



LAND USE COMMISSION
STATE OF HAWAII

2015 JAN 23 A 10:43

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition of)	DOCKET NO. SP14-404
)	
JAS. W. GLOVER, LTD)	ORDER REMANDING SPECIAL
)	PERMIT SP14-404 TO THE
For A Special Permit for Quarrying and)	COUNTY OF HAWAII
Other Support Services and Accessory Uses)	WINDWARD PLANNING
on 85.34 Acres of a 140.368- Acre Parcel)	COMMISSION; CERTIFICATE
Owned by Kamehameha Schools and)	OF SERVICE
Located Within the State Agricultural)	
District, East of the Hawai'i National Guard)	
Site and Hilo International Airport, and)	
3,000 Feet West of the County of Hawaii)	
Sewer Treatment Plant;)	
TMK: (3) 2-1-013: 004 (por).)	

ORDER REMANDING SPECIAL PERMIT SP14-404 TO THE COUNTY OF HAWAII
WINDWARD PLANNING COMMISSION

AND

CERTIFICATE OF SERVICE



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ORDER REMANDING SPECIAL PERMIT SP14-404 TO THE COUNTY OF
HAWAI'I WINDWARD PLANNING COMMISSION

On November 20, 2014, the State Land Use Commission ("LUC") met in Kahului, Hawai'i, to consider and deliberate on the application for a Special Permit for quarrying and other support services and accessory uses on approximately 85.34 acres of a 140.368 acre parcel owned by Kamehameha Schools located within the State Land Use Agricultural District, at Hilo, Hawai'i,

identified as TMK (3) 2-1-013:0004 (por).¹ Roy A. Vitousek III, Esq., and Michael Pearing, appeared on behalf of the Jas. W. Glover Ltd. LLC (“Applicant”).

William Brillhante, Esq., on behalf of the County of Hawai`i Planning Department.

At the hearing, the LUC heard public testimony from Clare Apana,² and OP.

Following the receipt of public testimony, the parties provided oral argument. Applicant's representative, Mr. Vitousek, represented that the Applicant was agreeable if the LUC decided to remand the permit application for clarification and further proceedings regarding matters raised in correspondence from Lt. Colonel Stubbart of the Hawai`i Army National Guard about historic site findings and property line discrepancies near the permit area. Mr. Brillhante, Hawaii County’s representative, stated that he had been unaware of the letter

¹ On 8/1/14, the LUC received Hawai`i County Windward Planning Commission’s Decision and Findings for the establishment of a quarry site described in the Special Permit application and on 11/14/14, the LUC received Petitioner’s Memorandum in Support of Approval of Special Permit, Exhibits 1-4. On 11/18/14, the LUC received correspondence from Lt. Colonel Marjean R. Stubbart, Construction and Facilities Management Officer, Hawai`i Army National Guard regarding historic site findings and property line discrepancies near the permit area. On 11/19/14, the LUC requested copies of the Final Archaeological survey and monitoring plan for the Keaukaha Military Reservation and any boundary surveys be sent to the Applicant’s representative, the State Office of Planning (“OP”) and the LUC. On 12/5/14, the LUC received the Final Archaeological Inventory Survey and Monitoring Plan Phase I and boundary surveys from the Hawai`i Army National Guard.

² Ms. Apana shared her opinion that the LUC should hold meetings on the same island where the agenda item is located.

from Lt. Colonel Stubbert until Mr. Vitousek advised him of it on the morning of the LUC meeting, and had not had a chance to discuss it with the Hawaii County planner assigned to this application.

