

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720
LAND USE COMMISSION
STATE OF HAWAII

Nov 24 1 22 PM '81

November 20, 1981

Mr. Donald Yamada
Yamada Enterprises, Inc.
733 Kanoelehua Avenue
Hilo, HI 96720

Dear Mr. Yamada:

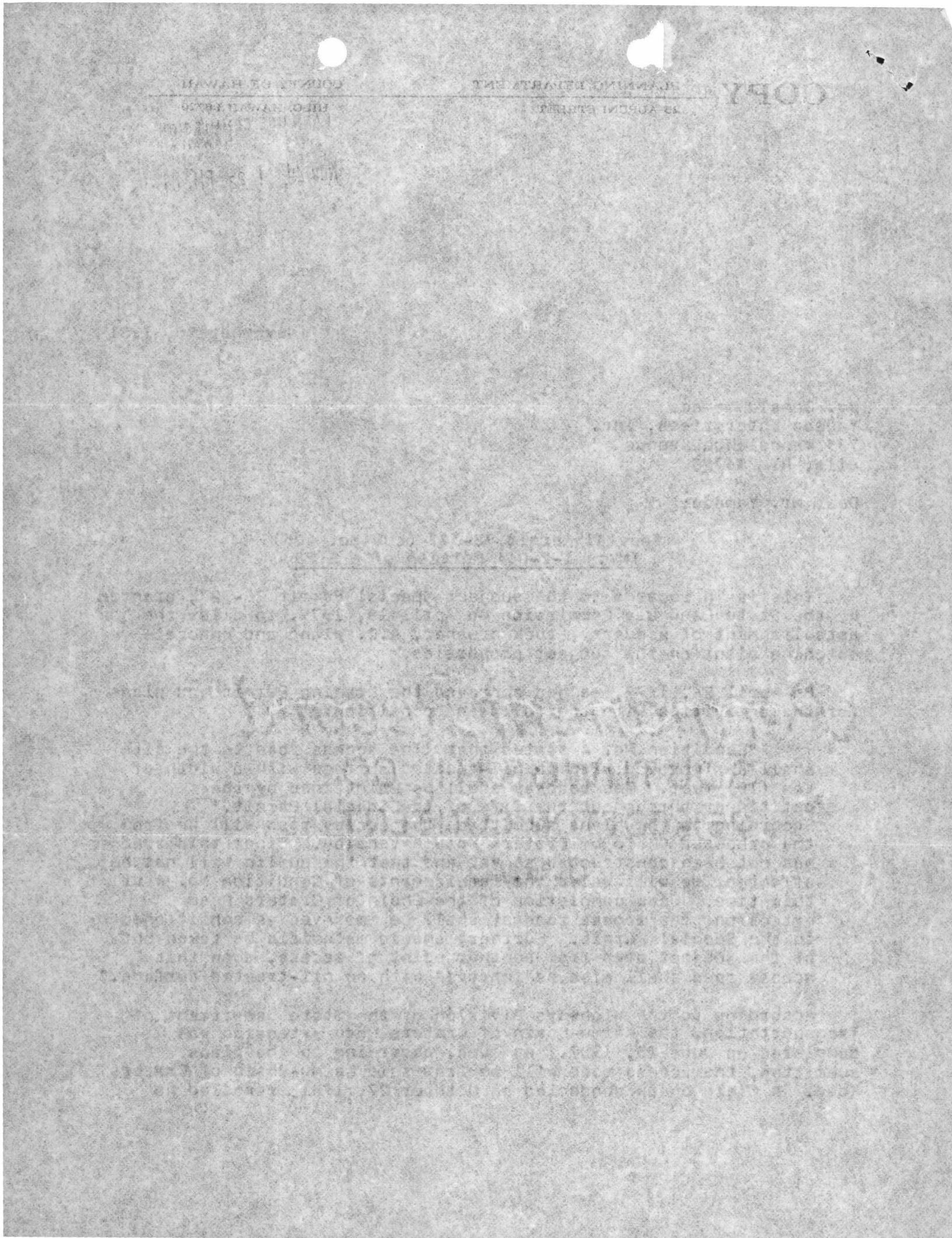
Special Permit 78-327 (LUC No. 405)
TMK: 1-2-06: Portion of 6 & 25

This is in regards to the subject Special Permit 78-327, granted by the State Land Use Commission on April 18, 1979, to allow the establishment of a quarry, rock crusher, A.C. plant and concrete batching plant on the subject properties.

On April 26, 1979, we had approved the Grading Permit and plans for the activities with the following condition:

"Condition No. 4 states that 'The access road to the site shall be improved with an oil-treated surface with a width of ten (10) feet. The roadway shall be maintained by the petitioner throughout the life of the Special Permit.' According to the plans submitted, the access road will be from the proposed Chain of Craters Road extension. Since this road has not been constructed as yet and that the public will not be affected, we will waive the requirements of Condition No. 4 at this time. Upon completion of the Chain of Craters Road extension, the access roadway shall be improved as conditioned in the Special Permit. Further, should materials be taken out of the subject area from another point of access, then that access road shall also be improved with an oil-treated surface."

According to the Highways Division of the State Department of Transportation, the Kaimu-Chain of Craters Road extension was completed on June 25, 1980. As such, according to the plans submitted, the access road will be from said Kaimu-Chain of Craters Road. A field check conducted on October 27, 1981, revealed no



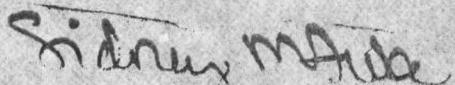
Mr. Yamada
Page 2
November 19, 1981

access road as per plans. Therefore, the conditions of approval for the Grading Permit and the Special Permit have not been complied with.

Therefore, we are requesting your compliance with the State's condition of approval. If no action is taken to comply, we would have no alternative but to initiate the nullification of the Permit. Please submit a report to us within thirty days of the date of this letter indicating how and when you intend to comply with these conditions.

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

Sincerely,



SIDNEY FUKE
Planning Director

AK:lrp

cc: Terence T. Yoshicks
✓ State Land Use Commission



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

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

GEORGE R. ARIYOSHI
Governor
CHARLES W. DUKE
Chairman
SHINICHI NAKAGAWA
Vice Chairman

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: SP78-327 - YAMADA ENTERPRISES, INC.

In reference to our letter to you dated
January 12, 1979, enclosed is a copy of the
Decision and Order on SP78-327 for your information
and records.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: Terence Yoshioka
Yamada Enterprises, Inc.

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

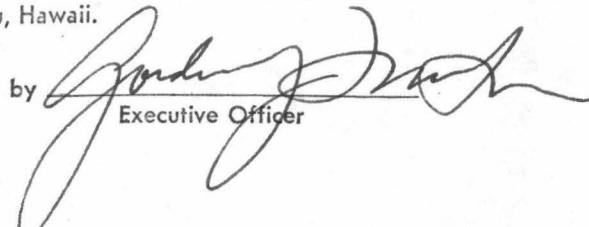
In the Matter of the) SP78-327
Petition for Special Permit)
of YAMADA ENTERPRISES, INC.)
YAMADA ENTERPRISES, INC.

)
)

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.

APR 20 1979

Date

by 
Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the) SP78-327
Petition for Special Permit)
of YAMADA ENTERPRISES, 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 YAMADA ENTERPRISES, INC., to allow the establishment of a quarry, rock crusher, A.C. plant, and concrete batching plant on approximately ten acres of land situated within the State Land Use Agricultural District at Kaimu-Makena Homesteads, Puna, Hawaii, Tax Map Key 1-2-06: portions of 6 and 25.

2. The subject property is located approximately 2500 feet west of the Pahoa-Kalapana Road at Kaimu-Makena Homesteads.

3. Quarrying of the ten acre area is intended to subsequently render the site suitable for agricultural use.

4. Present County Zoning for the subject property is Agricultural-3 acre (A-3a) for the subject property.

5. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or "Very Poor" for the subject site. The site is classified as "Other Important Agricultural Land" under the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii classification system.

6. Soils of the subject area are of the Malama Series which consists of well-drained, thin, extremely stony organic soils over aa lava.

7. The subject property is presently unused and covered with ohia trees and other foliage. The surrounding areas are presently vacant, with the closest dwellings being situated in Kaimu Village, approximately 3,000 feet south of the site.

8. Access to the site will be via private roadways through the Petitioner's lands. The proposed Kalapana Bypass Road would be situated nearly 1,500 feet makai of the quarry site.

9. There are no known historic or archaeological sites in the area.

10. The Petitioner has stated that the proposed use would render the site more suitable for agricultural cultivation, would not adversely affect surrounding properties, nor unreasonably burden public agencies to provide services and facilities.

11. The State Health Department has cited applicable health regulations to which the Petitioner must comply.

12. The County Department of Public Works stated that a plan showing the extent of the work with finished ground elevations should be provided.

13. The State Department of Agriculture noted that the Petitioner should be prepared to take corrective measures against airborne nuisances created by the quarrying operation.

14. The Hawaii County Fire Department, Department of Water Supply, Police Department, Hawaii Electric Light Company, Inc., and U.S.D.A. Soil Conservation Service had no objection to the application for Special Permit.

15. The Hawaii County Planning Department has recommended approval of the Special Permit request.

16. A public hearing on the application for Special Permit was conducted by the Hawaii County Planning Commission on October 26, 1978. At that time, three representatives of the Petitioner spoke in support of the request. Under public testimony, Mr. Aza Summers expressed concern over a possible noise problem from the quarry operation. There were no other persons to testify with regard to the permit request.

CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in an 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 would be consistent with the State Land Use Law and Regulations. The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of 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 includes lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural activities by reasons of topography, soils, and other related characteristics. The subject area consists of a hill, 30 to 40 feet in height, and approximately 10 acres in area. This hill is presently vacant of any use and is overgrown with ohia trees and other foliage. Although the general area is

designated as "Other Important Agricultural Lands" under the Agricultural Lands of Importance classification system, the particular area under consideration for the requested activities is unsuitable for agricultural uses because of topographic constraints. Consequently, it is determined that the use of the subject area for the proposed quarrying and ancillary activities will not adversely affect the agricultural potential of this or surrounding areas.

The Petitioner is proposing to develop the immediately surrounding areas with macadamia nut trees, including approximately 40 acres which have already been planted. The Petitioner intends to use a portion of the quarried and crushed material as base course for the macadamia nut orchards, providing a level surface which will facilitate the harvesting of the nuts. Furthermore, the Petitioner is proposing to level the subject area to the surrounding grade upon completion of the quarrying operation, and furthermore to plant this area with macadamia nuts. Consequently, the granting of this request and the establishment of the quarry will assist to some extent the agricultural production of this area by providing material which will be used for the development of the proposed orchards and by ultimately preparing an additional 10 acres of land for agricultural use.

3. The proposed quarrying operation will not adversely affect surrounding properties or improvements. The subject area is a portion of a larger area owned by the Petitioner. These areas are presently being developed or are proposed to be developed with macadamia nut trees. The nearest residential dwellings are situated in Kaimu Village, approximately 3,000 feet makai of the subject area. It is anticipated that any

adverse impact on these residential areas will be minimal. The proposed quarry site will be further buffered from the residential areas by the construction of the proposed Kalapana Bypass Road. This road will be situated approximately 1,500 feet makai of the subject area, between the quarry site and the residential areas. Construction on this roadway is expected to commence by 1980. In addition, any adverse impact which may occur can be effectively mitigated through the conditions of approval as well as the Department of Health Regulations.

4. The proposed quarrying operation is not anticipated to create unreasonable demands on public facilities and utilities. All infrastructures essential to the operation of the quarry and ancillary activities are or will be available to the subject area.

5. 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 78-327 for the establishment of a quarry, rock crusher, A.C. plant, and concrete batching plant on approximately ten acres of land situated within the State Land Use Agricultural District at Kaimu-Makena Homesteads, Puna, Hawaii, Tax Map Key 1-2-06: portions of 6 and 25, be approved subject to the following conditions:

1. That the quarrying operation and its allied uses shall be terminated within ten (10) years after the effective date of approval of the Special Permit.

2. That the Petitioner or its authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the quarry site prior to commencement of any operation. The quarry site shall be limited to a maximum area of ten (10) acres.

3. That the Petitioner shall obtain a grading permit from the Department of Public Works prior to commencement of the operation.

4. That the access road to the site shall be improved with an oil-treated surface to a width of 10 feet. The roadway shall be maintained by the Petitioner throughout the life of the Special Permit.

5. That the Petitioner or its authorized representative(s) shall receive the necessary permits from the State Department of Health prior to commencement of operation.

6. That every precaution shall be taken by the Petitioner so as not to create any inconvenience to surrounding properties in regards to traffic, noise, and dust problems during the quarrying operations. Upon receipt of any complaint which is accompanied by documented evidence relative to the impact of the quarrying operations, the Planning Director shall investigate the complaint. If the Planning Director finds the complaint to be valid, he shall so notify the Petitioner by certified mail; and the Petitioner shall then have 30 days in which to take appropriate mitigating actions.

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

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

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

9. That all other applicable rules, regulations, and requirements shall be complied with.

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

DATED: Honolulu, Hawaii, April 18, 1979.

LAND USE COMMISSION

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

By Shinichi Nakagawa
SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By Mitsuo Oura
MITSUO OURA
Commissioner

By George R. Pasqua
GEORGE R. PASCUA
Commissioner

By Carol B. Whitesell
CAROL B. WHITESELL
Commissioner

By Edward K. Yanai
EDWARD K. YANAI
Commissioner

No.

974916

328

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

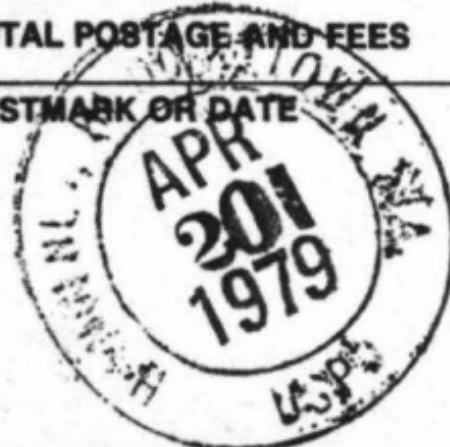
Hilo, Hawaii 96720

POSTAGE

\$ 1.71

CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	.80¢
	SPECIAL DELIVERY	¢
OPTIONAL SERVICES	RESTRICTED DELIVERY	¢
	SHOW TO WHOM AND DATE DELIVERED	.45¢
RETURN RECEIPT SERVICE	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	\$ 1.96

POSTMARK OR DATE



● 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:

SIDNEY FUKE

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

974916

I (Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

 Addressee Authorized agent

4.

DATE OF DELIVERY

7/23/79

POSTMARK

23
1979

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SP78-318, 319, 320, 322, 327, 328

No.

974923

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO

TERENCE T. YOSHIOKA

STREET AND NO.

80 Pauahi St., Rm. 203

P.O., STATE AND ZIP CODE

Hilo, Hawaii 96720

POSTAGE

\$.61

CONSULT POSTMASTER FOR FEES

OPTIONAL SERVICES

RETURN RECEIPT SERVICE

CERTIFIED FEE

.81¢

SPECIAL DELIVERY

\$

RESTRICTED DELIVERY

\$

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

\$ 1.97

POSTMARK OR DATE



● 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:

TERENCE T. YOSHIOKA

3. ARTICLE DESCRIPTION:

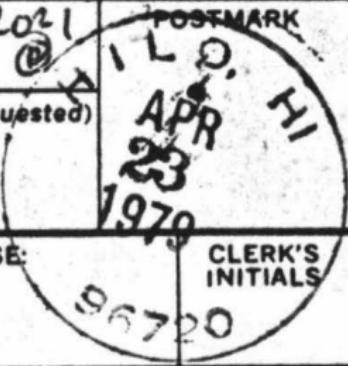
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	974923	

I (Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

5. ADDRESS (Complete only if requested)



6. UNABLE TO DELIVER BECAUSE:

**CLERK'S
INITIALS**

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition) SP78-327
for Special Permit of)
YAMADA ENTERPRISES, INC.) YAMADA ENTERPRISES, INC.

)
)

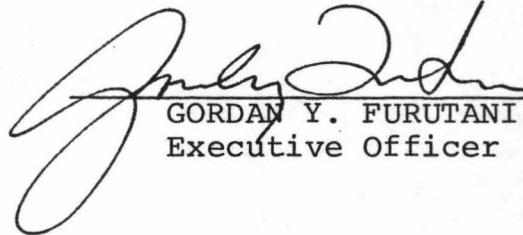
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use
Commission's Decision and Order was served upon the follow-
ing by certified mail:

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

TERENCE T. YOSHIOKA
Nakamoto, Yoshioka and Chillingworth
80 Pauahi Street, Room 203
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 20th day of April, 1979.



GORDAN Y. FURUTANI
Executive Officer

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

APR 10 8 31 AM '79

April 6, 1979

Mr. Robert Yamada
Yamada and Sons, Inc.
733 Kanoelehua Avenue
Hilo, HI 96720

Dear Mr. Yamada:

Special Permit No. 78-327
TMK: 1-2-06:Portion of 6 & 25

This is to acknowledge receipt of your letters of March 29 and April 3, 1979, regarding Condition Nos. 4 and 8 of the above-mentioned Special Permit.

Based on the information provided, we have determined that Condition No. 8 has been fulfilled. Please be informed, however, that should any archaeological remains be uncovered during the course of work, work shall cease immediately until such time that we are able to investigate the remains or sites.

In regards to Condition No. 4, it states that "The access road to the site shall be improved with an oil-treated surface to a width of 10 feet. The roadway shall be maintained by the petitioner throughout the life of the Special Permit." According to the plans submitted, the access road will be from the proposed Chain of Craters Road extension. Since this road has not been constructed as yet and that the public will not be affected, we will waive the requirements of Condition No. 4 at this time. Upon completion of the Chain of Craters Road extension, the access roadway shall be improved as conditioned in the Special Permit. Further, should materials be taken out of the subject area from another point of access, then that access road shall also be improved.

Mr. Robert Yamada
Page 2
April 6, 1979

Please be informed that we will be conducting periodic field checks to your project site.

Should you have any questions regarding the above, please feel free to contact us.

Sincerely,

Sidney M. Fuks

SIDNEY FUKE
Planning Director

NH:wkm

cc: ✓ Land Use Commission
Terence Yoshioka

COPY

PLANNING DEPARTMENT

25 AUPUNI STREET

COUNTY OF HAWAII

HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

MAR 23 10 15 AM '79

March 21, 1979

Mr. Donald James Murray
Murray, Smith & Associates, Ltd.
P. O. Box 863
Hilo, HI 96720

Dear Mr. Murray:

Special Permit (LUC 405)
Yamada Enterprises, Inc. (SP78-327)
TMK: 1-2-06: portion of 6 & 25

This is to acknowledge receipt of the metes and bounds description of the ten (10) acre quarry site and the grading plan for the area. We also acknowledge that an additional 2.46-acre area will be graded for agricultural purposes. The materials excavated from this 2.46-acre area shall be used within the subject parcel.

Please be apprised of the following:

1. Prior to our granting approval for a grading permit, an archaeological walk-through survey of the site shall be conducted. The petitioner/representative(s) shall notify the Planning Director in writing before the survey is undertaken and shall submit a full report of the survey to the Director prior to obtaining the grading permit.
2. The access road to the site shall be improved with an oil-treated surface to a width of 10 feet. The roadway shall be maintained by the petitioner throughout the life of the Special Permit.

In addition, all the other conditions shall be complied with.

Mr. Donald James Murray
Page 2
March 21, 1979

Should you have any further questions, please feel free
to contact this office.

Sincerely,

Sidney M. Duke

Sidney M. Duke
Planning Director

MO:gs
Encl.

cc: ✓ State Land Use Commission
Yamada Enterprises, Inc. w/encl.
Terence Yoshioka

January 12, 1979

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on January 11, 1979, the Land Use Commission voted to approve a Special Permit request by Yamada Enterprises, Inc. (SP78-327) to allow the establishment of a quarry, rock crusher, A.C. plant and concrete batching plant on approximately 10 acres of land situated within the State Land Use Agricultural District at Kaimu-Makena Homesteads, Puna, Hawaii, Tax Map Key 1-2-06: portions of 6 and 25.

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.

