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

In The Matter Of The Petition of
JAS. W. GLOVER, LTD

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).

ORDER REMANDING SPECIAL PERMIT SP14-404 TO THE COUNTY OF HAWAI'I 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, HAWAI'I.

Date 1/23/2015

By: Executive Officer

EXHIBIT 52 SCANNED
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In The Matter Of The Petition of JAS. W. GLOVER, LTD
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 Hawaii 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 HAWAI'I WINDWARD PLANNING COMMISSION

AND

CERTIFICATE OF SERVICE
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI’I

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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
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,

Docket No. SP14-404 Jas. W. Glover
Order Remanding Special Permit SP14-404 To The County of Hawai’i Windward Planning
Commission
identified as TMK (3) 2-1-013:0004 (por). Roy A. Vitousek III, Esq., and Michael Pearring, appeared on behalf of the Jas. W. Glover Ltd. LLC ("Applicant").

William Brilhante, Esq., on behalf of the County of Hawai‘i Planning Department.

At the hearing, the LUC heard public testimony from Clare Apana, 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. Brilhante, Hawaii County’s representative, stated that he had been unaware of the letter

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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.

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Docket No. SP14-404 Jas. W. Glover
Order Remanding Special Permit SP14-404 To The County of Hawai‘i Windward Planning Commission
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 Hawaii County Windward Planning
Commission with the expressed purpose of considering information received
from the Hawaii 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 Hawaii County, and a motion having been
made and seconded at a meeting on November 20, 2014, in Kahului, Maui,
Hawaii, 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 Hawaii County Windward Planning Commission for the expressed purpose
of considering information received from the Hawaii Army National Guard

Docket No. SP14-404 Jas. W. Glover
Order Remanding Special Permit SP14-404 To The County of Hawaii Windward Planning
Commission
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 HAWAI‘I

Deputy Attorney General

By CHAD MCDONALD
Chairperson and Commissioner

Filed and effective on:

January 23, 2015

Certified by:

DANIEL ORODENKER
Executive Officer
BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI’I

In The Matter Of The Petition of

JAS. W. GLOVER, LTD

For A Special Permit for Quarrying and
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Sewer Treatment Plant;
TMK: (3) 2-1-013: 004 (por).

DOCKET NO. SP14-404
CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that an ORDER REMANDING SPECIAL PERMIT SP14-404 TO THE COUNTY OF HAWAI’I 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
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Petitioner Representative
DEL.: LEO ASUNCION, Acting Director
      State Office of Planning
      P. O. Box 2359
      Honolulu, Hawai‘i 96804-2359

REGULAR BRYAN C. YEE, Esq.
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      425 Queen Street
      Honolulu, Hawai‘i 96813
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REGULAR William V. Brilhante, Jr., Esq.
MAIL: Office of the Corporation Counsel
      County of Hawaii
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      Attorney for the Planning Director, County of Hawaii

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

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

[Signature]
DANIEL ORODENKER
Executive Officer