

CERTIFIED MAIL

October 15, 1981

Mr. Hugh Willocks  
Willocks Construction Corporation  
P. O. Box 1921  
Hilo, HI 96720

Dear Mr. Willocks:

Special Permit Application (81-18)  
TMK: 1-6-3:Portion of 7

The Planning Commission at its duly held public hearing on October 9, 1981, voted to approve your application, Special Permit No. 498, to allow the construction and operation of an Emulsified Asphalt Bitumuls Storage and Dispensing Plant on approximately 27,500 square feet of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii.

Approval of this request is based on the following:

That the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The State Land Use Law and Regulations are intended 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 under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District includes lands surrounded by or contiguous to agricultural lands which are not suited to agricultural activities by reasons of topography, soils, and other related characteristics. Land capability and overall productivity ratings indicate that the subject area is considered to be poor agricultural land with severe limitations for cultivation. Although the general area is designated as "Other Important Agricultural Lands" under the Agricultural Lands of Importance classification system, the particular area under consideration for the requested activity is not well suited for agricultural use because of soil characteristics and its proximity to an existing quarry operation established since 1962. Consequently, it is determined that the establishment of an emulsified asphalt bitumuls storage and dispensing plant will not adversely affect the agricultural potential of this or surrounding areas.

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Furthermore, the granting of this Special Permit request will further the State and County policy of supporting and encouraging agricultural activities. The agricultural industry utilizes emulsified asphalt bitumuls to maintain roads. Secondary roads and plantation cane hauling roads are treated with bitumuls to give a better bearing surface and cut down dust.

That the proposed use will not adversely affect surrounding property. Although there are various agricultural activities scattered in the vicinity, the immediate surroundings are primarily overgrown and vacant. Furthermore, the site is located in a natural depression, thereby providing shielding for visual aesthetics as well as protection against spills or leaks in the tank. The volume of the depressed area is more than sufficient to contain any anticipated leak or spill.

In addition, emulsified asphalts are extremely safe since they are emulsified with water and not petroleum products. There is virtually no fire danger in the handling of emulsified products.

That the proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and school improvements, and police and fire protection. All necessary infrastructure are already available or will be provided by the petitioner.

That unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The General Plan designation for the subject area was originally Orchards which is consistent with the State Land Use Agricultural designation. In 1979, the County's General Plan was amended and the area was redesignated Industrial. This change was made to increase the supply of Industrial land for the region and took advantage of the area's proximity to Hilo's transportation facilities.

Based on the above, it is determined that the request to allow the construction and operation of an Emulsified Asphalt Bitumuls Storage and Dispensing Plant on approximately 27,500 square feet of land within the State Land Use Agricultural District should be approved.

Approval of this Special Permit request is subject to the following conditions:

1. That the petitioner, Willocks Construction Corporation, will be responsible for complying with all the stated conditions of approval.

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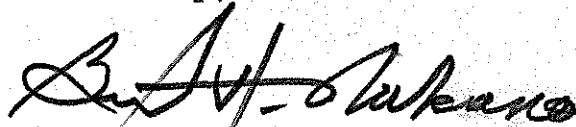
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- As of 10/16/82  
none*
2. That the existing access connection and roadway within the State Highway right-of-way shall be improved to minimum requirements. Construction plans shall be submitted to the State Department of Transportation, Highways Division, for their review and approval. The work within the right-of-way required by the State Department of Transportation, Highways Division, shall be completed prior to the establishment of the requested use on the subject property.
  3. That the use shall be established within one (1) year from the effective date of the Special Permit.
  4. That the petitioner shall submit a subdivision application and secure tentative subdivision approval to create two lots consisting of approximately 1.0 acre and the remainder of tax map key 1-6-03:7 by October 9, 1982. The petitioner shall be responsible for securing final subdivision approval within one (1) year from the date of receipt of tentative subdivision approval. This Special Permit will be automatically void or nullified if final subdivision approval has not been secured by the required deadline date.
  5. That all applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be nullified.

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

Sincerely,



BERT H. NAKANO  
Chairman, Planning Commission

lgv

cc: State Land Use Commission  
Department of Public Works  
State Transportation, Highways Division

bcc: Subdivision Section