

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

In the Matter of the Petition of )  
 )  
WAIKOLOA DEVELOPMENT COMPANY )  
 )  
For an Amendment to the Special )  
Permit Which Established the Pu'u )  
Hinai and the Village Quarries and )  
Allied Uses on Approximately 155.6 )  
Acres of Land Within the State Land )  
Use Agricultural District at )  
Waikoloa, South Kohala, Hawai'i, )  
TMK 6-8-02: por. 16 and por. 33 )  
\_\_\_\_\_ )

DOCKET NO. SP70-85  
ORDER GRANTING REQUEST  
TO AMEND SPECIAL PERMIT

JAN 24 11 07 AM '96  
LAND USE COMMISSION  
STATE OF HAWAII

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ORDER GRANTING REQUEST TO AMEND SPECIAL PERMIT

On September 5, 1995, the Hawai'i County Planning Department ("Planning Department") received a request from Waikoloa Development Company ("Applicant") in LUC Docket No. SP70-85/Waikoloa Development Company to 1) amend Condition Nos. 5 and 6 to allow for an extension of the life of the Special Permit for the Pu'u Hinai Quarry ("Site 1") and the Village Quarry ("Site 2") for five years until December 11, 2000; 2) reduce the size of Site 2 from 92 acres to 89 acres to exclude the Waikoloa Sanitary Sewer Co.'s utility baseyard approved under County Special Permit No. 908; 3) restore active quarrying uses at Site 2 to facilitate restoration of the site; and, 4) amend Condition No. 4 to clarify that only quarrying activities (defined to include loading, hauling, rock crushing, asphalt and concrete batch operations, and the use of explosives) are restricted to certain hours and days, and to allow quarrying

activities between the hours of 8:00 a.m. and 3:30 p.m. on Saturdays ("Request").

On October 25, 1995, the Hawai'i County Planning Commission ("Planning Commission") conducted a hearing on the Applicant's Request.

On October 25, 1995, after due deliberation, the Planning Commission recommended approval of the Applicant's Request to the Land Use Commission ("Commission"), subject to the following 9 conditions to replace the previous 10 conditions imposed by the Commission in its Findings of Fact, Conclusions of Law, and Decision and Order issued on March 6, 1991:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. A metes and bounds description in map and written form of Site 2 shall be filed with the Planning Department and the Land Use Commission within one year from the effective date of this order.
3. The quarrying activities at Site 2, including loading and hauling, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday.
4. Quarrying operations at Site 1 shall be terminated by December 11, 2000, or prior to final subdivision approval of the increment of adjacent RA zoned lands which abut the quarry boundaries, or prior abandonment, whichever occurs first.
5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first.
6. Upon termination of operations or abandonment of any portion of the affected sites, the land shall be graded to blend with the surrounding areas and



re-vegetated. Further, the sites shall be left in a non-hazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Hawaii County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

7. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.
8. An annual monitoring report shall be submitted to the Hawaii County Planning Director and the State Land Use Commission prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the County of Hawaii Planning Commission that the quarry use will have an adverse impact on surrounding properties.
9. Should any of the conditions not be met or substantially complied with in a timely fashion, the Hawaii County Planning Director shall initiate procedures to revoke the permit.

On November 9, 1995, the Commission received and accepted for consideration the complete record of the Planning Commission's record on the Applicant's Request.

The Applicant's Request, having come on for hearing on December 14, 1995, at the Commission's meeting in Honolulu, Hawai'i, and the Commission having considered the arguments by the respective parties in this proceeding, and for good cause shown,

HEREBY GRANTS the Applicant's Request. The Findings of Fact, Conclusions of Law, and Decision and Order issued in

Special Permit Docket Number SP70-85/Waikoloa Development Company on March 6, 1991, shall be amended as follows:

ORDER

IT IS HEREBY ORDERED that the Applicant's Request in Special Permit Docket Number SP70-85/Waikoloa Development Company to 1) amend Condition Nos. 5 and 6 to allow for an extension of the life of the Special Permit for Site 1 and Site 2 for five years until December 11, 2000; 2) reduce the size of Site 2 from 92 acres to 89 acres to exclude the Waikoloa Sanitary Sewer Co.'s utility baseyard approved under County Special Permit No. 908; 3) restore active quarrying uses at Site 2 to facilitate restoration of the site; and, 4) amend Condition No. 4 to clarify that only quarrying activities (defined to include loading, hauling, rock crushing, asphalt and concrete batch operations, and the use of explosives) are restricted to certain hours and days, and to allow quarrying activities between the hours of 8:00 a.m. and 3:30 p.m. on Saturdays, on land designated within the State Land Use Agricultural District, at Waikoloa, South Kohala, Hawai'i, identified as TMK 6-8-02: por. 16 and por. 33, and approximately shown on Exhibit "A" attached hereto and incorporated by reference herein, is hereby approved and subject to the following conditions:

1. The Applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.

2. A metes and bounds description in map and written form of Site 2 shall be filed with the Planning Department and



the Land Use Commission within one year from the effective date of this Order.

