

CERTIFIED MAIL

October 11, 1983

Mr. John H. Moore, Project Engineer  
GD Construction  
P. O. Box 2962  
Kailua-Kona, HI 96745

Dear Mr. Moore:

Special Permit Application (83-10)  
TMK: 7-8-02:1

The Planning Commission at its duly held public hearing on October 5, 1983, voted to approve your application, Special Permit Permit No. 537, to allow the temporary processing of cinder material and crushing operation on 14 acres of land situated within the State Land Use Agricultural District at Keauhou, North Kona, Hawaii.

Approval of this request is based on the following:

GENERAL PLAN AND LAND USE LAW COMPLIANCE

The proposed "Temporary Quarry and related processing facilities" use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of these statutory provisions 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 in Hawaii.

The subject property is situated within the County's Agriculture 20-acre (A-20a) and State Land Use "Agriculture" zoned districts. A major objective in the evaluation of "Special Permits" is that the affected County's General Plan and related planning documents are being complied with. On the Island of Hawaii, the goals, policies, and standards contained within the General Plan are evaluated in concert with the objectives of the State Land Use Law. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject area within the "Orchards" classification. The County's "Agriculture" zoned district allows "Commercial excavation or

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removal of natural building material or minerals" as a permitted use. As quarrying is a conditionally permitted use with the County's agriculture zoned district and the County General Plan has designated with area as an "Orchard" area, we have further concluded that in this particular instance, the proposed temporary quarry use would be compatible with the present land use designation. It would be compatible in the sense that the quarried area would be shaped and graded to accommodate Bishop Estate's plans for the proposed agricultural uses in this area.

Based on these use relationships, we have concluded that the approval of the "Temporary Quarry and related processing facilities" would not be circumventing the County's planning efforts for this particular area. As such, the use of the Special Permit procedure is deemed to be reasonable and will not be detrimental to the underlying district designation, nor will it be such a large scale intrusion that would make it unreasonable for placement within the State Land Use Agricultural District.

Based on the above considerations, we have concluded that the approval of the subject request will not be contrary to the purpose and intent of the Land Use Law and Regulations but rather would promote the effectiveness and objectives of that law.

#### LAND SUITABILITY

The agricultural district not only includes lands with a high capacity or potential for agricultural uses, but also includes lands which are surrounded by or contiguous to agricultural lands that are not suited to agricultural or ancillary activities by reasons of topography, soils, and other related characteristics. The subject property's soil type is of the Puna soil series. The Land Study Bureau's overall master productivity and selected use rating is "E" or "Very Poor." The Soil Conservation Service Soil Survey Report designates this soil to be within Capability Class VII. The Soil Conservation Service also previously approved the petitioner's grading activities in this area with conditions. The subject area is included in the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) Map as "Other Important Agricultural Lands."

Although it is possible that some form of agricultural activities may be conducted on the subject property, we have determined that the approval of the subject request would not be detrimental to the agricultural activities in the area, nor contrary to the objectives of the State Land Use Law and Regulations given the low agricultural productivity rating for the property. There is also no agricultural activity occurring

on the portion of the property for the proposed quarrying operation.

While it is possible to conduct selected agricultural uses on the property, its use as a temporary quarry will not seriously detract from agricultural activity since its soil is not generally suited for such uses. The regrading and replacement of the topsoil and the replanting of the area will serve to enhance the proposed future agricultural activities for this area. As such, there will be certain agricultural activities which will be undertaken on the subject property. However, the temporary quarrying activity is one which is serving a dual purpose in also preparing the land for some form of agricultural activity. As such, in this particular case, we have determined that the requested use will not be detrimental to the Island's agriculture resource base nor will it have an adverse impact on the overall agricultural activity of the district, region, island or State.

