCHAKU: Hawaii Belt?

PIIANAIA: The roadway on the big map coming this way is the Waikoloa Road, the main road running through; and essentially, you get to this area below the village store. There's some private service roads.

JITCHAKU: Oh, okay, thank you.

CHAIRMAN: Okay, thanks.

NAKANO: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Nakano.

NAKANO: I was wondering, if this is going to be a private driveway leading to the proposed site, I was wondering what right has the other people to walk in, you know, drive up. They may say this is a private driveway, so how can you do a good business up there?

BEHRENS: Good question.

CHAIRMAN: Would you please come up because we are taping the proceedings.

BEHRENS: The road that is presently a private driveway would be the same road that would be the main road into this area, if at a future time that it becomes a limited industrial area; and I believe that this area is presently under consideration for that use in the new general plan. And so, actually this request is to sort of cover an intermittent period until the new general plan is announced and allow us to go ahead. So we are using, we do, I believe, have permission to use this road now for our present use and I don't think that there will be any problem in opening it up for our use.

CHAIRMAN: Mr. Director, do you care to comment on that?

FUKE: Mr. Behrens, I think that you might be able to perhaps clarify what I'm about to say. My understanding is that the main highway from the old Mamalahoa Highway leading up to the village has already been dedicated to the County of Hawaii. It's essentially

that section makai of the village down to the main, excuse me, the new Queen Kaahumanu Highway that has not been dedicated and accepted -.

SANBURN: It has.

FUKE: Oh, it has been dedicated. That's Mr. Sanburn speaking, saying that the entire, connector between the old Mamalahoa Highway and Queen Kaahumanu Highway has already been dedicated. But access to your parcel right now is gained through an easement -.

BEHRENS: Yes.

FUKE: And is that easement a nonexclusive easement, in a sense that any person that visits you or wants to gain access to the parcel would be able to utilize that easement?

BEHRENS: I believe presently that road is open during weekdays, there's a gate, and it's locked during the weekends.

FUKE: Okay, in a sense then, Boise owns that particular portion from which your parcel -?

BEHRENS: Yes.

FUKE: You have an easement from Boise.

BEHRENS: Yes.

FUKE: Would there be any problem for your operation in the event that there is some limitation to that easement?

BEHRENS: Yes, and should have something, some sort of an agreement with Boise, which at the present time, we don't. They signed the application and so they're aware of what we're asking for. They're also sitting right there. But anyway, in discussing this we didn't make any, you know, written agreement as far as the access is concerned.

CHAIRMAN: Mr. Sanburn, might you come up and comment on that for the benefit of the Commission. Do you swear to tell the truth and nothing but the truth on this matter now before the Hawaii County Planning Commission?

SANBURN: I do.

CHAIRMAN: Would you identify yourself for the record.

SANBURN: I'm Will Sanburn, Waikoloa. As for the road, let me step over to the map.

CHAIRMAN: Surely.

SANBURN: This road is dedicated to the County, and right off above here is the road that runs up to our offices; and that's open all the time. Anyone who does business with us goes up there. It's

not dedicated, it's a private road. Then it branches off up toward the quarry area and all during the time we were building that Increment 1 of the village, that's open and trucks and things move in and out of there. So that's the road situation.

Now as far as the, we have been talking with the County in accordance with the last extension of the Special Use Permit. At their suggestion, we have requested some industrial zoning in the new general plan which is going to be acted on this year. I think the staff has reacted favorably to it, so it will be before you in the general plan. As soon as that's approved, we will then be coming in for the Land Use Commission, and the other, the zoning and so forth will be needed to create the industrial park in there; and at that time the use Mr. Behrens is thinking of, I think, conforms with the zoning we will be asking for, so I think he's right in line. And to the extent that is more than a hardware store, if he sells building materials, lumber and plywood, and that kind of things, we don't think that's permitted under our commercial zone. So it depends what kind of a hardware store he's talking about. But we think it's fine.

CHAIRMAN: Commissioner Hanley?

HANLEY: Yes. Will, are the residential roads dedicated in Waikoloa.

SANBURN: Yes.

HANLEY: They are all dedicated, as well as the main road coming down from the -.

SANBURN: Main mauka-makai road is dedicated and all the existing roads in the village subdivision.

CHAIRMAN: Okay, Commissioners, any further questions of Mr. Sanburn Okay, thanks, Will. Commissioners, anything you'd like to recall the applicant on? If not, and if there's no further public testimony to come before the Commission, the Chair will entertain a motion to close the public hearing.

ORITA: Mr. Chairman, I so move that the public hearing be closed.

CHAIRMAN: Thank you, Commissioner Orita. Is there a second?

HANLEY: Second.

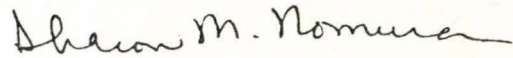
CHAIRMAN: It has been moved by Commissioner Orita and seconded by Commissioner Hanley that the public hearing be closed. All those in favor so signify by saying aye?

COMMISSIONERS: Aye.

CHAIRMAN: Oppose, same sign? Public hearing has been closed.

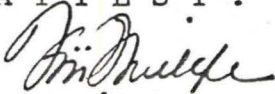
Public hearing adjourned at 8:05 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T :



William F. Mielcke
Chairman, Planning Commission

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
May 18, 1978

The Planning Commission met in regular session at 9:00 a.m. in the First Hawaii Bank Meeting Room, Kailua, North Kona, Hawaii, with Co-chairman Pro tem Lorraine R. Jitchaku presiding and at 1:00 p.m. in the Civic Center Conference Room, Waimea, South Kohala, Hawaii, with Co-chairman Pro tem William J. Paris, Jr., presiding.

PRESENT:	William J. Paris, Jr.	ABSENT:	J. Walsh Hanley
	Shigeru Fujimoto		Lorraine R. Jitchaku
	Bert H. Nakano		William F. Mielcke
	Alfredo Orita		Haruo Murakami
	Charles H. Sakamoto		
			Ex-officio Member
	Sidney M. Fuke, Director		Akira Fujimoto
	Ilima Piianaia, Planner		
	Keith Kato, Planner		

Edmund Morimoto, representing Ex-officio Member Edward Harada
Lionel Meyer, Deputy Corporation Counsel

and about 6 people at 9:00 a.m. and 3 people at 1:00 p.m.

All those testifying were duly sworn in.

Co-chairman Pro tem Lorraine Jitchaku chaired this portion of the meeting.

EXHIBIT BB

Mr. Smith pointed out that the carport is directly under the residence and because it is in a tsunami area, they plan to keep it as open as possible with hopefully growing bougainvillea in the front, the residence itself is technically on the second level.

It was moved by Commissioner Orita and seconded by Commissioner Paris to set the application up for a public hearing; motion was carried.

RECESS: The Chair called a recess at 10:15 a.m. until the scheduled public hearing at 1:00 p.m. in Waimea.

RECONVENED: The meeting reconvened at 1:00 p.m.

At this time, Co-Chairman Pro tem William J. Paris, Jr., chaired the meeting.

SMA USE PERMIT
STATE OF HAWAII
AIR TRANSPORTATION
FACILITIES
DIVISION
NORTH KOHALA Public hearing on the application of the State of Hawaii Department of Transportation, Air Transportation Facilities Division, for a Special Management Area (SMA) Use Permit to allow the construction of a passenger and maintenance shelter at 'Upolu Airport, Kealahewa 3rd, North Kohala, TMK: 5-5-06:7.

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

The petitioner's representative, Melvin Ikeda, pointed out that the Department of Land and Natural Resources has informed them that a CDDA would not be needed in this application as it is a replacement project and that he would submit a copy of that letter to the Planning Department.

Staff recommended that Condition 1 be deleted and Condition 2 be amended to read, "That plans shall be submitted to the Planning Department for Plan Approval within one (1) year from the effective date of approval of the SMA Use Permit."

There was no one from the public present. It was moved by Commissioner Nakano and seconded by Commissioner Fujimoto that the public hearing be closed; motion was carried.

It was moved by Commissioner Orita and seconded by Commissioner Nakano that the SMA Use Permit be approved with the conditions outlined and amended by the staff. A roll call vote was taken and motion carried with five ayes.

RECESS: The Chair called a recess at 1:12 p.m. until the next scheduled item at 1:30 p.m.

RECONVENED: The meeting reconvened at 1:30 p.m.

SPECIAL PERMIT
CAL-GA-CRETE
HAWAII, INC. Application of Cal-Ga-Crete Hawaii, Inc. for a Special Permit to allow the retail sale of building materials on 1.226 acres of land

The petitioner nor a representative were in attendance.

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

ORDINANCE NO. 15
HIROSUKE AKAMINE
WAIAKEA, SOUTH
HILO

Preliminary hearing on a proposed amendment to Ordinance No. 15 relating to a change of zone request granted to Hirosuke Akamine on February 19, 1974. The Planning Director is initiating a change to the ordinance to include the following statement after the stated conditions: Should any of the foregoing conditions not be met, rezoning of the area to its original zoning designation may be initiated. The change of zone request was from an Agricultural 3-acre (A-3a) to an Agricultural 1-acre (A-1a) zoned district for five (5) acres of land at Waiakea Homesteads, Waiakea, South Hilo, TMK: 2-4-04:30.

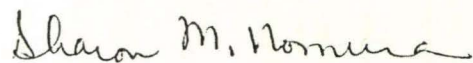
The Planning Director suggested the words, "or a more appropriate" be inserted between the words "original" and "zoning" to provide decision makers with the necessary flexibility to accommodate changing circumstances. He pointed out the reason is not only for consistency sake, but to make it clear to the petitioner what will happen if he fails to comply with the conditions.

It was moved by Commissioner Nakano and seconded by Commissioner Fujimoto that the amendment to Ordinance No. 15, as revised by the Planning Director, be set up for a public hearing; motion was carried.

ANNOUNCEMENTS: Next scheduled meetings are as follows:
June 15th in Kona, June 29th in Hilo, July 13th in Kau and Kona, and July 27 in Hilo.

ADJOURNMENT: The meeting adjourned at 2:05 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T:

Lorraine R. Jitchaku
Co-chairman Pro tem, Planning Commission

William J. Paris, Jr.
Co-chairman, Pro tem, Planning Commission

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

July 3, 1978

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

Dear Mr. Fuke:

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

Please note that petitions

✓ SP77-261(B) - BOISE CASCADE HOME AND LAND CORPORATION

✓ SP78-300 - CAL-GA-CRETE HAWAII, INC.

SP78-301 - THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

SP78-305 - HIROSHI MATSUYAMA

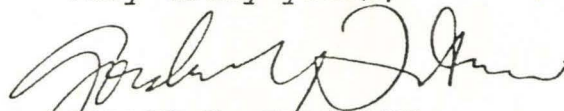
SP78-306 - KONA CHURCH OF GOD

SP78-307 - DPED (Geothermal Research Facility)

will be acted on at that time.

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

Very truly yours,


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

July 3, 1978

Mr. Robert Behrens, President
Cal-Ga-Crete Hawaii, Inc.
Box 3096 Waikoloa Village Station
Kamuela, Hawaii 96743

Dear Mr. Behrens:

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

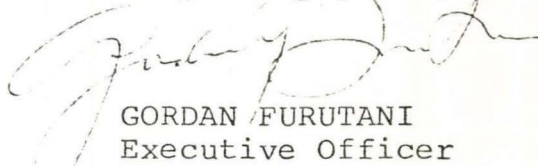
Please note that petition

SP78-300 - CAL-GA-CRETE HAWAII, INC.

will be acted on at that time.

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

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME & PLACE

July 18, 1978 - 9:30 a.m.
Conference Room 322 (B & C)
New State Building
1151 Punchbowl Street
Honolulu, Hawaii

A G E N D A

I. ACTION

1. A77-433 - Enchanted Lake Partners (Hearing Officer)

To reclassify approximately 2.8 acres of land presently in the Conservation District into the Urban District at Kailua, Koolaupoko, Oahu, for residential use.

2. SP77-261(B) - Boise Cascade Home and Land Corporation (Hawaii)

To amend Special Permit 77-261(B) to allow the construction of a centralized parking area for hotel use on approximately 7.9 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

3. SP77-265 - Geothermal Exploration & Development Corporation
Time Extension Request (Hawaii)

To allow a one year extension of time to commence drilling of exploratory geothermal wells within the State Land Use Agricultural District at Opihikao, Puna, Hawaii.

✓ 4. SP78-300 - Cal-Ga-Crete Hawaii, Inc. (Hawaii)

To allow the retail sale of building materials on approximately 1.23 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

5. SP78-301 - The Church of Jesus Christ of Latter-Day Saints
(Hawaii)

To allow the establishment of a church on approximately three (3) acres of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii.

6. SP78-305 - Hiroshi Matsuyama (Hawaii)

To allow the establishment of a country general store and a service station facility on approximately .852 acre of land situated within the State Land Use Agricultural District at Kalaoa 5th, North Kona, Hawaii.

7. SP78-306 - Kona Church of God (Hawaii)

To allow the establishment of a church on approximately 1.14 acres of land situated within the State Land Use Agricultural District at Kohanaiki, North Kona, Hawaii.

8. SP78-307 - Dept. of Planning & Economic Development (Hawaii)

To allow the establishment of a geothermal research facility and to conduct flow tests on approximately 4.1 acres of land situated within the State Land Use Agricultural District at Kapoho, Puna, Hawaii.

9. SP78-303 - Arthur Kuwahara, et al. (Maui)

To allow the construction of a second dwelling unit on a 43,255 square foot (.993 acre) parcel of land situated within the State Land Use Rural District at Kula, Maui under the provisions of Act 140, SLH 1977.

10. SP78-304 - Kapalua Land Company, Ltd. (Maui)

To allow the development of a golf course on approximately 144 acres of land situated within the State Land Use Agricultural District at Kapalua, Maui.