3. The quarrying activities at Site 2, including loading and hauling, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 3:30 p.m. on Saturday; provided active noise-generating activity (i.e. blasting, crushing) shall commence no earlier than 7:30 a.m. on Monday through Friday or 8:00 a.m. on Saturday.

4. Quarrying operations at Site 1 shall be terminated by December 11, 2000, or prior to final subdivision approval of the increment of adjacent RA zoned lands which abut the quarry boundaries, or prior abandonment, whichever occurs first.

5. Activities at Site 2 shall be terminated by December 11, 2000, or prior abandonment, whichever occurs first.

6. Upon termination of operations or abandonment of any portion of the affected sites, the land shall be graded to blend with the surrounding areas and re-vegetated. Further, the sites shall be left in a non-hazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Hawai'i County Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

7. All other applicable laws, requirements, rules and regulations, including those of the Department of Health, shall be complied with.

8. An annual monitoring report shall be submitted to the Hawai'i County Planning Director and the State Land Use Commission prior to the anniversary date of the approval of this amendment. The report shall include, but not be limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the County of Hawai'i Planning Commission that the quarry use will have an adverse impact on surrounding properties.

9. Should any of the conditions not be met or substantially complied with in a timely fashion, the Hawai'i County Planning Director shall initiate procedures to revoke the permit.

DOCKET NO. SP70-85 - WAIKOLOA DEVELOPMENT COMPANY

Done at Honolulu, Hawaii, this 24th day of January 1996,  
per motions on December 14, 1995 and January 19, 1996.

LAND USE COMMISSION  
STATE OF HAWAII

By Allen K. Hoe  
ALLEN K. HOE  
Chairperson and Commissioner

By Trudy K. Senda  
TRUDY K. SENDA  
Vice Chairperson and Commissioner

By Rupert K. Chun  
RUPERT K. CHUN  
Commissioner

By M. Casey Jarman  
M. CASEY JARMAN  
Commissioner

By Lloyd F. Kawakami  
LLOYD F. KAWAKAMI  
Commissioner

By Merle A. K. Kelai  
MERLE A. K. KELAI  
Commissioner

By (absent)  
EUSEBIO LAPENIA, JR.  
Commissioner

Filed and effective on  
January 24, 1996

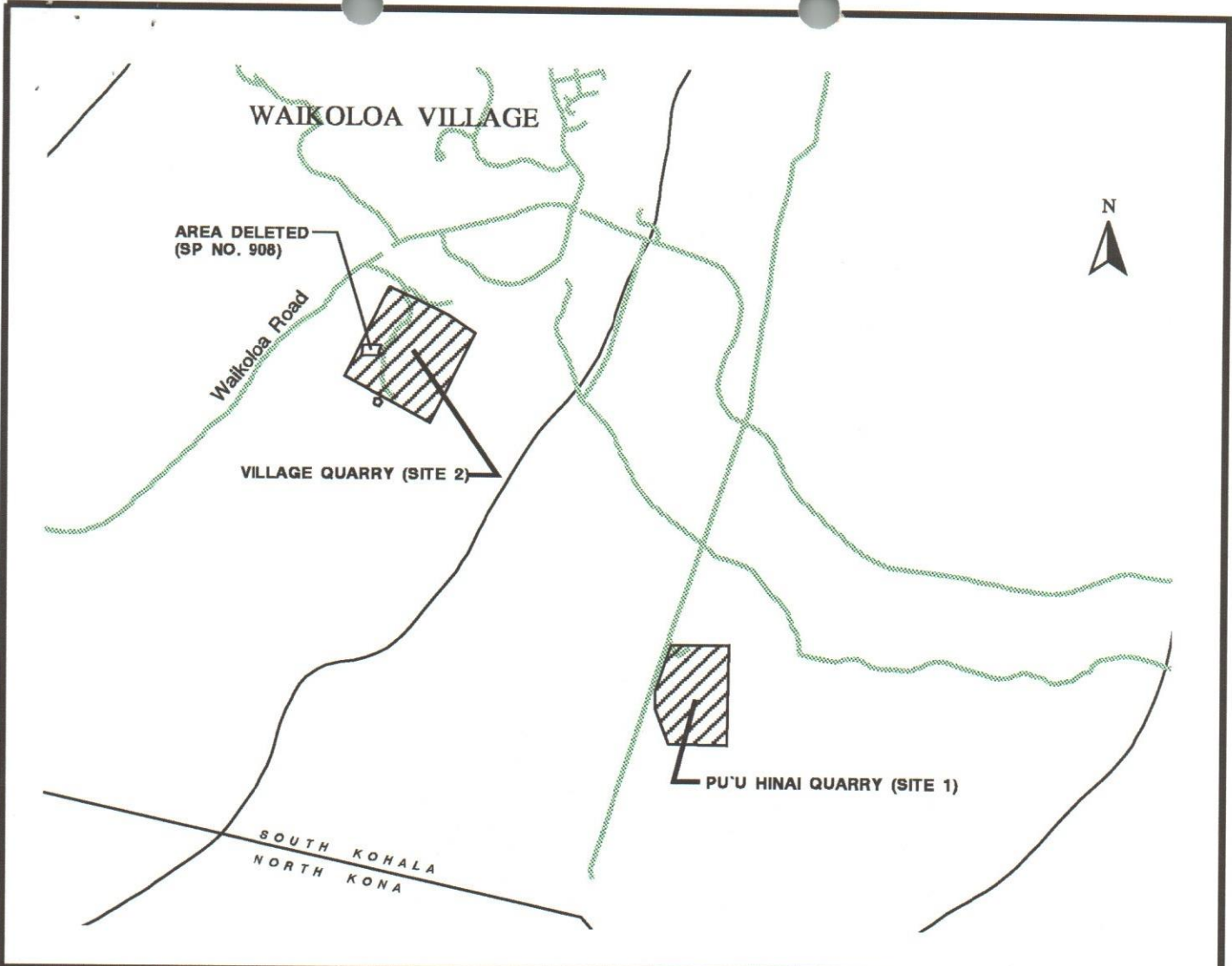
Certified by:

