



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

1111 357
GEORGE R. ARIYOSHI
Governor
EDDIE TANGEN
Chairman
STANLEY SAKAHASHI
Vice Chairman

May 23, 1977

HAWAII PLANNING COMMISSION
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on May 4, 1977, the Land Use Commission voted to approve a Special Permit request by Richard Smart dba Parker Ranch, Hawaii (SP77-260) to allow the continue operation of five (5) existing quarry sites situated within the State Land Use Agricultural District subject to the conditions imposed by the Hawaii Planning Commission.

The five sites include the following:

Site No. 1 - Tax Map Key 4-7-7: portion of 11, approx. ten (10) acres, Kapa'aula, Hamakua, Hawaii

Site No. 2 - Tax Map Key 5-6-1: portion of 51, approx. six (6) acres, Honipu, North Kohala, Hawaii

Site No. 3 - Tax Map Key 6-7-1: portion of 3, approx. sixty (60) acres, Waikoloa, South Kohala, Hawaii

Site No. 4 - Tax Map Key 6-7-1: portion of 25, approx. thirty (30) acres, Waikoloa, South Kohala, Hawaii

Site No. 5 - Tax Map Key 6-7-1: portion of 25, approx. five (5) acres, Waikoloa, South Kohala, Hawaii

A copy of the staff memorandum is enclosed for your information.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encls.

cc: Mr. James Whitman, Parker Ranch
Dept. of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation

Dept. of Planning & Economic Dev.
Office of Environmental Quality
Div. of Land Management, DLNR

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GORDAN FURUTANI
Executive Officer

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission May 4, 1977
9:30 a.m.

FROM: Staff

SUBJECT: SP77-260 - Richard Smart dba Parker Ranch

The petitioner, Richard Smart dba Parker Ranch, is requesting this Special Permit to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District.

The five (5) sites include the following:

Site No. 1 is located along the mauka or south side of the old Mamalahoa Highway, approximately 3½ miles on Honoka'a side of the old Mamalahoa Highway-Hawaii Belt Highway junction, Kapa'aula, Hamakua, Hawaii, Tax Map Key 4-7-7: portion of 11. This site is about ten (10) acres in size and presently operated by Al Lirou on a month-to-month quarry agreement basis. It was first quarried in 1963. Approximately 25,000 cubic yards (c.y.) of hard rock are removed annually. The operation includes dynamiting, crushing, loading and limited stockpiling.

The General Plan Land Use Pattern Allocation Guide Map designates this area as Extensive Agriculture (pasturage and range lands). The County zoning designation is Agricultural 40-acres (A-40a).

According to the U. S. Department of Agriculture Soil Conservation Services Soil Survey Report issued in December 1973, this area is classified as Rough Broken Land which is a miscellaneous land type that consists of very steep, precipitous land. The soil material ranges from very shallow to deep. Stone and rock outcrops are common in some areas. The annual rainfall ranges from 50 inches to more than 150 inches.

The surrounding lands are basically used for grazing. According to the County Planning Department's land use inventory, the nearest dwelling is situated over 1,500 feet west of the subject site.

Access to this site is via the Old Mamalahoa Highway which has a 50-foot right-of-way.

Site No. 2 is located on the mauka side of the Mahukona-Hawi Road, slightly over two (2) miles Kawaihae side of Hawi Village, Honipu, North Kohala, Hawaii, Tax Map Key 5-6-1: portion of 51. This site is about six (6) acres in size and presently operated by the County of Hawaii on a month-to-month quarry agreement. It was first quarried in 1970. Approximately 10,000 c.y. of cinder are removed annually. The operation includes scraping, loading and limited stockpiling.

The General Plan Land Use Pattern Allocation Guide Map designates the area as Intensive Agriculture. The County zoning designation is Agricultural 20-acres (A-20a).

The Soil Survey Report classifies this site as Kohala series which consists of well-drained silty clays that formed in material from basic igneous rock influenced by volcanic ash. This area receives from 40 to 60 inches of rainfall annually.

The surrounding lands are basically used for grazing. The closest single-family dwelling is located approximately 1,800 feet Kawaihae side of the subject area on Parker Ranch land.

Access to this site is from the 70-foot wide Mahukona-Hawi Road.

Site No. 3 is located along the west side of Saddle Road, approximately 4,000 feet from the Saddle Road-Mamalahoa Highway junction, Waikoloa, South Kohala, Hawaii, Tax Map Key 6-7-1: portion of 3. This site is about sixty (60) acres in size and presently operated by the Allied aggregates. It was first quarried in 1945. Approximately 10,000 c.y. of cinder are removed annually. The operation includes scraping, loading and limited stockpiling.

The General Plan Land Use Pattern Allocation Guide Map designates the area as Extensive Agriculture. The County zoning designation is Agricultural 40-acres (A-40a).