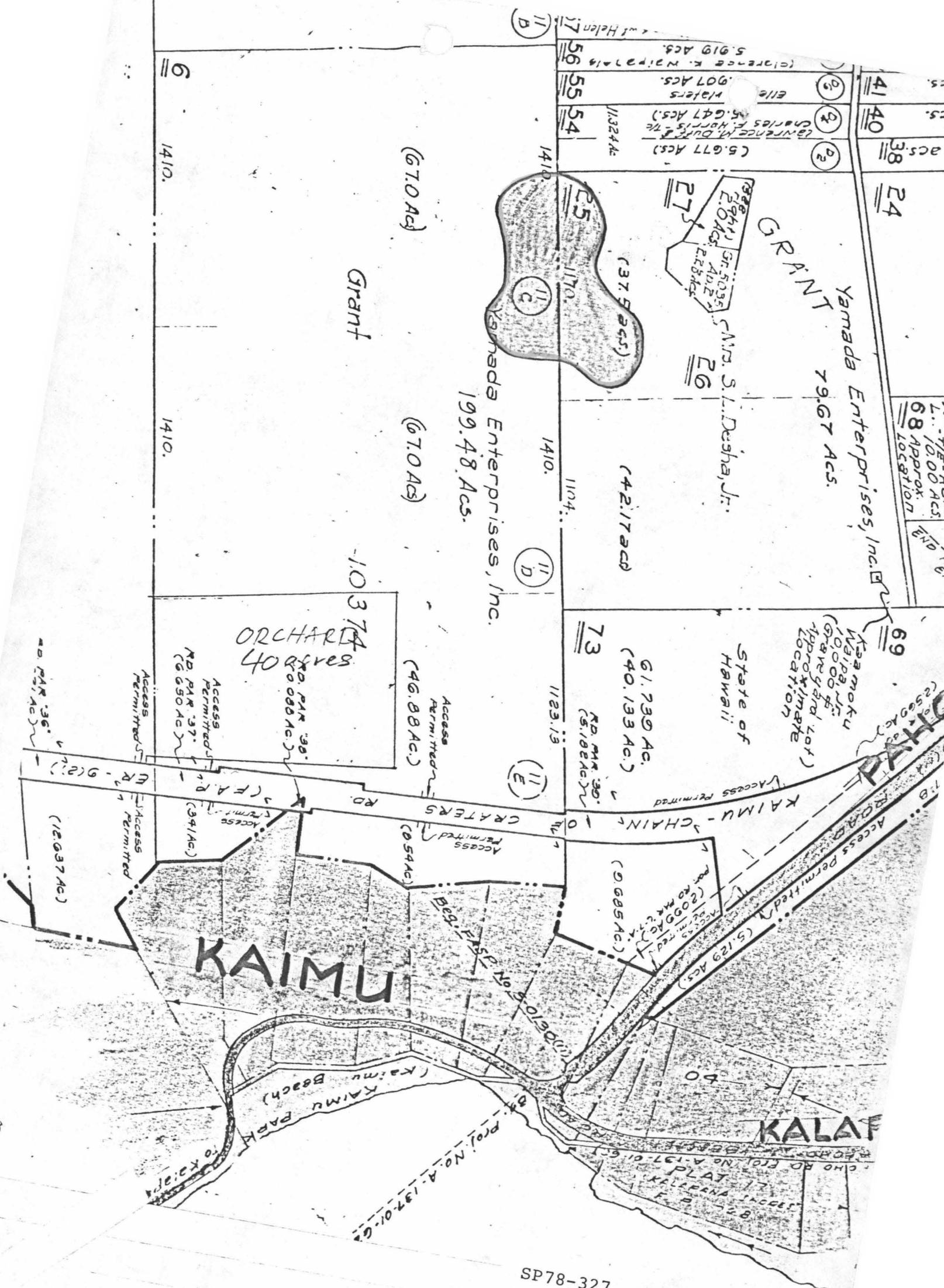
A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP78-327 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encls.

cc: Yamada Enterprises, Inc.
Terence Yoshioka



SP78-327 - YAMADA ENTER-
PRISES, INC.
"MK: 1-2-06: portions of
6 and 25

January 12, 1979

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 January 11, 1979, the Land Use Commission voted to approve a Special Permit request by Yamada Enterprises, Inc. (SP78-327) to allow the establishment of a quarry, rock crusher, A.C. plant and concrete batching plant on approximately 10 acres of land situated within the State Land Use Agricultural District at Kaimu-Makena Homesteads, Puna, Hawaii, Tax Map Key 1-2-06: portions of 6 and 25. 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

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

January 12, 1979

Mr. Terence T. Yoshioka
Nakamoto, Yoshioka and Chillingworth
80 Pauahi Street, Room 203
Hilo, Hawaii 96720

Dear Mr. Yoshioka:

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 SP78-327 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encls.

cc: Yamada Enterprises, Inc.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kahului Library
Kahului, Maui

Approved

June 27, 1979

January 11, 1979 - 9:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai

James Carras (10:30 a.m. arrival)

COMMISSIONER ABSENT: Colette Machado

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

Ray Russell, Court Reporter

ACTION

SP78-314 - DEPARTMENT OF LAND & NATURAL RESOURCES
SPECIAL PERMIT TO ALLOW THE CONSTRUCTION OF WATER STORAGE
TANKS AT KOLOA, KAUAI

Mr. Daniel Yasui, staff planner, oriented the Commission to the location of the property and presented a summary of the staff memorandum.

Mr. Allan Kawada, Deputy Attorney General, stated that upon review of the record, it was his opinion that the subject request would not come into conflict with the provisions of Section 205-4.5.

Commissioner Whitesell suggested that a letter be sent to all the county planning departments and planning commissions requesting that all Special Permit applications include the Land Study Bureau's soil classification information, as well as specific information regarding the land conveyance. The Chair directed staff to take care of this matter.

Commissioner Pascua moved that SP78-314 be approved, subject to the conditions imposed by the County Planning Commission, which was seconded by Vice Chairman Nakagawa and unanimously carried.

SP78-326 - T. T. MEYER, INC.

SPECIAL PERMIT TO ALLOW THE OPERATION OF A ROCK AND CINDER QUARRY AT KAPUAOKOOLAU, MOLOKAI

A resume of the subject request was presented by staff planner. The location of the property was also identified on the maps.

Commissioner Miyasato moved to approve the Special Permit, subject to the conditions imposed by the Maui County Planning Commission. It was seconded by Commissioner Pascua and unanimously passed.

SP78-327 - YAMADA ENTERPRISES, INC.

SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A ROCK QUARRY AND CONCRETE BATCHING PLANT OPERATION AT KAIMU-MAKENA HOMESTEADS, PUNA, HAWAII

Staff planner pointed out the area under discussion and presented a summary of the request. Discussion revolved around the subject of the wind direction in relation to the residences located in the area, and the rationale for the A. C. and batching plant operations.

Commissioner Oura moved to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission. It was seconded by Vice Chairman Nakagawa and unanimously carried.

SP78-328 - KENNETH FUJIYAMA

SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A COMMERCIAL BOTANICAL GARDEN AT OLAA, PUNA, HAWAII

Following presentation of the staff memorandum, several questions were posed regarding the uses and activities proposed on the subject site. Commissioner Whitesell pointed to the "vagueness" of information regarding the total number of shops intended and the specific uses proposed.

Commissioner Oura moved to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission, seconded by Commissioner Pascua, and the Commissioners were polled as follows:

Ayes: Commissioners Oura, Miyasato, Pascua, Yanai, Nakagawa, Chairman Duke

Nay: Commissioner Whitesell

The motion was carried.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP78-327 - YAMADA ENTERPRISES, INC DATE January 11, 1979

PLACE Kahului Library, Kahului, Maui TIME 9:00 a.m.

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

Comments: I move that we approve SP78-327, subject to the conditions imposed by the Hawaii County Planning Commission.

SP78-327
TAMADA ENT.
UC MAPS

YAMADA ENTERPRISES, INC.

SPECIAL PERMIT

SPECIAL PERMIT

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KALAPANA - KAIMU

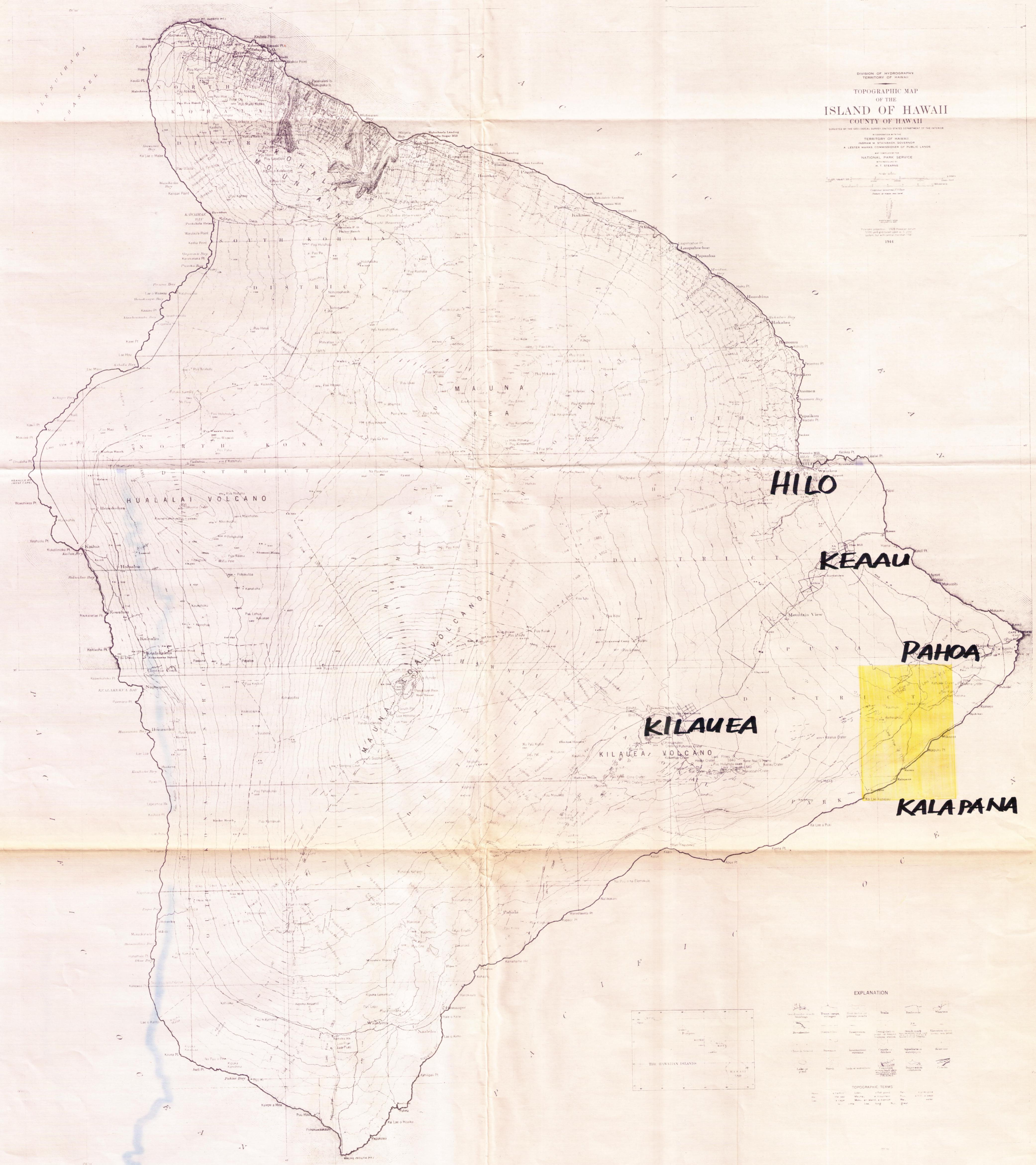
PUNA, HAWAII

A step function graph showing a linear increase from 400 to 1200 over a distance of 800 units. The vertical axis is labeled "SCALE" and the horizontal axis is labeled "FEET".

P A C I F I C O C E A N

A hand-drawn map on a grid background. A winding road is drawn with a thick black line. A signpost is positioned on the road, with the text 'To National Park' written vertically along the post and 'HAWAII' written horizontally below it. The number '137' is written next to the signpost. The map shows a coastline with a grid pattern, and a river or stream is drawn flowing into the sea.





STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission

January 11, 1979

FROM: Staff

SUBJECT: SP78-327 - Yamada Enterprises, Inc.

The petitioner, Yamada Enterprises, Inc., is requesting a Special Permit to allow the establishment of a quarry, rock crusher, A.C. plant and concrete batching plant on approximately ten (10) acres of land situated within the State Land Use Agricultural District at Kaimu-Makena Homesteads, Puna, Hawaii, Tax Map Key 1-2-06: portions of 6 and 25. The subject property is located approximately 2500 feet west of the Pahoa-Kalapana Road at Kaimu-Makena Homesteads (see attached Location Map, County Exhibit L-1).

The petitioner intends to quarry a 30 to 40-foot high hill which is approximately 10 acres in area. The operation will include a rock crusher, A.C. plant and concrete batching plant. Quarrying of the hill is intended to subsequently render the site suitable for agricultural use.

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

"It is noted in Part 1-2 of the State Land Use District Regulations promulgated by the State of Hawaii Land Use Commission that the purpose of the rules and regulations is to 'preserve, protect and encourage the development of lands in the State for those uses to which these lands are best suited in the interest of public health and welfare of the people of the State of Hawaii.'

"The Applicant submits that the establishment of the quarry, rock crusher, A.C. plant and concrete batch plant would be in harmony with the above-stated purpose for the following reasons:

"1. The area to be quarried is a large hill of approximately 8 to 10 acres in size and, in its present state, is not well-suited for cultivation due to the steep incline of its slopes. If the special permit to quarry the land is granted, the Applicant shall reduce the hill to ground level and thereby render the area more suitable for cultivation.

"2. Other portions of the two (2) parcels would also benefit from the quarry as the materials excavated therefrom would be used in large part as ground fill to even out the contour of the said parcels.

"Thus, the quarry would complement the objectives of the Land Use Laws in that it would make the lands of the Applicant more suitable for cultivation.

"The quarrying and other special uses hereby sought by the Applicant are not expected to affect the use and enjoyment of other adjacent properties by their respective owners.

"A review of the State tax records shows that the nearest improved properties (i.e., Tax Map Key Numbers 1-2-04: 39, 44, 46, 47, 48, 51 and 92) are located approximately 3,000 feet south of the quarry site near Kaimu Beach. There are no other improved properties within a mile radius of the quarry site.

"Due to the prevailing winds emanating from the ocean, whatever dust or noise that may be generated from the activities at the quarry site should have little or no effect upon the improved properties located south of said site. As an additional safeguard, the distance between the quarry site and the improved properties should help in dissipating the dust and noise, if any, which a change in the wind direction may bring to said properties.

"No public services will be required to establish the uses herein sought by the Applicant nor are any public services expected to be needed to maintain said uses.

"Construction activities in the Puna district, especially in road construction, have increased substantially in the past 15 years. This has brought about a tremendous demand for aggregates needed for such construction which are readily available on your Applicant's properties. The need for such aggregates has transformed the highest and best use of the hill on your Applicant's land from that of an agricultural use to an industrial use as a quarry, and until the area of the hill can be leveled to make it more suitable for cultivation, it would be of little value to your Applicant other than as a quarry.

"The site selected for the quarry, and where all the other related activities are to take place, is composed of a large hill which is some 30 to 40 feet high and covered with ohia trees and other foliage. In its present state, cultivation of the area would be difficult, dangerous and economically unprofitable compared to other portions of the affected parcels. As previously noted, by reducing

the hill to the level of the surrounding ground, the area now occupied by the hill would be, thus, rendered suitable for cultivation. Until such action is taken, however, the area would be unsuited for agricultural use.

"It is the Applicant's intention to utilize the affected parcels and an adjacent parcel identified by Tax Map Key Number 1-2-06: 24, for the cultivation of macadamia nut trees. The quarry is, therefore, a means to achieving the ultimate end of rendering the quarry site more suitable for cultivation. In so doing, the Applicant would not be altering the essential character of the land; to the contrary, the Applicant would be making the land more compatible with the remainder of the affected parcels and their highest and best use--i.e., for agriculture.

"During the period when the hill is being quarried, your Applicant will also be operating a rock crusher to reduce the materials to usable size. In addition, a concrete batch plant and A.C. plant will be established to manufacture concrete and asphalt for your Applicant's use. The quarried materials will be the prime ingredients utilized in producing the concrete and asphalt.

"The Special Permit will, thus, serve a twofold purpose. First of all, it would permit your Applicant to increase the usable area of its properties for agricultural purposes. Secondly, it would provide your Applicant with materials needed for your Applicant's other businesses within the Puna district.

"The public will be benefited as the requested uses will enable your Applicant to minimize its costs for the development of its properties and thereby increase its chances for the economic success of its macadamia farm. Through the success of the farm, (a) employment opportunities will be created for farm workers, (b) purchases of fertilizer, herbicides, and the like will stimulate growth of the retail businesses in the County, (c) the State will realize additional tax revenues generated by the sales of the macadamia nuts and the profits derived therefrom, and (d) the savings realized from not having to transport aggregates, concrete and asphalt from other sites for construction jobs in the Puna district will enable your Applicant to reduce its bid for public construction projects, thus, resulting in the savings of public monies which would be available for other public uses.

"In view of the above, your Applicant submits that the granting of the Special Permit will enable your Applicant to make the highest and best use of the subject parcels in the interest and welfare of the public."

Present County Zoning is Agricultural-3 acre (A-3a) for the subject property.

Soils of the subject area are of the Malama Series which consists of well-drained, thin, extremely stony organic soils over aa lava. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or "Very Poor" for the subject site.

The subject property is classified as "Other Important Agricultural Land" under the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii classification system.

Access to the site will be via private roadways through the petitioner's lands.

The subject property is presently unused and covered with ohia trees and other foliage. The surrounding areas are presently vacant, with the closest dwellings being situated in Kaimu Village, approximately 3,000 feet south of the site.

The proposed Kalapana Bypass Road would be situated nearly 1,500 feet makai of the quarry site.

There are no known historic or archaeological sites in the area.

Pertinent comments from governmental agencies:

1. DEPARTMENT OF HEALTH

The State Department of Health noted the following:

"Environmental health concerns are for the air pollution control requirements of Chapter 43, Public Health Regulations. New sources of air pollution require permits to construct and to operate."

2. DEPARTMENT OF PUBLIC WORKS

The County Department of Public Works had the following comment:

"There should be a time limit for this work and assurances of how the finished ground will look."

"We feel that a plan should be submitted showing the extent of the work with finish elevations."

3. DEPARTMENT OF AGRICULTURE

The State Department of Agriculture provided the following comment:

"If there are any existing agricultural activities, e.g. flowers and foliage operations, or future plans for such activities in the surrounding areas that may be affected by airborne nuisances created by the quarrying operation, the applicant should be prepared to take corrective measures."

Other cooperating agencies including the Department of Water Supply, Fire Department, Hawaii Electric Light Company, Inc., U.S.D.A. Soil Conservation Service, and Police Department had no objection to the application for Special Permit.

A public hearing on the Special Permit was held by the Hawaii County Planning Commission on October 26, 1978. At that time, three (3) representatives of the petitioner spoke in support of the request. Under public testimony, Mr. Aza Summers expressed concern over a possible noise problem from the quarry operation. In response, Mr. Robert Yamada and Mr. Terence Yoshioka stated that they did not believe noise would become a problem since the prevailing winds blow toward the mountains and away from inhabited areas. No other persons testified concerning the Special Permit. For the Commission's information, the hearing transcript of October 26, 1978 has been attached (County Exhibit P).

On November 16, 1978, the Hawaii County 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 State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of 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 includes lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural activities by reasons of topography, soils, and other related characteristics. The subject area consists of a hill, 30 to 40 feet in height, and approximately 10 acres in area. This hill is presently vacant of any use and is overgrown with ohia trees and other foliage. Although the general area is designated as 'Other Important Agricultural Lands' under the Agricultural Lands of Importance classification system, the particular area under consideration for the requested activities is unsuitable for agricultural use because of the topographic constraints. Consequently, it is determined that the use of the subject area for the proposed quarrying and ancillary

activities will not adversely affect the agricultural potential of this or surrounding areas.

"Furthermore, it is determined that the granting of this request may result in the furthering of the agricultural potential of this portion of Puna. The petitioner is proposing to develop the immediately surrounding areas with macadamia nut trees, including approximately 40 acres which have already been planted. The petitioner intends to use a portion of the quarried and crushed material as base course for the macadamia nut orchards, providing a level surface which will facilitate the harvesting of the nuts. Furthermore, the petitioner is proposing to level the subject area to the surrounding grade upon completion of the quarrying operation, and furthermore to plant this area with macadamia nuts. Consequently, the granting of this request and the establishment of the quarry will assist to some extent the agricultural production of this area by providing material which will be used for the development of the proposed orchards and by ultimately preparing an additional 10 acres of land for agricultural use.

"That the proposed quarrying operation will not adversely affect surrounding properties or improvements. The subject area is a portion of a larger area owned by the petitioner. These areas are presently being developed or are proposed to be developed with macadamia nut trees. The nearest residential dwellings are situated in Kaimu Village, approximately 3,000 feet makai of the subject area. It is anticipated that any adverse impact on these residential areas will be minimal. The proposed quarry site will be further buffered from the residential areas by the construction of the proposed Kalapana By-pass Road. This road will be situated approximately 1,500 feet makai of the subject area, between the quarry site and the residential areas. Construction on this roadway is expected to commence by 1980. In addition, any adverse impact which may occur can be effectively mitigated through the conditions of approval as well as the Department of Health Regulations.

"That the proposed quarrying operation is not anticipated to create unreasonable demands on public facilities and utilities. All infrastructures essential to the operation of the quarry and ancillary activities are or will be available to the subject area."

For the Commission's information, the meeting minutes of November 16, 1978 have been attached (County Exhibit BB).

The favorable recommendation was subject to the following conditions:

- "1. That the quarrying operation and its allied uses shall be terminated within ten (10) years after the effective date of approval of the Special Permit.
- "2. That the petitioner or its authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the quarry site prior to commencement of any operation. The quarry site shall be limited to a maximum area of ten (10) acres.
- "3. That the petitioner shall obtain a grading permit from the Department of Public Works prior to commencement of the operation.
- "4. That the access road to the site shall be improved with an oil-treated surface to a width of 10 feet. The roadway shall be maintained by the petitioner throughout the life of the Special Permit.
- "5. That the petitioner or its authorized representative(s) shall receive the necessary permits from the State Department of Health prior to commencement of operation.
- "6. That every precaution shall be taken by the petitioner so as not to create any inconvenience to surrounding properties in regards to traffic, noise, and dust problems during the quarrying operations. Upon receipt of any complaint which is accompanied by documented evidence relative to the impact of the quarrying operations, the Planning Director shall investigate the complaint. If the Planning Director finds the complaint to be valid, he shall so notify the petitioner by certified mail; and the petitioner shall then have 30 days in which to take appropriate mitigating actions.
- "7. That the operation, including loading and hauling during regular working hours, shall be limited to between 7:00 a.m. and 5:00 p.m. on Monday through Friday only.
- "8. That an archaeological walk-through survey of the site shall be conducted prior to the issuance of a grading permit. The petitioner/representative(s) shall notify the Planning Director in writing before the survey is undertaken and shall submit a full report of the survey to the Director prior to obtaining the grading permit.
- "9. That all other applicable rules, regulations, and requirements 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
October 26, 1978

A regularly advertised public hearing, on the application of Yamada Enterprises, Inc., was called to order at 7:07 p.m. in Conference Rooms A, B, & C, State Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

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

David Murakami, representing Ex-officio Member Edward Harada

and approximately 11 people in attendance

CHAIRMAN: Item six on our agenda, public hearing on the application of Yamada Enterprises, Inc. for a Special Permit to allow the establishment of a quarry, rock crusher, A.C. plant and concrete batch plant on approximately 10 acres of land situated within the State Land Use Agricultural District. The area involved is located approximately 400 feet directly west of the Pahoa-Kalapana Road, Kaimu-Makena Homesteads, Puna, TMK: 1-2-06:portion of 6 and 25. Staff?

MOORE: (Presented background on file.)

CHAIRMAN: Thank you, Mr. Moore. Ladies and gentlemen, tonight's application is for a Special Permit. I'd like to first ask if the applicant is present.

YOSHIOKA: Yes, Mr. Chairman and Members of the Commission. My name is Terence Yoshioka and I'm appearing as representative for the applicant, together with Robert Yamada and Mr. Jim Murray.

CHAIRMAN: Thank you, Mr. Yoshioka. Also, Madam Secretary, let the minutes reflect that Mr. Glen Taguchi is also in the audience this evening. Is there anyone who wishes to be an interested party to the application for the Special Permit? No. We will proceed with the application.

Commissioners, you have heard the staff's background report on the application for a Special Permit. Do you have any questions of the staff at this time?

ORITA: Mr. Chairman?