11. SP78-308 - Ameron HC&D Maui (Maui)

To allow the establishment of a concrete batching plant on approximately 1.783 acres of land situated within the State Land Use Agricultural District at Kihei, Maui.

12. SP78-302 - Pacific Concrete & Rock Company, Ltd. (Oahu)

To allow the expansion of a quarry operation on approximately 59 acres of land situated within the State Land Use Agricultural District at Waimanalo, Oahu.

II. MISCELLANEOUS

1. Adoption of Minutes

APR 13 1978

MAY 11 1978

7/5/78 - A COPY OF THIS AGENDA WAS MAILED TO ALL PERSONS AND ORGANIZATIONS ON THE ATTACHED MAILING LISTS:

1. STATEWIDE 2. OAHU 3. HAWAII 4. MAUI



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

SP78-300

May 31, 1978

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

Dear Mr. Furutani:

Special Permit Application
Petitioner: Cal-Ga-Crete Hawaii, Inc.

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 retail sale of building materials on 1.226 acres of land located within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-02:portion of 15.

The Planning Commission at a duly advertised public hearing held on April 13, 1978 in the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, discussed the subject request. The Commission on May 18, 1978, voted to recommend the approval of the special permit to the Land Use Commission based on the following findings:

That the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for the public hearing and welfare of the people of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District not only

JUN 5 8 08 AM '78
LAND USE COMMISSION
STATE OF HAWAII

includes land with high capacity or potential for agricultural uses, but also lands which are surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics. The subject property's dominant soil type is A'a lava, which is in the U. S. Department of Agriculture, 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 of these lands for overall agricultural productivity is also very poor as they are classified as Class "E". It is therefore 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 the determining of the Agricultural District.

Further, the subject area has already been effectively removed from agricultural production by the granting of Special Permit 70-85 which allowed quarrying and related activities to be conducted in this area of the Waikoloa Development. The continued use of this area for non-agricultural pursuits will have no effect on the overall agricultural potential of the region or of the Island and State.

That the proposed use will not adversely affect surrounding properties. The subject area is a portion of an existing quarrying operation which was permitted under Special Permit 70-85. This Special Permit allowed the operation of a quarry and ancillary activities on an approximately 45-acre site adjacent to the Waikoloa Village urban area. Consequently, this 45-acre site, which has subsequently been developed with the Waikoloa Quarry, ancillary activities including a rock crusher and a screening facility, a repair and maintenance facility and the building tile manufacturing operation, has been in what can be characterized as industrial uses since the granting of the Special Permit in 1970. The construction of the proposed building to display floor tiles and other products manufactured on the premises as well as to display and sell hardware and building materials will not adversely affect the existing industrial character of the area. The addition of the proposed use may in fact support and

effectively commingle these existing uses. The County of Hawaii Zoning Code allows the operation of "lumber yards and building material yards" as well as "retail sales incidental and subordinate to "permitted uses" in the Industrial zoned district. The proposed retail uses have been determined to be incidental and subordinate to the manufacturing operation presently existing on the subject area and therefore could be considered as a permitted use within the Industrial zoned district. It is therefore felt that the addition of the proposed retail activity with respect to the proposed relationship and scale to the manufacturing uses will have no detrimental effect on the surrounding properties.

Furthermore, the subject area is adequately buffered from other surrounding uses. The subject area is situated approximately 2,000 feet from the nearest residential zoned district and approximately 1,900 feet from the highway. Any adverse impacts to these areas will be primarily visual in nature. These impacts can be adequately mitigated by virtue of the relative isolation of the subject area and by the imposition of conditions.

That the proposed use will not unreasonably burden public agencies to provide roads, sewers, water and drainage improvements, and police and fire protection. The Waikoloa Development has been relatively independent with respect to the provision of these services including the development of their own water system and the maintenance of the Waikoloa Volunteer Fire Department. Furthermore, the subject area is already improved and serviced by these facilities and infrastructures. The addition of the proposed retail use to the existing manufacturing uses will not significantly increase nor affect the provision of these services.

That the granting of this request will provide a much needed service to the public, in this case, the residents and business concerns in this portion of South Kohala. Presently, the nearest area where similar services and materials area available is in the village of Kamuela, over 10 miles away. The granting of this request may further the purpose of the State Land Use Law and Regulations by encouraging the public welfare through the provisions of this facility on the proposed site.

The favorable recommendation was also subject to the following condition:

1. That the proposed retail use shall be limited to the display and sale of building materials and hardware as substantially represented by the petition.

Mr. Gordan Furutani
Page 4

Furthermore, that such retail use shall cease upon the termination or substantial alteration of the building tile manufacturing operation granted under Special Permit 70-85.

2. That plans for Plan Approval, including a landscaping plan, shall be submitted to the Planning Department within one (1) year of the effective date of the Special Permit.
3. That construction of the proposed facilities shall commence within one (1) year from the receipt of Final Plan Approval and shall be completed within two (2) years thereafter.
4. That all other applicable rules and regulations, including those of the Department of Health, shall be complied with.

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

Enclosed are copies of the Exhibits from the subject docket.

Sincerely,

William F. Mielcke

for:

William F. Mielcke
Chairman, Planning Commission

lgv

Enclosures

cc Mr. Robert Behrens
Land Use Division, DPED
Building Division, Public Works
Kona Services Office.



COUNTY OF
HAWAII

LAND USE COMMISSION
STATE OF HAWAII
MAY 21 10 PM '78

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

May 19, 1978

Mr. Robert Behrens, President
Cal-Ga-Crete Hawaii, Inc.
Box 3096, Waikoloa Village Station
Kamuela, HI 96743

Dear Mr. Behrens:

Special Permit Application
Tax Map Key 6-8-02:portion of 15

The Planning Commission at its regular meeting of May 18, 1978 considered your application for a special permit to allow the retail sale of building materials on 1.226 acres of land located within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

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

1. That the proposed retail use shall be limited to the display and sale of building materials and hardware as substantially represented by the petition.

Furthermore, that such retail use shall cease upon the termination or substantial alteration of the building tile manufacturing operation granted under Special Permit 70-85.

2. That plans for Plan Approval, including a landscaping plan, shall be submitted to the Planning Department within one (1) year of the effective date of the Special Permit.

Mr. Robert Behrens

Page 2

May 19, 1978

3. That construction of the proposed facilities shall commence within one (1) year from the receipt of Final Plan Approval and shall be completed within two (2) years thereafter.
4. That all other applicable rules and regulations, including those of the Department of Health, shall 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,

William J. Paris Jr.
for:

William F. Mielcke
Chairman, Planning Commission

lgv

cc

✓ State Land Use Commission
Land Use Division, DPED
Building Division, Public Works
Kona Services Office

LIST OF EXHIBITS - CAL-GA-CRETE HAWAII, INC.

- A. Applicant's Letter(3/7/78)
- A-1. Application form
- A-2. Applicant's reasons
- A-3. Applicant's plan showing portion of Lot 3 of Waikoloa development
- A-4. Applicant's topographical map
- A-5. Applicant's Final Plan Approval of new office/production area bldg.
- A-6. Applicant's plot plan
- B. Departmental acknowledgement letter(3/16/78)
- C. Memo to Agencies(3/16/78)
- D. Helco(3/21/78)
- E. Public Works(3/21/78)
- F. Soil Conservation Service(3/21/78)
- G. Fire (3/29/78)
- H. Police (3/29/78)
- I. Research & Development (4/3/78)
- J. Health (3/29/78)
- K. Water Supply (4/6/78)
- L. Agriculture (4/6/78)
- M. Letter to Willis Sanburn - surrrounding property owner (3/29/78)
- N. Letter to the applicant (3/29/78)
- N-1. Public Hearing Notice
- O. Letter to the applicant (4/4/78)
- P. Letter from the applicant (4/10/78)
- Q. Minutes 4/13/78
- R. Transcript 4/13/78

JUN 5 8 08 AM '78
LAND USE COMMISSION
STATE OF HAWAII

- S. Letter to the applicant (4/13/78)
- T. Letter to the applicant (4/14/78)
- U. Letter to the applicant (4/28/78)
- V. Staff Background
- W. Staff Recommendation
- X. Location Map (please return)
- Y. Plot Plan (please return)
- Z. Photographs (please return)
- AA. Voting Sheet
- BB. Minutes 5/18/78

CAL·GA·CRETE HAWAII, INC.

DISIINCTIVE FLOOR TILE

March 7, 1978

Planning Department
25 Aupuni
Hilo, Hawaii

Gentlemen:

Enclosed are 16 copies of our request for a Special
use Permit, and a check for \$100.00 .

We will check back with you next week, after you have had
a chace to review this, to see if you have any questions.

Sincerely,

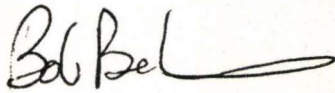


EXHIBIT A

APPLICATION FOR SPECIAL PERMIT

Luc

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT: Cal-Ga-Crete Hawaii, Inc.

APPLICANT'S SIGNATURE: Robert Behrens President

ADDRESS: Box 3096 Waikoloa Village Station,
Kamuela, Hawaii 96743

TELEPHONE: 883-9300

Portion of Lot 3 of Waikoloa Development File Plan 1172
TAX MAP KEY: 3rd Div. 6-8-02-15 AREA: 1.226 Acres
Map attached (POR.) (Size of Parcel)

OWNER: Boise Cascade Home & Land Corp.

OWNER'S SIGNATURE: [Signature] Special Permit (SP 70-85 until 12/11/80)

APPLICANT'S INTEREST, IF NOT OWNER: 5 yr. License with option to re-new for 5 yr

REQUESTED USE: Retail sales of other Building Materials

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 _____

P.D. 3 2/75

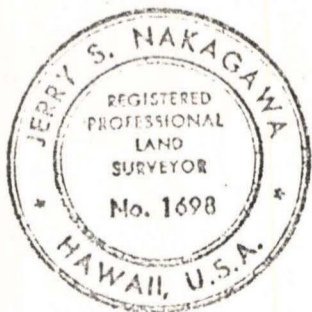
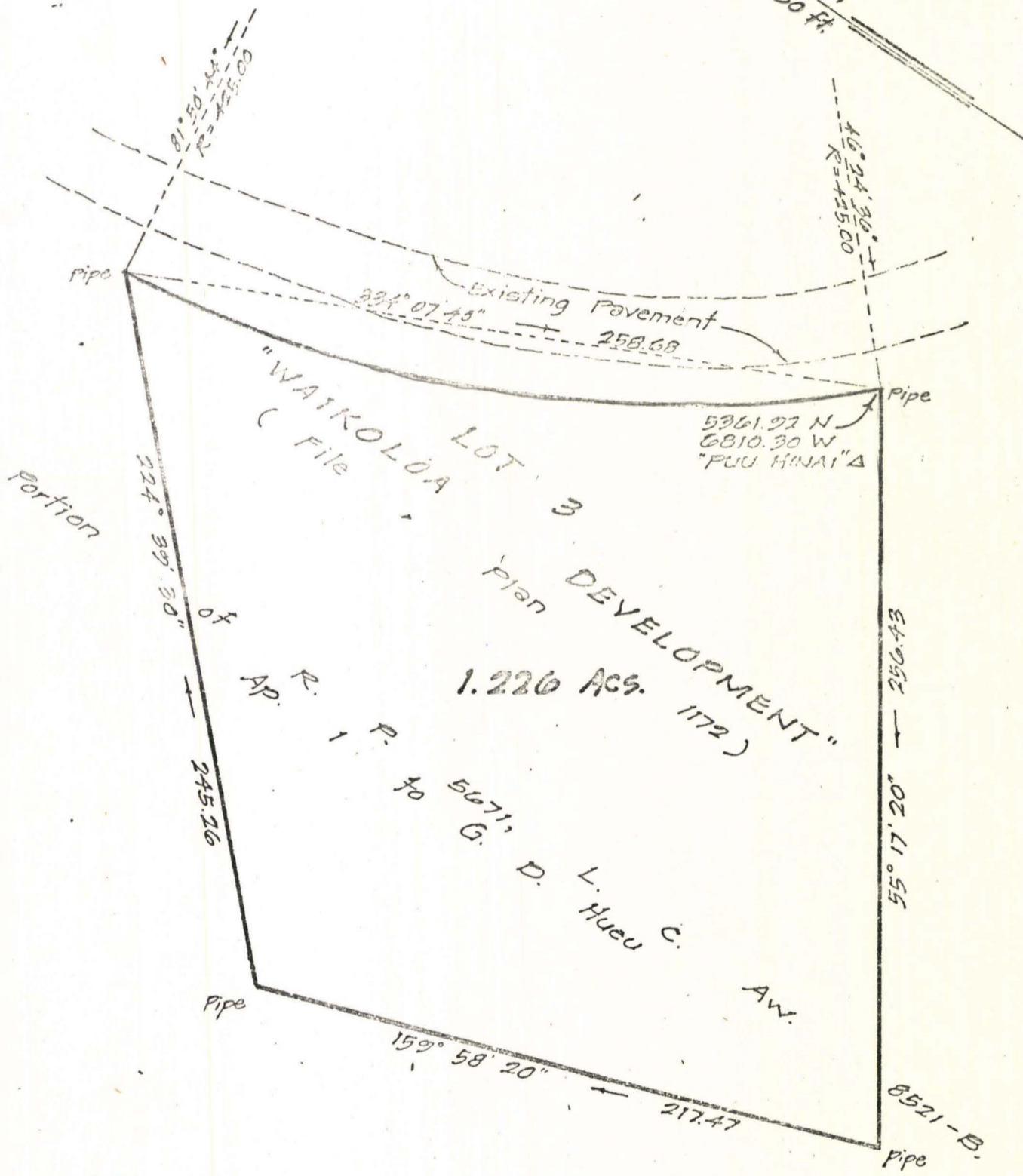
EXHIBIT A-1

APPLICANT'S REASONS FOR REQUESTING SPECIAL PERMIT:

We need to expand our factory to include a show room for our products. We can not justify the cost of the building and the employees for the small amount of walk-in traffic that come to see our tiles. By adding other products to our line, we could justify these costs and have our tiles displayed at the same time. This is very important to the success and growth of our tile manufacturing business.