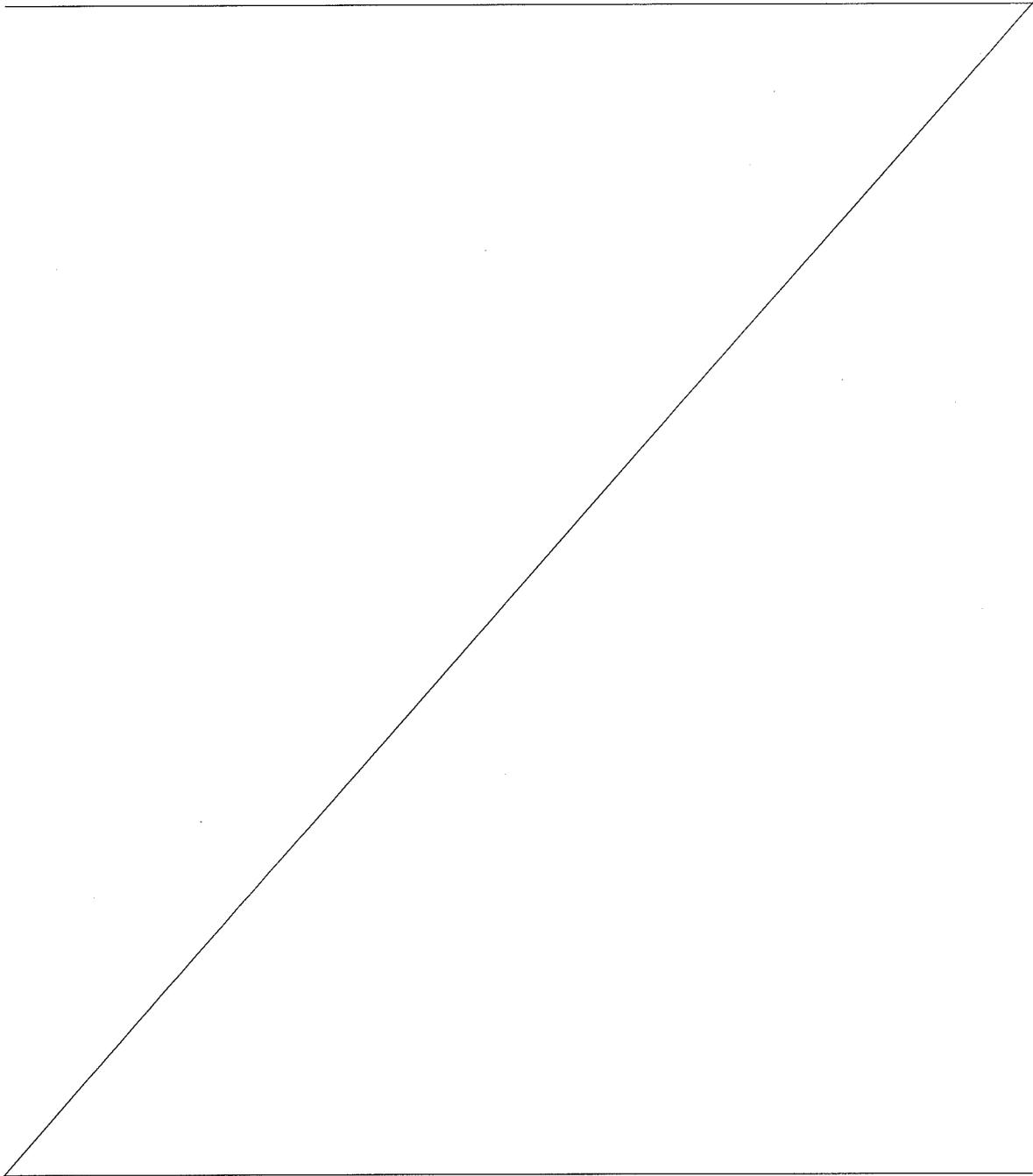
Following discussion, a motion was made and seconded to remand Special Permit No. SP14-404 to the Hawai`i County Windward Planning Commission with the expressed purpose of considering information received from the Hawai`i Army National Guard regarding new historic site findings and boundary discrepancies with the permit area and modifying the Decision and Findings as appropriate.

ORDER

The LUC, having duly considered the written and oral arguments presented by the Applicant, and Hawai`i County, and a motion having been made and seconded at a meeting on November 20, 2014, in Kahului, Maui, Hawai`i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that Special Permit SP14-404 be REMANDED to the Hawai`i County Windward Planning Commission for the expressed purpose of considering information received from the Hawai`i Army National Guard

regarding new historic site findings and boundary discrepancies with the permit area and modifying the Special Permit as appropriate.





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Site and Hilo International Airport, and)	
3,000 Feet West of the County of Hawaii)	
Sewer Treatment Plant;)	
TMK: (3) 2-1-013: 004 (por).)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that an ORDER REMANDING SPECIAL PERMIT SP14-404 TO THE COUNTY OF HAWAII WINDWARD PLANNING COMMISSION was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular or certified mail as noted:

CERTIFIED MAIL: ROY A. VITOUSEK III, Esq.
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Petitioner Representative

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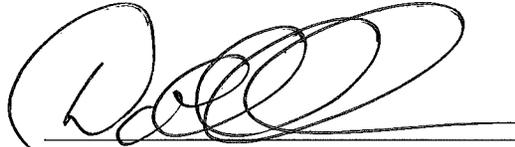
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Hilo, Hawai'i 96720

Dated: Honolulu, Hawai'i, January 23, 2015



DANIEL ORODENKER

Executive Officer