CHAIRMAN: Commissioner Orita.

ORITA: It says here that you intend to quarry a 30 to 40-foot high hill. Is that the only hill they intend to quarry?

MOORE: According to this application, that is correct.

ORITA: Only that hill?

MOORE: That's correct.

CHAIRMAN: We might also ask that question to the applicant. Do you have any further questions of the staff? Yes, Commissioner Murakami.

MURAKAMI: I notice over here it says the property straddles, does the hill straddle over the property?

CHAIRMAN: Okay, let's refer that to Mr. Murray, Commissioner Murakami. Any other specific questions for the staff? If not, Mr. Yoshioka, I think what I'd like to do at this time is swear you, Mr. Yamada and Mr. Murray in and then we can proceed. Gentlemen, if you'd stand and raise your right hands. Do you swear to tell the truth and nothing but the truth on the application before the Hawaii County Planning Commission?

YOSHIOKA: I do.

YAMADA: I do.

MURRAY: I do.

CHAIRMAN: Fine. Please be seated. Mr. Yoshioka, there have been a couple of questions raised. Right off the bat, first from Commissioner Orita and secondly from Commissioner Murakami. Might you or Mr. Murray respond to that?

YOSHIOKA: If I may, I'd like to have Mr. Murray give the explanations in that he is more qualified and he could give an accurate depiction of the area. We did take a trip to the site and had these pictures taken and Mr. Murray has prepared some maps which would identify that area intended to be quarried, the location of the area on the maps which are to be presented.

MURRAY: This map here is actually from the tax map and it shows in yellow all the parcels that are owned by Robert Yamada or some of the other companies. Now in explaining exactly where that quarry is, it straddles two tax parcels that are owned by Robert Yamada. These two maps here are on a smaller scale and they actually indicate the extent of the hill and lava flow, back here and back here. This map here also shows the extent of the lava flow straddling the two tax parcels again. This is on a scale of 1 to 300.

MURAKAMI: May I ask you one question. Does the line showing the old lava flow, is that the hill? Actually, that's the hill that you folks going to quarry?

MURRAY: That's the extent of the hill, back in here. I might explain the different photos here that we have. We can start, say, on photo number 10. Photo number 10 is taken at this point right here, just about on the boundary and looking makai or down towards the bottom of the hill. Actually, this is the top of the hill. This area back in here is the lower area and there's really a difference in elevation. Say, from this point here down to here is roughly 50 feet. This point here is the actual flow or the end of the lava flow itself.

And photo number 9, we're at the point here, on the boundary again, and looking back up towards the ridge or the toe of the flow here again.

In photo number 8, we're at this point, the same point again. We're looking in the Ka'u direction and here you can see the extent of the toe here, of the flow, and toeing down. This area down in this portion of the flow is fairly flat which is the reason for wanting to do something with this piece of property.

Photo number 7 is that same point again; and we're looking back towards the ocean again. And the reason for this photo is to show the type of rocky terrain there. This is land that is being newly cleared by Mr. Yamada and if you take a real close look at it it is very rocky; and Mr. Moore mentioned that the soils of the Malama series and it's extremely stony and rocky.

Photo number 7, I'm sorry, photo number 6 is standing at that same point again looking back towards the existing orchard area there. It's this area in here, this photo here.

Photo number 5 is standing at this point at the corner of the orchard; and, let's see, and looking down the roadway.

Photo number 4 indicates the extent and the size or the orchard trees there. They're a combination of hayden mangoes and macadamia nuts.

And photo number 3 is standing at this point here and looking back towards of the toll of the flow again.

Photo number 2 is just about in the same position, looking at the toe. One is at this point here and looking towards back up the road and this is part of that ridge again.

CHAIRMAN: Thank you. Commissioners, do you have any questions of Mr. Murray?

MURAKAMI: It says over here 30 to 40 feet high. That is only the, you're talking about not the whole area is 30 to 40 feet, huh? The highest point of the flow, or what's the diameter as far as the height of the 40 feet?

MURRAY: Taking say ground here, which is roughly 140 feet at elevation down here on the flat land, the extent up to this point here which is roughly about 1200 feet or so, it comes to an elevation of roughly about 190 feet there so the difference is really about 50 feet. I mean it's like this and up and then sloping upwards, sloping upwards here. We do have a contour map here. This is the only one that we could find that was available on short notice.

YOSHIOKA: And your green spot on the map is then the location of the macadamia nut orchard.

MURAKAMI: Let me ask you another question then. Well, let's put it this way. What would be the amount of quarry material that would come out from excavating this portion of the hill.

MURRAY: Actually at this point we really couldn't come up with an answer. Probably what will have to happen is a detailed survey made of this area. None of the grading plans made -.

MURAKAMI: All right, then the other question is if this is approved, how long will it take to quarry that section of the quarry as far as the hill is concerned?

MURRAY: I'll have to have someone else answer that.

YAMADA: Well, to answer your question, I would like to have -.

CHAIRMAN: Mr. Yamada, we're taping the proceedings tonight. We have to ask that you do speak into the microphone please.

YAMADA: To answer that question, I would like to say that I would like for on a long-term base because I do have close to over 450 acres in that area and originally it was intended, I think I did approach a couple of times, the possibility of subdividing. However, as you probably know, we had the volcano flow in that area about a mile away and the subdivision is completely out. So I decided that slowly I want to develop the entire area to agriculture. I thought of going into pasture land, but you know how the meat market and the problems; so I decided to go in macadamia nuts and I evidently, probably, take me 5 to 10 years to cultivate all these acreages. You know that macadamia nut is a slow process. So I can't say that I can do it in 1 year or 2 years because most of these products that will be crushed will be used to grade the macadamia nut ground, like the Keaau orchard is doing now. I think they're crushing about close to 400,000 yards, I think. But, of course, they have a big acreage, but this depends on how thick you're going to lay because as Mr. Murray said it's very rough a'a. The more you machine and bulldoze, the more rougher it gets because all the soil drops to the, you know, lower. And we're having a hard time getting pickers because it's too rough for them to walk on the ground. And either way we lay this material, which Keaau is doing, 3/4" minus, and I'd like to do the same too. But in the same token, because the area, I believe, sooner or later will develop and I would like to get the permit so that I can also sell to outsiders if needed. I don't know whether I answered your question but -.

MURAKAMI: Yeah, thank you.

CHAIRMAN: Commissioners, any further questions of -?

ORITA: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Orita.

ORITA: Maybe Mr. Yamada can answer this question. Mr. Yamada, the vegetation which you have up there which is ohia trees and other foliage, are there going to be foliage on that particular hill which you plan to quarry?

YAMADA: There's sparsely grown ohia trees on the top. On the slope, we have little vegetation like you see kukui trees. This as a rule, you probably know what kipuka is, you know, the area, kipuka gets bigger and bigger because of the vegetation, leaves dropping and form organic matter and gets bigger and then something grows and then in the years it grows about 3 or 4 feet, you know, gets bigger and bigger because of the vegetation. And this is what happened down here. But right on the top of it is ohia - you have a picture of it? Yeah, have this sage grown grass and ohia trees, something like this. However, the area that's all around here was once cleared about 10 years ago, so the vegetation where I'm planting now is slightly different because the old ohia trees have been knocked down and as you know, the more you disturb the soil the more, you know, the a'a breaks, although the soil drops, but the a'a rocks get smaller and smaller all the time and have a better chance of vegetation to grow. But the rainfall is only about 60 inches down there and we're having a hard time getting started. And because of that, we're bringing in our waterline and also having a problem, this hill is right in the middle of the whole entire property that we cannot mechanize, too. So it will serve two purposes. In other words, get the materials out and also by taking the hill it can be mechanized by levelling the land, you see.

ORITA: Thank you.

CHAIRMAN: Commissioners, any further questions of either Mr. Yamada, or Mr. Murray, or Mr. Yoshioka? Staff, did you have any questions that you'd like to ask the applicant or its representatives?

FUKE: Mr. Chairman?

CHAIRMAN: Yes, please.

FUKE: Mr. Yamada, from what we were able to detect, maybe you can reconfirm it for us, is the intent for your petition, one, for quarrying or is it just preparing the land for agricultural activities, particularly macadamia nuts?

YAMADA: Well, I'd like to, you know, major portion will be used, as I said for agriculture; however, in the due process, right now I have only about 40 acres of macadamia nuts, to set the crusher there would be prohibitive in order just for that use. And because of the need of the material with the permission from the County, that's you, the Committee, I would like to ask that I, you know, also be able to sell it to the general public.

FUKE: In other words then, your ultimate purpose is for agricultural purposes particularly macadamia nuts.

YAMADA: That is right.

FUKE: What is your macadamia nuts or your agricultural activities' timetable?

YAMADA: Well, I have about 40 acres and I'm trying to plant about 35, 40 acres a year.

FUKE: Within the general vicinity or on the subject property?

YAMADA: Yes. The property here has about 200 acres here, 199 acres, and then 140 acres here and then we also have just across the State land here another 27 acres, and we have, going up the hill we have 70 and 16 acres up here, and we also have about 6 acres down here, it's not shown on the map here.

FUKE: So then is it your understanding then, therefore, that the quarrying activities, while the quarrying activities are going on similarly or at the same time your agricultural activities would be ongoing?

YAMADA: That's my plan.

FUKE: That is your intention?

YAMADA: Yes.

FUKE: Have there any been test of the materials, you know, in terms of trying to find out what kind of material is, maybe like halfway through the hill or whatever or is it all on the assumption that it is going to be crushed and then just spread around?

YAMADA: Yes. Prior to 1975, I did take some material from this area here and also material from here for all the subdivision along this line. You probably know there's a subdivision here. So we have quarried before already, some areas. But by the direction of the, rather information from the Planning Committee, which I thought all the borrow pits were grandfathered but later on I was told that it's not and that I have to reapply. So this was one of the processes that I reapplied. So I'd like to say that a few more areas that I have had quarried in the past I'm reapplying so that I conform with the law of this County here.

FUKE: Okay, Mr. Yamada, just two more questions. One is you noted that you would get access on a private road to and from, I guess, the property onto the main Kalapana-Kaimu Road, to your knowledge, are there any homes along that road?

YAMADA: Which road are you talking?

FUKE: You have a private road which leads in from the main highway to the property.

YAMADA: This?

FUKE: Right.

YAMADA: There's no home.

FUKE: Oh, there are no homes?

YAMADA: No homes at all.

FUKE: Okay.

YAMADA: However, I think there's one home way up here. It's vacant now I'm told. I'm not positive.

FUKE: Okay, but for those areas where the trucks will be passing to and from the main highway, there are no homes?

YAMADA: No, no, there's no home at all.

FUKE: Okay, following up also on Commissioner Murakami's question, he asked you like approximately how long would you be needing or would you be operating the quarrying operations and your answer in a sense was just a long time. Could you be a little bit more specific than just a long time?

YAMADA: I would say 10 years.

CHAIRMAN: Okay, Ilima, did you have any questions?

PIIANAIA: I have a couple of questions. Basically, Mr. Yamada, what would be the frequency that you'd be quarrying? Would be on a continuous basis if this were approved?

YAMADA: No, it won't be continuous. We probably will be quarrying there and crushing and we probably pull out the portable crusher and then we leave the stockpile there and if there's no need we'll pull out and go back again. And this is the reason why I'm saying that we'll probably take, you know, I can't do it in one year.

PIIANAIA: Will you be quarrying and crushing a portion of each year or -?

YAMADA: That's my plan.

PIIANAIA: Do you know how long per year? How many months per year you'll be crushing and quarrying?

YAMADA: It's very difficult to say.

ORITA: Mr. Yamada, if you're going to be quarrying and like you just said here you might need stockpiling and you know for a fact that you're going to use your aggregates to, more so within your macadamia nut area, then why stockpile?

YAMADA: So that we don't have to go back and so that we can load the crusher out and stockpile in other areas.

ORITA: So, more so that while you are crushing, you will be using the crushed product, whatever, to bring into your macadamia nut field and then stop the operation and just stockpile?

YAMADA: No, we'd like to stockpile so that we don't have to come immediately to the site to crush again.

ORITA: All right. Thank you.

YAMADA: Because this equipment is a portable equipment and the company is in contracting and go from one place to the other. At the present time, as you probably know, my portable crusher is in Waipio area that you people granted us a special permit, and approved by the Land Use. Now that unit will be coming back, if I get approval going down to this, unless there's another job that supercedes this thing here.

CHAIRMAN: Okay, thank you.

SAKAMOTO: I have a question.

CHAIRMAN: Commissioner Sakamoto.

SAKAMOTO: Bill, there's another quarry, right? How many miles away is the other quarry from Bob Yamada's?

MOORE: The quarry is situated about, I would say, 1 1/2 to 2 miles west of the beach area. So I'm not sure what the triangulation would be.

SAKAMOTO: So it's on the beach side?

MOORE: Right. It's situated down in here, about .9 mile past this intersection here on the mauka side of the road.

YAMADA: I think they got a special permit.

MURAKAMI: Mr. Chairman?

CHAIRMAN: Commissioner Murakami.

MURAKAMI: Can you tell me more or less where the realignment would be? Behind your property or is it going to pass through your property or -?

YAMADA: The realignment would be from here going right through here.

CHAIRMAN: I think it's a little easier to see on the big map.

MOORE: If I may point it out. It comes through this area about 1500 feet makai of the quarry site.

MURAKAMI: Oh, it's not going to go into the property?

MOORE: No, it's quite a ways makai.

CHAIRMAN: Okay, thank you. Commissioner Paris.

PARIS: What will the final topog of this area be? Will it be flat, or gentle slope, or what do you plan? Just to make it suitable for nut plantings so it's simple to harvest and cultivate?

YAMADA: That's right. If I have enough demand or for my own use, I would like to cut the hill so that it will be level with the rest of the land here, you know, to this land over here, and we level to this land and level with this side, too, you see, both sides. The hill is right in here.

PARIS: And the organic material that is on the surface on the hill now, that whatever fertility you have, do you plan to use that all in the filling of your levelling of your acreages or will you stockpile that to spread over this area afterwards?

YAMADA: We have to crush every bit because you know the a'a formation when you come from Kona above the road is almost exactly like that with the vegetation. So I can't take this same material and lay it in the orchards because it doesn't do any good because it's too rough. You have to crush it.

CHAIRMAN: Okay thank you. Commissioners or staff, any further questions of Mr. Yamada or his representatives? If not, gentlemen, I ask that you be seated. There may be some questions raised from the public that the Commission would like to ask that you respond to.

Ladies and gentlemen, this is a public hearing on the application of Yamada Enterprises, Incorporated for a Special Permit. The Chair at this time would like to invite anyone from the audience who would like to speak either for or against the application before the Commission.

Yes, please raise your right hand. Do you swear to tell the truth and nothing but the truth on the application now before the Hawaii County Planning Commission?

SUMMERS: I do.

CHAIRMAN: Please state your name into the microphone.

SUMMERS: My name is Aza Summers. I'm an architect in Pahoa. I have a question concerning the noise of the operation. Would the quarrying and rock crushing be audible to people on Kaimu Beach?

CHAIRMAN: Mr. Yamada, would you like to respond to that?

YAMADA: I think somebody stated that the wind comes from the ocean side. It's always blowing from the ocean side as far as I know. I don't know, tomorrow it may go the other way, but as far as I know the wind is from the ocean side and the residences are all on the Kaimu, there's a restaurant and I think about two or three residences in the Kaimu area, and that's about all the residential area. And I don't think the noise will affect the people there. That's my opinion.

YOSHIOKA: There is an existing quarry which would be about equal distance from the Kaimu Beach area and I don't believe that they have any noise problems as a result of that quarry.

SUMMERS: I understood that was about a mile from the subdivision here. That's almost three times as far away, it looks to me. And this is only a half mile from the beach. And in my opinion, you'll hear that operation going on at the beach on a windy day. But, you know, it takes a lot of heavy machinery to crush rocks and that's my concern that here we have the finest beach in this area and an industrial operation going on. I would, well, I'm just going on to say that I would strongly urge a "no" vote on this because of the pressure that it will cause for progressing area, it will encourage progress to have this material.

Oh, I would further ask why do we need a permit for concrete and asphalt if this is for macadamia nuts?

YAMADA: Well, as I say this concrete batch plant is related to the quarrying and at the present time I don't have a use for the batch plant. What I really want is a crusher to crush. However, in order that I be permitted without violating an ordinance, I'm asking that I be permitted in case I do need the area for batching, that I be permitted to use is one of the reasons that I'm asking.

CHAIRMAN: Okay, Mr. Yamada, you have testified earlier that your primary interest is in quarrying and that the majority of the materials quarried will be used in pursuit of your expanding your macadamia nut orchard. Is that correct?

YAMADA: That is correct. That is correct.

YOSHIOKA: I'd like to comment on Mr. Summers' concern - I think that we're all familiar with the Kaimu Beach area and I recognize the concern you have over the noise. I really don't feel it will be a problem because if you've ever been to the Kalapana Black Sand Beach area you know that the waves themselves generate quite a bit of noise and it's difficult to hear; and this noise, I think, would be subdued and whatever noise is generated from the construction area would be camouflaged by the wave action. I don't think it would be, if it's audible by nature, that would be disturbing to the people.

SUMMERS: What about for the residents there?

YOSHIOKA: There are no residents except in this area here. From this point on it's all forest reserve. There are no residents here.

YAMADA: For further information, I'd like to say that we have had D-9, D-8, D-6 working there, worked many months and years before, and we have bulldozers working there on the weekends, and nobody has complained. I think the bulldozers make more noise than the crusher, actually.

CHAIRMAN: Okay, thank you, Mr. Yamada. Is there anyone else in the audience who wishes to testify either for or against the application before the Commission? Staff, do you have any further questions?

PIIANAIA: I don't have any questions; but I'd like to request that copies of these exhibits be submitted to us for the file.

6
CHAIRMAN: Yes, Mr. Yoshioka, is that agreeable to you?

YOSHIOKA: Yes.

PIIANAIA: Two copies of each for the record.

CHAIRMAN: Thank you. If there's no further testimony to come before the Commission concerning this application, the Chair will entertain a motion to either continue the public hearing or close the public hearing.

MURAKAMI: Mr. Chairman?

CHAIRMAN: Commissioner Murakami.

MURAKAMI: I move that the public hearing be closed.

CHAIRMAN: Is there a second to the motion?

SAKAMOTO: Second the motion, Mr. Chairman.

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

COMMISSIONERS: Aye.

CHAIRMAN: Oppose, same sign? Public hearing is closed.

Public hearing adjourned at 7:42 p.m.

Respectfully submitted,

Sharon M. Nomura

Sharon M. Nomura
Secretary

A T T E S T:

William F. Mielcke

William F. Mielcke
Chairman, Planning Commission

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
November 16, 1978

EXHIBIT BB

The Planning Commission met in regular session at 9:00 a.m. in the First Hawaiian Bank Meeting Room, Kailua, North Kona, Hawaii, with Chairman William F. Mielcke presiding, and at 7:00 p.m. in the Waimea Civic Center Conference Room, Waimea, South Kohala, Hawaii, with Chairman Pro Tem William J. Paris, Jr., presiding.

PRESENT: William F. Mielcke
(Left at 3:47 p.m.)
Shigeru Fujimoto
Bert H. Nakano
Lorraine R. Jitchaku
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: J. Walsh Hanley
Haruo Murakami
Ex-officio Member
Akira Fujimoto
Deputy Corporation
Reginald Minn

Sidney M. Fuke, Planning Director
Ilima Piianaia, Planner
Norman Hayashi, Planner (Left at 3:47 p.m.)
William Moore, Planner

Galen Kuba representing Ex-officio Member Edward Harada
and approximately 16 people in attendance at 9:00 a.m.,
14 people at 10:00 a.m., 7 people at 11:00 a.m., 7
people at 1:30 p.m., 30 people at 7:00 p.m. and 30
people at 7:30 p.m.

SPECIAL PERMIT
KENNETH FUJIYAMA
OLA'A RESERVA-
TION LOTS, PUNA

Use Agricultural District. The area involved is located on the easterly side of the Volcano Road, approximately 2,000 feet Ka'u side of 13 Mile Road, Ola'a Reservation Lots, Puna, TMK: 1-7-08:18.

Staff presented recommendation for approval with conditions on file.

Staff clarified that Condition No. 6 meant that as long as the commercial uses are ancillary to the operation of the botanical garden, it is allowed; however within the mall and court area, only agricultural products may be sold.

Staff pointed out that as far as access, it is up to the Department of Transportation and/or Department of Public Works and the petitioner to decide where it will be. If access is permitted from the State highway, the Department of Transportation could conceivably require acceleration and deceleration lanes; if not, the petitioner would be required to improve the old Volcano Highway.

With regard to Condition No. 5, staff clarified that the reason for suggesting that condition was they did not want to construe that the operation of the restaurant is independent of the garden and were not requiring that everyone who goes to the restaurant comes to dinner and walk through the garden.

Staff clarified that as far as having other commercial uses come into the establishment, as it is not an outright permitted use, it would have to be approved by the Planning Director.

It was moved by Commissioner Nakano and seconded by Commissioner Fujimoto 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 seven ayes.

SPECIAL PERMIT
✓YAMADA ENTER-
PRISES, INC.
KAIMU-MAKENA
HOMESTEADS, PUNA

Application of Yamada Enterprises, Inc. for a Special Permit to allow the establishment of a quarry, rock crusher, A.C. plant and concrete plant on approximately 10 acres of land situated within the State Land Use Agricultural District. The area involved is located approximately 4,000 feet directly west of the Pahoa-Kalapana Road, Kaimu-Makena Homesteads, Puna, TMK: 1-2-06:portions of 6 & 25.

Staff presented recommendation for approval with conditions on file.

The petitioner's representative, Terence Yoshioka, expressed his concern on Condition 6 and requested that the Commission reconsider this recommendation and instead have the petitioner cease quarrying operations only after it has been determined that the complaint is substantiated, to which the Planning Director agreed. The Planning Director suggested the following amendment to Condition 6, "Upon receipt of any complaint which is accompanied by documented evidence relative to the impact of the quarrying operation, the Planning Director shall investigate the complaint.

If the Director finds the complaint to be valid, he shall so notify the petitioner by certified mail and the petitioner shall then have 30 days in which to take appropriate mitigating action". and the rest of the paragraph would be deleted. Mr. Yoshioka agreed with the amendment as he thought if the petitioner is forced to terminate his operation every time someone issues a complaint, the petitioner would be at the mercy of the public where someone could keep on calling and prevent the quarrying operation.