- A. Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations: The Energy Crisis is still Very real. Our main inventory would consist of small items for the do it yourself home owner, who is constantly making special trips to Kamuela or Kona to pick up a gallon of paint thinner or a pound of nails, etc.. Our retail sales would greatly benefit the Waikoloa Community from this standpoint.
- B. The desired use shall not adversely affect surrounding properties: The property is bordered on the front and one side by Boise's existing Quarry Operations, on one side by the Boise maintenance shop and yard and on the rear by raw land. We have already planted trees along the side of our existing building. We will continue landscaping and planting trees around the new buildings as they are completed. We are using steep pitched roofs of different angles. Our goal is to create rooflines and plantings as aesthetically pleasing as Waiakea Village in Hilo.
- C. Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection: No burden for improvements shall be placed on Public Agencies. If, in the future, zoning is changed for this area to include light industrial, then the burden of improvements would be on the developer of the area. For the special use permit, it would be the responsibility of the applicant.
- D. Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established: There is a definite need for a limited industrial area in Waikoloa. This has been demonstrated by the County Granting other temporary permits in the area.
- E. The land upon which the proposed use is sought is unsuited for the uses permitted within the district: The A'a Lava is not suited for agriculture - the use presently permitted.
- F. The proposed use will not substantially alter or change the essential character of the land and the present use: The addition of retail sales of other building materials, to our present operation would not alter the present character of the land.
- G. The proposed use will make the highest and best use of the land involved for the public welfare: We believe that the granting of this special use permit will benefit the community and allow our Company to grow slowly and soundly during this interim period when there is no designated zoning for our type of business in this area.

TRUE NORTH
Scale: 1" = 50 ft.



PLAN SHOWING
PORTION OF LOT 3
OF WAIKOLOA DEVELOPMENT
FILE PLAN 1172
AT WAIKOLOA, SOUTH KOHALA,
ISLAND OF HAWAII, HAWAII
TAX MAP KEY: 3rd Div. 6-8-02-15
(por.)

This work was prepared by me or
under my supervision.
By: *Jerry S. Nakagawa*
Registered Professional Surveyor
Certificate Number 1698

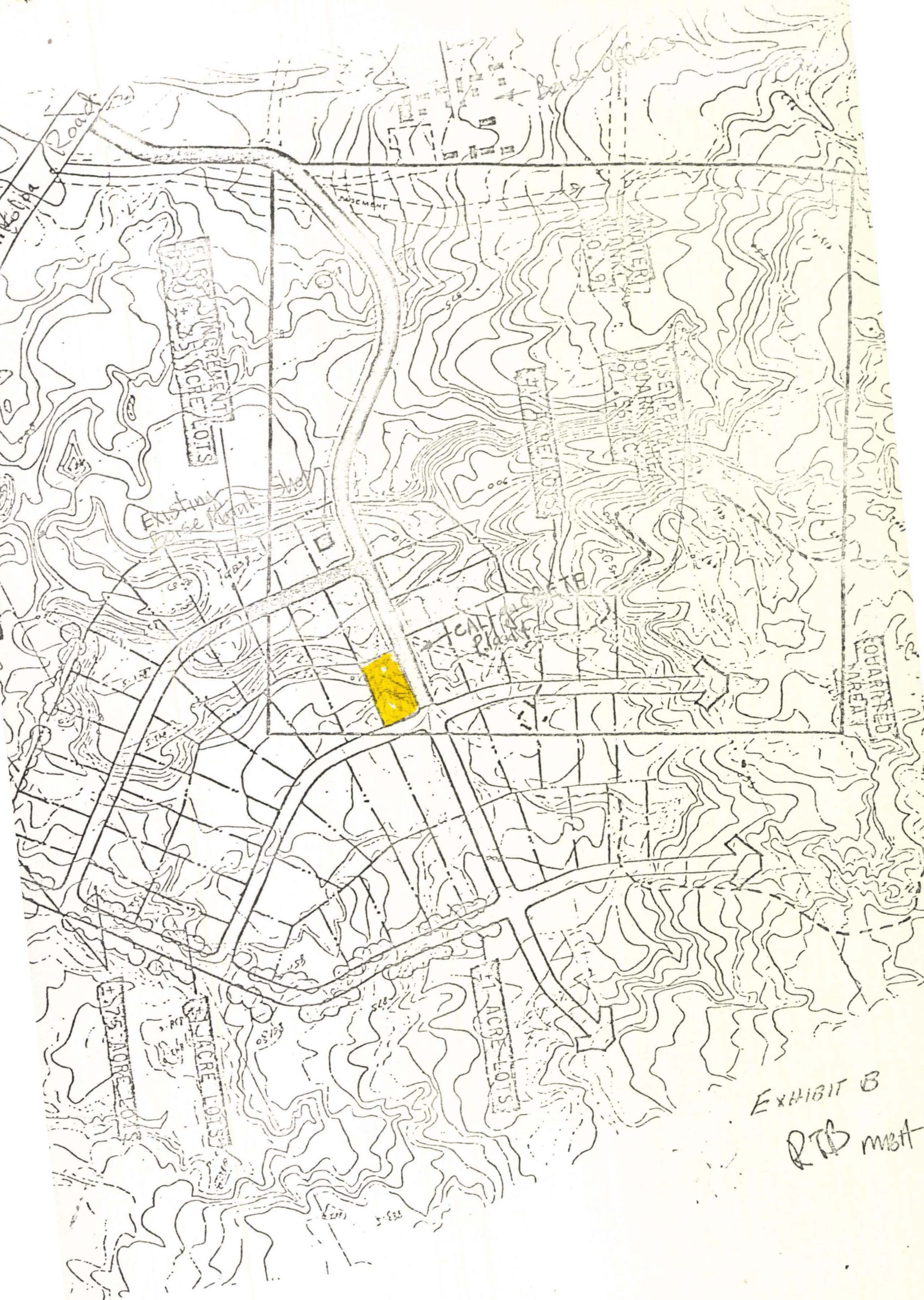


EXHIBIT B
RTD MBH

EXHIBIT A.4

COUNTY PLANNING DEPARTMENT

F-I N A L

P L A N A P P R O V A L

Applicant CAL-GA-CRETE, HAWAII INC. Date May 3, 1977
 Tax Map Key 6-3-2:15 Location Waikoloa
 Proposed Use New Office & Production Area Building
 Zone Onen/SIUC - Agriculture Parcel Area 1957.6 acres

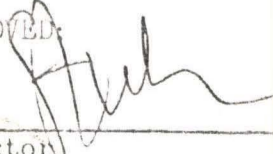
<u>As shown on Plan</u>	<u>Comments</u>
Front Yard In excess of min. req.	OK
Rear Yard " " " " "	OK
Side Yard " " " " "	OK
" " " " "	OK
Ht. of Structure <u>Office Bldg-13' 0"</u> <u>Production Bldg-19' 0"</u>	OK
Access to Parking <u>Both one story</u> <u>Existing</u>	OK
Off Street Parking <u>12 stalls</u>	OK Office - One (1) stall per 400 s.f. of gross floor area - $576/400 = 1.4$ stalls req.; Production Bldg - One (1) stall per 800 s.f. of gross floor area - $1200/800 = 1.5$ stalls; Total 3 stalls required; min. stall size - 9' x 18' with min. 24' back-up aisle space for 90 degree parking, paved with all-weather, dust-free surface
Loading and Unloading Space	
Density	
Fencing: Material	
Height	
Location	
Landscaping <u>As per plan</u>	OK
Others <u>1.</u>	Special Permit (SP 70-85) granted until 12/11/80

Conditions:

1. Parking to be paved and striped; landscaping to be started prior to issuance of the occupancy permit.
2. Applicant and/or landowner to be responsible for maintenance and upkeep of approved landscaping.

APPROVED FOR ADEQUACY OF WATER

Department of Water Supply
 Date _____

APPROVED:

 Director
 Date MAY 4 1977


APPROVED:

 Owner
 Date May 4, 1977

EXHIBIT A-5

March 16, 1978

Mr. Robert Behrens, President
P. O. Box 3096
Waikoloa Village Station
Kamuela, HI 96743

Dear Mr. Behrens:

Special Permit Application
Retail Sales of Building Materials
TMK: 6-8-02:portion of 15

This is to acknowledge receipt on March 9, 1978 of the above-described special permit application.

The County Planning Commission shall conduct a public hearing on the 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 shall 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 then be forwarded to the State Land Use Commission for final action.

However, the Planning Commission may deny the request if it is found that the proposed use does not meet the special permit guidelines. In this case, their decision is final. In accordance with the provisions of Chapter 205-6, Hawaii Revised Statutes, a denial by the Planning Commission may be appealable 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 shall be forwarded when the application is scheduled for Commission action.

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

Sincerely,

Sidney Fuke

SIDNEY FUCE
Director

IP:mmk

cc: SLUC
DPED - Land Use Division

EXHIBIT B

3/17/78

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW Highways Fire
DWS Health Soil Conserv.
R&D Police Dept. of Ag
Helco

Date: March 16, 1978

From: Director *mmk*
Subject: Special Permit Application
Cal-Ga-Crete Hawaii, Inc.
TMK: 6-8-02:portion of 15

The attached special permit application is forwarded for your review. May we have written comments within two weeks. Thank you.

mmk
Enclosure

EXHIBIT C

3/17/78

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



March 21, 1978

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

Attention: Mr. Sidney M. Fuke
Director

Gentlemen:

SUBJECT: Special Permit Application
Cal-Ga-Crete Hawaii, Inc.
TMK: 6-8-02:portion of 15

We have no comments to the above application as per
your memorandum of March 16, 1978.

Very truly yours,

A handwritten signature in cursive script that reads "Jitsuo Niwao (cmh)".

Jitsuo Niwao, Manager
Engineering Department

JN:cmh

EXHIBIT D

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE March 21, 1978

Memorandum

TO : Planning Department

FROM : Chief Engineer

SUBJECT: Application for Special Permit
Applicant: Cal-Ga-Crete Hawaii, Inc.
Location: Waikoloa, South Kohala, Hawaii
TMK: 6-8-02:por. 15

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

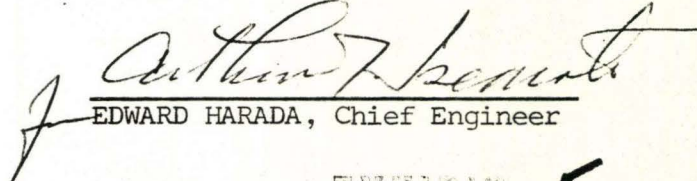

EDWARD HARADA, Chief Engineer

EXHIBIT E

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

P. O. Box 1089, Kamuela, Hawaii 96743

SUBJECT: Special Permit Application
Cal-Ga-Crete Hawaii, Inc.
TMK: 6-8-02: portion of 15

TO: Planning Department

RECEIVED

DATE: March 21, 1978

HAWAII COUNTY
FILE NO

I see no soil or water related problem with this development.

E. J. Sprague

E. J. Sprague
District Conservationist

EXHIBIT F



DATE March 29, 1978

Memorandum

TO : Planning Department

FROM : Hiroshi Shishido, Deputy Fire Chief

SUBJECT: SPECIAL PERMIT APPLICATION
CAL-GA-CRETE HAWAII, INC.
TMK: 6-8-02:PORTION OF 15

We have no objections to the above application.

The nearest hydrant is located approximately 2,000 feet distant. A fire truck is located about three blocks away (Waikoloa Volunteer Fire Company) and fire protection is provided by Waimea Fire Station, over ten miles away.

Hiroshi Shishido

HIROSHI SHISHIDO
DEPUTY FIRE CHIEF

HS/mo

EXHIBIT G



POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720



OUR REFERENCE

YOUR REFERENCE


GUY A. PAUL

CHIEF OF POLICE

March 29, 1978

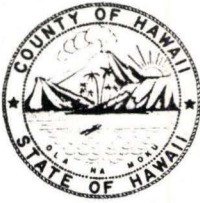
TO : SIDNEY FUKU, PLANNING DIRECTOR
FROM : GUY A. PAUL, CHIEF OF POLICE
SUBJECT: SPECIAL PERMIT APPLICATION - CAL-GA-CRETE HAWAII, INC.
TMK: 6-8-02:portion of 15

The special permit application submitted by the Cal-Ga-Crete Hawaii, Inc. has been reviewed and from the police standpoint, we can foresee no adverse effects from the requested change.


GUY A. PAUL
CHIEF OF POLICE

EWN/RLP/k

EXHIBIT H



DEPARTMENT OF RESEARCH AND DEVELOPMENT

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

April 3, 1978

MEMORANDUM

TO: Planning Department

FROM: Director *Clarence W. Garcia*

SUBJECT: Special Permit Application Cal-Ga-Crete, Hawaii, Inc.
TMK: 6-8-02:portion 15

Thank you for this opportunity to review and comment on the abovementioned subject. We offer the following for your consideration.

- a. The special permit application is for the establishment of a general hardware store to complement the existing operations which allows selling only products produced by the applicant.
- b. The allowance of this special permit may meet the needs of the community as expressed by the applicant. However, the hardware store type of operation would be best situated in a commercial zone.
- c. Within the Waikoloa Village area, there are zoned commercial parcels which are vacant.

