

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of)
)
WAIKOLOA DEVELOPMENT COMPANY)
)
For a Special Permit to Allow the)
Establishment of a Quarry Operation)
and Related Uses on Approximately)
219.990 Acres on Land Situated)
Within the State Land Use)
Agricultural District at Waikoloa,)
South Kohala, Hawai'i, Tax Map Key)
No.: 6-8-01: 5 (por.))
_____)

DOCKET NO. SP92-381
ORDER GRANTING
APPLICANT'S REQUEST TO
AMEND CONDITION NO. 3
AND CONDITION NO. 12

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

FEB 26 1999

Date

by

Robert [Signature]
Executive Officer

ORDER GRANTING APPLICANT'S REQUEST TO AMEND
CONDITION NO. 3 AND CONDITION NO. 12

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LAND USE COMMISSION
HAWAII

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For a Special Permit to Allow the)	ORDER GRANTING
Establishment of a Quarry Operation)	APPLICANT'S REQUEST TO
and Related Uses on Approximately)	AMEND CONDITION NO. 3
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Within the State Land Use)	
Agricultural District at Waikoloa,)	
South Kohala, Hawai'i, Tax Map Key)	
No.: 6-8-01: 5 (por.))	

ORDER GRANTING APPLICANT'S REQUEST TO AMEND
CONDITION NO. 3 AND CONDITION NO. 12

On September 29, 1998, the County of Hawai'i Planning Department received a request from Waikoloa Development Company ("Applicant") to 1) amend Condition No. 3 to extend the date on which to commence quarry operations from December 10, 1998, to December 10, 2003; and 2) amend Condition No. 12 to extend the life of the special permit from December 31, 2010, to December 31, 2018.

On December 3, 1998, the County of Hawai'i Planning Commission ("Planning Commission") conducted a public hearing on this matter.

On December 3, 1998, after due deliberation, the Planning Commission recommended approval of amendments to Condition Nos. 3 and 12 of the Land Use Commission's ("Commission") Findings of Fact, Conclusions of Law, and Decision

and Order ("Decision and Order") dated January 19, 1993, as follows:

3. The quarry operations and related activities shall commence on or before December 10, 2003. A letter informing of commencement of operations shall be submitted to the Planning Department.
12. The life of this permit shall be until December 31, 2018; the date of completion of the proposed quarrying; or its abandonment, whichever comes first.

On December 22, 1998, the Commission received the Planning Commission's record in this proceeding.

On January 7, 1999, the Commission received the remaining portion of the record, consisting of the hearing maps.

This Commission, having duly considered the arguments provided by the respective parties at its hearing on January 21, 1999, in Waikapu, Maui, and good cause existing therefrom,

HEREBY ORDERS that Applicant's request be GRANTED.

IT IS FURTHER ORDERED that Condition Nos. 3 and 12 of the Decision and Order dated January 19, 1993, shall be amended to read as follows:

3. The quarry operations and related activities shall commence on or before December 10, 2003. A letter informing of commencement of operations shall be submitted to the Planning Department.
12. The life of this permit shall be until December 31, 2018; the date of completion of the proposed quarrying; or its abandonment, whichever comes first.

All other conditions, as may be amended, to the Decision and Order dated January 19, 1993, are hereby reaffirmed and shall continue in effect.

Done at Honolulu, Hawai'i, this 26th day of February 1999,
per motions on January 21, 1999 and February 25, 1999.

LAND USE COMMISSION
STATE OF HAWAII

By *M. Kelai*
MERLE A. K. KELAI
Chairperson and Commissioner

By *Lawrence N.C. Ing*
LAWRENCE N.C. ING
Vice Chairperson and Commissioner

By *P. Roy Catalani*
P. ROY CATALANI
Commissioner

By *Rupert K. Chun*
RUPERT K. CHUN
Commissioner

By *Pravin Desai*
PRAVIN DESAI
Commissioner

By *Isaac Fiesta, Jr.*
ISAAC FIESTA, JR.
Commissioner

By (absent)
M. CASEY JARMAN
Commissioner

By *Herbert S.K. Kaopua*
HERBERT S.K. KAOPUA, SR.
Commissioner

Filed and effective on
February 26, 1999

Certified by:

Retha Lee
Executive Officer

By *Peter Yukimura*
PETER YUKIMURA
Commissioner