Mr. Yoshioka also requested that with regard to Condition 7 the petitioner be allowed to conduct quarrying operations on Saturdays and Sundays also as it would pose a hardship upon them to limit the working days from Mondays to Fridays; and if, of course, it causes an inconvenience to the parties in the adjacent areas or to the public as a whole then the public would have a right to file a complaint with the Planning Department. The Planning Director noted that they have imposed this as a standard requirement primarily from the standpoint of making sure there would be a minimum of conflict with the public on weekends when most of them are at home and in relation to the primary representations made by the petitioner that the quarrying or excavation activities would be done very infrequently. Staff clarified that the condition would not prevent the petitioner from taking stockpiled materials that have been crushed and spreading it over their own property on weekends. Mr. Yoshioka clarified their representation that when they said infrequent they meant they would be quarrying for maybe two weeks or longer at a time and then stop as it is not a small task to transport the machinery. Planning Director Fuke commented that he had reservations in changing this particular condition at this point in time largely because it hasn't been evaluated thoroughly and that it would set a precedent for other quarrying applications.

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

At this time, Mr. Yoshioka clarified that he was under the impression that the petitioner had only 1 or 2 crushers but that they actually have 3 or 4, so it's not that great an inconvenience - they can leave the machinery for a longer period of time on the job site.

AMENDMENT TO
ORDINANCE 605
T & K ENTER-
PRISES, INC.
MAIHI 2ND,
NORTH KONA

Preliminary hearing on the request of T & K Enterprises, Inc. to amend Ordinance No. 605 (effective 8/30/78) which rezoned approximately 8.31 acres of land from an Agricultural 1-acre (A-1a) to a Multiple Family Residential - 1,250 square feet (RM-1.25) zoned district.

The proposed amendments relate to incremental development, rental price, and the time requirement for a play area development. The area involved is located on the mauka side of the old Mamalahoa Highway, approximately 400 feet north of the intersection of Kuakini Highway and the old Mamalahoa Highway, Maihi 2nd, North Kona, TMK: 7-9-03:10.

Staff pointed out that they have had a hearing on a Planned Development Permit application for the same project which has

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

December 27, 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.

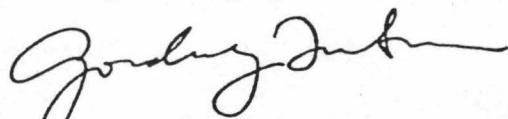
Please note that petitions

SP78-327 - Yamada Enterprises, Inc.
SP78-328 - Kenneth Fujiyama

will be acted on at that time.

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

Very truly yours,


GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

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

December 27, 1978

Mr. Robert M. Yamada
Yamada Enterprises, Inc.
733 Kanoelehua Avenue
Hilo, Hawaii 96720

Dear Mr. Yamada:

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

Please note that petition

SP78-327 - Yamada Enterprises, Inc.

will be acted on at that time.

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

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

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

December 27, 1978

Mr. Terence T. Yoshioka
Nakamoto, Yoshioka and Chillingworth
80 Pauahi Street, Room 203
Hilo, Hawaii 96720

Dear Mr. Yoshioka:

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

Please note that petition

SP78-327 - Yamada Enterprises, 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

January 11, 1979 - 9:00 a.m.
Kahului Library
Kahului, Maui

A G E N D A

I. ACTION

1. SP78-314 - Department of Land & Natural Resources (Kauai)

To allow the construction of water storage tanks on approximately 1.73 acres of land situated within the State Land Use Agricultural District at Koloa, Kauai.

2. SP78-316 - Department of Transportation (Kauai)

To allow the development of the new Lihue Airport terminal and runway within the State Land Use Agricultural District at Lihue, Kauai.

3. SP78-326 - T. T. Meyer, Inc. (Maui)

To allow the operation of a rock and cinder quarry on approximately 25 acres of land situated within the State Land Use Agricultural District at Kapuaokoolau, Molokai.

4. SP78-327 - Yamada Enterprises, Inc. (Hawaii)

To allow the establishment of a rock quarry and concrete batching plant operation on approximately 10 acres of land situated within the State Land Use Agricultural District at Kaimu-Makena Homesteads, Puna, Hawaii.

5. SP78-328 - Kenneth Fujiyama (Hawaii)

To allow the establishment of a commercial botanical garden, including restaurant and shops, on approximately 9.9 acres of land situated within the State Land Use Agricultural District at Olaa, Puna, Hawaii.

II. HEARING

1. A78-443 - Tony Hashimoto, et al (Maui)

To reclassify approximately 30 acres of land presently in the Agricultural District into the Urban District at Kihei, Maui, for light industrial use.

12/27/78 - A COPY OF THIS AGENDA WAS MAILED TO ALL PERSONS AND ORGANIZATIONS ON THE ATTACHED MAILING LISTS:

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



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF
HAWAII

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

December 19, 1978

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

SP 78- 327

Dear Mr. Furutani:

Special Permit Application
Petitioner: Yamada Enterprises, 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 establishment of a quarry, rock crusher, A.C. plant and concrete plant on approximately 10 acres of land situated within the State Land Use Agricultural District at Kaimu-Makena Homesteads, Puna, Hawaii, Tax Map Key 1-2-06:portions of 6 & 25.

The Planning Commission at a duly advertised public hearing held on October 26, 1978 in the Conference Rooms A, B, & C, State Building, South Hilo, Hawaii, discussed the subject request. The Commission on November 16, 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 State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of 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

LAND USE COMMISSION
STATE OF HAWAII
DEC 21 1978
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Use Commission. The Agricultural District includes lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural activities by reasons of topography, soils, and other related characteristics. The subject area consists of a hill, 30 to 40 feet in height, and approximately 10 acres in area. This hill is presently vacant of any use and is overgrown with ohia trees and other foliage. Although the general area is designated as "Other Important Agricultural Lands" under the Agricultural Lands of Importance classification system, the particular area under consideration for the requested activities is unsuitable for agricultural use because of the topographic constraints. Consequently, it is determined that the use of the subject area for the proposed quarrying and ancillary activities will not adversely affect the agricultural potential of this or surrounding areas.

Furthermore, it is determined that the granting of this request may result in the furthering of the agricultural potential of this portion of Puna. The petitioner is proposing to develop the immediately surrounding areas with macadamia nut trees, including approximately 40 acres which have already been planted. The petitioner intends to use a portion of the quarried and crushed material as base course for the macadamia nut orchards, providing a level surface which will facilitate the harvesting of the nuts. Furthermore, the petitioner is proposing to level the subject area to the surrounding grade upon completion of the quarrying operation, and furthermore to plant this area with macadamia nuts. Consequently the granting of this request and the establishment of the quarry will assist to some extent the agricultural production of this area by providing material which will be used for the development of the proposed orchards and by ultimately preparing an additional 10 acres of land for agricultural use.

That the proposed quarrying operation will not adversely affect surrounding properties or improvements. The subject area is a portion of a larger area owned by the petitioner. These areas are presently being developed or are proposed to be developed with macadamia nut trees. The nearest residential dwellings are situated in Kaimu Village, approximately 3,000 feet makai of the subject area. It is anticipated that any adverse impact on these residential areas will be minimal. The proposed quarry site will be further buffered from the residential areas by the construction of the proposed Kalapana By-pass Road. This road will be

situated approximately 1,500 feet makai of the subject area, between the quarry site and the residential areas. Construction on this roadway is expected to commence by 1980. In addition, any adverse impact which may occur can be effectively mitigated through the conditions of approval as well as the Department of Health Regulations.

That the proposed quarrying operation is not anticipated to create unreasonable demands on public facilities and utilities. All infrastructures essential to the operation of the quarry and ancillary activities are or will be available to the subject area.

The favorable recommendation was also subject to the following conditions:

1. That the quarrying operation and its allied uses shall be terminated within ten (10) years after the effective date of approval of the Special Permit.
2. That the petitioner or its authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the quarry site prior to commencement of any operation. The quarry site shall be limited to a maximum area of ten (10) acres.
3. That the petitioner shall obtain a grading permit from the Department of Public Works, prior to commencement of the operation.
4. That the access road to the site shall be improved with an oil-treated surface to a width of 10 feet. The roadway shall be maintained by the petitioner throughout the life of the Special Permit.
5. That the petitioner or its authorized representative(s) shall receive the necessary permits from the State Department of Health prior to commencement of operation.
6. That every precaution shall be taken by the petitioner so as not to create any inconvenience to surrounding properties in regards to traffic, noise, and dust problems during the quarrying operations. Upon receipt of any complaint which is accompanied by documented evidence relative to the impact of the

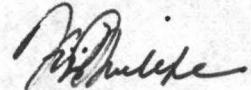
quarrying operations, the Planning Director shall investigate the complaint. If the Planning Director finds the complaint to be valid, he shall so notify the petitioner by certified mail; and the petitioner shall then have 30 days in which to take appropriate mitigating actions.

7. That the operation, including loading and hauling during regular working hours, shall be limited to between 7:00 a.m. and 5:00 p.m. on Monday through Friday only.
8. That an archaeological walk-through survey of the site shall be conducted prior to the issuance of a grading permit. The petitioner/representative(s) shall notify the Planning Director in writing before the survey is undertaken and shall submit a full report of the survey to the Director prior to obtaining the grading permit.
9. That all other applicable rules, regulations, and requirements 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
Chairman, Planning Commission

lgv

Enclosures

cc Terence T. Yoshioka
Yamada Enterprises, Inc.
Land Use Division, DPED

LIST OF EXHIBITS - YAMADA ENTERPRISES, INC.

- A. Applicant's letter (9/1/78)
- A-1. Application form
- A-2. Applicant's reasons
- A-3. Applicant's location map
- B. Departmental acknowledgement letter (9/12/78)
- C. Memo to the agencies (9/12/78)
- D. Water Supply (9/14/78)
- E. Fire (9/18/78)
- F. HELCO (9/18/78)
- G. Health (9/18/78)
- H. Soil Conservation Service (9/19/78)
- I. Public Works (9/19/78)
- J. Agriculture (9/27/78)
- K. Police (9/29/78)
- L. Letter to surrounding property owners (10/13/78)
- L-1. Map sent to surrounding property owners
- L-2. List of surrounding property owners
- M. Letter to the applicant (10/13/78)
- M-1. Public Hearing Notice
- N. Voting Sheet - closed hearing
- O. Minutes 10/26/78
- P. Transcript 10/26/78
- Q. Letter to the applicant (10/27/78)
- R. Letter to the applicant (11/1/78)
- S. Staff Background
- T. Staff Recommendation

- U. Applicant's Topographic Map
- V. Applicant's Soil Survey
- W. Applicant's Location Map
- X. Applicant's Plot Plan
- Y. Photographs
- Z. Location Map
- AA. Voting Sheet
- BB. Minutes 11/16/78

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

DEC 5 1 08 PM '78

November 24, 1978

Mr. Terence T. Yoshioka
80 Pauahi Street, Room 203
Hilo, HI 96720

Dear Mr. Yoshioka:

Special Permit Application
Petitioner: Yamada Enterprises, Inc.
Tax Map Key 1-2-06: portions of 6 & 25

The Planning Commission at its regular meeting of November 16, 1978, considered the above application for a special permit to allow the establishment of a quarry, rock crusher, A. C. plant and concrete plant on approximately 10 acres of land situated within the State Land Use Agricultural District at Kaimu-Makena Homesteads, Puna, Hawaii.

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

1. That the quarrying operation and its allied uses shall be terminated within ten (10) years after the effective date of approval of the Special Permit.
2. That the petitioner or its authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the quarry site prior to commencement of any operation. The quarry site shall be limited to a maximum area of ten (10) acres.
3. That the petitioner shall obtain a grading permit from the Department of Public Works, prior to commencement of the operation.

Mr. Terence Yoshioka
November 24, 1978
Page 2

4. That the access road to the site shall be improved with an oil-treated surface to a width of 10 feet. The roadway shall be maintained by the petitioner throughout the life of the Special Permit.
5. That the petitioner or its authorized representative(s) shall receive the necessary permits from the State Department of Health prior to commencement of operation.
6. That every precaution shall be taken by the petitioner so as not to create any inconvenience to surrounding properties in regards to traffic, noise, and dust problems during the quarrying operations. Upon receipt of any complaint which is accompanied by documented evidence relate to the impact of the quarrying operations, the Planning Director shall investigate the complaint. If the Planning Director finds the complaint to be valid, he shall so notify the petitioner by certified mail; and the petitioner shall then have 30 days in which to take appropriate mitigating actions.
7. That the operation, including loading and hauling during regular working hours, shall be limited to between 7:00 a.m. and 5:00 p.m. on Monday through Friday only.
8. That an archaeological walk-through survey of the site shall be conducted prior to the issuance of a grading permit. The petitioner/representative(s) shall notify the Planning Director in writing before the survey is undertaken and shall submit a full report of the survey to the Director prior to obtaining the grading permit.
9. That all other applicable rules, regulations and requirements 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 F. MIELCKE
Chairman, Planning Commission

lgv

cc Yamada Enterprises, Inc.
State Land Use Commission
Land Use Division, DPED

NAKAMOTO, YOSHIOKA AND CHILLINGWORTH

ATTORNEYS AT LAW

80 PAUAHI STREET, ROOM 203

HILO, HAWAII 96720

TELEPHONE
AREA CODE 808
935-7156

ROY K. NAKAMOTO
TERENCE T. YOSHIOKA
WILLIAM S. CHILLINGWORTH
GLEN N. KIMURA

September 1, 1978

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

Re: Application for Special Permit
of Yamada Enterprises, Inc.
TMK: 1-2-6:6 and 25

Gentlemen:

Enclosed herewith for processing are the following:

1. Original and 16 copies of Application for Special Permit of Yamada Enterprises, Inc. regarding Tax Map Key Nos. 1-2-6:6 and 25;
2. 16 copies of a location map;
3. Original and 16 copies of Applicant's Reasons for Requesting Special Permit; and
4. Our check in the amount of \$100.00 for the processing fee.

All correspondence should be directed to Mr. Terence T. Yoshioka of our office, with a carbon copy to Yamada Enterprises, Inc.

Very truly yours,

NAKAMOTO, YOSHIOKA & CHILLINGWORTH

By Barbara Gamsky
(Mrs.) Barbara Gamsky

Encs.

EXHIBIT

A

APPLICATION FOR SPECIAL PERMIT

LUC

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT: YAMADA ENTERPRISES, INC.

APPLICANT'S SIGNATURE: Rufef M. Yamada

ADDRESS: 733 Kanoelehua Avenue, Hilo, Hawaii
(P. O. Box 4699, Hilo, Hawaii 96720)

TELEPHONE: 935-2911

TAX MAP KEY: 1-2-6:6 and 25 AREA: 67.0 and 37.5 acres, respectively
(Size of Parcels)

OWNER: YAMADA ENTERPRISES, INC.

OWNER'S SIGNATURE: Robert M. Yamada

APPLICANT'S INTEREST, IF NOT OWNER: ✓ N/A

REQUESTED USE: To quarry a 10 acre portion of the above parcels and to utilize the materials quarried for the development of said parcels and for the Applicant's businesses and/or resale.

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

NOTE: The applicant must show that:

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

THIS APPLICATION MUST BE ACCOMPANIED BY:

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

For Official Use:

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

EXHIBIT A-1

RECEIVED

'78 SEP 1 PM 2 57

PLANNING DEPT.
COUNTY OF HAWAII
FILE NO.

APPLICANT'S REASONS FOR REQUESTING SPECIAL PERMIT

The Applicant is a Hawaii corporation engaged in diversified businesses and the owner of the subject parcels of real property, which are situated in Makina Homesteads, Puna, Hawaii. The subject parcels are zoned Agricultural-3 acre (i.e., A-3a) and the Applicant hereby request the issuance of a special permit to allow the establishment of a quarry, rock crusher, an AC plant and a concrete batch plant on a portion of said parcels having a combined area of not more than ten (10) acres. The approximate location and size of said quarry is identified by the map attached hereto as Exhibit A and by reference made a part hereof.

In support of said special permit request, the Applicant states as follows:

A. THE ESTABLISHMENT OF THE QUARRY, ROCK CRUSHER, AC PLANT AND CONCRETE BATCH PLANT WOULD NOT BE CONTRARY TO THE OBJECTIVES OF THE LAND USE LAW AND REGULATIONS.

It is noted in Part 1-2 of the State Land Use District Regulations promulgated by the State of Hawaii Land Use Commission that the purpose of the rules and regulations is to "preserve, protect and encourage the development of lands in the State for those uses to which these lands are best suited in the interest of public health and welfare of the people of the State of Hawaii."

The Applicant submits that the establishment of the quarry, rock crusher, AC plant and concrete batch plant would be in harmony with the above-stated purpose for the following reasons:

FILE NO
COUNTY OF HAWAII
PLANNING DEPT.

78 SEP 1 PM 3 00
RECEIVED

1. The area to be quarried is a large hill of approximately 8 to 10 acres in size and, in its present state, is not well-suited for cultivation due to the steep incline of its slopes. If the special permit to quarry the land is granted the Applicant shall reduce the hill to ground level and thereby render the area more suitable for cultivation.

2. Other portions of the two (2) parcels would also benefit from the quarry as the materials excavated therefrom would be used in large part as ground fill to even out the contour of the said parcels.

Thus, the quarry would complement the objectives of the Land Use laws in that it would make the lands of the Applicant more suitable for cultivation.

B. THE DESIRED USES WILL NOT ADVERSELY AFFECT SURROUNDING PROPERTIES.

The quarrying and other special uses hereby sought by the Applicant are not expected to affect the use and enjoyment of other adjacent properties by their respective owners.

A review of the State tax records shows that the nearest improved properties (i.e., Tax Map Key Numbers 1-2-04:39, 44, 46, 47, 48, 51 and 92) are located approximately 3,000 feet south of the quarry site near Kaimu Beach. There are no other improved properties within a mile radius of the quarry site.

Due to the prevailing winds emanating from the ocean, whatever dust or noise that may be generated from the activities at the quarry site should have little or no effect upon the improved properties located south of said site. As an additional safeguard, the distance between the quarry site and the improved

properties should help in dissipating the dust and noise, if any, which a change in the wind direction may bring to said properties.

C. THE USE WILL NOT UNREASONABLY BURDEN PUBLIC AGENCIES TO PROVIDE ROADS, STREETS, SEWERS, WATER, DRAINAGE, SCHOOL IMPROVEMENTS, AND POLICE AND FIRE PROTECTION.

No public services will be required to establish the uses herein sought by the Applicant nor are any public services expected to be needed to maintain said uses.

D. UNUSUAL CONDITIONS, TRENDS AND NEEDS HAVE ARISEN SINCE THE DISTRICT BOUNDARIES AND REGULATIONS WERE ESTABLISHED WHICH JUSTIFY GRANTING THE SPECIAL PERMIT.

Construction activities in the Puna district, especially in road construction, have increased substantially in the past 15 years. This has brought about a tremendous demand for aggregates needed for such construction which are readily available on your Applicant's properties. The need for such aggregates has transformed the highest and best use of the hill on your Applicant's land from that of an agricultural use to an industrial use as a quarry, and until the area of the hill can be leveled to make it more suitable for cultivation, it would be of little value to your Applicant other than as a quarry.

E. THE LAND UPON WHICH THE PROPOSED USE IS SOUGHT IS UNSUITED FOR THE USES PERMITTED WITHIN THE DISTRICT.

The site selected for the quarry, and where all the other related activities are to take place, is composed of a large hill which is some 30 to 40 feet high and covered with ohia trees and other foliage. In its present state, cultivation

of the area would be difficult, dangerous and economically unprofitable compared to other portions of the affected parcels. As previously noted, by reducing the hill to the level of the surrounding ground, the area now occupied by the hill would be, thus, rendered suitable for cultivation. Until such action is taken, however, the area would be unsuited for agricultural use.

F. THE PROPOSED USE WILL NOT SUBSTANTIALLY ALTER OR CHANGE THE ESSENTIAL CHARACTER OF THE LAND AND THE PRESENT USE.

It is the Applicant's intention to utilize the affected parcels and an adjacent parcel identified by Tax Map Key Number 1-2-06:24, for the cultivation of macadamia nut trees. The quarry is, therefore, a means to achieving the ultimate end of rendering the quarry site more suitable for cultivation. In so doing, the Applicant would not be altering the essential character of the land; to the contrary, the Applicant would be making the land more compatible with the remainder of the affected parcels and their highest and best use--i.e., for agriculture.

G. THE PROPOSED USE WILL MAKE THE HIGHEST AND BEST USE OF THE LAND INVOLVED FOR THE PUBLIC WELFARE.

During the period when the hill is being quarried, your Applicant will also be operating a rock crusher to reduce the materials to usable size. In addition, a concrete batch plant and AC plant will be established to manufacture concrete and asphalt for your Applicant's use. The quarried materials will be the prime ingredients utilized in producing the concrete and asphalt.

The special permit will, thus, serve a twofold purpose. First of all, it would permit your Applicant to increase the usable area of its properties for agricultural purposes. Secondly, it would provide your Applicant with materials needed for your Applicant's other businesses within the Puna district.

The public will be benefited as the requested uses will enable your Applicant to minimize its costs for the development of its properties and thereby increase its chances for the economic success of its macadamia farm. Through the success of the farm, (a) employment opportunities will be created for farm workers, (b) purchases of fertilizer, herbicides, and the like will stimulate growth of the retail businesses in the County, (c) the State will realize additional tax revenues generated by the sales of the macadamia nuts and the profits derived therefrom, and (d) the savings realized from not having to transport aggregates, concrete and asphalt from other sites for construction jobs in the Puna district will enable your Applicant to reduce its bid for public construction projects, thus, resulting in the savings of public monies which would be available for other public uses.

In view of the above, your Applicant submits that the granting of the special permit will enable your Applicant to make the highest and best use of the subject parcels in the interest and welfare of the public.

RECEIVED

78 SEP 1 PM 2 58

PLANNING DEPT.
COUNTY OF HAWAII
FILE NO.

September 12, 1978

Mr. Terence T. Yoshioka
80 Pauahi Street, #203
Hilo, Hawaii 96720

Dear Mr. Yoshioka:

Special Permit - Quarry
TMK: 1-2-6:portion of 6 and portion of 25

This is to acknowledge receipt on September 1, 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 M. Fuke

Sidney M. Fuke
Planning Director

IP:ak

cc: Yamada Enterprises
State Land Use Commission
DPED - Land Use Division

EXHIBIT B

SEP 13 1978

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW POLICE HELCO
DWS FIRE SOIL CONSERVATION
R & D HIGHWAYS
HEALTH DEPT. OF AGRICULTURE

Date: September 12, 1978

From: DIRECTOR

Subject: Special Permit - Quarry
Yamada Enterprises, Inc.