EXHIBIT I



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820

HILO, HAWAII 96720

25 AUPUNI STREET

April 6, 1978

TO: Planning Department
FROM: Department of Water Supply
SUBJECT: SPECIAL PERMIT APPLICATION
CAL-GA-CRETE HAWAII, INC.
TAX AMP KEY 6-8-02:PORTION OF 15

We have no objections to the subject request. Waikoloa is serviced from a private water system.

Akira Fujimoto

Akira Fujimoto
for Manager

QA

EXHIBIT K

... *Water brings progress...*

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW Highways Fire
DWS Health Soil Conserv.
R&D Police Dept. of Ag
Helco

Date: March 16, 1978

From: Director *[Signature]*
Subject: Special Permit Application
Cal-Ga-Crete Hawaii, Inc.
TMK: 6-8-02:portion of 15

The attached special permit application is forwarded for your review. May we have written comments within two weeks. Thank you.

Department of Health
Hilo, Hawaii
March 29, 1978

mmk
Enclosure

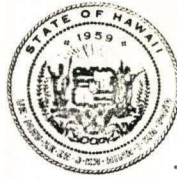
COMMENTS

Air pollution discharges resulting from the manufacturing process may require a permit to construct and operate the facility. Please identify sanitary facilities in building plans.

[Signature]
HAROLD MATSUURA, Chief Sanitarian, Hawaii

EXHIBIT J

GEORGE R. ARIYOSHI
GOVERNOR



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

JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE

YUKIO KITAGAWA
DEPUTY TO THE CHAIRMAN

BOARD MEMBERS:

ERNEST F. MORGADO
MEMBER - AT - LARGE

Sidney Goo
MEMBER - AT - LARGE

SHIZUTO KADOTA
HAWAII MEMBER

STEPHEN Q. L. AU
KAUAI MEMBER

FRED M. OGASAWARA
MAUI MEMBER

April 6, 1978

MEMORANDUM

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

Subject: Special Permit Application
Cal-Ga-Crete Hawaii, Inc.
TMK: 6-8-02: por. 15

The Department of Agriculture has reviewed the subject application.

This agency has no objections or comments on the request.

We appreciate the opportunity to comment.

JOHN FARIAS, JR.
Chairman, Board of Agriculture

EXHIBIT L

March 29, 1978

Mr. Willis Sanburn, Vice President
Boise Cascade Home and Land Corporation
Financial Plaza of the Pacific
130 Merchant Street, Suite 1801
Honolulu, Hawaii 96813

Dear Mr. Sanburn:

Special Permit Application
Cal-Ga-Crete Hawaii, Inc.
Tax Map Key 6-6-88: portion of 15

This is to inform you as property owner of the above described property that a public hearing on the subject application for a retail sales of building materials will be held on Thursday, April 13, 1978, in the Kealahou School Cafeterium, Kealahou, North Kona, Hawaii. Public hearing among others will begin at 7:00 p.m.

Sincerely,

Sidney Fuke

Sidney Fuke
Director

lgv

EXHIBIT M

MAR 30 1978

March 29, 1978

Mr. Robert Behrens, President
Cal-Ga-Crete Hawaii, Inc.
Box 3096, Waikoloa Village Station
Kamuela, HI 96743

Dear Mr. Behrens:

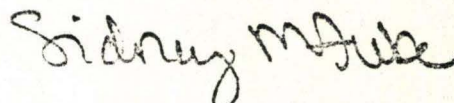
Notice of a Public Hearing
Special Permit Application
Tax Map Key 6-8-02:portion of 15

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 7:00 p.m. on Thursday, April 13, 1978 in the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii.

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

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

Sincerely,



Sidney Fuke,
Director

lgv
Enclosures
cc State Land Use Commission
Land Use Division, DPED

EXHIBIT N

MAR 30 1978

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: Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii

DATE: Thursday, April 13, 1978

TIME: Items 1 - 3: 4:00 p.m.
Items 4 - 5: 7:00 p.m.

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

1. PETITIONER: SIM WENNER
LOCATION: Approximately 2 miles south of Palani Junction and approximately 1,500 feet mauka of the Mamalahoa Highway in Moeauoa, North Kona.
TMK: 7-5-01:13
PURPOSE: Variance to allow a roadway with a 30-foot right-of-way and a 16-foot pavement in lieu of the minimum requirements of 50 feet and 20 feet, respectively, for a proposed 6-lot subdivision.
2. PETITIONER: INTERISLAND RESORTS et al.
LOCATION: Along the south side of Keauhou Bay and adjacent to the Kona Surf Hotel complex, Keauhou 2nd, North Kona.
TMK: 7-8-12:58 through 60

EXHIBIT N-1

- PURPOSE: Change of zone for 2.12 acres of land from a Single Family Residential - 10,000 square foot (RS-10) to a Resort-Hotel - 750 square foot (VH-.75) zone district.
3. PETITIONER: U. S. FISH AND WILDLIFE SERVICE
- LOCATION: Between the Queen Ka'ahumanu Highway and 'Ōpae'ula Pond, Makalawena, North Kona.
- TMK: 7-2-04:portion of 1
- PURPOSE: Variance from the minimum roadway requirements for a proposed two-lot subdivision.
4. PETITIONER: CAL-GA-CRETE HAWAII, INC.
- LOCATION: Near the existing Boise Cascade maintenance shop south of Waikoloa Road, Waikoloa, South Kohala.
- TMK: 6-8-02:portion of 15
- PURPOSE: Special Permit to allow the retail sale of building materials on 1.226 acres of land located within the State Land Use Agricultural District.
5. PETITIONER: BOISE CASCADE HOME AND LAND CORPORATION
- LOCATION: Along the northern side of the South Kohala-North Kona district boundary and approximately 150 feet mauka of the Mamalahoa Trail, Waikoloa South Kohala.
- TMK: 6-8-01:portion of 26
- PURPOSE: Amend Special Permit 77-261(b) which allowed the establishment of a temporary construction and maintenance yard on 7.906 acres of land situated within the State Land Use Agricultural District. The proposed amendment is to allow

the construction of parking facilities for up to 650 vehicles to supplement on-site hotel parking requirements.

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
WILLIAM F. MIELCKE, Chairman
By SIDNEY FUKE
Planning Director

(Hawaii Tribune Herald: April 3 & 11, 1978.)

April 4, 1978

Mr. Robert Behrens, President
Cal-Ga-Crete Hawaii, Inc.
P.O. Box 3096
Waikoloa Village Station
Kamuela, HI 96743

Dear Mr. Behrens:

Special Permit Application
Retail Sales of Building Materials
TMK: 6-8-02:portion of 15

This is to acknowledge receipt of the sketch of the proposed building which we had requested.

Sincerely,

Sidney Fure

SIDNEY FURE
Director

IP:mmk

EXHIBIT 0

APR 5 1978

CAL-GA-CRETE HAWAII, INC.

DISTINCTIVE FLOOR TILE

April 10, 1978

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

Dear Mr. Fuke:

Special Permit Application
Retail Sales Of Building Materials
TMK: 6-8-02: portion of 15

The "Site Plan" attached to our application shows the possible ultimate development of our property, and that the proposed retail sales building fits in to an over all plan.

With this Special Permit application, we are only asking to build the Retail Sales & Tile Showroom (lower left corner of the drawing) consisting of approximately 2000 sq. ft.

I am enclosing two copies of the map with the existing buildings colored yellow and the proposed building colored red to further clarify our request.

Sincerely,

Cal-Ga-Crete Hawaii, Inc.

Robert Behrens
President

RB/gjb

Encls:

EXHIBIT P

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
April 13, 1978

The Planning Commission met in regular session at 2:30 p.m. in the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Lorraine R. Jitchaku
Haruo Murakami
Bert H. Nakano
Alfredo Orita
Charles H. Sakamoto

ABSENT: William J. Paris, Jr.
Shigeru Fujimoto

Ex-officio Member
Akira Fujimoto

Sidney M. Fuke, Director
Ilima Piianaia, Planner
Keith Kato, Planner

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

and about 9 people in attendance at 2:30 p.m., 8 people at 4:00 p.m. and 14 people at 7:00 p.m.

MINUTES: It was moved by Commissioner Murakami and seconded by Commissioner Jitchaku that the minutes of March 22, 1978, by approved as circulated. Motion was carried.

All those testifying were duly sworn in.

SPECIAL PERMIT Application of Roy R. Gomes for a Special Permit
ROY R. GOMES to allow the construction of a second dwelling
HONUAAULA, NORTH on 1.129 acres of land situated within the State
KONA Land Use Agricultural District. The area involved
is located along the mauka side of the old
Mamalahoa Highway, approximately 100 feet north of the Keopu Cemetery,
Honuaula, North Kona, TMK: 7-5-01:24.

Staff presented background information and recommendation for denial on file.

Staff explained that there was no date given as to when the existing dwelling would be torn down, and that the soil classification is "C" or fair.

already have a legal access to Mamalahoa Highway going mauka from the shoreline. He pointed out that the public park on the south end of the road is a very important aspect of their development.

With regard to the analysis by Hastings, Martin, Halstrom and Chew, Mr. Giacometti pointed out that it does not indicate anything about price preferences and that they are now experiencing better than average sales.

There was no one from the public wishing to testify on this application.

It was moved by Commissioner Sakamoto and seconded by Commissioner Jitchaku that the public hearing be closed; motion was carried.

It was moved by Commissioner Murakami and seconded by Commissioner Nakano that the application for an SMA permit be approved with the conditions outlined by the staff. A roll call vote was taken and motion carried with seven ayes.

Chairman Mielcke said he hoped that the developer will really be concerned about the way the area is maintained during construction, the location of the development signs and staging area, and how the whole area is generally maintained.

SPECIAL PERMIT	Public hearing on the application of Cal-Ga-Crete
✓ CAL-GA-CRETE	Hawaii, Inc. for a Special Permit to allow the
<u>HAWAII, INC.</u>	retail sales of building materials on 1.226 acres
WAIKOLOA, SOUTH	of land located within the State Land Use Agri-
KOHALA	cultural District. The area involved is located
	near the existing Boise Cascade maintenance shop
	south of Waikoloa Road, Waikoloa, South Kohala, TMK: 6-8-02:portion
	of 15.

Staff presented background information on file.

Staff informed the Commissioners that the quarry extension was extended in 1975 for 5 years, and that the extension was granted with the condition that Boise Cascade work with the Planning Director to find an industrial area within the Waikoloa mauka region.

The applicant's representative, Bob Behrens, said that they are requesting the subject location as it is in close proximity to the existing factory and to move up would involve purchasing of other lands, and be much more complicated for them.

There was no one from the public wishing to testify on this application.

Commissioner Nakano questioned what right do other people have to walk in and do business if this is a private driveway leading to the proposed site. Mr. Behrens said that an amendment to the General Plan is under consideration to have this area zoned limited industrial; therefore, this is to cover an intermittent period until the General Plan is adopted. Mr. Behrens explained that he believed they had the permission

to use the road, which is opened during weekdays and locked during weekends, and did not see any problem in having it opened up for their use.

The Planning Director clarified that the connector between the old Mamalahoa Highway and the Queen Kaahumanu has already been dedicated to the County; but access to their parcel is gained through an easement from Boise. Mr. Behrens agreed that there should be an agreement with Boise on this easement.

Mr. Will Sanburn of Boise Cascade explained the road situation in Waikoloa and pointed out that as soon as the General Plan is adopted, with the amendment to have this area zoned industrial, it will conform to the use Mr. Behrens is requesting. Mr. Sanburn added that they did not think selling of building materials, lumber, plywood, etc. is permitted under a commercial zone, therefore it depended on what kind of a hardware store the petitioner is talking about.

Mr. Sanburn clarified that the main mauka-makai road and all the existing roads in the village subdivision is dedicated.

It was moved by Commissioner Orita and seconded by Commissioner Hanley that the public hearing be closed; motion was carried.

SPECIAL PERMIT
BOISE CASCADE
HOME & LAND
CORPORATION
WAIKOLOA, SOUTH
KOHALA

Public hearing on the application of Boise Cascade Home & Land Corporation to amend Special Permit 77-261(b) which allowed the establishment of a temporary construction and maintenance yard on 7.906 acres of land situated within the State Land Use Agricultural District. The proposed amendment is to allow the construction of parking facilities for up to 650 vehicles to supplement on-site hotel parking requirements. The area involved is located along the northern side of the South Kohala-North Kona district boundary and approximately 150 feet mauka of the Mamalahoa Trail, Waikoloa, South Kohala, TMK: 6-8-01:portion of 26.

Staff presented background information on file.

Staff indicated on the map the location of the proposed parcel and Lot 2 where the facility was to be temporarily located.

In answer to the Commission's questions, staff explained that the lot shown mauka of the Queen Kaahumanu Highway is the sewage treatment plant site and that the STP site's boundary is co-terminus with the highway-roadway boundary.

The petitioner's representative, Will Sanburn, pointed out that the biggest use of their jitney service would be to move the hotel employees as the shift changes, and that they anticipated ground-breaking early this summer on the parcel. Mr. Sanburn said that they had no proposed use for Lot 2 at the present time. As far as drainage, Mr. Sanburn said that Waikoloa has only about 9" of rain a year so most of the water will disappear when it reaches the lot; however, they will provide a crown so that water can run off on the side. Given the existing topography of the site,

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
April 13, 1978

A regularly advertised public hearing, on the application of Cal-Ga-Crete Hawaii, Inc., was called to order at 7:46 p.m., in the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
J. Walsh Hanley
Lorraine R. Jitchaku
Haruo Murakami
Bert H. Nakano
Alfredo Orita
Charles H. Sakamoto

ABSENT: William J. Paris, Jr.
Shigeru Fujimoto

Sidney M. Fuke, Director
Ilima Piianaia, Planner
Keith Kato, Planner

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

and about 4 people in attendance

CHAIRMAN: We'll move on to the next item. Public hearing on the application of Cal-Ga-Crete Hawaii, Inc. for a Special Permit to allow the retail sales of building materials on 1.226 acres of land located within the State Land Use Agricultural District. The area involved is located near the existing Boise Cascade maintenance shop south of Waikoloa Road, Waikoloa, South Kohala, TMK: 6-8-02: portion of 15. Staff?