The land is of the Kolohana Soil Series which consists of somewhat excessively drained loamy fine sands that formed in volcanic ash, sand, and cinders at a depth of about 42 inches. The area receives from 20 to 40 inches of rainfall annually.

The surrounding lands are used for grazing. There are no dwellings in close proximity to the site.

Access to the site is from the Saddle Road.

Site No 4. is located approximately 3.3 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, Hawaii, Tax Map Key 6-7-1: portion of 25. This site is about thirty (30) acres in size and presently operated by Shield Pacific, Ltd. It was first quarried in 1945. Approximately 50,000 c.y. of hard rock are removed annually. The operation includes dynamiting, crushing, loading, and limited stockpiling.

The General Plan Land Use Pattern Allocation Guide Map designates the area as Extensive Agriculture. The County zoning designation is Agriculture 40-acres (A-40a).

The land is of the Puu Pa Soil Series which consists of well-drained stony, very fine sand, loams that formed in volcanic ash. The surface layer and the layer below are extremely stony, very fine, sandy loam about 6 inches and 34 inches thick respectively. The area receives from 20 to 35 inches of rainfall annually.

The surrounding lands are used for grazing. There are no dwellings in close proximity.

Site No. 5 is located approximately 2.2 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, Hawaii, Tax Map Key 6-7-1: portion of 25. This site is about five (5) acres in size and presently operated by Pacific Concrete and Rock Co., Ltd. It was first quarried in 1945. Approximately 20,000 c.y. of cinder are removed annually. The operation includes scraping, loading and limited stockpiling.

The General Plan Land Use designation, County zoning and soil characteristics are the same as for Site No. 4.

In support of the request, the petitioner has stated the following:

"Request is hereby made to continue operation of various existing quarries on the Parker Ranch. Each of these quarries has been operated for years and existed prior to the establishment of district boundaries and regulations. These sites are far removed from populated areas and can in no way adversely affect surrounding properties nor burden public agencies. The grazing activity which predominates the areas in question has never been hindered by these quarry operations. These quarries are also a major source of construction material for the Kohala District and directly benefit both the State and County Highway Departments."

Pertinent comments from governmental agencies:

1. Department of Public Works

Site No. 1 - "The spoil or waste from this quarry is stockpiled on the side of the roadway (Mamalahoa Highway). This fill is estimated to be about 8 feet to 10 feet high, consisting of moderately rocky soil. The slope of this fill is about 1½:1, and the toe of the slope is very close to the paved roadway, possibly encroaching into the roadway right-of-way. We feel that this stockpile should be modified to conform with the provisions of the Hawaii County Ordinance No. 168, as it may become hazardous."

For the Commission's information, Ordinance 168 is the Grading Ordinance.

Site No. 2 - "The subject quarry should present a negligible water pollution hazard as it is contained within a hollow. It is almost entirely hidden from the Kohala-Kawaihae Belt Highway because of this. Mrs. Kawamoto, a neighbor of this quarry site, noted slight dust problems when the wind is blowing toward her home, but stated that dust was not visible in the air, and the inconvenience was slight. We could recommend that quarrying operations be confined to the side of the cinder cone away from this home, but we understood that this has already been dictated by the Smarts. Therefore, we have no objections to this site."

Site No. 3 - "There seems to be no real problems on this site. There is a defined drainageway makai of the operation, which passes under Saddle Road and goes to sheet flow in the pasture there. No build up of silt was noted. The access to the quarry site is unpaved and dusting problems may occur during hauling operations. There are no homes for miles here, so this dusting problem cannot be considered serious or hazardous."

Sites Nos. 4 and 5 - "The Department of Public Works had the following comments regarding these latter two (2) sites:

"This site has both a blue rock quarry and a cinder quarry. It is located several miles from the Waimea-Kona Roadway, well away from any homes. There are no drainage problems or erosion problems seen on the sites. There is a dust problem at the rock quarry, caused by arid conditions on site. The biggest dust producer is the access road, which is loose crushed rock. This dust problem is minimized to the general public due to the remote location of the quarry. Problems noted: This is an arid region and water is not readily available."

All other cooperating agencies, including the Hawaii County Police Department, Hawaii County Department of Water Supply, Hawaii County Fire Department, State Department of Agriculture, Hawaii Electric Light Company, U. S. Soil Conservation Service and State Department of Transportation had no comments on or objections to the subject request.

According to the petition, with the exception of the Allied Aggregates quarrying operation, all of the quarrying agreements with the operators are informal agreements. The quarries will be in operation for the indefinite future under agreements between Parker Ranch and the quarrying operators.

At the public hearing held by the Hawaii County Planning Commission on February 14, 1977, four (4) persons testified on

behalf of the applicant.

