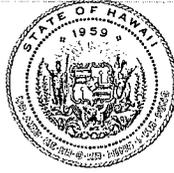


14-162



PLANNING DEPARTMENT
COUNTY OF HAWAII

2015 JAN 26 PM 2:17

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

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.

Date 1/ 23 /2015

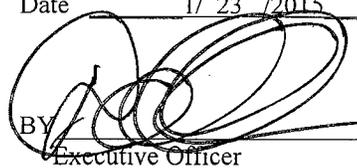
BY 
Executive Officer

EXHIBIT
52

SCANNED
JAN 27 2015
By: **096516**



LAND USE COMMISSION
STATE OF HAWAII

2015 JAN 23 A 10:43

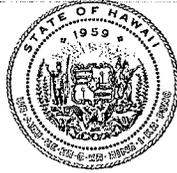
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

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
) WINDWARD PLANNING
Other Support Services and Accessory Uses) COMMISSION; CERTIFICATE
on 85.34 Acres of a 140.368- Acre Parcel) OF SERVICE
Owned by Kamehameha Schools and)
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



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
Owned by Kamehameha Schools and)	
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 Hawai'i)	
Sewer Treatment Plant;)	
TMK: (3) 2-1-013: 004 (por).)	

ORDER REMANDING SPECIAL PERMIT SP14-404 TO THE COUNTY OF HAWAII 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 Stubbert 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. Stubbert, 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.

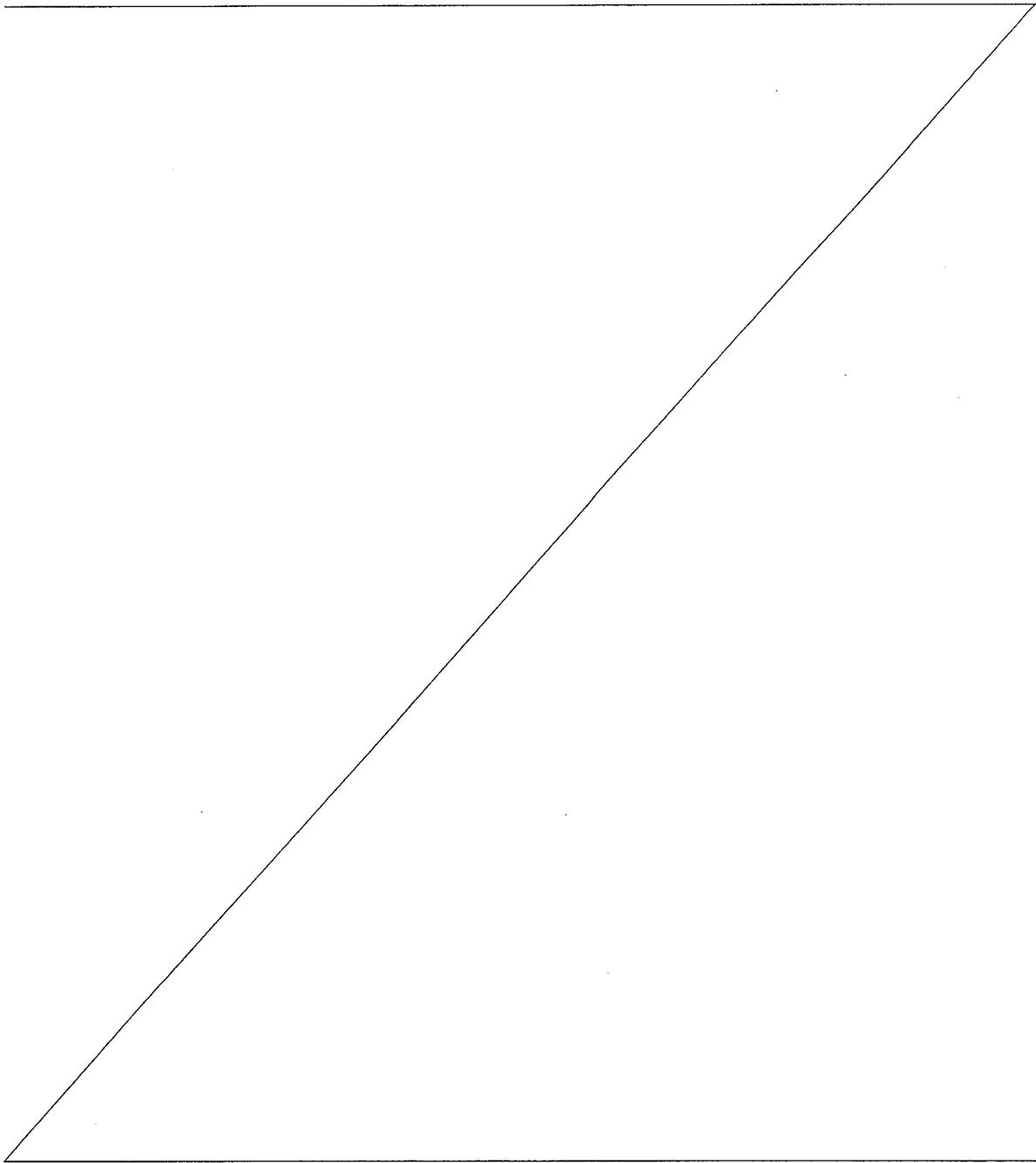
Following discussion, a motion was made and seconded to remand Special Permit No. SP14-404 to the Hawai`i County Windward Planning Commission with the expressed purpose of considering information received from the Hawai`i Army National Guard regarding new historic site findings and boundary discrepancies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



ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.

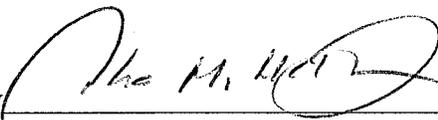
Done at Honolulu, Hawai'i, this 23rd, day of January, 2015, per motion on November 20, 2014.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII

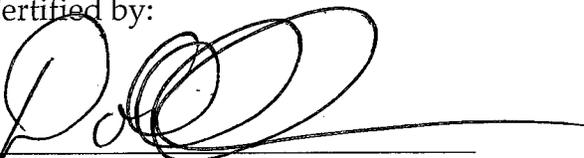

Deputy Attorney General

By 
CHAD MCDONALD
Chairperson and Commissioner

Filed and effective on:

January 23, 2015

Certified by:


DANIEL ORODENKER
Executive Officer



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) CERTIFICATE OF SERVICE
)
For A Special Permit for Quarrying and)
Other Support Services and Accessory Uses)
on 85.34 Acres of a 140.368- Acre Parcel)
Owned by Kamehameha Schools and)
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).)
_____)

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 ROY A. VITOUSEK III, Esq.
MAIL: CADES SCHUTTE
75-170 Hualalai Road, Suite B-303
Kailua-Kona, HI 96740-1737
Petitioner Representative

DEL.: LEO ASUNCION, Acting Director
State Office of Planning
P. O. Box 2359
Honolulu, Hawai'i 96804-2359

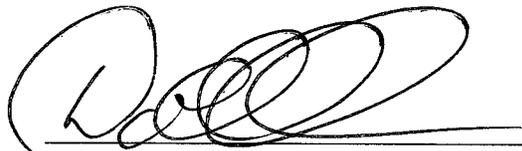
REGULAR MAIL: BRYAN C. YEE, Esq.
Deputy Attorney General
425 Queen Street
Honolulu, Hawai'i 96813
Attorney for State Office of Planning

REGULAR MAIL: William V. Brillhante, Jr., Esq.
Office of the Corporation Counsel
County of Hawaii
Hilo, Hawai'i 96720
Attorney for the Planning Director, County of Hawaii

REGULAR MAIL: Duane Kanuha, Director
Department of Planning
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

REGULAR MAIL: Myles Miyasato, Chairman
Windward Planning Commission
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

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



DANIEL ORODENKER

Executive Officer