KATO: (Presented background information on file.)

CHAIRMAN: Thank you, Keith. Commissioners, do you have any questions of the staff concerning this application?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Commissioner Murakami.

MURAKAMI: I notice the quarry extension was extended in 1975, can you tell me how many years they extended the operation of that quarry?

PIIANAIA: I believe it was a 5-year extension.

Exhibit R

MURAKAMI: Five years, thank you.

CHAIRMAN: Okay, staff, any further, I mean, Commissioners, any further questions of the staff?

PIIANAIA: May I add something on to that?

CHAIRMAN: Sure.

PIIANAIA: The extension was granted with the condition, if those of you who were on the Commission then remember, that Boise Cascade work with the Planning Department to find an industrial area within the Waikoloa mauka region.

CHAIRMAN: Okay, thank you. If there are no further questions of the staff, is the applicant or a representative of the applicant present?

BEHRENS: Yes.

CHAIRMAN: Would you come forward please. Yes, I'll ask you to identify yourself in the microphone please.

BEHRENS: Yes, I'm Bob Behrens, one of the owners of the company.

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

BEHRENS: B-e-h-r-e-n-s.

CHAIRMAN: Thank you. Mr. Behrens, we'll swear you in at this time. Do you swear to tell the truth and nothing but the truth on this matter now before the Hawaii County Planning Commission?

BEHRENS: Yes, I do.

CHAIRMAN: Thank you. Do you have anything to add to the staff's background report?

BEHRENS: I think they covered it pretty well, and our written application. The only thing that I might add, that we asked for the location down there rather than up in the commercial area because it would be in a closer proximity to the existing factory, that's the only reason. Also, that we're already situated there and to move up would involve purchasing other lands and being much more complicated for us.

CHAIRMAN: Thank you. Commissioners, do you have any questions of Mr. Behrens? Okay, thanks very much. We'll ask you to remain in the audience as there may be some questions that come up. This is a public hearing, the Chair, at this time, would like to invite anyone from the audience who wishes to testify either for or against

the application of Gal-Ga-Crete Hawaii, Incorporated, to so identify yourself. If there's no public testimony to come before the Commission, the Chair, at this time, will entertain a motion to -. Yes, go ahead, Commissioner Jitchaku.

JITCHAKU: Yes, Mr. Chairman, maybe for the staff. Is the existing pavement, is that roadway the entrance would be where the village store is and continue on in the back? How do you get into the area?

PIIANAIA: Well, basically, you come up through -.

JITCHAKU: Hawaii Belt?

PIIANAIA: The roadway on the big map coming this way is the Waikoloa Road, the main road running through; and essentially, you get to this area below the village store. There's some private service roads.

JITCHAKU: Oh, okay, thank you.

CHAIRMAN: Okay, thanks.

NAKANO: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Nakano.

NAKANO: I was wondering, if this is going to be a private driveway leading to the proposed site, I was wondering what right has the other people to walk in, you know, drive up. They may say this is a private driveway, so how can you do a good business up there?

BEHRENS: Good question.

CHAIRMAN: Would you please come up because we are taping the proceedings.

BEHRENS: The road that is presently a private driveway would be the same road that would be the main road into this area, if at a future time that it becomes a limited industrial area; and I believe that this area is presently under consideration for that use in the new general plan. And so, actually this request is to sort of cover an intermittent period until the new general plan is announced and allow us to go ahead. So we are using, we do, I believe, have permission to use this road now for our present use and I don't think that there will be any problem in opening it up for our use.

CHAIRMAN: Mr. Director, do you care to comment on that?

FUKE: Mr. Behrens, I think that you might be able to perhaps clarify what I'm about to say. My understanding is that the main highway from the old Mamalahoa Highway leading up to the village has already been dedicated to the County of Hawaii. It's essentially

that section makai of the village down to the main, excuse me, the new Queen Kaahumanu Highway that has not been dedicated and accepted -.

SANBURN: It has.

FUKE: Oh, it has been dedicated. That's Mr. Sanburn speaking, saying that the entire, connector between the old Mamalahoa Highway and Queen Kaahumanu Highway has already been dedicated. But access to your parcel right now is gained through an easement -.

BEHRENS: Yes.

FUKE: And is that easement a nonexclusive easement, in a sense that any person that visits you or wants to gain access to the parcel would be able to utilize that easement?

BEHRENS: I believe presently that road is open during weekdays, there's a gate, and it's locked during the weekends.

FUKE: Okay, in a sense then, Boise owns that particular portion from which your parcel -?

BEHRENS: Yes.

FUKE: You have an easement from Boise.

BEHRENS: Yes.

FUKE: Would there be any problem for your operation in the event that there is some limitation to that easement?

BEHRENS: Yes, and should have something, some sort of an agreement with Boise, which at the present time, we don't. They signed the application and so they're aware of what we're asking for. They're also sitting right there. But anyway, in discussing this we didn't make any, you know, written agreement as far as the access is concerned.

CHAIRMAN: Mr. Sanburn, might you come up and comment on that for the benefit of the Commission. Do you swear to tell the truth and nothing but the truth on this matter now before the Hawaii County Planning Commission?

SANBURN: I do.

CHAIRMAN: Would you identify yourself for the record.

SANBURN: I'm Will Sanburn, Waikoloa. As for the road, let me step over to the map.

CHAIRMAN: Surely.

SANBURN: This road is dedicated to the County, and right off above here is the road that runs up to our offices; and that's open all the time. Anyone who does business with us goes up there. It's

not dedicated, it's a private road. Then it branches off up toward the quarry area and all during the time we were building that Increment 1 of the village, that's open and trucks and things move in and out of there. So that's the road situation.

Now as far as the, we have been talking with the County in accordance with the last extension of the Special Use Permit. At their suggestion, we have requested some industrial zoning in the new general plan which is going to be acted on this year. I think the staff has reacted favorably to it, so it will be before you in the general plan. As soon as that's approved, we will then be coming in for the Land Use Commission, and the other, the zoning and so forth will be needed to create the industrial park in there; and at that time the use Mr. Behrens is thinking of, I think, conforms with the zoning we will be asking for, so I think he's right in line. And to the extent that is more than a hardware store, if he sells building materials, lumber and plywood, and that kind of things, we don't think that's permitted under our commercial zone. So it depends what kind of a hardware store he's talking about. But we think it's fine.

CHAIRMAN: Commissioner Hanley?

HANLEY: Yes. Will, are the residential roads dedicated in Waikoloa.

SANBURN: Yes.

HANLEY: They are all dedicated, as well as the main road coming down from the -.

SANBURN: Main mauka-makai road is dedicated and all the existing roads in the village subdivision.

CHAIRMAN: Okay, Commissioners, any further questions of Mr. Sanburn? Okay, thanks, Will. Commissioners, anything you'd like to recall the applicant on? If not, and if there's no further public testimony to come before the Commission, the Chair will entertain a motion to close the public hearing.

ORITA: Mr. Chairman, I so move that the public hearing be closed.

CHAIRMAN: Thank you, Commissioner Orita. Is there a second?

HANLEY: Second.

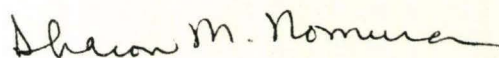
CHAIRMAN: It has been moved by Commissioner Orita and seconded by Commissioner Hanley that the public hearing be closed. All those in favor so signify by saying aye?

COMMISSIONERS: Aye.

CHAIRMAN: Oppose, same sign? Public hearing has been closed.

Public hearing adjourned at 8:05 p.m.

Respectfully submitted,



Sharon M. Nomura
Secretary

A T T E S T :



William F. Mielcke
Chairman, Planning Commission

April 13, 1978

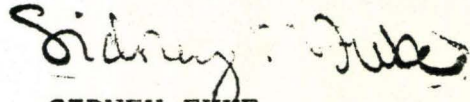
Mr. Robert Behrens, President
Cal-Ga-Crete Hawaii, Inc.
Box 3096, Waikoloa Station
Kamuela, HI 96743

Dear Mr. Behrens:

Special Permit Application
Retail Sales of Building Materials
TMK: 6-8-02:portion of 5

This is to acknowledge receipt of your letter of April 10, 1978, which confirmed a discussion between you and my staff on the subject application.

Sincerely,



SIDNEY FUCE
Director

IP:mmk

EXHIBIT 5

APR 14 1978

April 14, 1978

Mr. Robert Behrens, President
Cal-Ga-Crete Hawaii, Inc.
Box 3096, Waikoloa Village Station
Kamuela, HI 96743

Dear Mr. Behrens:

Special Permit Application
Tax Map Key 6-8-02:portion of 15

The Planning Commission at its meeting of April 13, 1978, held a duly advertised public hearing on your application for a special permit to allow the retail sales of building materials on 1.226 acres of land located within the State Land Use Agricultural District in Waikoloa, South Kohala, Hawaii.

In accordance with the provisions of Section 205-6, Hawaii Revised Statutes, the Commission shall act on such petition not earlier than fifteen (15) days after the said public hearing.

We shall notify you when the Commission is ready to take action on your request.

Sincerely,



William F. Mielcke
Chairman, Planning Commission

lgv

cc State Land Use Commission
Land Use Division, DPED

EXHIBIT T

APR 14 1978

April 28, 1978

Mr. Robert Behrens, President
Cal-Ga-Crete Hawaii, Inc.
Box 3096, Waikoloa Village Station
Kamuela, HI 96743

Dear Mr. Behrens:

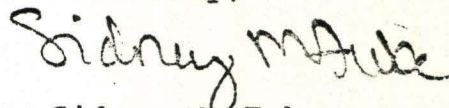
Special Permit Application
Tax Map Key 6-8-02:portion of 15

Your application will again be discussed on Thursday, May 18, 1978, by the Planning Commission. The meeting will be held in the Civic Center Conference Room, Waimea, South Kohala, Hawaii and is scheduled to begin at 1:30 p.m.

You will be notified of the Commission's decision.

A copy of the agenda is enclosed for your information.

Sincerely,



Sidney M. Fuke
Director

SMN

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT 4

APR 28 1978

SPECIAL PERMIT: CAL-GA-CRETE HAWAII, INC.

Cal-Ga-Crete Hawaii, Inc. is requesting a Special Permit to allow the retail sale of building materials on 1.226 acres of land situated within the State Land Use Agricultural District. The area under consideration is a portion of a 1,957.631-acre parcel and is located next to the Waikoloa Village Quarry site, south of Waikoloa Road, Waikoloa, South Kohala (TMK: 6-8-02: por. of 15).

More specifically, the petitioner is requesting this Special Permit to allow the construction of an approximately 2,000-square foot building. This building is intended to be used to display building tiles and other products manufactured on the premises, as well as to display and sell other hardware and building materials.

Presently existing within the subject area is ~~_____~~ a ^{1,650} ~~_____~~ square foot tile factory. ~~These~~ ^{is} buildings ^{was} ~~were~~ constructed in 1977. A building permit has also been issued for a 576-square foot office structure. If the ^{Special Permit is approved,} ~~the~~ ^{however,} ~~Commissioner's~~ ^{this office area may be included in the proposed structure.} information, the floor tile manufacturing and related office uses were permitted under Special Permit 70-85 granted to Boise Cascade Properties, Inc. in 1970 for a period of 5 years. This permit, which was subsequently extended in 1975, allowed the operation of a quarry and other ancillary activities on an approximately 45 acre site which includes the subject area. Also permitted under this Special Permit was the construction and operation of a repair and maintenance facility for the Waikoloa development.

EXHIBIT V

The proposed retail sale of hardware and building materials ~~is~~^{is} not permitted under Special Permit 70-85. Consequently, the petitioner is requesting a separate Special Permit to allow these uses.

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

(READ PETITIONER'S REASONS FOR REQUESTING THE SPECIAL PERMIT)

The General Plan Land Use Pattern Allocation Guide Map designates the area as 'Open'. It is situated within the County's 'Open' zoned district.

Surrounding land uses include the quarrying operation and other ancillary activities, the repair shop, and open lands. The subject area is situated approximately 2,000 feet south of the existing Multi-family Residential (RM) zoned district and approximately 4,500 feet from the Waikoloa Village Commercial area.

Soils of the subject area consist of 'A'ā lava. This lava type has practically no soil covering. The lava is rough and broken, consisting of clinkery, hard, glassy, sharp pieces piled in tumbled heaps. The Land Study Bureau's Overall Soil Capability Rating for these soils is class 'E' or 'Very Poor'.

Access to the subject area from Waikoloa Road is by means of a 2,500 foot long private roadway. This road, which has ~~an~~ approximately a 22 foot-wide pavement, serves as the primary access to the Waikoloa Village quarry.

All necessary utilities and services are presently available to this area.

In reviewing this request, the Fire Department had no objections, commenting that:

"The nearest hydrant is located 2,000 feet distant. A fire truck is located about 3 blocks away (Waikoloa Volunteer Fire Company) and fire protection is provided by Waimea Fire Station, over ten miles away."

The Department of Health also reviewed this request and commented that:

"Air pollution discharge resulting from the manufacturing process may require a permit to construct and operate the facility. Please identify sanitary facilities in building plans."

The Dept of Research & Development commented as follows: (Memo 4/3/72)
All other cooperating agencies had no comments on or objections

to the subject request.