On March 14, 1977, the Hawaii County Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission as it was found:

- "1. That the petitioner is requesting the Special Permit to allow the continued operation of five (5) existing quarry sites. With the exception of Site No. 2, the quarry sites have been in operation prior to adoption of the State Land Use District Regulations; thus, are considered nonconforming. However, Part IV of the State Land Use Rules and Regulations allows an existing nonconforming use to continue provided said use is not expanded or increased in intensity. The nonconforming quarrying activities at existing sites may continue provided the activity is confined to the actual existing area of excavation. However, once the activity is expanded horizontally beyond the existing boundaries of excavation, it becomes an expansion of a nonconforming use; and thus, a Special Permit would be required. Since the petitioner intends to horizontally expand the boundaries of some of the existing sites, a Special Permit is required. The petitioner's intent also is to legally delineate the boundaries of the quarry sites in order that the sites would become conforming ones.

In light of the above, it is determined that the quarrying of this particular request will not substantially alter or change the essential character of the areas under consideration as the lands have been quarried for many years and is still being done so to date.

- "2. That the intent of quarrying operations is to extract materials which can be used in all types of construction. The result of the quarrying operations would benefit the general public by providing materials needed for the construction activities, such as roads or otherwise. Quarrying activities constitute an unusual use as they must be conducted in areas which have the appropriate geological raw materials for their intended uses or for products which eventually will be produced. The areas under consideration and the types of materials extracted in the past have proven to be suitable for quarrying activities. As such, it is determined that although the lands under consideration can still be used for agricultural purposes as evidenced by the surrounding cattle grazing activity, it is determined that the use at the requested locations will make the highest and best use of the lands involved for the public welfare.
- "3. That the quarry sites are located in areas which do not cause significant disruption to nor have significantly

adverse impacts on surrounding land uses. As stated earlier, there will be no change in the present use of the properties. Therefore, the impact on the surrounding properties and their improvements would be negligible, and would not change the existing character of the areas. Surrounding lands are basically used for the grazing of cattles or are vacant of any uses. The closest single-family dwelling situated to any one quarry sites is over 1,500 feet away. Furthermore, the great distance of the quarry sites from urbanized areas coupled with existing regulations will assure that the quarrying activities will have no significantly adverse effect on surrounding properties. Further, no significant adverse impact on roads and vehicular traffic and the like are expected, particularly since mitigating measures will be imposed and spelled out as conditions of approval of the Special Permit request."

Based upon the above findings, it was determined that the Special Permit request is reasonable and will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations and the adopted land use policies of the County of Hawaii as embodied in the County's General Plan document and zoning code.

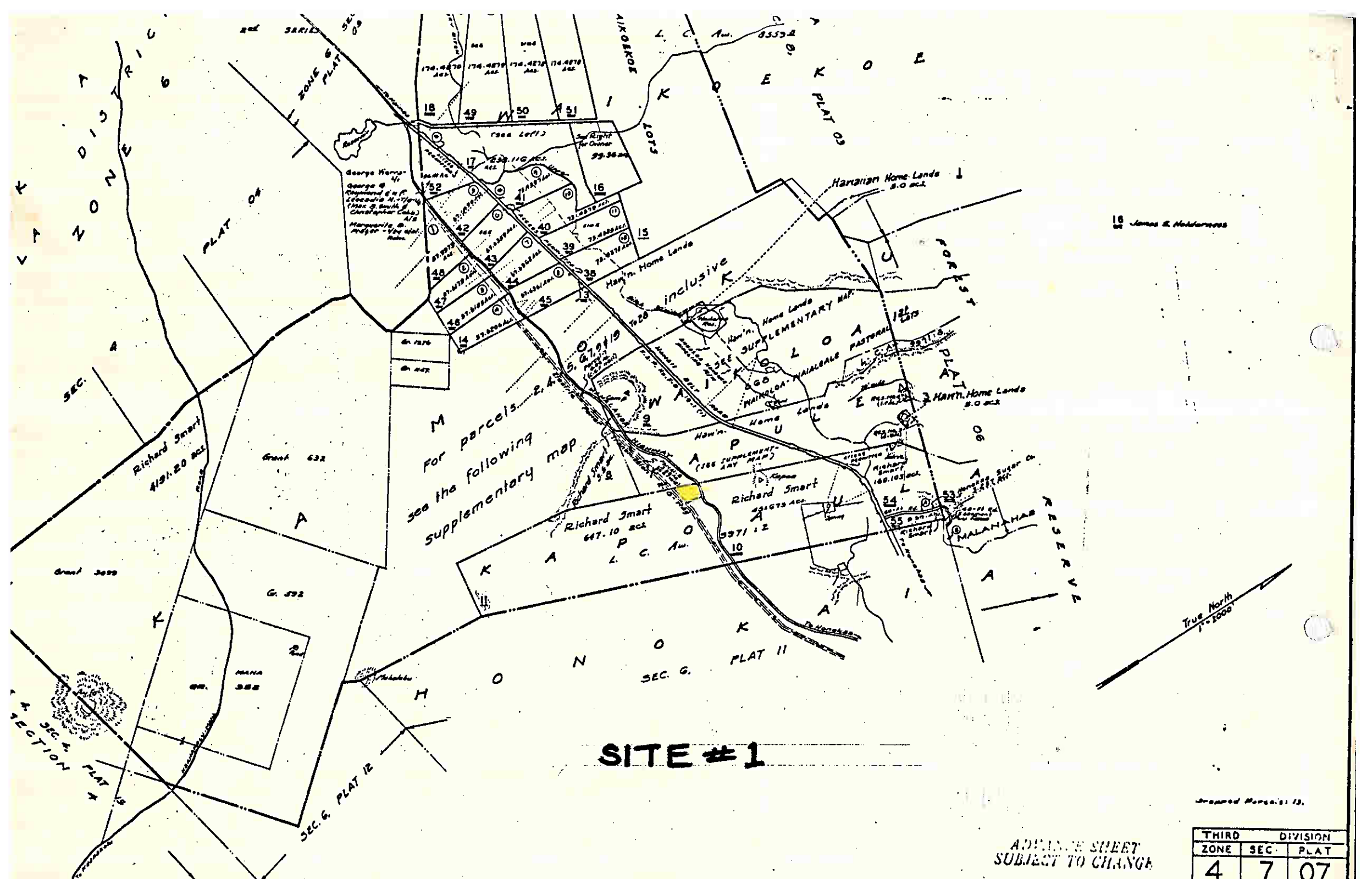
Recommendation for approval was subject to the following conditions:

