

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
for an Extension of Time to)
the Special Permit of)
TRANSCONTINENTAL DEVELOPMENT)
CO. (formerly Boise Cascade))
_____)

DOCKET NO. SP70-85

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)	DOCKET NO. SP70-85
for an Extension of Time to)	
the Special Permit of)	FINDINGS OF FACT,
TRANSCONTINENTAL DEVELOPMENT)	CONCLUSIONS OF LAW AND
CO. (formerly Boise Cascade))	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 Petitioner has filed for a ten (10) years time extension of the Special Permit which allows quarry operations and allied uses on two sites situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-02: portions of 16 and 15.
2. Site #1, the Pu'u Hinai Quarry, is located on the southwest face of a cinder cone of the same name, which reaches an elevation of 1,439 feet above sea level or approximately 230 feet above the surrounding area. It is located on the south side of the Waikoloa Road, approximately 4.5 miles inland of the Kaahumanu Highway, within the bounds of a rectangular area 1,500 feet by 2,000 feet. This quarry provides heavily burnt 'a'a cinders and ash which is used as bedding material for water and sewer pipes, and as temporary surfacing for roads. These products are also used as a form of topsoil in nurseries and landscaping, and as the cover

material at the Petitioner's sanitary landfill. Since the Special Permit was first issued, the Tax Map Key designation for this quarry area of approximately 69 acres has been changed from 6-8-01: portion of 04 to 6-8-02: portion of 16.

3. Site #2, the Village Quarry, is located within the bounds of a square 2,000 feet on each side, located adjacent and to the south of the Waikoloa Village urban district, at an elevation of approximately 1,000 feet. Encompassing approximately 92 acres, it is on the south side of the Waikoloa Road, approximately 3.0 miles inland of the Kaahumanu Highway. The Village Quarry provides basically blue rock aggregate which is used for road construction and base course material. The screening plant, rock crusher, scales A.C. and concrete batching plants and equipment repair facilities are located on this site. Since the Special Permit was first issued, the Tax Map Key designation for this quarry area has been changed from 6-8-01: portion of 04 to 6-8-02: portion of 15.

4. The original Special Permit was granted by the Land Use Commission on December 11, 1970 for an initial period of five years. In December 1975, the Land Use Commission granted a five-year extension. The original Petitioner, Boise Cascade, has since transferred operations and their related permits to Transcontinental Development Company.

5. By letter dated September 26, 1980, Transcontinental Development Company requested that the expiration date for SP70-85 of December 11, 1980 be extended to December 11, 1990. The Petitioner noted the completion of Increment 1 of Waikoloa Village, but emphasized that the two quarry sites are essential to providing material for roads, pipe bedding and other infrastructure essential to the total

development of the Waikoloa project over at least another ten years.

6. The request for time extension was discussed by the Hawaii County Planning Commission at a public hearing on November 25, 1980. Claude Jenkins, representing the Petitioner, spoke in support of the request. The Hawaii County Planning Department recommended that the time extension request be approved subject to all the conditions that were stipulated in granting the original Special Permit, including compliance with applicable Department of Health regulations and with an added condition to further protect surrounding properties from traffic, noise, or dust problems that may result from quarrying operations. No other persons testified concerning the request.

7. Based upon the reasons cited by the Petitioner, and the findings and recommendations of the Planning Department, the Hawaii County Planning Commission voted unanimously to forward a favorable recommendation to the State Land Use Commission subject to the added condition outlined by the planning staff.

8. The complete record of the Special Permit petition was received at the Land Use Commission office on January 14, 1981. The Land Use Commission took action on the request on February 25, 1981 by approving the time extension request subject to the conditions stipulated in the granting of the original Special Permit, including compliance with applicable Department of Health regulations, and subject to the additional condition proposed by the Hawaii Planning Commission.

CONCLUSIONS OF LAW

1. As required under Rule 9-3 of the Rules of Practice and Procedure of the Land Use Commission, the Petitioner has shown that unusual circumstances warrant the granting of the requested time extension.

2. The granting of the time extension is not violative of Hawaii Revised Statutes, Chapter 205-6 and State Land Use Commission District Regulations, Part V.

DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit Number 70-85 which allows quarry operations and allied uses on a total of approximately 161 acres at two sites situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-02: portion of 16 (69 acres) and 6-8-02: portion of 15 (92 acres), be amended to extend the expiration date from December 11, 1980 to December 11, 1990. This time extension of ten (10) years is granted subject to the following added condition:

That approval of the extension request is subject to all conditions stipulated in the granting of the original Special Permit, except for those references in Condition Number 4 relating to the five year expiration date, but including compliance with applicable Department of Health regulations. In addition, every precaution must be taken by the applicant so as not to create any inconvenience to surrounding properties in regard to traffic, noise and dust problems during the quarrying operations. Should the quarrying operations have an adverse effect on surrounding properties, sufficient and

documented evidence may be submitted to the Planning Director to support any claims which are made that the applicant is creating an inconvenience. If the Planning Director finds that the evidence submitted shows sufficient cause to re-evaluate the Special Permit, he shall transmit such evidence to the Planning Commission who shall hold a public hearing to gather evidence relative to the impact of the quarrying operations on surrounding lands. Upon receiving any complaint which is accompanied by documented evidence relative to the impact of the quarry operations, the applicant shall cease operations until a determination is made as to whether operations can continue or the Special Permit is to be revoked.

That should the stated conditions not be met, the Special Permit may be deemed null and void.

DATED: Honolulu, Hawaii, May 5, 1981.

LAND USE COMMISSION

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

By Shinichi Nakagawa
SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By Richard B. F. Cho
RICHARD B. F. CHOY
Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By *Mitsuo Oura*
MITSUO OURA
Commissioner

By *Carol B. Whitesell*
CAROL WHITESELL
Commissioner

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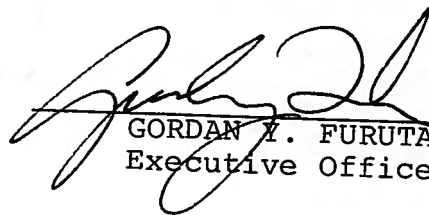
CERTIFICATE OF SERVICE

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

SIDNEY FUKU, Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Willis H. Sanburn
Director of Business Relations
Suite 1801
Financial Plaza of the Pacific
130 Merchant Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 15th day of May, 1981.


GORDAN Y. FURUTANI
Executive Officer