RECOMMENDATION: CAL-GA-CRETE

Upon review of the subject 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 will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for the public health and welfare of the people of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District not only includes land with high capacity or potential for agricultural uses, but also lands which are surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics. The subject property's dominant soil type is A'a lava, which is in the U. S. Department of Agriculture, 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

EXHIBIT W

activity. The Land Study Bureau's rating of these lands for overall agricultural productivity is also very poor as they are classified as Class "E". It is therefore 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 the determining of the Agricultural District.

Further, the subject area has already been effectively removed from agricultural production by the granting of Special Permit 70-85 which allowed quarrying and related activities to be conducted in this area of the Waikoloa Development. The continued use of this area for non-agricultural pursuits will have no effect on the overall agricultural potential of the region or of the Island and State.

2. That the proposed use will not adversely affect surrounding properties. The subject area is a portion of an existing quarrying operation which was permitted under Special Permit 70-85. This Special Permit allowed the operation of a quarry and ancillary activities on an approximately 45-acre site adjacent to the Waikoloa Village urban area. Consequently, this 45-acre site,

which has subsequently been developed with the Waikoloa Quarry, ancillary activities including a rock crusher and a screening facility, a repair and maintenance facility and the building tile manufacturing operation, has been in what can be characterized as industrial uses since the granting of the Special Permit in 1970. The construction of the proposed building to display floor tiles and other products manufactured on the premises as well as to display and sell hardware and building materials will not adversely affect the existing industrial character of the area. The addition of the proposed use may in fact support and effectively commingle these existing uses. The County of Hawaii Zoning Code allows the operation of "lumber yards and building material yards" as well as "retail sales incidental and subordinate to "permitted uses" in the Industrial zoned district. The proposed retail uses have been determined to be incidental and subordinate to the manufacturing operation presently existing on the subject area and therefore could be considered as a permitted use within the Industrial zoned district. It is therefore felt that the addition of the proposed retail activity with respect to the proposed relationship and scale to the manufacturing uses will have no detrimental effect on the surrounding properties.

Furthermore, the subject area is adequately buffered from other surrounding uses. The subject area is situated approximately 2,000 feet from the nearest residential zoned district and approximately 1,900 feet from the highway. Any adverse impacts to these areas will be primarily visual in nature. These impacts can be adequately mitigated by virtue of the relative isolation of the subject area and by the imposition of conditions.

3. That the proposed use will not unreasonably burden public agencies to provide roads, sewers, water and drainage improvements, and police and fire protection. The Waikoloa Development has been relatively independent with respect to the provision of these services including the development of their own water system and the maintenance of the Waikoloa Volunteer Fire Department. Furthermore, the subject area is already improved and serviced by these facilities and infrastructures. The addition of the proposed retail use to the existing manufacturing uses will not significantly increase nor affect the provision of these services.
4. That the granting of this request will provide a much needed service to the public, in this case, the residents and business concerns in this portion of South

Kohala. Presently, the nearest area where similar services and materials are available is in the village of Kamuela, over 10 miles away. The granting of this request may further the purpose of the State Land Use Law and Regulations by encouraging the public welfare through the provision of this facility on the proposed site.

Staff further recommends that the Special Permit be given a favorable recommendation subject to the following conditions:

1. That the proposed retail use shall be limited to the display and sale of building materials and hardware as substantially represented by the petition. ✓

Furthermore, that such retail use shall cease upon the termination or substantial alteration of the building tile manufacturing operation granted under Special Permit 70-85.

2. That plans for Plan Approval, including a landscaping plan, shall be submitted to the Planning Department within one (1) year of the effective date of the Special Permit.
3. That construction of the proposed facilities shall commence within one (1) year from the receipt of

Final Plan Approval and shall be completed within two (2) years thereafter.

4. That all other applicable rules and regulations, including those of the Department of Health, shall 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 May 18, 1978

Petitioner CAL-GA-CRETE, HAWAII, INC. - Special Permit

Preliminary hearing Public hearing Request Action

- ACTION: Approve
 Deny
 Defer
 Continue
 Schedule for public hearing

Other: _____

Commissioners	Aye	No	Excused	Abstain
FUJIMOTO, Shigeru <i>2nd</i>	✓			
HANLEY, J. Walsh			✓	
JITCHAKU, Lorraine R.			✓	
MURAKAMI, Haruo			✓	
NAKANO, Bert H.	✓			
ORITA, Alfredo	✓			
PARIS, William Jr.	✓			
SAKAMOTO, Charles <i>Movid</i>	✓			
MIELCKE, William F.			✓	

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
May 18, 1978

The Planning Commission met in regular session at 9:00 a.m. in the First Hawaii Bank Meeting Room, Kailua, North Kona, Hawaii, with Co-chairman Pro tem Lorraine R. Jitchaku presiding and at 1:00 p.m. in the Civic Center Conference Room, Waimea, South Kohala, Hawaii, with Co-chairman Pro tem William J. Paris, Jr., presiding.

PRESENT:	William J. Paris, Jr.	ABSENT:	J. Walsh Hanley
	Shigeru Fujimoto		Lorraine R. Jitchaku
	Bert H. Nakano		William F. Mielcke
	Alfredo Orita		Haruo Murakami
	Charles H. Sakamoto		
	Sidney M. Fuke, Director		Ex-officio Member
	Ilima Piianaia, Planner		Akira Fujimoto
	Keith Kato, Planner		

Edmund Morimoto, representing Ex-officio Member Edward Harada
Lionel Meyer, Deputy Corporation Counsel

and about 6 people at 9:00 a.m. and 3 people at 1:00 p.m.

All those testifying were duly sworn in.

Co-chairman Pro tem Lorraine Jitchaku chaired this portion of the meeting.

EXHIBIT BB

Mr. Smith pointed out that the carport is directly under the residence and because it is in a tsunami area, they plan to keep it as open as possible with hopefully growing bougainvillea in the front, the residence itself is technically on the second level.

It was moved by Commissioner Orita and seconded by Commissioner Paris to set the application up for a public hearing; motion was carried.

RECESS: The Chair called a recess at 10:15 a.m. until the scheduled public hearing at 1:00 p.m. in Waimea.

RECONVENED: The meeting reconvened at 1:00 p.m.

At this time, Co-Chairman Pro tem William J. Paris, Jr., chaired the meeting.

SMA USE PERMIT
STATE OF HAWAII
AIR TRANSPORTATION
FACILITIES
DIVISION
NORTH KOHALA

Public hearing on the application of the State of Hawaii Department of Transportation, Air Transportation Facilities Division, for a Special Management Area (SMA) Use Permit to allow the construction of a passenger and maintenance shelter at 'Upolu Airport, Kealahewa 3rd, North Kohala, TMK: 5-5-06:7.

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

The petitioner's representative, Melvin Ikeda, pointed out that the Department of Land and Natural Resources has informed them that a CDUA would not be needed in this application as it is a replacement project and that he would submit a copy of that letter to the Planning Department.

Staff recommended that Condition 1 be deleted and Condition 2 be amended to read, "That plans shall be submitted to the Planning Department for Plan Approval within one (1) year from the effective date of approval of the SMA Use Permit."

There was no one from the public present. It was moved by Commissioner Nakano and seconded by Commissioner Fujimoto that the public hearing be closed; motion was carried.

It was moved by Commissioner Orita and seconded by Commissioner Nakano that the SMA Use Permit be approved with the conditions outlined and amended by the staff. A roll call vote was taken and motion carried with five ayes.

RECESS: The Chair called a recess at 1:12 p.m. until the next scheduled item at 1:30 p.m.

RECONVENED: The meeting reconvened at 1:30 p.m.

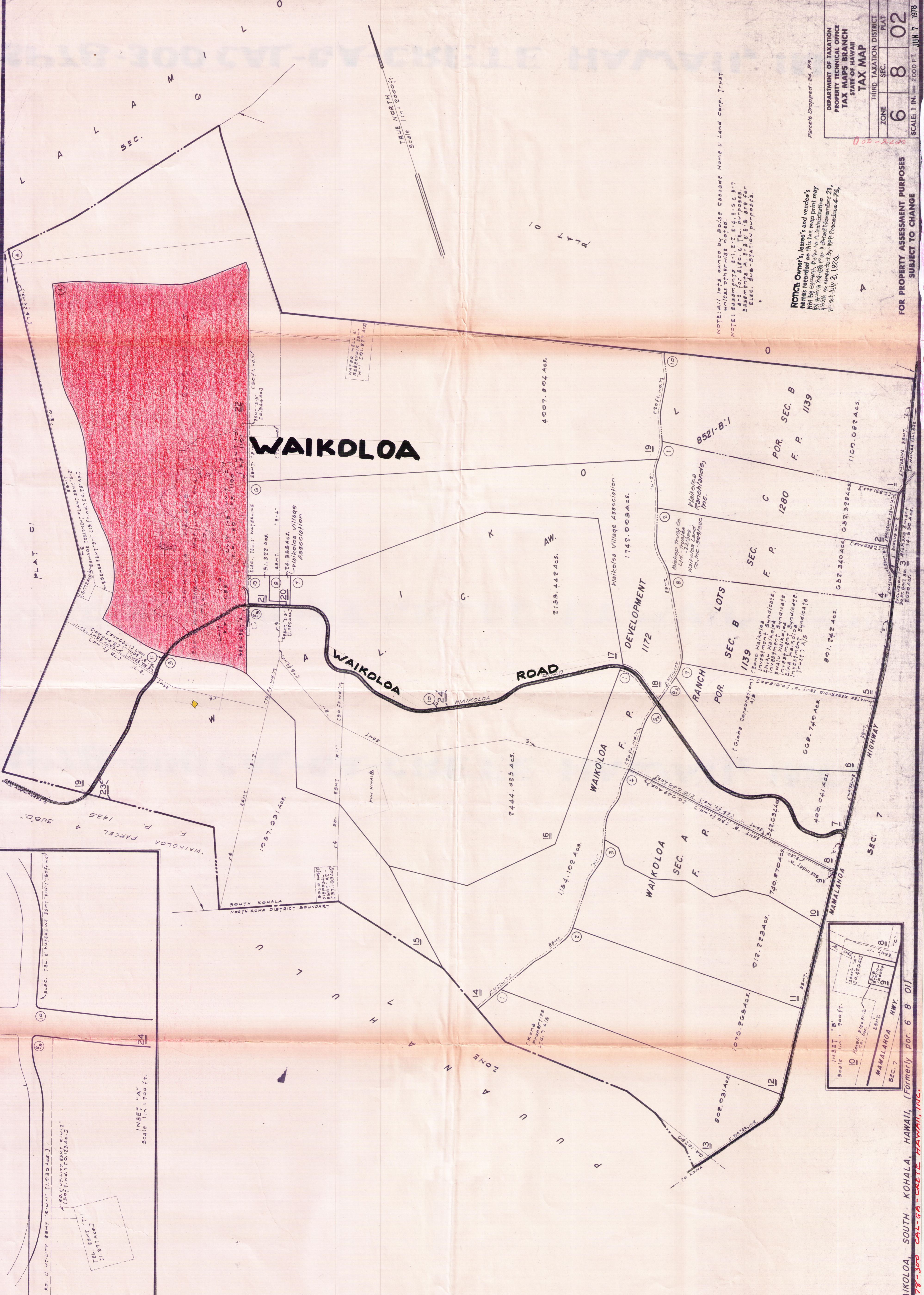
SPECIAL PERMIT
CAL-GA-CRETE
HAWAII, INC.

Application of Cal-Ga-Crete Hawaii, Inc. for a Special Permit to allow the retail sale of building materials on 1.226 acres of land

Exhibits A-6
X
Y
Z

SP78 - 300 - Cal - Ga - Crete Hawaii, Inc.

LUC
MAPS



WAIKOLOA

ROAD

DEVELOPMENT

RANCH

LOTS

SEC. B

SEC. C

SEC. A

SEC. 7

SEC. 6

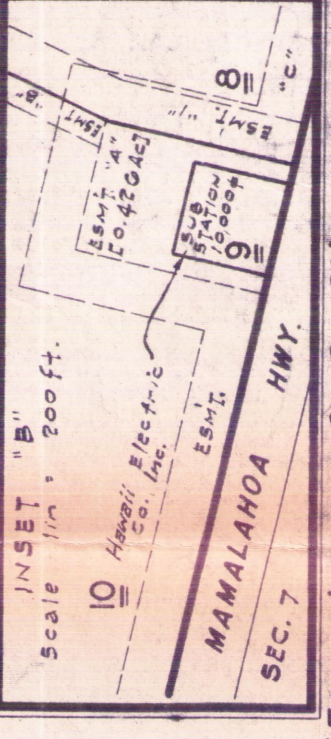
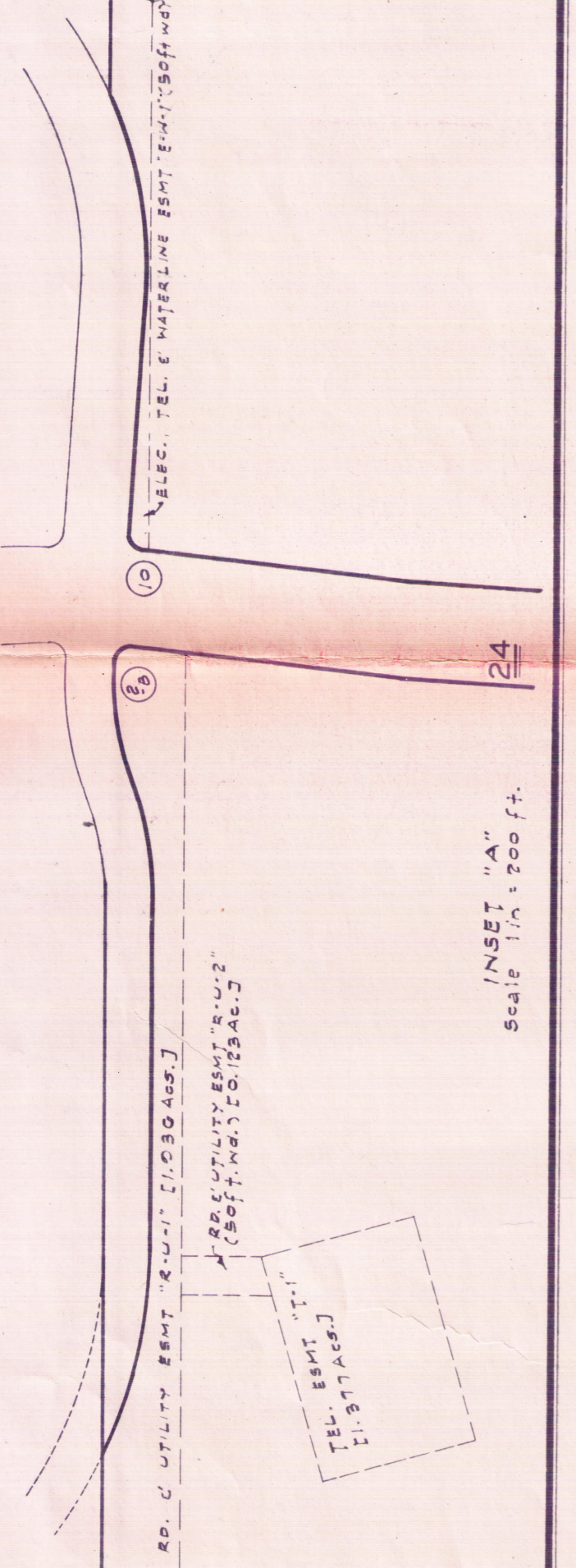
SEC. 5

SEC. 4

SEC. 3

SEC. 2

SEC. 1



NOTE: All lots owned by Belize Cascade Home & Land Corp. Trust unless otherwise noted.
 NOTE: Easements E-1, E-2, E-3, E-4, E-5, E-6, E-7 are for Electric, Tel., purposes. Easements E-8, E-9 are for Electric, Tel., purposes. ELEC. SUB-STATION PURPOSES.