#### IMPACT AND INFRASTRUCTURE

The proposed temporary use will not adversely affect the surrounding properties. The nature, size, scale, location and temporary period of the quarrying operation is considered minor in terms of its physical, visual or social impact to any scenic vistas, viewplanes or surrounding dwellings in this area. The proposed quarry will be confined to 14 acres of a 437.28 acre parcel. Thus, the proposed quarry area is of sufficient size to enable the existing topography and natural vegetation to provide buffer and transition zones between the lower or makai areas. Therefore, the size and proposed area for the quarrying function and the impacts resulting therefrom are not anticipated to be adversely affecting the surrounding lands or properties not significantly affecting the character of the area. The petitioner will be regrading and replanting the area once the quarrying and processing operation is completed. The quarrying operation is expected to be completed within 3 months from the date of approval. The only structural element will be the screen-shaker-crusher machine.

The proposed use will not unreasonably burden public agencies to provide additional facilities and services. Mokuaukaia Road is a 50-foot right-of-way with approximately 10 feet of pavement up to the subject property, with a graveled road approximately 16 feet wide. Portions of Mokuaukaia Road have been improved with turn-off areas to accommodate two-way traffic. This access is determined to be reasonable and adequate for the type and amount of traffic utilizing this roadway. Further improvements shall be made by the petitioner as necessary. There is no public water system in the area and

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other essential services and utilities will not be necessary to be available for this temporary use at the subject site.

CHANGES IN CONDITIONS

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The Keauhou Resort Destination area has and will continue to grow dramatically in this part of the North Kona district. Census figures also show a commensurate growth in the North Kona District. In consonance with this urban growth, ancillary activities such as the proposed quarrying use is a necessary activity for development purposes. As such, we have also determined that the establishment of the Temporary Quarrying and related processing facilities will help to meet the needs of the rapidly growing development needs in this particular area of the North District.

Based on the foregoing findings, we have further concluded that the proposed "Temporary Quarry and related processing facilities" use is an unusual and reasonable use and would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Approval of this special permit request is subject to the following conditions:

- A. The petitioner, successors or its assigns, shall be responsible for complying with the stated conditions of approval.
- B. A grading permit shall be obtained from the Department of Public Works prior to commencement of the operation.
- C. A detailed and dimensioned site plan showing the boundaries of the quarrying operation shall be submitted to and approved by the Planning Director prior to commencement of the operation.
- D. All State and County standards and appropriate safety measures be exercised by the petitioner to assure optimum vehicular traffic safeguards during the entire period of the operation.
- E. Precautions shall be taken to avert any inconvenience such as traffic, noise and dust problems, to surrounding properties.

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- F. Should any archaeological site, features, or artifacts be uncovered in any of the grading or excavation areas, work shall immediately stop and the petitioner will be responsible in notifying the Planning Director. The Planning Director may then take any appropriate action to require that an intensive archaeological survey be conducted. Any further grading or quarrying will not commence until after the Planning Director's analysis and determinations area made as to the disposition of the survey's findings.
- G. The quarrying operation and its related facilities shall be terminated 3 months from the effective date of approval of the Special Permit.
- H. Upon expiration of the permit, all temporary support facilities and equipment shall be removed from the area. Also the land shall be regraded and replanted to blend with the surrounding areas in accordance with the conditions as set forth by the Soil Conservation Service.
- I. If it is determined that adverse effects such as noise, dust or indiscriminate excavation is taking place, the Planning Commission shall have the authority to terminate the quarrying operation.
- J. The quarrying operation be limited to only during regular working hours. Regular working hours are defined as Monday through Friday from 7:00 a.m. to 5:00 p.m. In addition, all transporting of material from the quarrying site shall not commence during school bus pick up hours in the morning and drop off hours in the afternoon.
- K. All other applicable State and County rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be complied with, the Special Permit shall be automatically void.

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

Sincerely,

*for*   
Clyde Imada  
Chairman, Planning Commission

cc: Department of Public Works  
Department of Water Supply  
Kona Services

bcc: Plan Approval Section