- "1. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the five (5) quarry sites within six (6) months of the effective date of the Special Permit.
- "2. That the following requirements shall be applied to the specified sites:
 - a. Site No. 1 (TMK: 4-7-07: Portion of 11 - identified as Exhibit BB on file with the County of Hawaii Planning Department).
 - 1) Maximum of ten (10) acres.
 - 2) Operation limited to dynamiting, portable crusher, loading and stockpiling.
 - 3) Stockpiled material shall be outside of the government right-of-way (Mamalahoa Highway).
 - 4) Any debris left on Mamalahoa Highway as a result of the quarry operation shall be cleared by the quarry operator.

- b. Site No. 2 (TMK: 5-6-01: Portion of 51 - Exhibit CC)
 - 1) Maximum of six (6) acres.
 - 2) Operation limited to scraping, loading and limited stockpiling.
 - 3) Operation be confined to the side of the existing cinder cone away from the Kawamoto dwelling.
- c. Site No. 3 (TMK: 6-7-01: Portion of 3 - Exhibit DD)
 - 1) Maximum of sixty (60) acres.
 - 2) Operation limited to scraping, loading, limited stockpiling and installation of scales.
 - 3) Any debris left on Saddle Road as a result of the quarrying operation shall be cleared by the quarry operator.
- d. Site No. 4 (TMK: 6-7-01: Portion of 25 - Exhibit DD)
 - 1) Maximum of thirty (30) acres.
 - 2) Operation limited to dynamiting, portable crusher, loading and limited stockpiling.
- e. Site No. 5 (TMK 6-7-01: Portion of 25 - Exhibit DD)
 - 1) Maximum of five (5) acres.
 - 2) Operation limited to scraping, loading and limited stockpiling.
- "3. That the rules and regulations of the State Department of Health shall be complied with.
- "4. That the operations, including the loading and hauling, be limited to between the hours of 7:00 a.m. and 5:00 p.m. on Mondays through Saturdays only.
- "5. That the quarrying operations and its allied uses be terminated ten (10) years after the effective date of the Special Permit or their prior abandonment, whichever occurs first.
- "6. That upon termination of the operations, the lands shall be graded to blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition, subject to the approval of the County of Hawaii Planning Director.

"7. That all other applicable rules and regulations be complied with.

The Hawaii County Planning Commission further stated that "should any of the foregoing conditions not be met, the Special Permit may be deemed null and void."



18 James E. Holderness

For parcels... see the following supplementary map

SITE #1

True North
1" = 1000'

Drawn March 21, 19...