NOTICE: Owner's, lessee's and vendee's names recorded on this tax map print may not be correct. A land certificate is being prepared by the Department of Taxation and will be recorded by RPP Procedure 4-76, effective July 2, 1976.

Parcels Dropped: Ed. 23.

DEPARTMENT OF TAXATION PROPERTY TECHNICAL OFFICE STATE OF HAWAII TAX MAP	
THIRD TAXATION DISTRICT	PLAT
ZONE	6 8 02
SEC.	

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

POR. WAIKOLOA, SOUTH KOHALA, HAWAII, (Formerly por. 6 8 01)
SP78-300 CAL-GA-CRETE HAWAII, INC.

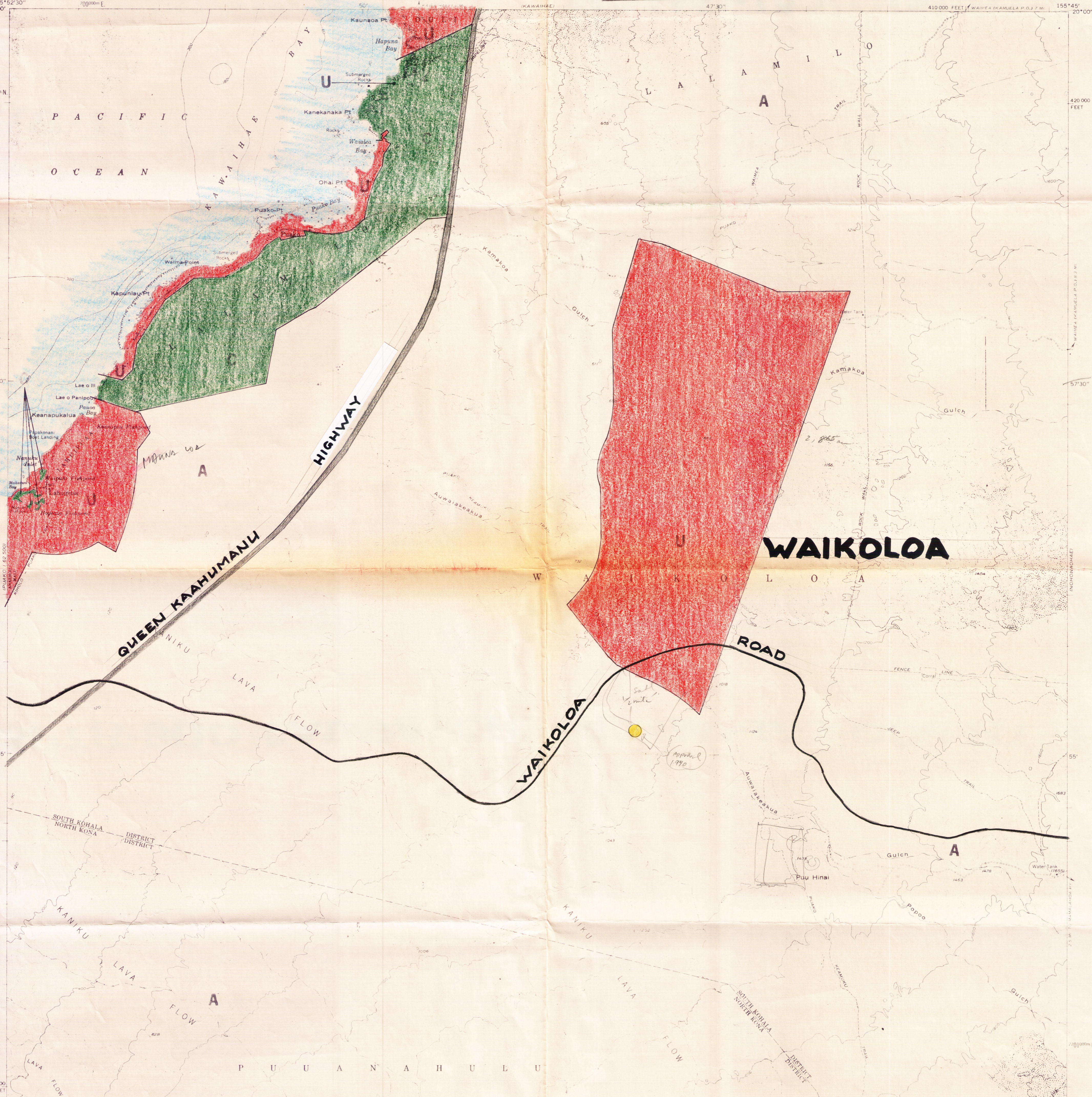
SP78-300 CAL-GA-CRETE HAWAII, INC.

DWG. NO. 0003 DATE: MARCH 3 1971 BY: M.N. - R.T. SOURCE: F.P. 1130 & 1172

LAND USE DISTRICT BOUNDARIES		
DISTRICT MAP	STATE OF HAWAII	DISTRICTS
H-15	LAND USE COMMISSION	U = URBAN
	DEPT. OF PLANNING & ECONOMIC DEVELOPMENT	R = RURAL
	EFFECTIVE DATE: DEC 20 1974	A = AGRICULTURAL
		C = CONSERVATION

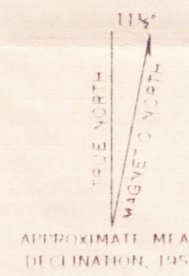
PUU HINAL QUADRANGLE
 HAWAII— ISLAND AND COUNTY OF HAWAII
 7.5 MINUTE SERIES (TOPOGRAPHIC)
 NE/4 PUAKO 18 QUADRANGLE

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 GEOLOGICAL SURVEY



SP78-300 CAL-GA-CRETE HAWAII, INC.

Mapped, edited, and published by the Geological Survey
 Control by USGS and USC&GS
 Topography from aerial photographs by multiplex methods
 Aerial photographs taken 1954. Field check 1956.
 Hydrography compiled from USC&GS charts 4140 (1953) and 4167 (1952)
 Polyconic projection Old Hawaiian datum
 10,000 foot grid based on Hawaiian coordinate system, zone 1
 1000-meter Universal Transverse Mercator grid ticks, zone 5, shown in blue



SCALE 1:25,000

ROAD CLASSIFICATION
 Light-duty Unimproved dirt

H-15 PUU HINAL, HAWAII
 NE/4 PUAKO 18 QUADRANGLE
 N1952 5 W15545 7 5

1956

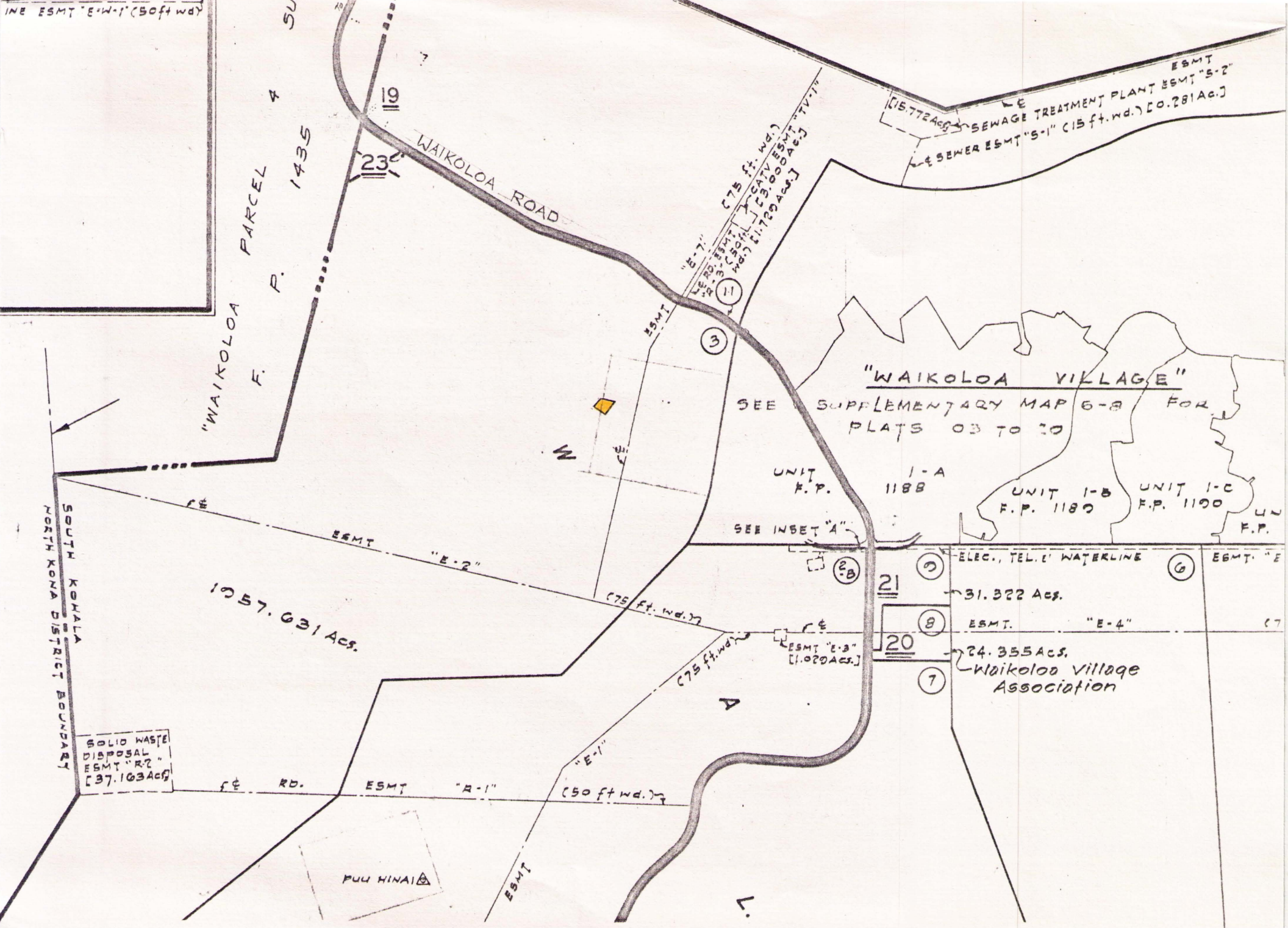
*Waiakoa
 Awaikoa*

Mama wa

Approved 1990

SP78-300

INE ESMT "E-W-1" (50ft wd)



ERLINE ESMT "E-W-1" (50ft wd)

SUE

"WAIKOLOA PARCEL 4
F.P. 1435

WAIKOLOA ROAD

SEWAGE TREATMENT PLANT ESMT "S-2"
SEWER ESMT "S-1" (15 ft. wd.) (0.281 Ac.)

"E-7" (75 ft. wd.)
LE RD. ESMT "E-3" (30 ft. wd.) (0.000 Ac.)
CANTV ESMT "TV-1" (11.729 Ac.)

"WAIKOLOA VILLAGE"

SEE SUPPLEMENTARY MAP 6-8 FOR PLATS 03 TO 20

UNIT F.P. 1-A 1188

UNIT 1-B F.P. 1189

UNIT 1-C F.P. 1190

SEE INSET "A"

ELEC., TEL. & WATERLINE

31.322 Acs.

ESMT "E-4"

24.355 Acs.
Waikoloa Village Association

1057.031 Acs.

(75 ft. wd.)

"E-3" (1.020 Acs.)