Robert L. ...  
Executive Officer

By Joann N. Mattson  
JOANN N. MATTSON  
Commissioner

By (absent)  
ELTON WADA  
Commissioner



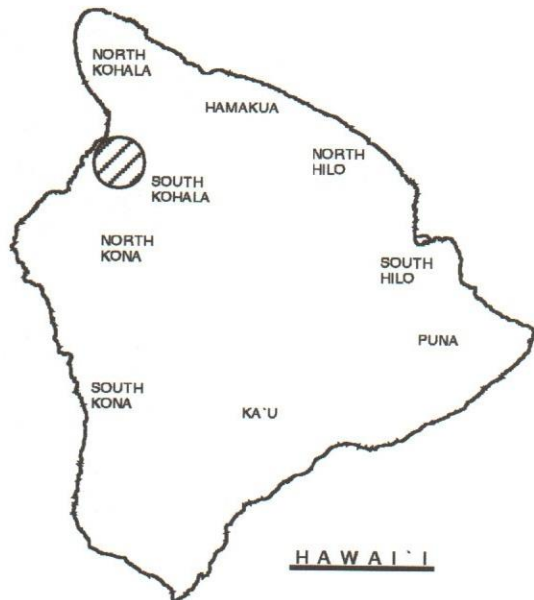
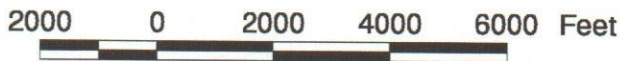


**DOCKET NO. SP70-85 / WAIKOLOA DEVELOPMENT COMPANY**

**LOCATION MAP**

TAX MAP KEY: 6-8-02: por. 16 and por. 33  
 Waikoloa, South Kohala, Hawai'i

 **PERMIT AREA**



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WAIKOLOA DEVELOPMENT COMPANY ) DOCKET NO. SP70-85  
For an Amendment to the Special ) CERTIFICATE OF SERVICE  
Permit Which Established the Pu'u )  
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Acres of Land Within the State Land )  
Use Agricultural District at )  
Waikoloa, South Kohala, Hawai'i, )  
TMK 6-8-02: por. 16 and por. 33 )

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Request to Amend Special Permit was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

CERT. VIRGINIA GOLDSTEIN, Planning Director  
Planning Department, County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

CERT. RICHARD D. WURDEMAN, ESQ.  
Corporation Counsel  
County of Hawaii  
The Hilo Lagoon Center  
101 Aupuni Street, Suite 325  
Hilo, Hawaii 96720

CERT. ANN COBB, Planning Coordinator  
Waikoloa Development Company  
150 Waikoloa Beach Drive  
Kamuela, Hawaii 96743

DATED: Honolulu, Hawaii, this 24th day of January 1996.



ESTHER UEDA  
Executive Officer