ADVANCE SHEET
SUBJECT TO CHANGE

THIRD DIVISION		
ZONE	SEC.	PLAT
4	7	07

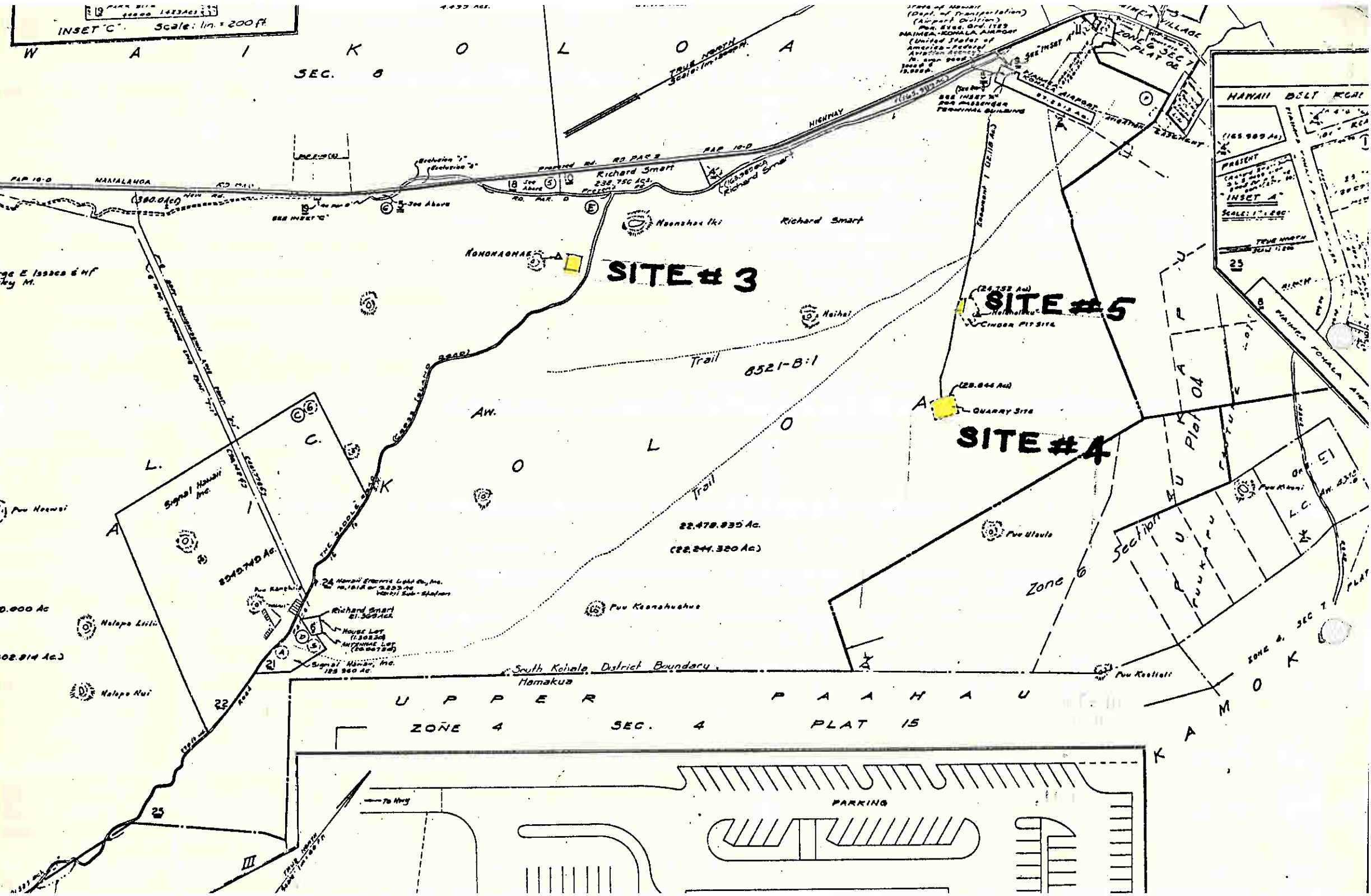
INSET 'C' Scale: 1 in. = 200 ft

4,437 AC.

SEC. 8

STATE OF HAWAII
(Dept. of Transportation)
(Airport Division)
P.O. BOX 604, 1123
NALAHOA-KONA AIRPORT
(United States of
America - Federal)
AVIATION SECTION
16, 18th FLOOR
1008 B
1008 B

HAWAII BELT ROAD
(155,989 AC.)
PRESENT
CROSSING
3,200 AC. (100' x 3200')
INSET 'A'
SCALE: 1" = 200'
TRUE NORTH
Scale 1:200



SITE #3

SITE #5

SITE #4

UPPER PAHAU
ZONE 4 SEC. 4 PLAT 15

PARKING

March 16, 1977

Mr. Gordan Furutani
Executive Officer
Land Use Commission
190 S. King St., Suite 1795
Honolulu, HI 96813

Re: Special Permit Application
Applicant: Richard Smart dba Parker Ranch

In accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, we are transmitting the decision and findings of the County Planning Commission on the above application.