SOUTH KOHALA
NORTH KOHALA DISTRICT BOUNDARY

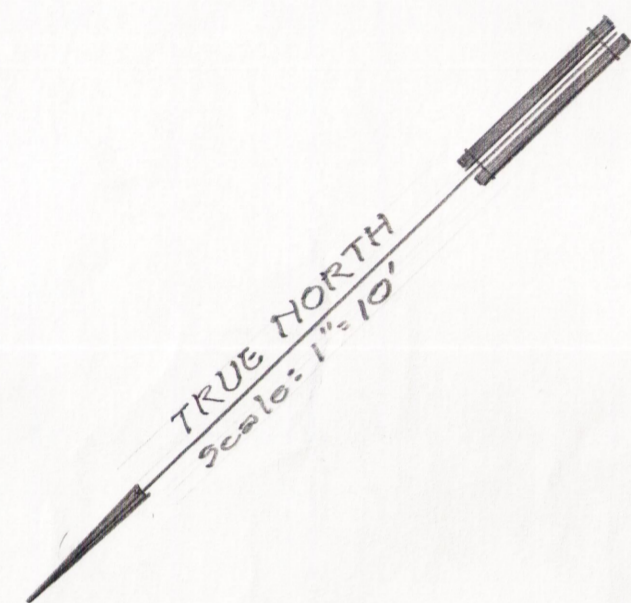
SOLID WASTE
DISPOSAL
ESMT "R-2"
(37.163 Acs.)

RD.

ESMT "R-1"

(50 ft wd.)

PUU HINAI



EXISTING

PAVEMENT

PROPOSED
RETAIL
SALES &
TILE
SHOWROOM

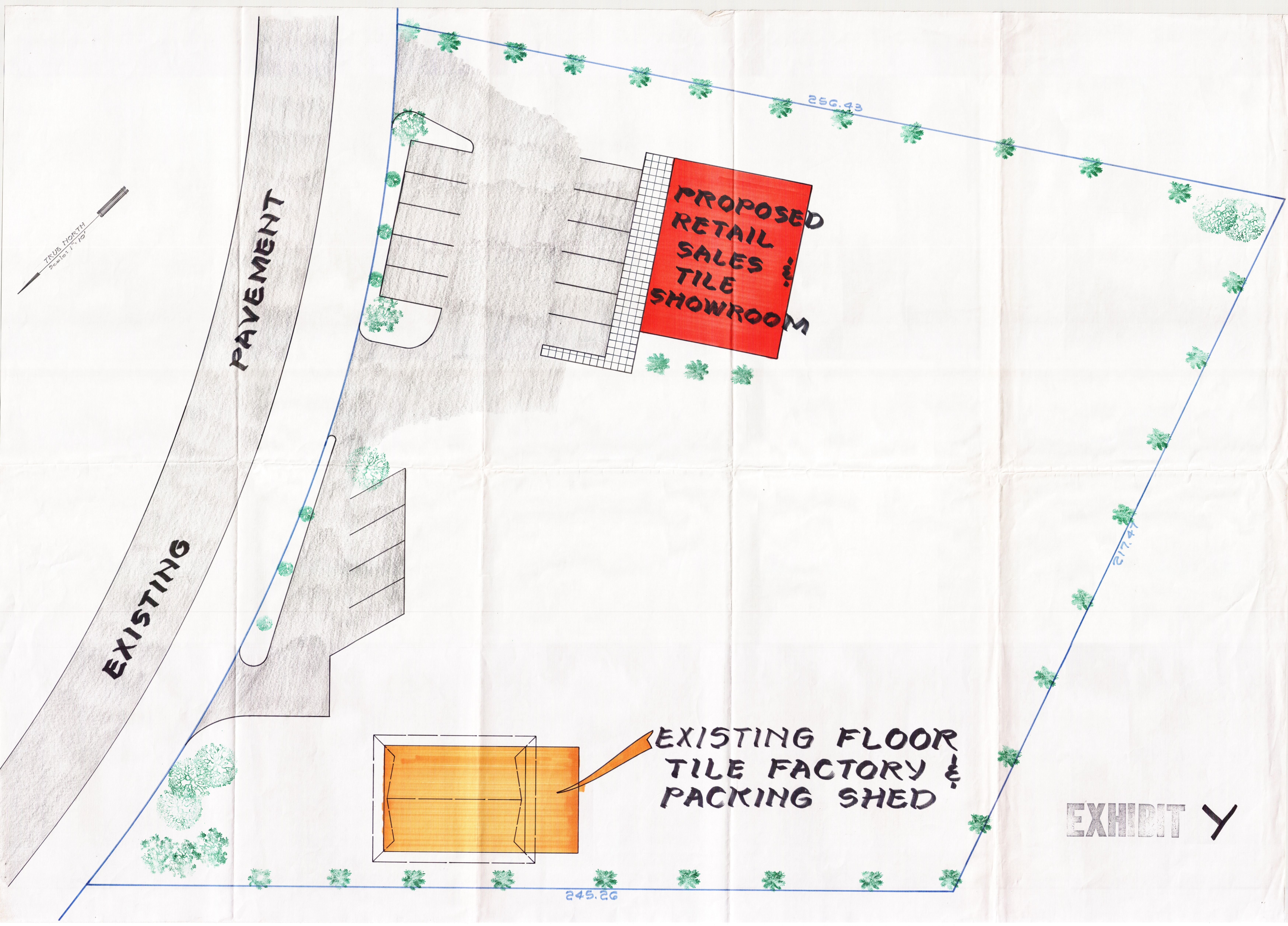
EXISTING FLOOR
TILE FACTORY &
PACKING SHED

EXHIBIT Y

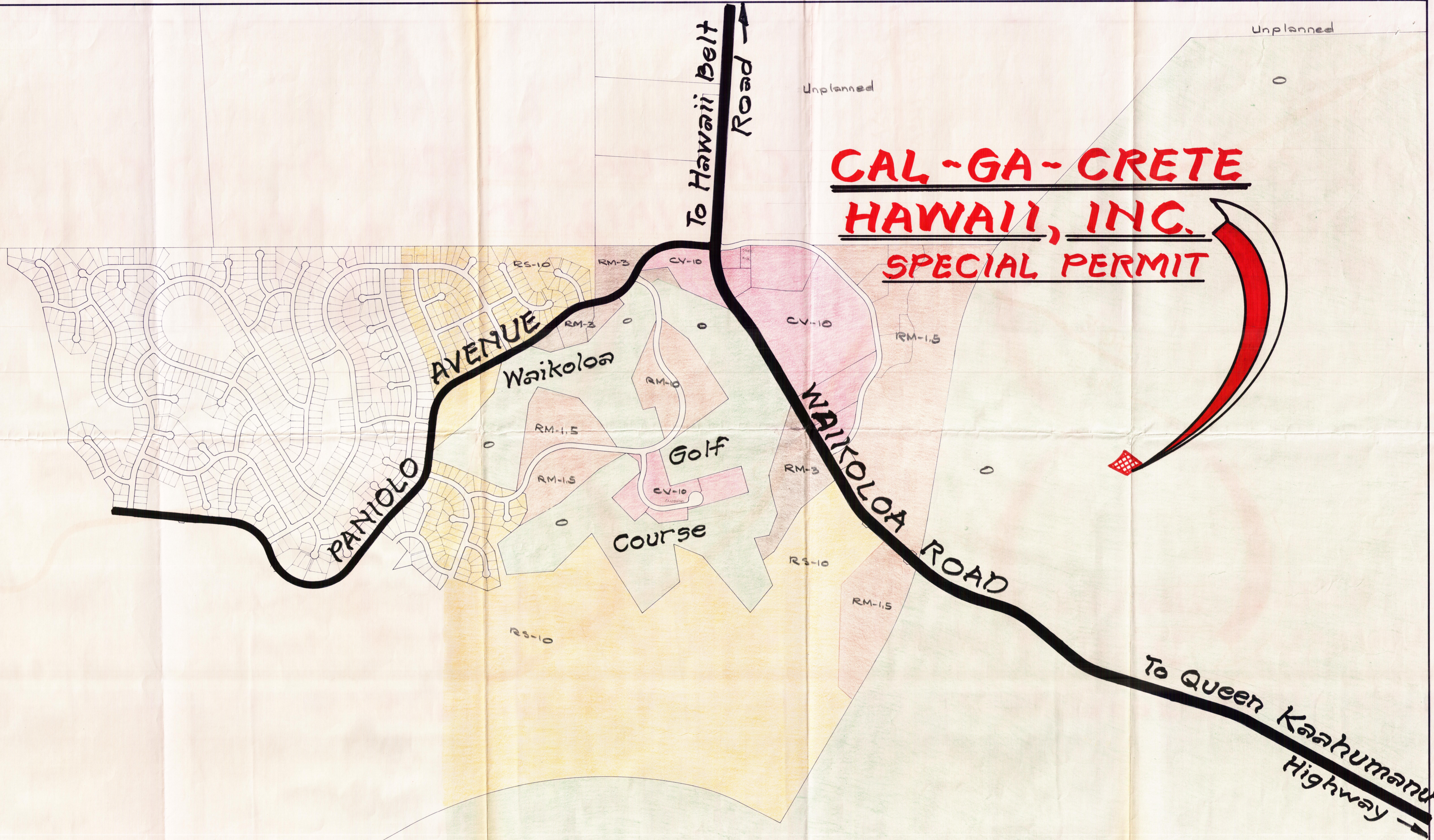
256.43

217.47

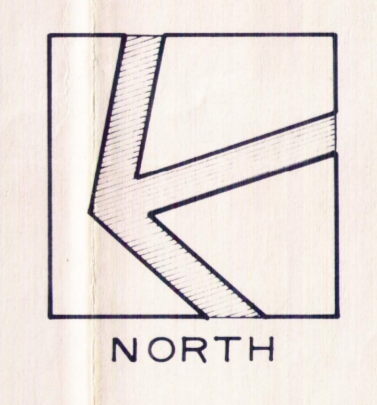
245.26



CAL-GA-CRETE
HAWAII, INC.
SPECIAL PERMIT



500 0 500 1000 1500
SCALE IN FEET



WAIKOLOA VILLAGE

EXHIBIT X

SPECIAL PERMIT: Cal-Ga-Crete

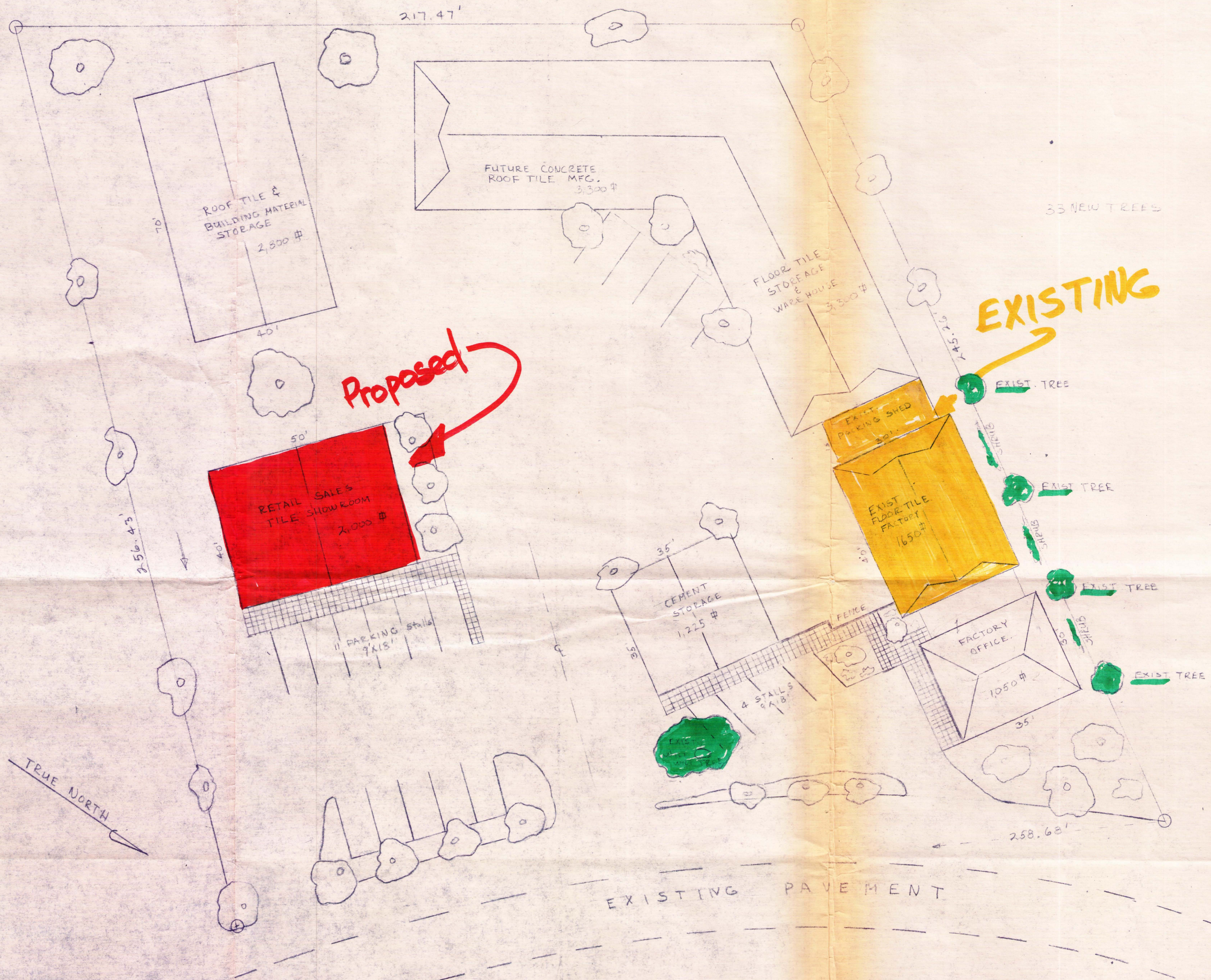


Existing tile
factory



EXHIBIT

7



SITE PLAN for CAL-GA-CRETE HAWAII, INC.

MARCH 1, 1978
 T.M.K. 3rd Div. 6-8-02-15
 SCALE: 200' = 1" DRAWN BY Bob Behrens