TMK: 1-2-6:portion of 6 and portion of 25

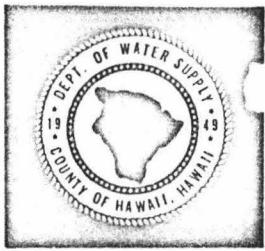
The attached application for a special permit is forwarded your review. May we please have written comments within two (2) weeks.

Thank you very much.

ak
Attachment

EXHIBIT C

SEP 13 1978



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820

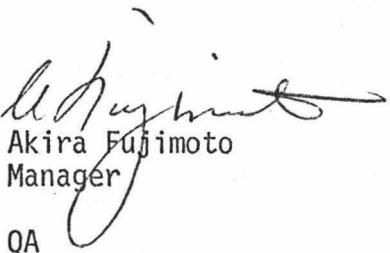
HILO, HAWAII 96720

25 AUPUNI STREET

September 14, 1978

TO: Planning Department
FROM: Manager
SUBJECT: APPLICATION FOR SPECIAL PERMIT
APPLICANT - YAMADA ENTERPRISES, INC.
TAX MAP KEY 1-2-06:06 AND 25 (PORTION)

We have no objections to the subject request. The nearest public water system is along Pahoa-Kalapana Road.


Akira Fujimoto
Manager
QA

... Water brings progress...

EXHIBIT D

HAWAII FIRE DEPARTMENT • COUNTY OF HAWAII • HAWAII 96720

DATE September 18, 1978

Memorandum

TO : Planning Department

FROM : Hiroshi Shishido, Deputy Fire Chief

SUBJECT: SPECIAL PERMIT - QUARRY
YAMADA ENTERPRISES, INC.
TMK: 1-2-6:PORTION OF 6 AND PORTION OF 25

The Fire Department foresees no problems in granting this application.

Hiroshi Shishido

HIROSHI SHISHIDO
DEPUTY FIRE CHIEF

HS/mo

EXHIBIT E

LIC 2
H-W/R

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



September 18, 1978

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

Attention: Mr. Sidney M. Fuke
Director

Gentlemen:

SUBJECT: Special Permit - Quarry
Yamada Enterprises, Inc.
TMK: 1-2-6:portion of 6 and portion of 25

We have no comments to the above application as per
your memorandum of September 12, 1978.

Very truly yours,

Jitsuo Niwao
Jitsuo Niwao, Manager
Engineering Department

JN:bk

EX-887 F

MEMORANDUM:

PLANNING DEPARTMENT - County of Hawaii, Hilo, Hawaii 96720

To: DPW POLICE HELCO
DWS FIRE SOIL CONSERVATION
R & D HIGHWAYS
✓HEALTH DEPT. OF AGRICULTURE

From: DIRECTOR

Subject: Special Permit - Quarry
Yamada Enterprises, Inc.

TMK: 1-2-6:portion of 6 and portion of 25

Date: September 12, 1978

The attached application for a special permit is forwarded your review. May we please have written comments within two (2) weeks.

Thank you very much.

ak
Attachment

Department of Health
Hilo, HI
September 19, 1978

COMMENTS

Environmental health concerns are for the air pollution Control requirements of Chapter 43, Public Health Regulations. New sources of air pollution require permits to construct and to operate.

Donald
HAROLD MATSUURA
Chief Sanitarian, Hawaii

EXHIBIT 6

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

P. O. Box 1361, Hilo, Hawaii 96720

September 19, 1978

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

Dear Mr. Fuke:

Subject: Special Permit - Quarry
Yamada Enterprises, Inc.
TMK 1-2-6:portion of 6 and portion of 25

We have reviewed the Special Permit Application submitted by Yamada Enterprises, Inc. We do not have any comments on this application.

Sincerely,


Larry Soenen
District Conservationist

EXHIBIT H 

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE September 19, 1978

Memorandum

TO : Planning Department

FROM : Chief Engineer

SUBJECT: Application for Special Permit - Quarry
Applicant: Yamada Enterprises, Inc.
Location: Makina Homesteads, Puna, Hawaii
TMK: 1-2-6:por. of 6 and por. of 25

There should be a time limit for this work and assurances of how the finished ground will look.

We feel that a plan should be submitted showing the extent of the work with finish elevations.

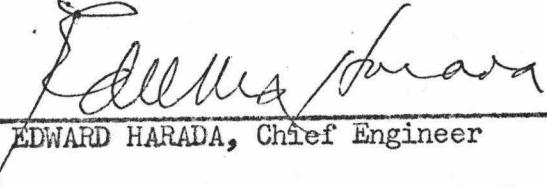

EDWARD HARADA, Chief Engineer

EXHIBIT I

GEORGE R. ARIYOSHI
GOVERNOR



JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE

YUKIO KITAGAWA
DEPUTY TO THE CHAIRMAN

BOARD MEMBERS

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

SIDNEY G U GOO
MEMBER - AT - LARGE

ERNEST F MORGADO
MEMBER - AT - LARGE

SUZANNE D. PETERSON
MEMBER - AT - LARGE

FEDERICO GALDONES
HAWAII MEMBER

JAMES E. NISHIDA
KAUAI MEMBER

FRED M OGASAWARA
MAUI MEMBER

WILLIAM Y. THOMPSON
EX OFFICIO MEMBER

September 27, 1978

MEMORANDUM

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

Subject: Special Permit for a Quarry
Yamada Enterprises, Inc.

TMK: 1-2-6: portion of 6 and portion of 25

The Department of Agriculture has reviewed the special permit application.

If there are any existing agricultural activities, e.g. flowers and foliage operations, or future plans for such activities in the surrounding areas that may be affected by airborne nuisances created by the quarrying operation, the applicant should be prepared to take corrective measures.

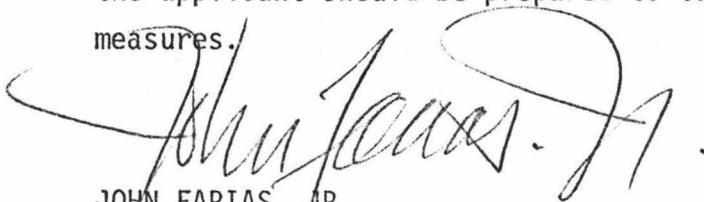

JOHN FARIAS, JR.
Chairman, Board of Agriculture

EXHIBIT J



POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720



OUR REFERENCE 11701

GUY A. PAUL

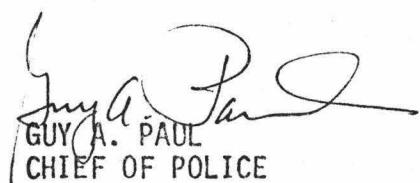
YOUR REFERENCE

September 29, 1978

CHIEF OF POLICE

TO : SIDNEY FUKE, PLANNING DIRECTOR
FROM : GUY A. PAUL, CHIEF OF POLICE
SUBJECT: SPECIAL PERMIT APPLICATION - QUARRY/YAMADA ENTERPRISES, INC.
TMK: 1-2-6:portion of 6 and portion of 25

The application submitted by the above applicant has been reviewed and from the police standpoint, we can foresee no adverse effects from the requested land use.


GUY A. PAUL
CHIEF OF POLICE

AAH/RLP/k

EXHIBIT K



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

COUNTY OF
HAWAII

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

October 13, 1978

Dear Property Owner: TMK:

Special Permit Application
Kaimu-Makena Homesteads, Puna, Hawaii
Tax Map Key 1-2-06: portions of 6 and 25

You are hereby notified that a request for a special permit to allow the establishment of a quarry, rock crusher, A. C. plant and a concrete batch plant on approximately 10 acres of land situated within the State Land Use Agricultural District has been submitted by the petitioner, Yamada Enterprises, Inc.

The property involved is located approximately 400 feet directly west of the Pahoa-Kalapana Road, Kaimu - Makena Homesteads, Puna, Hawaii.

A public hearing on the subject among others will be held beginning at 7:00 p.m. on Thursday, October 26, 1978, in the Conference Rooms A, B, & C, State Building, South Hilo, Hawaii.

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

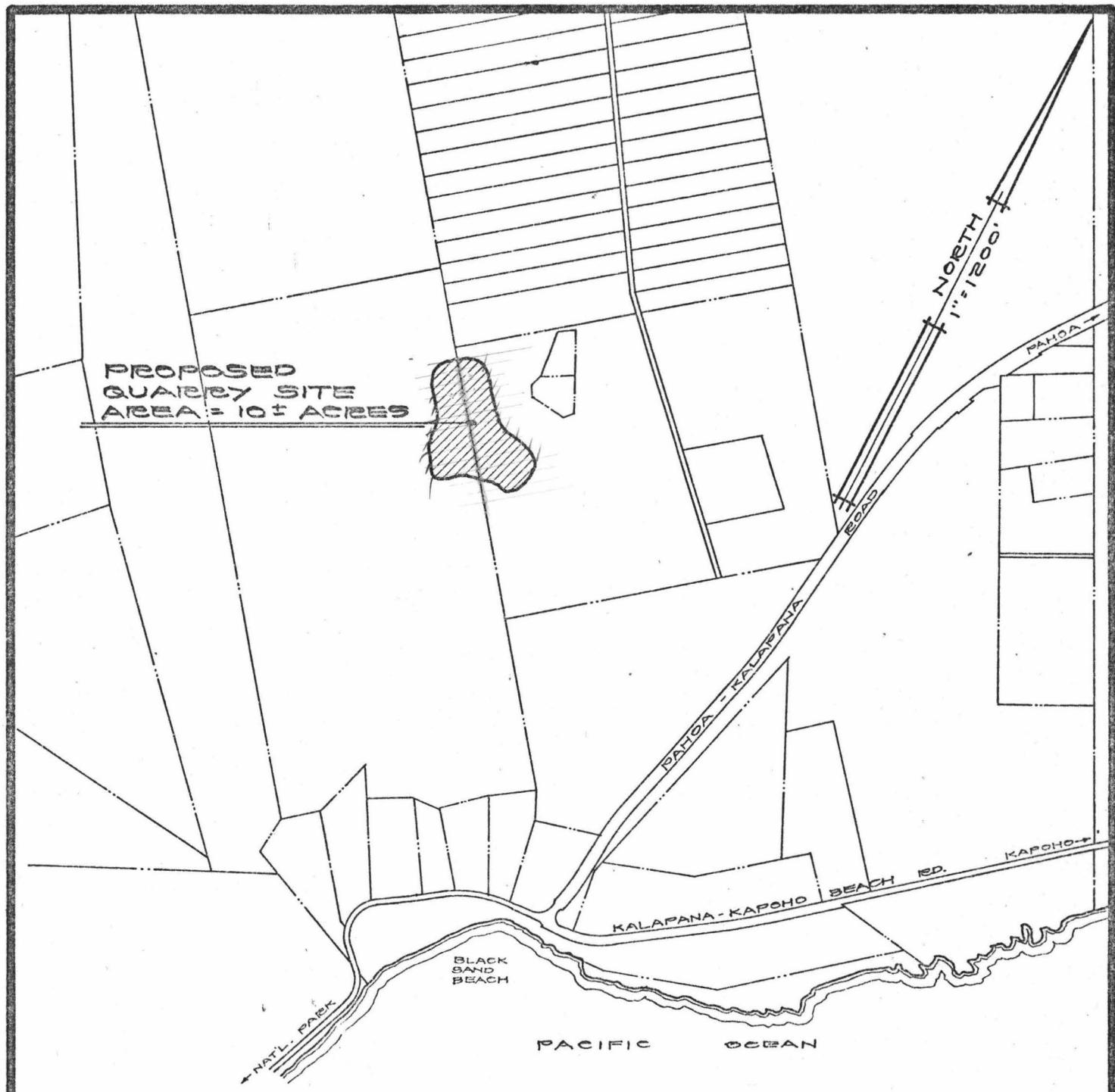
Sincerely,
Sidney M. Fuke
Sidney M. Fuke
Director

smn

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT L



SPECIAL PERMIT REQUEST

ESTABLISHMENT OF A QUARRY, ROCK CRUSHER,
A.C. PLANT AND A CONCRETE BATCH PLANT

KAIMU - MAKENA HOMESTEADS, PUNA, HAWAII
TAX MAP KEY : 1-2-06: PORTIONS OF G & 25
APPLICANT : YAMADA ENTERPRISES, INC.

SEPT. 29, 1978

EXHIBIT L-1

Yamada Entrepr. Inc., Inc.

Business

1-2-6: portions of 6 + 25 (10± acres)

(14)

1-2-6: 5 Lee Ah Chun
110 Oliana St.
Hilo 9672028,73 7, State - DLNR
PO Box 621 Hilo 96809

24 applicant - Yamada

26 11 11

1-2-04: 49 First. Hawa. Bank Tr. Div.
P.O Box 3200
Hilo 9680148 Theodore Shield
1200 Wilshire Blvd 400
Los Angeles CA 9001749 Esther K. Souza
1158 Kinole St.
Hilo 9672051 Robert Kelihihoomalu
PO Box 307
Pahoa 96778

27 Same as 7

91 County of Hawaii-DPW

28 Gabriel Kapahua
360 Aipuni St.
Hilo 9672054 Lawrence M. Duff- et al
PO Box 64
Pahoa 9677855 Ellen H. Waters
76 Wheeler Ave
Edgewood, RI 0290556 Clarence K. Waipa
21 Alani St.
Hilo 96720

68 applicant - Yamada

69 Kaamoku Waipa, Sr.
PO Box 193
Hilo 96720

73 Same as 7

1-2-04: 37 James Kealoha
PO Box 654
Hilo 9672044 Peter Lee Hong
PO Box 396
Pahoa 96778

EXHIBIT L-2

October 13, 1978

Mr. Terence T. Yoshioka
80 Pauahi Street, #203
Hilo, HI 96720

Dear Mr. Yoshioka:

Notice of a Public Hearing
Special Permit Application
Yamada Enterprises
Tax Map Key 1-2-06:portions
of 6 and 26

This is to inform you that the above request has been scheduled for a public hearing. Said hearing among others will be held beginning at 7:00 p.m. on Thursday, October 26, 1978, in the Conference Rooms A, B, & C, State Building, South Hilo, Hawaii.

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

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

Sincerely,
Sidney M. Fuke

Sidney M. Fuke
Planning Director

smn

Enclosure

cc: Yamada Enterprises
State Land Use Commission
Land Use Division, DPED

OCT 13 1978
EXHIBIT M

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: Conference Rooms A, B, & C, State Building, South Hilo

DATE: Thursday, October 26, 1978

TIME: Item Nos. 1-3: Beginning at 3:00 p.m.
Item No. 4: Beginning at 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: JEAN S. MADDEN

LOCATION: At the eastern corner of the Kawailani Street-Ainaola Drive intersection, Waiakea Homesteads, 1st Series, South Hilo.

TMK: 2-4-19:25

PURPOSE: Variance to allow the construction of a saran shade structure with a zero front yard setback in lieu of the minimum requirement of 15 feet as stipulated within the Neighborhood Commercial - 10,000 square foot (CN-10) zoned district.

2. PETITIONER: HILO CARE CENTER

LOCATION: Along the north side of Kawailani Street directly across the Kuulei Subdivision, Waiakea Homesteads, South Hilo.

EXHIBIT M-1

TMK: 2-4-03:52

PURPOSE: Variance for relief from providing 105 additional parking stalls required for the intermediate care facility.

3. PETITIONER: KENNETH FUJIYAMA

LOCATION: On the easterly side of the Volcano Road, approximately 2,000 feet, Ka'u side of 13 Mile Road, Ola'a Reservation Lots, Puna.

TMK: 1-7-08:18

PURPOSE: Special Permit to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.891 acres of land situated within the State Land Use Agricultural District.

4. PETITIONER: YAMADA ENTERPRISES, INC.

LOCATION: Approximately 400 feet directly west of the Pahoa-Kalapana Road, Kaimu-Makena Homesteads, Puna.

TMK: 1-2-06:portions of 6 and 25

PURPOSE: Special Permit to allow the establishment of a quarry, rock crusher, A.C. plant and a concrete batch plant on approximately 10 acres of land situated within the State Land Use Agricultural District.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on

file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION,
WILLIAM F. MIELCKE, Chairman
By SIDNEY M. FUKE
Planning Director

(Hawaii Tribune-Herald: October 15 and 23, 1978)

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date October 26, 1978

Petitioner Yamada Enterprises - Special Permit

 Preliminary hearing Public hearing Request Action

ACTION: Approve

 Deny

 Defer

 Continue

 Schedule for public hearing

Other: Close

Commissioners	Aye	No	Excused	Abstain
FUJIMOTO, Shigeru			-	
HANLEY, J. Walsh			-	
JITCHAKU, Lorraine R.			-	
MURAKAMI, Haruo	M	-		
NAKANO, Bert H.			-	
ORITA, Alfredo				
PARIS, William Jr.		1		
SAKAMOTO, Charles	2 nd			
MIELCKE, William F.		1		

EXHIBIT N

LUC

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
October 26, 1978

The Planning Commission met in regular session at 10:10 a.m. in the Conference Rooms A, B, & C, State Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke (Left at 10:12 and returned 10:20 a.m.)	ABSENT: J. Walsh Hanley Lorraine R. Jitchaku
Shigeru Fujimoto (Left at 5:00 p.m.)	Ex-officio Member Akira Fujimoto
Haruo Murakami	Deputy Corporation Counsel Lionel Meyer
Bert H. Nakano (Left at 5:00 p.m.)	
Alfredo Orita	
William J. Paris, Jr.	
Charles H. Sakamoto	

Sidney M. Fuke, Director (From 1:33 p.m.)
Duane Kanuha, Deputy Director (Left at 11:43 a.m.)
Norman Hayashi, Planner (Left at 11:43 a.m.)
Ilima Piianaia, Planner (From 1:33 p.m.)
William Moore, Planner
Keith Kato, Planner (Left at 2:00 p.m.)
Virginia Goldstein (Left at 11:33 a.m.)

David Murakami, representing Ex-officio Member Edward Harada (From 1:33 p.m.)

and approximately 7 people at 1:30 p.m., 10 people at 3:07 p.m., 1 person at 4:45 p.m. and 11 people at 7:07 p.m.

DISCUSSION
COUNTY OF HAWAII
GENERAL PLAN

A discussion on the proposed revisions to the County of Hawaii General Plan was held at 10:00 a.m. Separate minutes will be submitted later.

RECESS: The Chair called a recess at 11:43 a.m. until the scheduled new business at 1:30 p.m.

RECONVENED: The meeting reconvened at 1:33 p.m.

MINUTES: It was moved by Commissioner Murakami and seconded by Commissioner Paris that the minutes of October 12, 1978, be approved as circulated; motion was carried.

ANNOUNCEMENTS: Staff amended the agenda as follows: Page 2, item 3, change 8.891 to 9.891 acres and easterly to southeasterly; and item 4, change 3-3-04 to 3-4-03.

EXHIBIT 0

SPECIAL PERMIT
YAMADA ENTER-
PRISES, INC.
KAIMU-MAKENA
HOMESTEADS, PUNA

Public hearing on the application of Yamada Enterprises, Inc. for a Special Permit to allow the establishment of a quarry, rock crusher, A.C. plant and concrete batch plant on approximately 10 acres of land situated within the State Land Use Agricultural District.

The area involved is located approximately 4000 feet directly west of the Pahoa-Kalapana Road, Kaimu-Makena Homesteads, Puna, TMK: 1-2-06:portion of 6 and 25.

Staff presented background on file.

The petitioner's representatives, Terence Yoshioka, Robert Yamada, and Jim Murray were in attendance.

The Chair acknowledged the presence of Mr. Glen Taguchi, Department of Land and Natural Resources, in the audience.

There was no one wishing to be an interested party on this application.

Staff clarified that the petitioner intends to quarry only the 30-40 foot high hill.

Mr. Jim Murray gave an accurate depiction of the area in question with photos and maps. Mr. Murray said at this point they did not have an answer as to the amount of material which would be excavated from the hill.

Mr. Yamada pointed out that they do have some vegetation on the hill - sparse ohia trees on the top and some kukui trees on the slope.

In response to the Planning Director's questioning, Mr. Yamada said that their intent to quarry is to prepare the land for agricultural activity (macadamia nuts); however, they would like to be able to sell the materials to the general public also. He added that the quarry and agricultural activities will be going on at the same time. He pointed out that his property in the area consists of 199 acres, of which he plans to plant 35-40 acres a year in macadamia nuts; and that there was no homes located in the area where the trucks will be passing.

Mr. Yamada clarified that they are requesting approximately 10 years for the Special Permit and that he would be quarrying only a few months out of the year, although it was difficult to say how many months out of the year. He added that they intend to stockpile the material and that their equipment is portable.

Staff informed the Commission that there is another quarry 1 1/2 to 2 miles west of the Kaimu Beach area.

Upon further clarification, Mr. Yamada pointed out that he would like to cut the hill so that it will be level with the rest of the land and that they will have to crush this material as the a'a would otherwise be too rough for their use.

Under public testimony, Mr. Aza Summers expressed his concern that there would be a noise problem. In response, Mr. Yamada and Mr. Yoshioka pointed out that they did not feel it would be a problem as the prevailing winds blow toward the mountain, therefore the noise would travel mauka where there are no residents in the area and also that the noise from this operation will be subdued by the wave action of Kaimu Beach. They added that there is an existing quarry not too far away and there have been no complaints and also that they have had bulldozers and heavy equipment on their property previously which make more noise and no one has complained.

Upon the staff's request, Mr. Yoshioka stated he would submit two copies each of the exhibits for the file.

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

ANNOUNCEMENTS: Next scheduled meetings are November 8th, prehearing conference on GEDCO'S application; November 9th, regular meeting in Hilo; November 15th in Kona; and November 16th in Kona and Waimea.

ADJOURNMENT: There being no further business, at 7:42 p.m. the Chair declared the meeting adjourned.

Respectfully submitted,

Sharon M. Nomura

Sharon M. Nomura
Secretary

A T T E S T:

W. F. Mielcke

William F. Mielcke
Chairman, Planning Commission

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
October 26, 1978

A regularly advertised public hearing, on the application of Yamada Enterprises, Inc., was called to order at 7:07 p.m. in Conference Rooms A, B, & C, State Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
Haruo Murakami
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

Sidney M. Fuke, Director
Ilima Pianaiia, Planner
William Moore, Planner

David Murakami, representing Ex-officio Member Edward Harada

ABSENT: Shigeru Fujimoto
J. Walsh Hanley
Lorraine R. Jitchaku
Bert H. Nakano

Ex-officio Member
Akira Fujimoto
Deputy Corporation
Counsel Lionel Meyer

and approximately 11 people in attendance

CHAIRMAN: Item six on our agenda, public hearing on the application of Yamada Enterprises, Inc. for a Special Permit to allow the establishment of a quarry, rock crusher, A.C. plant and concrete batch plant on approximately 10 acres of land situated within the State Land Use Agricultural District. The area involved is located approximately 400 feet directly west of the Pahoa-Kalapana Road, Kaimu-Makena Homesteads, Puna, TMK: 1-2-06:portion of 6 and 25. Staff?

MOORE: (Presented background on file.)

CHAIRMAN: Thank you, Mr. Moore. Ladies and gentlemen, tonight's application is for a Special Permit. I'd like to first ask if the applicant is present.

YOSHIOKA: Yes, Mr. Chairman and Members of the Commission. My name is Terence Yoshioka and I'm appearing as representative for the applicant, together with Robert Yamada and Mr. Jim Murray.

CHAIRMAN: Thank you, Mr. Yoshioka. Also, Madam Secretary, let the minutes reflect that Mr. Glen Taguchi is also in the audience this evening. Is there anyone who wishes to be an interested party to the application for the Special Permit? No. We will proceed with the application.

Commissioners, you have heard the staff's background report on the application for a Special Permit. Do you have any questions of the staff at this time?

ORITA: Mr. Chairman?

CHAIRMAN: Commissioner Orita.

ORITA: It says here that you intend to quarry a 30 to 40-foot high hill. Is that the only hill they intend to quarry?

MOORE: According to this application, that is correct.

ORITA: Only that hill?

MOORE: That's correct.

CHAIRMAN: We might also ask that question to the applicant. Do you have any further questions of the staff? Yes, Commissioner Murakami.

MURAKAMI: I notice over here it says the property straddles, does the hill straddle over the property?

CHAIRMAN: Okay, let's refer that to Mr. Murray, Commissioner Murakami. Any other specific questions for the staff? If not, Mr. Yoshioka, I think what I'd like to do at this time is swear you, Mr. Yamada and Mr. Murray in and then we can proceed. Gentlemen, if you'd stand and raise your right hands. Do you swear to tell the truth and nothing but the truth on the application before the Hawaii County Planning Commission?

YOSHIOKA: I do.

YAMADA: I do.

MURRAY: I do.

CHAIRMAN: Fine. Please be seated. Mr. Yoshioka, there have been a couple of questions raised. Right off the bat, first from Commissioner Orita and secondly from Commissioner Murakami. Might you or Mr. Murray respond to that?

YOSHIOKA: If I may, I'd like to have Mr. Murray give the explanations in that he is more qualified and he could give an accurate depiction of the area. We did take a trip to the site and had these pictures taken and Mr. Murray has prepared some maps which would identify that area intended to be quarried, the location of the area on the maps which are to be presented.

MURRAY: This map here is actually from the tax map and it shows in yellow all the parcels that are owned by Robert Yamada or some of the other companies. Now in explaining exactly where that quarry is, it straddles two tax parcels that are owned by Robert Yamada. These two maps here are on a smaller scale and they actually indicate the extent of the hill and lava flow, back here and back here. This map here also shows the extent of the lava flow straddling the two tax parcels again. This is on a scale of 1 to 300.

MURAKAMI: May I ask you one question. Does the line showing the old lava flow, is that the hill? Actually, that's the hill that you folks going to quarry?

MURRAY: That's the extent of the hill, back in here. I might explain the different photos here that we have. We can start, say, on photo number 10. Photo number 10 is taken at this point right here, just about on the boundary and looking makai or down towards the bottom of the hill. Actually, this is the top of the hill. This area back in here is the lower area and there's really a difference in elevation. Say, from this point here down to here is roughly 50 feet. This point here is the actual flow or the end of the lava flow itself.

And photo number 9, we're at the point here, on the boundary again, and looking back up towards the ridge or the toe of the flow here again.

In photo number 8, we're at this point, the same point again. We're looking in the Ka'u direction and here you can see the extent of the toe here, of the flow, and toeing down. This area down in this portion of the flow is fairly flat which is the reason for wanting to do something with this piece of property.

Photo number 7 is that same point again; and we're looking back towards the ocean again. And the reason for this photo is to show the type of rocky terrain there. This is land that is being newly cleared by Mr. Yamada and if you take a real close look at it it is very rocky; and Mr. Moore mentioned that the soils of the Malama series and it's extremely stony and rocky.

Photo number 7, I'm sorry, photo number 6 is standing at that same point again looking back towards the existing orchard area there. It's this area in here, this photo here.

Photo number 5 is standing at this point at the corner of the orchard; and, let's see, and looking down the roadway.

Photo number 4 indicates the extent and the size or the orchard trees there. They're a combination of hayden mangoes and macadamia nuts.

And photo number 3 is standing at this point here and looking back towards of the toll of the flow again.

Photo number 2 is just about in the same position, looking at the toe. One is at this point here and looking towards back up the road and this is part of that ridge again.

CHAIRMAN: Thank you. Commissioners, do you have any questions of Mr. Murray?

MURAKAMI: It says over here 30 to 40 feet high. That is only the, you're talking about not the whole area is 30 to 40 feet, huh? The highest point of the flow, or what's the diameter as far as the height of the 40 feet?

MURRAY: Taking say ground here, which is roughly 140 feet at elevation down here on the flat land, the extent up to this point here which is roughly about 1200 feet or so, it comes to an elevation of roughly about 190 feet there so the difference is really about 50 feet. I mean it's like this and up and then sloping upwards, sloping upwards here. We do have a contour map here. This is the only one that we could find that was available on short notice.

YOSHIOKA: And your green spot on the map is then the location of the macadamia nut orchard.

MURAKAMI: Let me ask you another question then. Well, let's put it this way. What would be the amount of quarry material that would come out from excavating this portion of the hill.

MURRAY: Actually at this point we really couldn't come up with an answer. Probably what will have to happen is a detailed survey made of this area. None of the grading plans made -.

MURAKAMI: All right, then the other question is if this is approved, how long will it take to quarry that section of the quarry as far as the hill is concerned?

MURRAY: I'll have to have someone else answer that.

YAMADA: Well, to answer your question, I would like to have -.

CHAIRMAN: Mr. Yamada, we're taping the proceedings tonight. We have to ask that you do speak into the microphone please.

YAMADA: To answer that question, I would like to say that I would like for on a long-term base because I do have close to over 450 acres in that area and originally it was intended, I think I did approach a couple of times, the possibility of subdividing. However, as you probably know, we had the volcano flow in that area about a mile away and the subdivision is completely out. So I decided that slowly I want to develop the entire area to agriculture. I thought of going into pasture land, but you know how the meat market and the problems; so I decided to go in macadamia nuts and I evidently, probably, take me 5 to 10 years to cultivate all these acreages. You know that macadamia nut is a slow process. So I can't say that I can do it in 1 year or 2 years because most of these products that will be crushed will be used to grade the macadamia nut ground, like the Keaau orchard is doing now. I think they're crushing about close to 400,000 yards, I think. But, of course, they have a big acreage, but this depends on how thick you're going to lay because as Mr. Murray said it's very rough a'a. The more you machine and bulldoze, the more rougher it gets because all the soil drops to the, you know, lower. And we're having a hard time getting pickers because it's too rough for them to walk on the ground. And either way we lay this material, which Keaau is doing, 3/4" minus, and I'd like to do the same too. But in the same token, because the area, I believe, sooner or later will develop and I would like to get the permit so that I can also sell to outsiders if needed. I don't know whether I answered your question but -.

MURAKAMI: Yeah, thank you.

CHAIRMAN: Commissioners, any further questions of -?

ORITA: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Orita.

ORITA: Maybe Mr. Yamada can answer this question. Mr. Yamada, the vegetation which you have up there which is ohia trees and other foliage, are there going to be foliage on that particular hill which you plan to quarry?

YAMADA: There's sparsely grown ohia trees on the top. On the slope, we have little vegetation like you see kukui trees. This as a rule, you probably know what kipuka is, you know, the area, kipuka gets bigger and bigger because of the vegetation, leaves dropping and form organic matter and gets bigger and then something grows and then in the years it grows about 3 or 4 feet, you know, gets bigger and bigger because of the vegetation. And this is what happened down here. But right on the top of it is ohia - you have a picture of it? Yeah, have this sage grown grass and ohia trees, something like this. However, the area that's all around here was once cleared about 10 years ago, so the vegetation where I'm planting now is slightly different because the old ohia trees have been knocked down and as you know, the more you disturb the soil the more, you know, the a'a breaks, although the soil drops, but the a'a rocks get smaller and smaller all the time and have a better chance of vegetation to grow. But the rainfall is only about 60 inches down there and we're having a hard time getting started. And because of that, we're bringing in our waterline and also having a problem, this hill is right in the middle of the whole entire property that we cannot mechanize, too. So it will serve two purposes. In other words, get the materials out and also by taking the hill it can be mechanized by levelling the land, you see.

ORITA: Thank you.

CHAIRMAN: Commissioners, any further questions of either Mr. Yamada, or Mr. Murray, or Mr. Yoshioka? Staff, did you have any questions that you'd like to ask the applicant or its representatives?

FUKE: Mr. Chairman?

CHAIRMAN: Yes, please.

FUKE: Mr. Yamada, from what we were able to detect, maybe you can reconfirm it for us, is the intent for your petition, one, for quarrying or is it just preparing the land for agricultural activities, particularly macadamia nuts?

YAMADA: Well, I'd like to, you know, major portion will be used, as I said for agriculture; however, in the due process, right now I have only about 40 acres of macadamia nuts, to set the crusher there would be prohibitive in order just for that use. And because of the need of the material with the permission from the County, that's you, the Committee, I would like to ask that I, you know, also be able to sell it to the general public.

FUKE: In other words then, your ultimate purpose is for agricultural purposes particularly macadamia nuts.

YAMADA: That is right.

FUKE: What is your macadamia nuts or your agricultural activities' timetable?

YAMADA: Well, I have about 40 acres and I'm trying to plant about 35, 40 acres a year.

FUKE: Within the general vicinity or on the subject property?

YAMADA: Yes. The property here has about 200 acres here, 199 acres, and then 140 acres here and then we also have just across the State land here another 27 acres, and we have, going up the hill we have 70 and 16 acres up here, and we also have about 6 acres down here, it's not shown on the map here.

FUKE: So then is it your understanding then, therefore, that the quarrying activities, while the quarrying activities are going on similarly or at the same time your agricultural activities would be ongoing?

YAMADA: That's my plan.

FUKE: That is your intention?

YAMADA: Yes.

FUKE: Have there any been test of the materials, you know, in terms of trying to find out what kind of material is, maybe like halfway through the hill or whatever or is it all on the assumption that it is going to be crushed and then just spread around?

YAMADA: Yes. Prior to 1975, I did take some material from this area here and also material from here for all the subdivision along this line. You probably know there's a subdivision here. So we have quarried before already, some areas. But by the direction of the, rather information from the Planning Committee, which I thought all the borrow pits were grandfathered but later on I was told that it's not and that I have to reapply. So this was one of the processes that I reapplied. So I'd like to say that a few more areas that I have had quarried in the past I'm reapplying so that I conform with the law of this County here.

FUKE: Okay, Mr. Yamada, just two more questions. One is you noted that you would get access on a private road to and from, I guess, the property onto the main Kalapana-Kaimu Road, to your knowledge, are there any homes along that road?

YAMADA: Which road are you talking?

FUKE: You have a private road which leads in from the main highway to the property.

YAMADA: This?

FUKE: Right.

YAMADA: There's no home.

FUKE: Oh, there are no homes?

YAMADA: No homes at all.

FUKE: Okay.

YAMADA: However, I think there's one home way up here. It's vacant now I'm told. I'm not positive.

FUKE: Okay, but for those areas where the trucks will be passing to and from the main highway, there are no homes?

YAMADA: No, no, there's no home at all.

FUKE: Okay, following up also on Commissioner Murakami's question, he asked you like approximately how long would you be needing or would you be operating the quarrying operations and your answer in a sense was just a long time. Could you be a little bit more specific than just a long time?

YAMADA: I would say 10 years.

CHAIRMAN: Okay, Ilima, did you have any questions?

PIIANAIA: I have a couple of questions. Basically, Mr. Yamada, what would be the frequency that you'd be quarrying? Would be on a continuous basis if this were approved?

YAMADA: No, it won't be continuous. We probably will be quarrying there and crushing and we probably pull out the portable crusher and then we leave the stockpile there and if there's no need we'll pull out and go back again. And this is the reason why I'm saying that we'll probably take, you know, I can't do it in one year.

PIIANAIA: Will you be quarrying and crushing a portion of each year or -?

YAMADA: That's my plan.

PIIANAIA: Do you know how long per year? How many months per year you'll be crushing and quarrying?

YAMADA: It's very difficult to say.

ORITA: Mr. Yamada, if you're going to be quarrying and like you just said here you might need stockpiling and you know for a fact that you're going to use your aggregates to, more so within your macadamia nut area, then why stockpile?

YAMADA: So that we don't have to go back and so that we can load the crusher out and stockpile in other areas.

ORITA: So, more so that while you are crushing, you will be using the crushed product, whatever, to bring into your macadamia nut field and then stop the operation and just stockpile?

YAMADA: No, we'd like to stockpile so that we don't have to come immediately to the site to crush again.

ORITA: All right. Thank you.

YAMADA: Because this equipment is a portable equipment and the company is in contracting and go from one place to the other. At the present time, as you probably know, my portable crusher is in Waipio area that you people granted us a special permit, and approved by the Land Use. Now that unit will be coming back, if I get approval going down to this, unless there's another job that supercedes this thing here.

CHAIRMAN: Okay, thank you.

SAKAMOTO: I have a question.

CHAIRMAN: Commissioner Sakamoto.

SAKAMOTO: Bill, there's another quarry, right? How many miles away is the other quarry from Bob Yamada's?

MOORE: The quarry is situated about, I would say, 1 1/2 to 2 miles west of the beach area. So I'm not sure what the triangulation would be.

SAKAMOTO: So it's on the beach side?

MOORE: Right. It's situated down in here, about .9 mile past this intersection here on the mauka side of the road.

YAMADA: I think they got a special permit.

MURAKAMI: Mr. Chairman?

CHAIRMAN: Commissioner Murakami.

MURAKAMI: Can you tell me more or less where the realignment would be? Behind your property or is it going to pass through your property or -?

YAMADA: The realignment would be from here going right through here.

CHAIRMAN: I think it's a little easier to see on the big map.

MOORE: If I may point it out. It comes through this area about 1500 feet makai of the quarry site.

MURAKAMI: Oh, it's not going to go into the property?

MOORE: No, it's quite a ways makai.

CHAIRMAN: Okay, thank you. Commissioner Paris.

PARIS: What will the final topog of this area be? Will it be flat, or gentle slope, or what do you plan? Just to make it suitable for nut plantings so it's simple to harvest and cultivate?

YAMADA: That's right. If I have enough demand or for my own use, I would like to cut the hill so that it will be level with the rest of the land here, you know, to this land over here, and we level to this land and level with this side, too, you see, both sides. The hill is right in here.

PARIS: And the organic material that is on the surface on the hill now, that whatever fertility you have, do you plan to use that all in the filling of your levelling of your acreages or will you stockpile that to spread over this area afterwards?

YAMADA: We have to crush every bit because you know the a'a formation when you come from Kona above the road is almost exactly like that with the vegetation. So I can't take this same material and lay it in the orchards because it doesn't do any good because it's too rough. You have to crush it.

CHAIRMAN: Okay thank you. Commissioners or staff, any further questions of Mr. Yamada or his representatives? If not, gentlemen, I ask that you be seated. There may be some questions raised from the public that the Commission would like to ask that you respond to.

Ladies and gentlemen, this is a public hearing on the application of Yamada Enterprises, Incorporated for a Special Permit. The Chair at this time would like to invite anyone from the audience who would like to speak either for or against the application before the Commission.

Yes, please raise your right hand. Do you swear to tell the truth and nothing but the truth on the application now before the Hawaii County Planning Commission?

SUMMERS: I do.

CHAIRMAN: Please state your name into the microphone.

SUMMERS: My name is Aza Summers. I'm an architect in Pahoa. I have a question concerning the noise of the operation. Would the quarrying and rock crushing be audible to people on Kaimu Beach?

CHAIRMAN: Mr. Yamada, would you like to respond to that?

YAMADA: I think somebody stated that the wind comes from the ocean side. It's always blowing from the ocean side as far as I know. I don't know, tomorrow it may go the other way, but as far as I know the wind is from the ocean side and the residences are all on the Kaimu, there's a restaurant and I think about two or three residences in the Kaimu area, and that's about all the residential area. And I don't think the noise will affect the people there. That's my opinion.

YOSHIOKA: There is an existing quarry which would be about equal distance from the Kaimu Beach area and I don't believe that they have any noise problems as a result of that quarry.

SUMMERS: I understood that was about a mile from the subdivision here. That's almost three times as far away, it looks to me. And this is only a half mile from the beach. And in my opinion, you'll hear that operation going on at the beach on a windy day. But, you know, it takes a lot of heavy machinery to crush rocks and that's my concern that here we have the finest beach in this area and an industrial operation going on. I would, well, I'm just going on to say that I would strongly urge a "no" vote on this because of the pressure that it will cause for progressing area, it will encourage progress to have this material.

Oh, I would further ask why do we need a permit for concrete and asphalt if this is for macadamia nuts?

YAMADA: Well, as I say this concrete batch plant is related to the quarrying and at the present time I don't have a use for the batch plant. What I really want is a crusher to crush. However, in order that I be permitted without violating an ordinance, I'm asking that I be permitted in case I do need the area for batching, that I be permitted to use is one of the reasons that I'm asking.

CHAIRMAN: Okay, Mr. Yamada, you have testified earlier that your primary interest is in quarrying and that the majority of the materials quarried will be used in pursuit of your expanding your macadamia nut orchard. Is that correct?

YAMADA: That is correct. That is correct.

YOSHIOKA: I'd like to comment on Mr. Summers' concern - I think that we're all familiar with the Kaimu Beach area and I recognize the concern you have over the noise. I really don't feel it will be a problem because if you've ever been to the Kalapana Black Sand Beach area you know that the waves themselves generate quite a bit of noise and it's difficult to hear; and this noise, I think, would be subdued and whatever noise is generated from the construction area would be camouflaged by the wave action. I don't think it would be, if it's audible by nature, that would be disturbing to the people.

SUMMERS: What about for the residents there?

YOSHIOKA: There are no residents except in this area here. From this point on it's all forest reserve. There are no residents here.

YAMADA: For further information, I'd like to say that we have had D-9, D-8, D-6 working there, worked many months and years before, and we have bulldozers working there on the weekends, and nobody has complained. I think the bulldozers make more noise than the crusher, actually.

CHAIRMAN: Okay, thank you, Mr. Yamada. Is there anyone else in the audience who wishes to testify either for or against the application before the Commission? Staff, do you have any further questions?

PIIANAIA: I don't have any questions; but I'd like to request that copies of these exhibits be submitted to us for the file.

CHAIRMAN: Yes, Mr. Yoshioka, is that agreeable to you?

YOSHIOKA: Yes.

PIIANAIA: Two copies of each for the record.

CHAIRMAN: Thank you. If there's no further testimony to come before the Commission concerning this application, the Chair will entertain a motion to either continue the public hearing or close the public hearing.

MURAKAMI: Mr. Chairman?

CHAIRMAN: Commissioner Murakami.

MURAKAMI: I move that the public hearing be closed.

CHAIRMAN: Is there a second to the motion?

SAKAMOTO: Second the motion, Mr. Chairman.

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

COMMISSIONERS: Aye.

CHAIRMAN: Oppose, same sign? Public hearing is closed.

Public hearing adjourned at 7:42 p.m.

Respectfully submitted,

Sharon M. Nomura

Sharon M. Nomura
Secretary

A T T E S T:


William F. Mielcke
Chairman, Planning Commission

October 27, 1978

Mr. Terence Yoshioka
Nakamoto, Yoshioka & Chillingworth
80 Pauahi Street, Room 203
Hilo, HI 96720

Dear Mr. Yoshioka:

Special Permit Application
Petitioner: Yamada Enterprises, Inc.
Tax Map Key 1-2-06: portions of 6 and 25

The Planning Commission at its meeting of October 26, 1978, held a duly advertised public hearing on the above application for a Special Permit to allow the establishment of a quarry, rock crusher, A.C. plant and concrete batch plant on approximately 10 acres of land situated within the State Land Use Agricultural District at Kaimu-Makena Homesteads, Puna, Hawaii.

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

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

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

lgv
cc State Land Use Commission
Land Use Division, DPED
Yamada Enterprises, Inc.

EXHIBIT Q

OCT 27 1978

November 1, 1978

Mr. Terence T. Yoshioka
80 Pauahi Street, Suite 203
Hilo, HI 96720

Dear Mr. Yoshioka:

Special Permit Application
Tax Map Key 1-2-06: portions of 6 & 25

The above application will again be discussed on Thursday, November 16, 1978, by the Planning Commission. The meeting will be held in the First Hawaiian Bank Meeting Room, Kailua, North Kona, and is scheduled to begin at 11:00 a.m.

You will be notified of the Commission's decision.

A copy of the agenda is enclosed for your information.

Sincerely,

Sidney M. Fukue
Sidney M. Fukue
Director

gs

Enclosure

cc: Yamada Enterprises, Inc.
State Land Use Commission
Land Use Division, DPED

EXHIBIT R

NOV 3 1978

SPECIAL PERMIT: YAMADA ENTERPRISES, INC.

The petitioner, Yamada Enterprises, Inc., is requesting a Special Permit to allow the establishment of a quarry, rock crusher, A.C. plant and concrete batch plant on approximately 10 acres of land situated within the State Land Use Agricultural District. The area involved is located approximately 4,000 feet directly west of the Pahoa-Kalapana Road, Kaimu-Makena Homesteads, Puna (TMK: 1-2-06:portion of 6 and 25).

The petitioner intends to quarry a 30- to 40-foot high hill which is approximately 10 acres in area, utilizing the excavated material for business ventures or for resale. This hill is presently vacant of any use and is covered with ohia trees and other foliage. Should this request be granted, the petitioner will level this hill, leaving the subject area in such a manner that agricultural activities could be conducted in this area.

^{IN PART,}
In support of this request, the petitioner stated the following:

(APPLICANT'S REASONS)

The subject area straddles two parcels, totalling 280 acres, both of which are owned by the petitioner. These parcels as well as the surrounding areas are situated in the Agricultural - 3 acre (A-3a) zoned district.

EXHIBIT 5

1. The area to be quarried is a large hill of approximately 8 to 10 acres in size and, in its present state, is not well-suited for cultivation due to the steep incline of its slopes. If the special permit to quarry the land is granted the Applicant shall reduce the hill to ground level and thereby render the area more suitable for cultivation.