The special permit request was to allow the continued operation of five (5) existing quarry sites on Parker Ranch lands situated within the State Land Use Agricultural District. SITE NO. 1 is located along the mauka or south side of the old Mamalahoa Highway, approximately 3 1/2 miles Honoka'a side of the old Mamalahoa Highway-Hawaii Belt Highway junction, Kapa'aula, Hamakua, Hawaii, Tax Map Key 4-7-07:portion of 11. This site is about ten (10) acres in size and presently operated by Al Lirou. SITE NO. 2 is located on the mauka side of the Mahukona-Hawi Road, slightly over two (2) miles Kawaihae side of Hawi Village, Honipu, North Kohala, Hawaii, Tax Map Key 5-6-01:portion of 51. This site is about six (6) acres in size and presently operated by the County of Hawaii. SITE NO. 3 is located along the west side of Saddle Road, approximately 4,000 feet from the Saddle Road-Mamalahoa Highway junction, Waikoloa, South Kohala, Hawaii, Tax Map Key 6-7-01:portion of 3. This site is about sixty (60) acres in size and presently operated by the Allied Aggregates. SITE NO. 4 is located approximately 3.3 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, Hawaii, Tax Map Key 6-7-01:portion of 25. This site is about thirty (30) acres in size and presently operated by Shield Pacific, Ltd. SITE NO. 5 is located approximately 2.2 miles southeast or mauka of the Waimea-Kohala Airport, Waikoloa, South Kohala, Hawaii, Tax Map Key 6-7-01:portion of 25. This site is about five (5) acres in size and presently operated by Pacific Concrete and Rock Co., Ltd.

Mr. Gordan Furutani
Page 2
March 16, 1977

The Planning Commission at a duly advertised public hearing held on February 14, 1977 in the Cafetorium of the Waimea Elementary and Intermediate School, Waimea, South Kohala, Hawaii, discussed the subject request. The Commission on March 14, 1977, voted to recommend the approval of the special permit to the Land Use Commission as it was found:

1. That the petitioner is requesting the Special Permit to allow the continued operation of five (5) existing quarry sites. With the exception of Site No. 2, the quarry sites have been in operation prior to adoption of the State Land Use District Regulations; thus, are considered nonconforming. However, Part IV of the State Land Use Rules and Regulations allows an existing nonconforming use to continue provided said use is not expanded or increased in intensity. The nonconforming quarrying activities at existing sites may continue provided the activity is confined to the actual existing area of excavation. However, once the activity is expanded horizontally beyond the existing boundaries of excavation, it becomes an expansion of a nonconforming use; and thus, a Special Permit would be required. Since the petitioner intends to horizontally expand the boundaries of some of the existing sites, a Special Permit is required. The petitioner's intent also is to legally delineate the boundaries of the quarry sites in order that the sites would become conforming ones.

In light of the above, it is determined that the quarrying of this particular request will not substantially alter or change the essential character of the areas under consideration as the lands have been quarried for many years and is still being done so to date.

2. That the intent of quarrying operations is to extract materials which can be used in all types of construction. The result of the quarrying operations would benefit the general public by providing materials needed for the construction activities, such as roads or otherwise. Quarrying activities constitute an unusual use as they must be conducted in areas which have the appropriate geological raw materials for their intended uses or for products which eventually will be produced. The areas under consideration and the types of materials extracted in the past have proven to be suitable for quarrying activities. As such, it is determined that although the lands under consideration can still be used for agricultural purposes as

Mr. Gordan Furutani
Page 3
March 16, 1977

evidenced by the surrounding cattle grazing activity, it is determined that the use at the requested locations will make the highest and best use of the lands involved for the public welfare.

3. That the quarry sites are located in areas which do not cause significant disruption to nor have significantly adverse impacts on surrounding land uses. As stated earlier, there will be no change in the present use of the properties. Therefore, the impact on the surrounding properties and their improvements would be negligible, and would not change the existing character of the areas. Surrounding lands are basically used for the grazing of cattles or are vacant of any uses. The closest single-family dwelling situated to any one quarry site is over 1,500 feet away. Furthermore, the great distance of the quarry sites from urbanized areas coupled with existing regulations will assure that the quarrying activities will have no significantly adverse effect on surrounding properties. Further, no significant adverse impact on roads and vehicular traffic and the like are expected, particularly since mitigating measures will be imposed and spelled out as conditions of approval of the Special Permit request.

Based on the above reasons, it is determined that the Special Permit request is reasonable and will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations and the adopted land use policies of the County of Hawaii as embodied in the County's General Plan document and Zoning Code. The granting of the request also will not be detrimental to the health, safety, and general welfare of the public.

The favorable recommendation was also subject to the following conditions:

1. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the five (5) quarry sites within six (6) months of the effective date of the Special Permit.
2. That the following requirements shall be applied to the specified sites:
 - a. Site No. 1 (TMK: 4-7-07:Portion of 11 - Identified as Exhibit BB on file with the County of Hawaii Planning Department)

