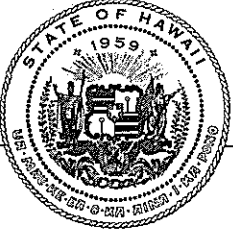


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STATE OF HAWAII
DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street
Honolulu, Hawaii 96813 Telephone: 548-4611

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GORDAN Y. FURUTANI
Executive Officer

December 3, 1982

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on December 2, 1982, the Land Use Commission voted to disapprove a Special Permit time extension request by Hawaiian Anthuriums, Limited (SP73-145) to allow a time extension for the construction of reservoirs and operation of a quarry on approximately 100 acres of land situated within the State Land Use Agricultural District at Keaau, Puna, Island and County of Hawaii, Tax Map Keys: 1-1-100: 10, 11, 37, 40, and Portion of 8.

The Land Use Commission's Decision and Order will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:yk

cc: Mr. Clyde Matsunaga
70 Keaa Street
Hilo, Hawaii 96720

Mr. Harold Tanouye, President
Hawaiian Anthuriums, Ltd.
P. O. Box 188
Mt. View, Hawaii 96771

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

March 30, 1973
10:00 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: SP73-145 - HAWAIIAN ANTHURIUMS, LTD.

A special permit to allow the establishment of a quarry operation and water storage reservoirs for anthuriums and other agricultural uses within the State Land Use Agricultural District at Mt. View, Puna, Hawaii, has been requested by Hawaiian Anthuriums, Ltd. The subject property is situated approximately 2 miles makai of the Volcano Road and midway between the Eden Roc Estates and Crescent Acres subdivisions. The area includes approximately 100 acres of land and is described as Tax Map Key 1-1-100: parcels 40, 37, 11, 10 and portion of 8.

The applicant proposes to excavate and process the quarry material for use on construction projects. Open pit excavation is proposed and approximately 10 million cubic yards of material is estimated to be mined. The duration of the operation is projected to last ten (10) years. Upon termination of the quarry operation, the excavated sites will be converted into water reservoirs for agricultural uses.

The applicant owns the property upon which the quarry site is being proposed as well as the lands adjacent to the quarry site. The subject area is presently overgrown with vegetation and unused. Situated north of the subject property is Hawaiian Anthuriums, Ltd.'s 12 acre anthurium farm operation, the Eden Roc subdivision including approximately 1,000 one-acre lots and 1 dwelling is located to the west and Crescent Acres subdivision consisting of approximately 2,000 two-acre lots and 8 dwellings is situated to the east. The general area surrounding the subject property is substantially vacant or in cane cultivation.

The Land Study Bureau soil classification indicates that the land consists of almost base pahoehoe with no soil material; contains slopes from 0-35 percent; is located in an area where the rainfall exceeds 100 inches annually and is very poorly suited for overall crop use.

County zoning for the area is A-3a and the property has been designated for orchard development on the General Plan land use

EXHIBIT #2

pattern guide map. This designation refers to those lands which are rocky in physical make-up but are capable of supporting macadamia nut, papaya, citrus and other similar agricultural products.

COUNTY RECOMMENDATION

At its meeting of February 23, 1973, the Hawaii County Planning Commission voted to recommend approval of the special permit based on the following findings:

- "1. That the operation of the quarry and related uses is of a temporary nature, and as such, would not be contrary to the long-term objectives of the land use law; and
- "2. That it is recognized that the proposed use will substantially alter the character as, upon termination of quarry operations, the area will be converted into water storage areas. However, this change in character will result in positive improvement to the land. The converted use of the land would provide a more dependable source of water, making the general area more conducive for agricultural development. In this manner, the land use law's intent to preserve and promote agricultural use would be furthered."

Approval is subject to the following conditions:

- "1. All State and County standards and appropriate safety measures shall be exercised by the applicant to assure optimum vehicular traffic safeguards during the entire period of operation;
- "2. That the applicant prepare a plan indicating the areas proposed to be excavated and later converted into water storage areas and submit said plan to the Planning Department for review prior to beginning operation;
- "3. That the applicant obtain authorization for construction from the Department of Health prior to construction of any facilities;
- "4. That the applicant obtain a permit to operate from the Department of Health prior to operation and for continued operation of the facilities;
- "5. That every precaution be taken by the applicant to avert any inconvenience such as traffic, noise, and dust problems to surrounding properties;

- "6. That the quarry operation be limited to the hours of 6:30 a.m. to 4:30 p.m. Mondays to Saturdays;
- "7. That the Planning Department shall make periodic inspections to see that no adverse effects are being created by the quarry operation such as dust, noise and indiscriminate excavation. If it is determined that adverse effects are created the Planning Commission shall have the authority to require the applicant to cease and desist the operation;
- "8. That the Planning Commission shall review the progress of the operation no later than five years from the date of approval and may declare the permit null and void if no reasonable progress is assured. The maximum period of quarrying operation shall be ten (10) years from the date of approval with the five (5) year mandatory review; and
- "9. That upon expiration of the quarrying permit, the applicant shall remove all temporary support facilities and equipment from the area."

No objections or comments were received from the Departments of Public Works, Water Supply, State Highways, Education, Police and Fire. The Department of Research and Development has endorsed this special use proposal.

On November 5, 1971, the Land Use Commission voted to deny a similar request by the same petitioner involving approximately 645 acres in the same location. The request was denied on the grounds that the petition was inadequate, tentative and too indefinite in nature to justify approval.

Many of the concerns of the Land Use Commission at that time have been considered and incorporated into the conditions recommended by the Hawaii County Planning Commission. It is further noted that the petitioner has reduced the area considerably, from 645 acres to 100 acres.

Upon evaluation of this request, staff finds that:

1. it would not unreasonably burden public agencies to provide necessary services and improvements;
2. the water reservoir system would enhance the agricultural development of the area;

3. adequate conditions have been recommended to be imposed by the County to take care of identified concerns related to the proposed use.
4. the surrounding areas will not be adversely affected in that much of the surrounding areas are unused, vacant and belong to the applicant.

Based on the above findings, staff recommends that this permit be approved subject to the conditions set forth by the Hawaii County Planning Commission.