2. Other portions of the two (2) parcels would also benefit from the quarry as the materials excavated therefrom would be used in large part as ground fill to even out the contour of the said parcels.

Thus, the quarry would complement the objectives of the Land Use laws in that it would make the lands of the Applicant more suitable for cultivation.

B. THE DESIRED USES WILL NOT ADVERSELY AFFECT SURROUNDING PROPERTIES.

"The quarrying and other special uses hereby sought by the Applicant are not expected to affect the use and enjoyment of other adjacent properties by their respective owners.

"A review of the State tax records shows that the nearest improved properties (i.e., Tax Map Key Numbers 1-2-04:39, 44, 46, 47, 48, 51 and 92) are located approximately 3,000 feet south of the quarry site near Kaimu Beach. There are no other improved properties within a mile radius of the quarry site.

"Due to the prevailing winds emanating from the ocean, whatever dust or noise that may be generated from the activities at the quarry site should have little or no effect upon the improved properties located south of said site. As an additional safeguard, the distance between the quarry site and the improved

properties should help in dissipating the dust and noise, if any, which a change in the wind direction may bring to said properties.

~~C. THE USE WILL NOT UNREASONABLY BURDEN PUBLIC AGENCIES TO PROVIDE ROADS, STREETS, SEWERS, WATER, DRAINAGE, SCHOOL IMPROVEMENTS, AND POLICE AND FIRE PROTECTION.~~

" No public services will be required to establish the uses herein sought by the Applicant nor are any public services expected to be needed to maintain said uses.

~~D. UNUSUAL CONDITIONS, TRENDS AND NEEDS HAVE ARISEN SINCE THE DISTRICT BOUNDARIES AND REGULATIONS WERE ESTABLISHED WHICH JUSTIFY GRANTING THE SPECIAL PERMIT.~~

" Construction activities in the Puna district, especially in road construction, have increased substantially in the past 15 years. This has brought about a tremendous demand for aggregates needed for such construction which are readily available on your Applicant's properties. The need for such aggregates has transformed the highest and best use of the hill on your Applicant's land from that of an agricultural use to an industrial use as a quarry, and until the area of the hill can be leveled to make it more suitable for cultivation, it would be of little value to your Applicant other than as a quarry.

~~E. THE LAND UPON WHICH THE PROPOSED USE IS SOUGHT IS UNSUITED FOR THE USES PERMITTED WITHIN THE DISTRICT.~~

" The site selected for the quarry, and where all the other related activities are to take place, is composed of a large hill which is some 30 to 40 feet high and covered with ohia trees and other foliage. In its present state, cultivation

of the area would be difficult, dangerous and economically unprofitable compared to other portions of the affected parcels. As previously noted, by reducing the hill to the level of the surrounding ground, the area now occupied by the hill would be, thus, rendered suitable for cultivation. Until such action is taken, however, the area would be unsuited for agricultural use.

~~F. THE PROPOSED USE WILL NOT SUBSTANTIALLY ALTER OR CHANGE THE ESSENTIAL CHARACTER OF THE LAND AND THE PRESENT USE.~~

" It is the Applicant's intention to utilize the affected parcels and an adjacent parcel identified by Tax Map Key Number 1-2-06:24, for the cultivation of macadamia nut trees. The quarry is, therefore, a means to achieving the ultimate end of rendering the quarry site more suitable for cultivation. In so doing, the Applicant would not be altering the essential character of the land; to the contrary, the Applicant would be making the land more compatible with the remainder of the affected parcels and their highest and best use--i.e., for agriculture.

~~G. THE PROPOSED USE WILL MAKE THE HIGHEST AND BEST USE OF THE LAND INVOLVED FOR THE PUBLIC WELFARE.~~

" During the period when the hill is being quarried, your Applicant will also be operating a rock crusher to reduce the materials to usable size. In addition, a concrete batch plant and AC plant will be established to manufacture concrete and asphalt for your Applicant's use. The quarried materials will be the prime ingredients utilized in producing the concrete and asphalt.

"The special permit will, thus, serve a twofold purpose. First of all, it would permit your Applicant to increase the usable area of its properties for agricultural purposes. Secondly, it would provide your Applicant with materials needed for your Applicant's other businesses within the Puna district.

"The public will be benefited as the requested uses will enable your Applicant to minimize its costs for the development of its properties and thereby increase its chances for the economic success of its macadamia farm. Through the success of the farm, (a) employment opportunities will be created for farm workers, (b) purchases of fertilizer, herbicides, and the like will stimulate growth of the retail businesses in the County, (c) the State will realize additional tax revenues generated by the sales of the macadamia nuts and the profits derived therefrom, and (d) the savings realized from not having to transport aggregates, concrete and asphalt from other sites for construction jobs in the Puna district will enable your Applicant to reduce its bid for public construction projects, thus, resulting in the savings of public monies which would be available for other public uses.

"In view of the above, your Applicant submits that the granting of the special permit will enable your Applicant to make the highest and best use of the subject parcels in the interest and welfare of the public."

The proposed quarry site is situated approximately 1,500 feet mauka of the proposed Kalapana Bypass Road. The surrounding areas are presently vacant with the nearest dwellings situated in the Kaimu Village area about 4,000 feet to the south. There is a ~~scattered~~ ^{scattered} population, 1.2 miles west of the quarry, about 600 feet, along the Kalapana Road.

The soils of the subject area are of the Malama series which consists of well-drained, thin, extremely stony organic soils over Aa lava. Permeability of these soils is rapid, runoff is slow, and the erosion hazard is slight. The Land Study Bureau's Master Capability Rating for these soils is Class "E" or "Very Poor".

The subject area is classified as "Other Important Agricultural Land" under the Soil Conservation Service and State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii Classification System. These areas include lands which are important to agriculture in Hawaii although they have properties that exclude them from the prime or unique classification, but when properly managed, will produce fair to good crop yields.

Access to the quarry site will be by private roads through the petitioner's lands.

There are no known historic or archaeological sites in this area.

Upon review of the subject request, the Department of Public Works commented that:

"There should be a time limit for this work and assurances of how the finished ground will look. We feel that a plan should be submitted showing the extent of the work with finished elevations."

The State Department of Health commented that "Environmental health concerns are for the air pollution control requirements of Chapter 43, Public Health Regulations. New sources of air pollution require permit to construct and to operate."

The Department of Water Supply had no objections to this request, stating that the nearest public water system is along the Pahoa-Kalapana Road.

The State Department of Agriculture offered the following comments:

"If there are any existing agricultural activities, e.g. flowers and foliage operations, or future plans for such activities in the surrounding areas that may be affected by airborne nuisances created by the quarrying operation, the applicant should be prepared to take corrective measures."

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

RECOMMENDATION: YAMADA ENTERPRISES, INC.

Upon careful review of the subject request to allow the establishment of a quarry and ancillary activities within the State Land Use Agricultural District, the staff recommends that it be given a favorable recommendation 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 State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of 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 includes lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural activities by reasons of topography, soils, and other related characteristics. The subject area consists of a hill, 30 to 40 feet in height, and approximately 10 acres in area. This hill is presently vacant of any use and is overgrown with ohia trees and other foliage. Although the general area is designated as "Other Important Agricultural Lands" under the Agricultural Lands of Importance classification system, the particular area under consideration for the

EXHIBIT T

. unsuitable

requested activities is unavailable for agricultural use because of the topographic constraints at this time. Consequently, it is determined that the use of the subject area for the proposed quarrying and ancillary activities will not adversely affect the agricultural potential of this or surrounding areas.

Furthermore, it is determined that the granting of this request may result in the furthering of the agricultural potential of this portion of Puna. The petitioner is proposing to develop the immediately surrounding areas with macadamia nut trees, including approximately 40 acres which have already been planted. The petitioner intends to use a portion of the quarried and crushed material as base course for the macadamia nut orchards, providing a level surface which will facilitate the harvesting of the nuts. Furthermore, the petitioner is proposing to level the subject area to the surrounding grade upon completion of the quarrying operation, and furthermore to plant this area with macadamia nuts. Consequently the granting of this request and the establishment of the quarry will assist to some extent the agricultural production of this area by providing material which will be used for the development of the proposed orchards and by ultimately preparing an additional 10 acres of land for agricultural use.

That the proposed quarrying operation will not adversely affect surrounding properties or improvements. The subject area is a portion of a larger area owned by the petitioner. These areas are presently being developed or are proposed to be developed with macadamia nut trees. The nearest residential dwellings are situated in Kaimu Village, approximately 3,000 feet makai of the subject area. It is anticipated that any adverse impact on these residential areas will be minimal. The proposed quarry site will be further buffered from the residential areas by the construction of the proposed Kalapana By-pass Road. This road will be situated approximately 1,500 feet makai of the subject area, between the quarry site and the residential areas. Construction on this roadway is expected to commence by 1980. In addition, any adverse impact which may occur can be effectively mitigated through the conditions of approval as well as the Department of Health Regulations.

That the proposed quarrying operation is not anticipated to create unreasonable demands on public facilities and utilities. All infrastructures essential to the operation of the quarry and ancillary activities are or will be available to the subject area.

It is further recommended that the Special Permit be given a favorable recommendation subject to the following conditions:

1. That the quarrying operation and its allied uses shall be terminated within ten (10) years after the effective date of approval of the Special Permit.
2. That the petitioner or its authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the quarry site prior to commencement of any operation. The quarry site shall be limited to a maximum area of ten (10) acres.
3. That the petitioner shall obtain a grading permit from the Department of Public Works, prior to commencement of the operation.
4. That the access road to the site shall be improved with an oil-treated surface to a width of 10 feet. The roadway shall be maintained by the petitioner throughout the life of the Special Permit.
5. That the petitioner or its authorized representative(s) shall receive the necessary permits from the State Department of Health prior to commencement of operation.
6. That every precaution be taken by the ~~applicant~~^{petitioner} ~~applicant~~^{full} so as not to create any inconvenience to surrounding properties in regards to traffic, noise,

and dust problems during the quarrying operations.

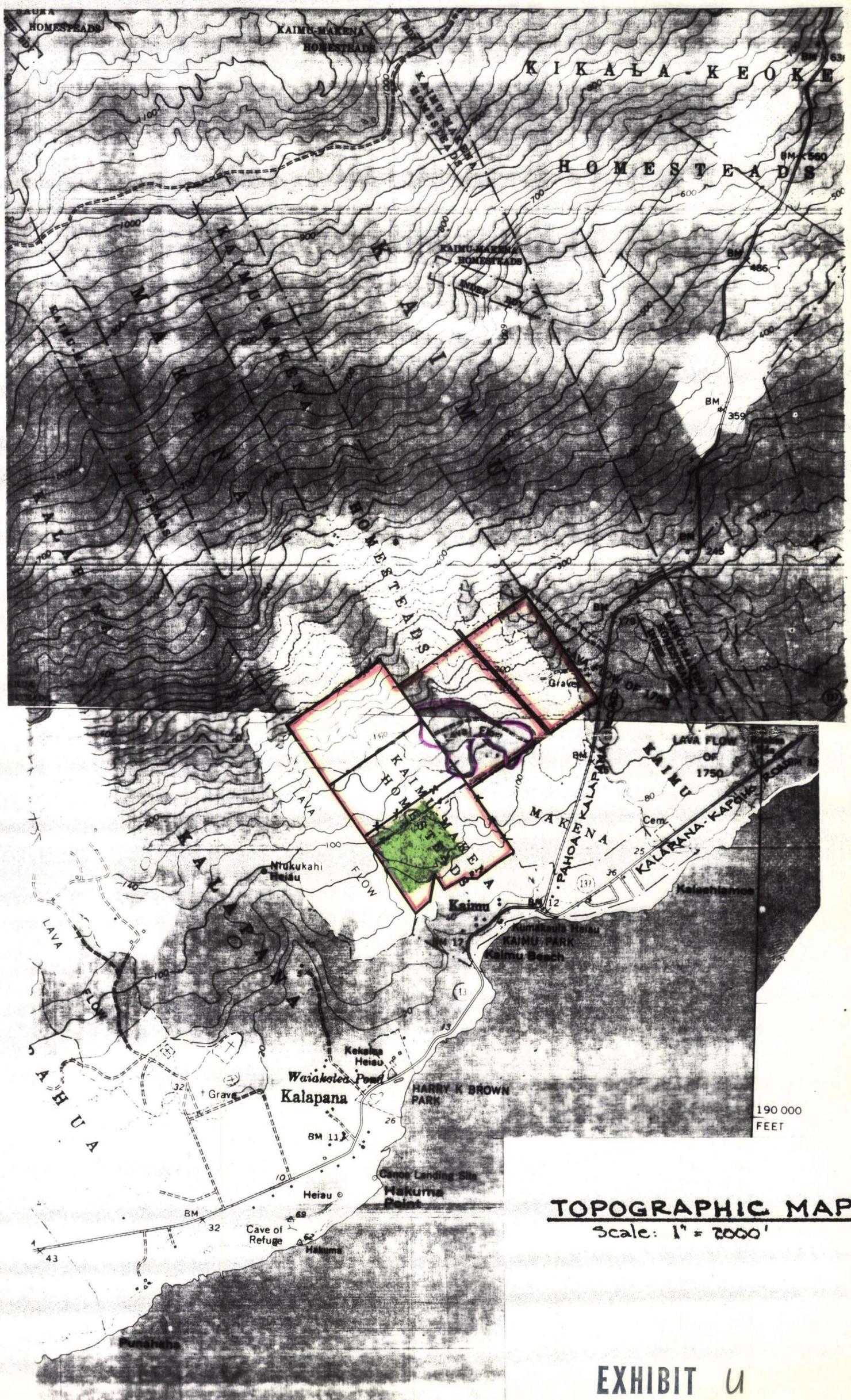
Upon receipt of any complaint which is accompanied by documented evidence relative to the impact of the quarrying operations, the Planning Director shall investigate the complaint. If the Planning Director finds the complaint to be valid, he shall so notify the petitioner by certified mail; and the petitioner shall then have 30 days in which to take appropriate mitigating actions.

7. That the operation, including loading and hauling during regular working hours, shall be limited to between 7:00 a.m. and 5:00 p.m. on Monday through Friday only.
8. That an archaeological walk-through survey of the site shall be conducted prior to the issuance of a grading permit. The petitioner/representative(s)

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

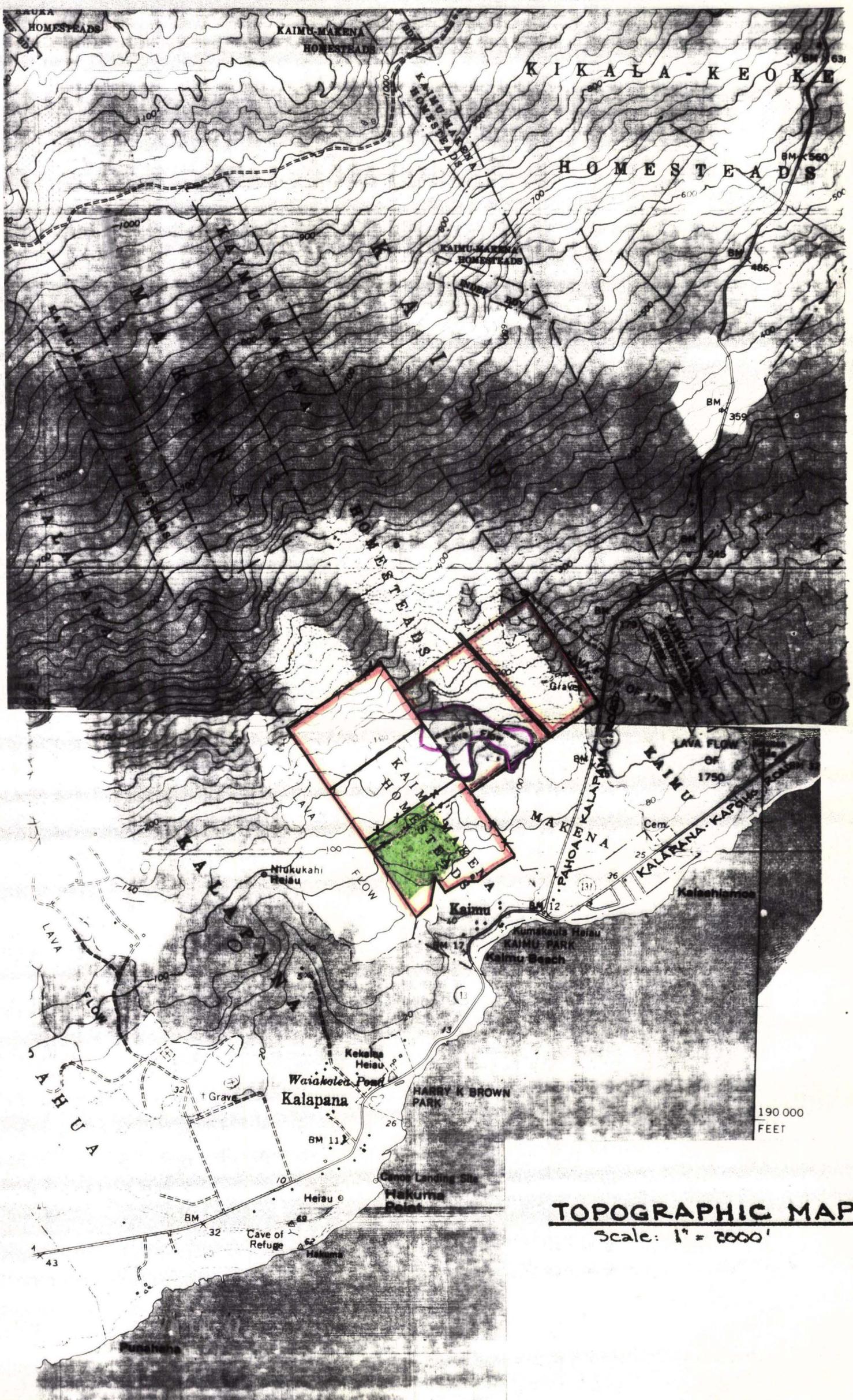
9. That all other applicable rules, regulations, and requirements shall be complied with.

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

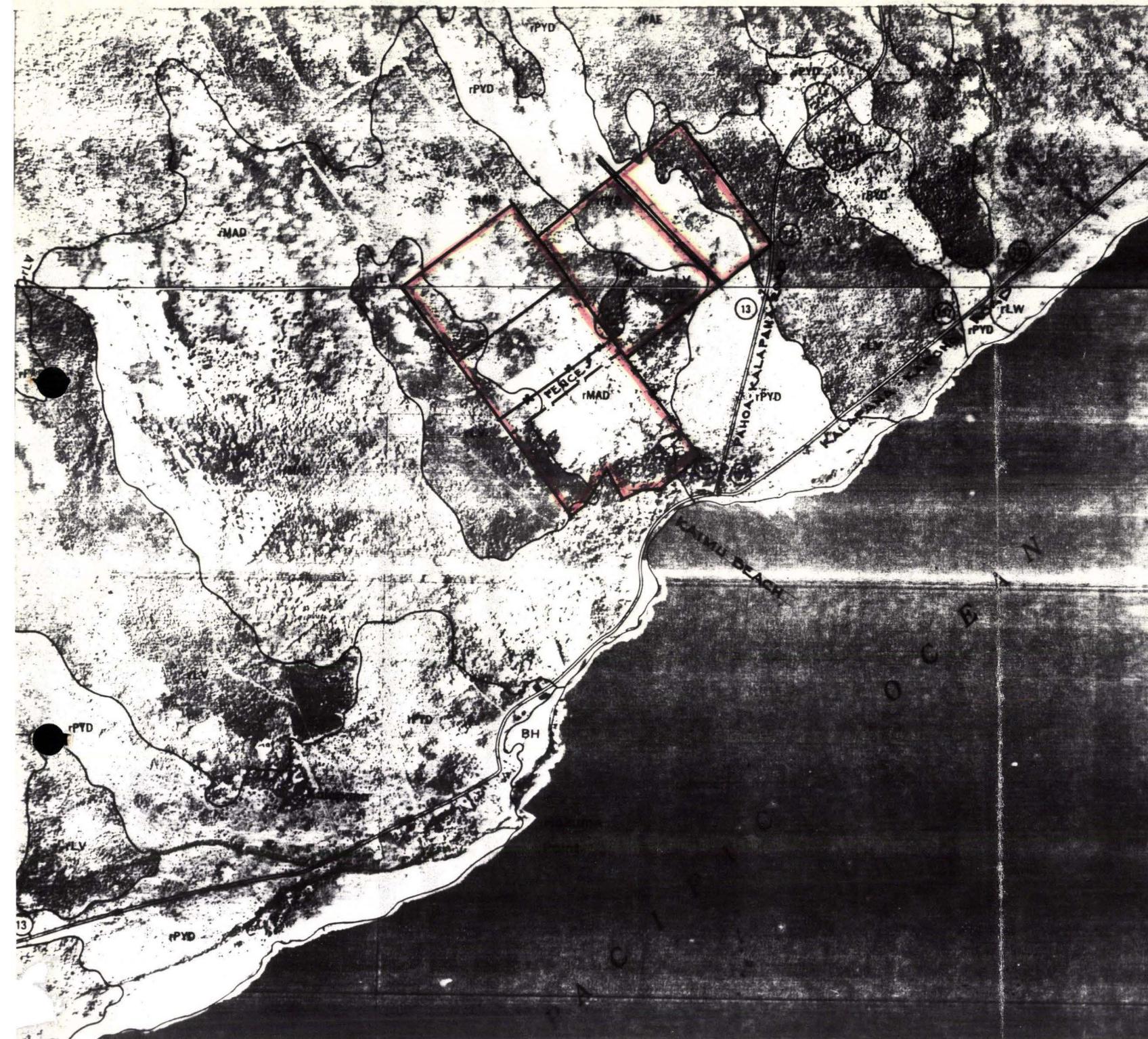


TOPOGRAPHIC MAP
Scale: 1" = 2000'

EXHIBIT U



TOPOGRAPHIC MAP
Scale: 1" = 3000'

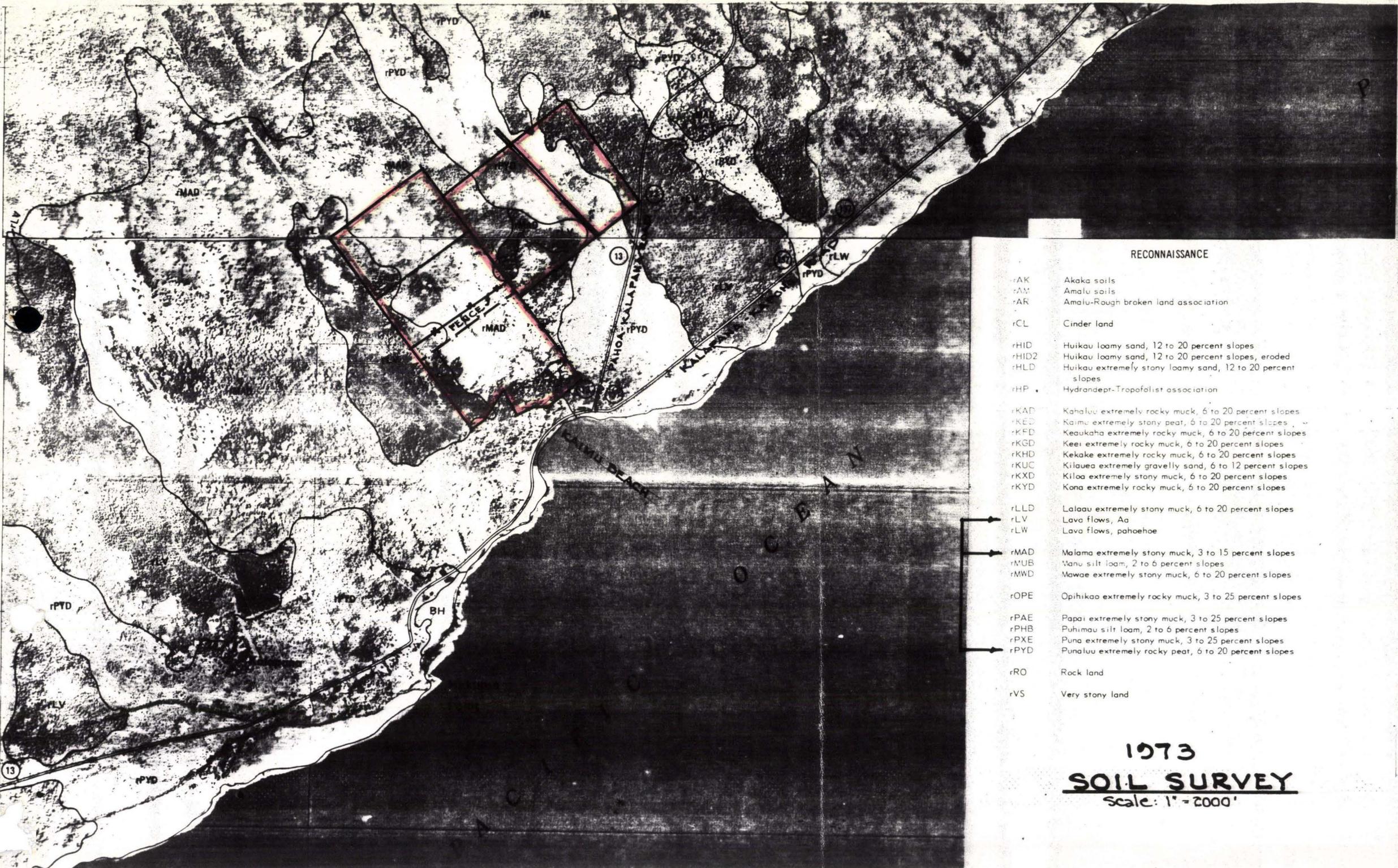


RECONNAISSANCE

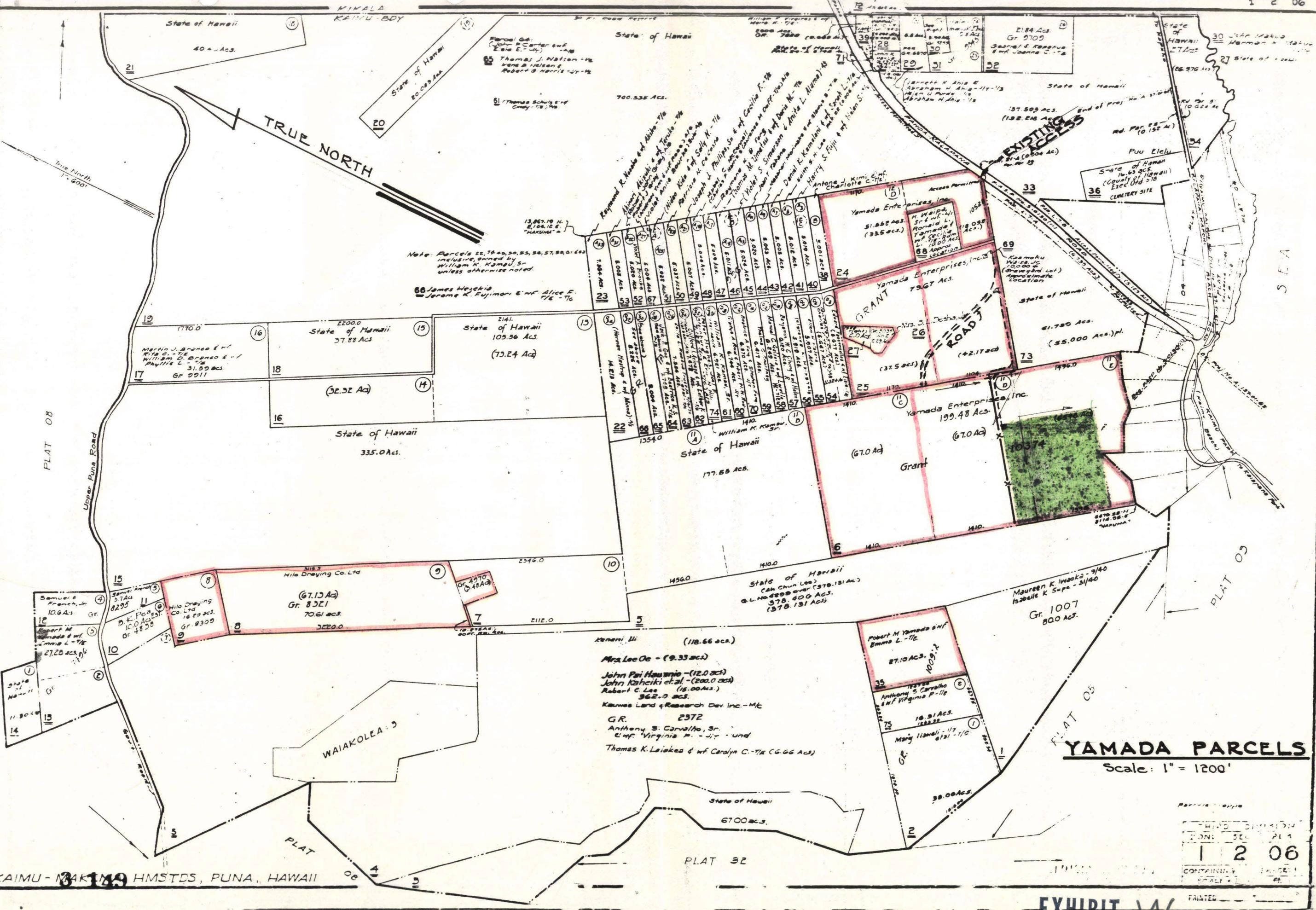
rAK	Akaka soils
rAM	Amalu soils
rAR	Amalu-Rough broken land association
rCL	Cinder land
rHID	Huikau loamy sand, 12 to 20 percent slopes
rHID2	Huikau loamy sand, 12 to 20 percent slopes, eroded
rHLD	Huikau extremely stony loamy sand, 12 to 20 percent slopes
rHP	Hydrandept-Tropofolist association
rKAD	Kahaluu extremely rocky muck, 6 to 20 percent slopes
rKED	Kaimu extremely stony peat, 6 to 20 percent slopes
rKFD	Keaukaha extremely rocky muck, 6 to 20 percent slopes
rKGD	Keei extremely rocky muck, 6 to 20 percent slopes
rKHD	Kekake extremely rocky muck, 6 to 20 percent slopes
rKUC	Kilauea extremely gravelly sand, 6 to 12 percent slopes
rKXD	Kiloa extremely stony muck, 6 to 20 percent slopes
rKYD	Kona extremely rocky muck, 6 to 20 percent slopes
rLLD	Lalaau extremely stony muck, 6 to 20 percent slopes
rLV	Lava flows, Aa
rLW	Lava flows, pahoehoe
rMAD	Malama extremely stony muck, 3 to 15 percent slopes
rMUB	Manu silt loam, 2 to 6 percent slopes
rMWD	Mawae extremely stony muck, 6 to 20 percent slopes
rOPE	Opihikao extremely rocky muck, 3 to 25 percent slopes
rPAE	Papai extremely stony muck, 3 to 25 percent slopes
rPHB	Puhimau silt loam, 2 to 6 percent slopes
rPXE	Puna extremely stony muck, 3 to 25 percent slopes
rPYD	Punaluu extremely rocky peat, 6 to 20 percent slopes
rRO	Rock land
rVS	Very stony land

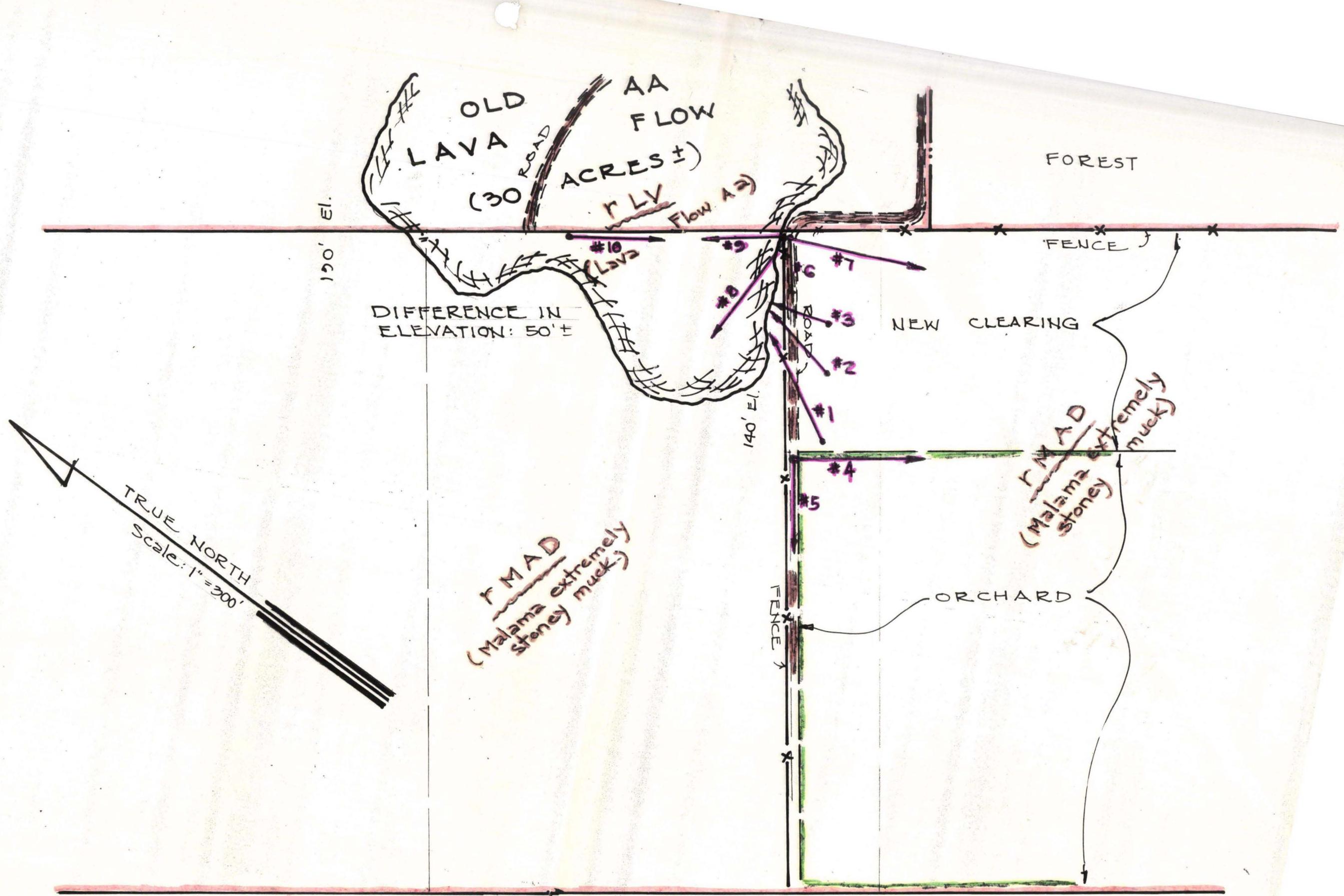
1973
SOIL SURVEY
Scale: 1" = 2000'

EXHIBIT V



1973
SOIL SURVEY
 scale: 1" = 2000'





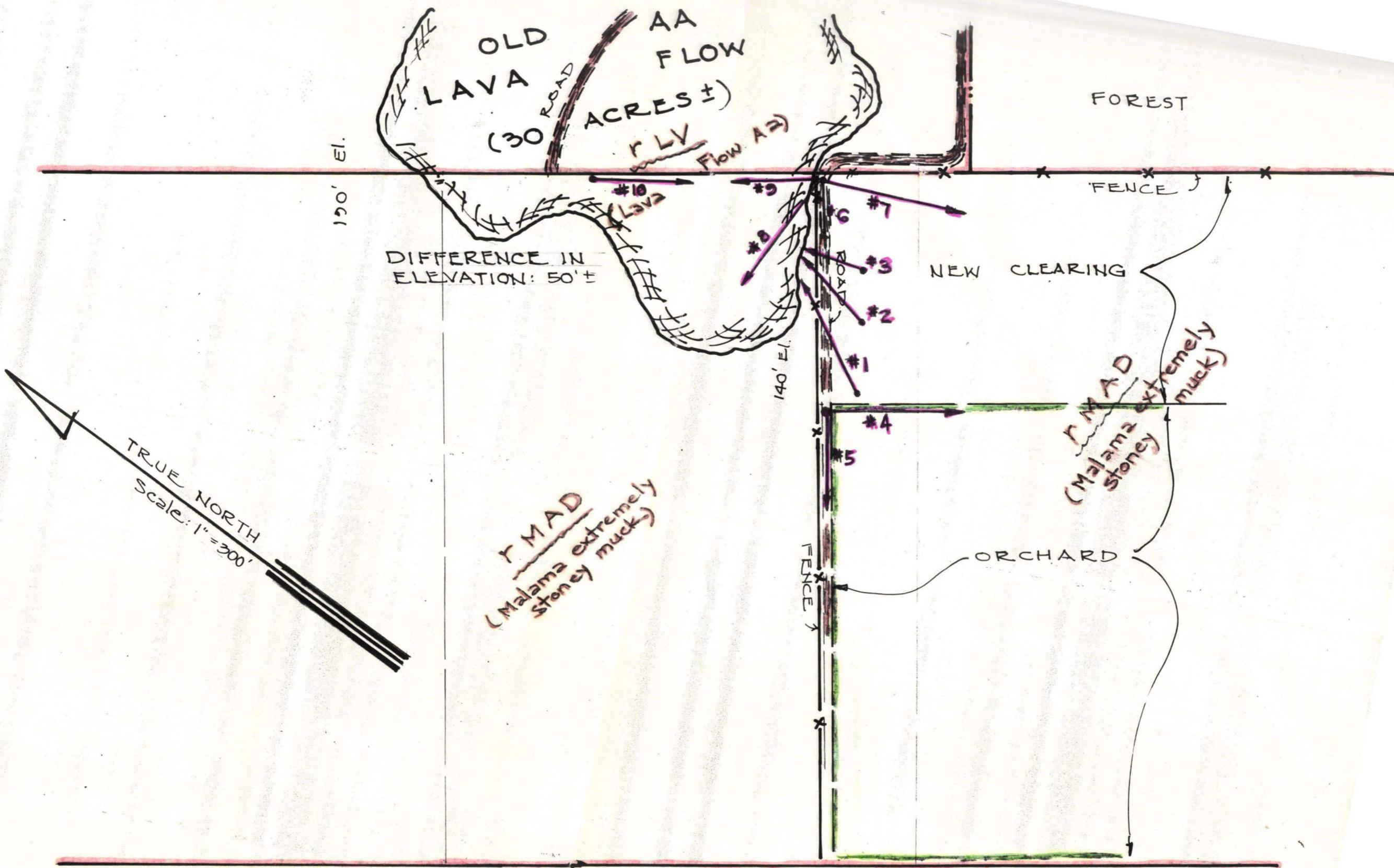




EXHIBIT V



EXHIBIT V



EXHIBIT X

County Exhs. "Y" & "Z"

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date November 16, 1978

Petitioner Yamada Enterprises, 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	✓			
HANLEY, J. Walsh			✓	
JITCHAKU, Lorraine R.	✓			
MURAKAMI, Haruo			✓	
NAKANO, Bert H.	✓			
ORITA, Alfredo	✓			
PARIS, William Jr.	✓			
SAKAMOTO, Charles	✓			
MIELCKE, William F.	✓			

EXHIBIT AA

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
November 16, 1978

EXHIBIT BB

The Planning Commission met in regular session at 9:00 a.m. in the First Hawaiian Bank Meeting Room, Kailua, North Kona, Hawaii, with Chairman William F. Mielcke presiding, and at 7:00 p.m. in the Waimea Civic Center Conference Room, Waimea, South Kohala, Hawaii, with Chairman Pro Tem William J. Paris, Jr., presiding.

PRESENT: William F. Mielcke
(Left at 3:47 p.m.)
Shigeru Fujimoto
Bert H. Nakano
Lorraine R. Jitchaku
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: J. Walsh Hanley
Haruo Murakami
Ex-officio Member
Akira Fujimoto
Deputy Corporation
Reginald Minn

Sidney M. Fuke, Planning Director
Ilima Piianaia, Planner
Norman Hayashi, Planner (Left at 3:47 p.m.)
William Moore, Planner

Galen Kuba representing Ex-officio Member Edward Harada
and approximately 16 people in attendance at 9:00 a.m.,
14 people at 10:00 a.m., 7 people at 11:00 a.m., 7
people at 1:30 p.m., 30 people at 7:00 p.m. and 30
people at 7:30 p.m.

**SPECIAL PERMIT
KENNETH FUJIYAMA
OLA'A RESERVA-
TION LOTS, PUNA**

Use Agricultural District. The area involved is located on the easterly side of the Volcano Road, approximately 2,000 feet Ka'u side of 13 Mile Road, Ola'a Reservation Lots, Puna, TMK: 1-7-08:18.

Staff presented recommendation for approval with conditions on file.

Staff clarified that Condition No. 6 meant that as long as the commercial uses are ancillary to the operation of the botanical garden, it is allowed; however within the mall and court area, only agricultural products may be sold.

Staff pointed out that as far as access, it is up to the Department of Transportation and/or Department of Public Works and the petitioner to decide where it will be. If access is permitted from the State highway, the Department of Transportation could conceivably require acceleration and deceleration lanes; if not, the petitioner would be required to improve the old Volcano Highway.

With regard to Condition No. 5, staff clarified that the reason for suggesting that condition was they did not want to construe that the operation of the restaurant is independent of the garden and were not requiring that everyone who goes to the restaurant comes to dinner and walk through the garden.

Staff clarified that as far as having other commercial uses come into the establishment, as it is not an outright permitted use, it would have to be approved by the Planning Director.

It was moved by Commissioner Nakano and seconded by Commissioner Fujimoto 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 seven ayes.

**SPECIAL PERMIT
YAMADA ENTER-
PRISES, INC.
KAIMU-MAKENA
HOMESTEADS, PUNA**

is located approximately 4,000 feet directly west of the Pahoa-Kalapana Road, Kaimu-Makena Homesteads, Puna, TMK: 1-2-06:portions of 6 & 25.

Staff presented recommendation for approval with conditions on file.

The petitioner's representative, Terence Yoshioka, expressed his concern on Condition 6 and requested that the Commission reconsider this recommendation and instead have the petitioner cease quarrying operations only after it has been determined that the complaint is substantiated, to which the Planning Director agreed. The Planning Director suggested the following amendment to Condition 6, "Upon receipt of any complaint which is accompanied by documented evidence relative to the impact of the quarrying operation, the Planning Director shall investigate the complaint.

Application of Kenneth Fujiyama for a Special Permit to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.891 acres of land situated within the State Land

If the Director finds the complaint to be valid, he shall so notify the petitioner by certified mail and the petitioner shall then have 30 days in which to take appropriate mitigating action". and the rest of the paragraph would be deleted. Mr. Yoshioka agreed with the amendment as he thought if the petitioner is forced to terminate his operation every time someone issues a complaint, the petitioner would be at the mercy of the public where someone could keep on calling and prevent the quarrying operation.

Mr. Yoshioka also requested that with regard to Condition 7 the petitioner be allowed to conduct quarrying operations on Saturdays and Sundays also as it would pose a hardship upon them to limit the working days from Mondays to Fridays; and if, of course, it causes an inconvenience to the parties in the adjacent areas or to the public as a whole then the public would have a right to file a complaint with the Planning Department. The Planning Director noted that they have imposed this as a standard requirement primarily from the standpoint of making sure there would be a minimum of conflict with the public on weekends when most of them are at home and in relation to the primary representations made by the petitioner that the quarrying or excavation activities would be done very infrequently. Staff clarified that the condition would not prevent the petitioner from taking stockpiled materials that have been crushed and spreading it over their own property on weekends. Mr. Yoshioka clarified their representation that when they said infrequent they meant they would be quarrying for maybe two weeks or longer at a time and then stop as it is not a small task to transport the machinery. Planning Director Fuke commented that he had reservations in changing this particular condition at this point in time largely because it hasn't been evaluated thoroughly and that it would set a precedent for other quarrying applications.

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

At this time, Mr. Yoshioka clarified that he was under the impression that the petitioner had only 1 or 2 crushers but that they actually have 3 or 4, so it's not that great an inconvenience - they can leave the machinery for a longer period of time on the job site.

AMENDMENT TO
ORDINANCE 605
T & K ENTER-
PRISES, INC.
MAIHI 2ND,
NORTH KONA

Preliminary hearing on the request of T & K Enterprises, Inc. to amend Ordinance No. 605 (effective 8/30/78) which rezoned approximately 8.31 acres of land from an Agricultural 1-acre (A-1a) to a Multiple Family Residential - 1,250 square feet (RM-1.25) zoned district.

The proposed amendments relate to incremental development, rental price, and the time requirement for a play area development. The area involved is located on the mauka side of the old Mamalahoa Highway, approximately 400 feet north of the intersection of Kuakini Highway and the old Mamalahoa Highway, Maihi 2nd, North Kona, TMK: 7-9-03:10.

Staff pointed out that they have had a hearing on a Planned Development Permit application for the same project which has