Mr. Gordan Furutani
Page 4
March 16, 1977

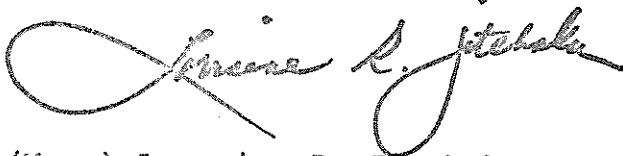
- 1) Maximum of ten (10) acres.
 - 2) Operation limited to dynamiting, portable crusher, loading and stockpiling.
 - 3) Stockpiled material shall be outside of the government right-of-way (Mamalahoa Highway).
 - 4) Any debris left on Mamalahoa Highway as a result of the quarry operation shall be cleared by the quarry operator.
- b. Site No. 2 (TMK: 5-6-01:Portion of 51 - Exhibit CC)
- 1) Maximum of six (6) acres.
 - 2) Operation limited to scraping, loading and limited stockpiling.
 - 3) Operation be confined to the side of the existing cinder cone away from the Kawamoto dwelling.
- c. Site No. 3 (TMK: 6-7-01:Portion of 3 - Exhibit DD)
- 1) Maximum of sixty (60) acres.
 - 2) Operation limited to scraping, loading, limited stockpiling and installation of scales.
 - 3) Any debris left on Saddle Road as a result of the quarrying operation shall be cleared by the quarry operator.
- d. Site No. 4 (TMK: 6-7-01:Portion of 25 - Exhibit DD)
- 1) Maximum of thirty (30) acres.
 - 2) Operation limited to dynamiting, portable crusher, loading and limited stockpiling.
- e. Site No. 5 (TMK: 6-7-01:Portion of 25 - Exhibit DD)
- 1) Maximum of five (5) acres.
 - 2) Operation limited to scraping, loading and limited stockpiling.

Mr. Gordan Furutani
Page 5
March 16, 1977

3. That the rules and regulations of the State Department of Health shall be complied with.
4. That the operations, including the loading and hauling, be limited to between the hours of 7:00 a.m. and 5:00 p.m. on Mondays through Saturdays only.
5. That the quarrying operations and its allied uses be terminated ten (10) years after the effective date of the Special Permit or their prior abandonment, whichever occurs first.
6. That upon termination of the operations, the lands shall be graded to blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition, subject to the approval of the County of Hawaii Planning Director.
7. That all other applicable rules and regulations be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

Enclosed are copies of the Exhibits from the subject docket.



(Mrs.) Lorraine R. Jitchaku
Chairman, Planning Commission

lat

Enclosures

cc Robert W. Carlsmith
James Whitman
Land Use Division, DPED



Planning Commission

Bernard K. Akana
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

January 31, 1990

Robert W. Carlsmith, Esq.
P.O. Box 1720
Kailua-Kona, HI 96745-1720

Dear Mr. Carlsmith:

Amendment to Special Permit No. 357 (77-260)
Applicant: Richard Smart Trust dba Parker Ranch
TMK: 4-7-07:Portion of 11, Kapa'aula, Hamakua (Site No. 1)
5-6-01:Portion of 51, Puakea, North Kohala (Site No. 2)
6-7-01:Portion of 3, Waikoloa, South Kohala (Site No. 3)
6-7-01:Portion of 25, Waikoloa, South Kohala (Site No. 4)
6-7-01:Portion of 25, Waikoloa, South Kohala (Site No. 5)

The Planning Commission at its duly held public hearing on January 18, 1990, voted to partially approve your request to amend Special Permit No. 357 (77-260) which allowed for the continued operation of five existing quarry sites situated within the State Land Use Agricultural District in the Hamakua, North Kohala, and South Kohala Districts of Hawaii. The request for indefinite time and the conditional deletion of Site No. 4 was denied, and the request to expand Site No. 2 and delete Site No. 3 was approved.

The decision of the Planning Commission is based on the following:

1. The request for an indefinite life to the Special Permit instead of the 10-year time period is contrary to the original reasons for granting the permit in 1977. It is recognized that quarrying is an activity generated from a non-renewable resource, which will terminate upon the resource being exhausted or due to the lack of demand. Such an activity should be re-evaluated against the conditions and trends at that

Robert W. Carlsmith, Esq.
January 31, 1990
Page 2

point in time. Decreased demand of the resource material or urban expansion in the vicinity of any of the sites could warrant its termination. In this regard, another 10-year time period from the date of amendment approval is being recommended. In addition, the monitoring of such activity may be accomplished through the submittal of an annual monitoring report detailing the approximate amount of material quarried, listing of public complaints or problems, disposition of complaints and so on. A new condition is being recommended to allow for annual reporting and possible follow-up mitigation.

2. The expansion of Site No. 2 to a 14.9-acre site will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The area is rated Very Poor or "E" by the Land Study Bureau for agricultural productivity and would be an extension of the existing approved quarry site. Commercial excavation or removal of natural building material or minerals is a permitted use within the County's Agricultural zone district. It is determined that approval of the subject request to allow the expansion of a quarry operation would be compatible with the existing land use designations and would not be circumventing the County's planning effort for this particular area, nor would it be detrimental to the agricultural resources of the county or state. The State Department of Agriculture raised no objections to the request.

The proposed expansion will not adversely affect the surrounding properties. The expansion will be occurring in an easterly (mauka) direction away from the Puakea Ranch Subdivision and also away from the Kawamoto residence referred to in Condition No. 2.b.3 of the subject permit.

The proposed expansion will not unreasonably burden public agencies to provide additional facilities and services. The Department of Transportation-Highways Division has commented that access would be allowed from "permitted access openings" on the Akoni Pule Highway. Other cooperating agencies had no objections to the request.

Robert W. Carlsmith, Esq.
January 31, 1990
Page 3

Based on the foregoing, it is determined that the proposed expansion of Site No. 2 is an unusual and reasonable use of the land within the State Land Use Agricultural District and that approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

3. While the deletion of Site No. 3 should not affect the original permit, Condition No. 6 of Special Permit No. 357 (77-260) must still be complied with. Please be advised that with the deletion of Site No. 3 from the permit, the Planning Commission required that appropriate documentation that Condition No. 6 has been complied with shall be submitted to the Planning Director for approval within ninety days from approval of the amendment request (January 18, 1990).

4. The deletion of Site No. 4 from the Special Permit upon approval of another Special Permit application for expansion of a 30-acre site to a 90-acre area by the Land Use Commission would not be consistent with the State Land Use Law Rules and Regulations. The applicant wishes to keep his options under Special Permit No. 357 (77-260) should the new Special Permit request be denied. Site No. 4 is 30 acres in size and, therefore, could not be retained under the original permit, which is being reviewed by only the Planning Commission. It is recommended that Site No. 4 be deleted in its entirety from this permit as it is the subject of a different Special Permit application which undergoes a separate decision-making process. If the Special Permit expansion request is denied, Site No. 4 would not be permitted to operate.

Special Permit No. 357 (77-260) is amended as follows:
[Bracketed material [] to be deleted; underscored material to be added.]

1. That the petitioner or his authorized representative(s) shall file with the County Planning Department a map and metes and bounds description of the five (5) quarry sites within six (6) months of the effective date of the Special Permit. Further, that a metes and bounds description of the expanded Site No. 2 shall be filed with the Planning Department within six months from the date of approval of this amendment.
2. That the following requirements shall be applied to the specified sites:

- a. Site No. 1 (TMK: 4-7-07: Portion of 11 - identified as Exhibit BB on file with the County of Hawaii Planning Department).
 - 1) Maximum of ten (10) acres.
 - 2) Operation limited to dynamiting, portable crusher, loading and stockpiling.
 - 3) Stockpiled material shall be outside of the government right-of-way (Mamalahoa Highway).
 - 4) Any debris left on Mamalahoa Highway as a result of the quarry operation shall be cleared by the quarry operator.

- b. Site No. 2 (TMK: 5-6-01: Portion of 52-Exhibit CC)
 - 1) Maximum of [six (6)] 14.9 acres.
 - 2) Operation limited to scraping, loading and limited stockpiling.
 - 3) Operation shall be confined to the side of the existing cinder cone away from the Kawamoto dwelling.
 - 4) A grading permit for the expansion area shall be secured within one year from the date of approval of the amendment request.

- [c. Site No. 3 (TMK: 6-7-01: Portion of 3-Exhibit DD)
 - 1) Maximum of sixty (60) acres.
 - 2) Operation limited to scraping, loading, limited stockpiling and installation of scales.
 - 3) Any debris left on Saddle Road as a result of the quarrying operation shall be cleared by the quarry operator.

- d. Site No. 4 (TMK: 6-7-01: Portion of 25-Exhibit DD)
 - 1) Maximum of thirty (30) acres.
 - 2) Operation shall be limited to dynamiting, portable crusher, loading and limited stockpiling.
- e.) c. Site No. 5 (TMK: 6-7-01: Portion of 25-Exhibit DD)
 - 1) Maximum of five (5) acres.
 - 2) Operation limited to scraping, loading and limited stockpiling.
3. That the rules and regulations of the State Department of Health shall be complied with.
4. That the operations, including the loading and hauling, be limited to between the hours of 7:00 a.m. and 5:00 p.m. on Mondays through Saturdays only.
5. That the quarrying operations and its allied uses be terminated within ten (10) years from [after] the [effective] date of approval of the Special Permit amendment or their prior abandonment, whichever occurs first.
6. That upon termination of the operations at each site, the lands shall be graded to blend with the surrounding areas and revegetated. Further, the sites shall be left in a nonhazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Planning Director for review and approval within ninety(90) days from the termination date [, subject to the approval of the County of Hawaii Planning Director].
7. That all other applicable laws, requirements, rules and regulations be complied with.
8. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the approval of the amendment request. The report shall

Robert W. Carlsmith, Esq.
January 31, 1990
Page 6

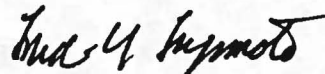
include, but not be limited to, the amount of material quarried, a detailed listing of public complaints or problems, and their disposition. Should a conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the introduced use will have an adverse impact on surrounding properties.

9. Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, [the Special Permit may be deemed null and void] the Director may initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Fred Y. Fujimoto
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission