

CERTIFIED MAIL

August 12, 1985

Mr. Thomas Ohama
Allied Aggregates Corporation
150 Keaa Street
Hilo, HI 96720

Current TMK: 4-4-15:13

Dear Mr. Ohama:

Special Permit Application(85-22)
TMK: 4-4-15:Portion of 2

The Planning Commission at its duly held public hearing on August 8, 1985, voted to approve your application, Special Permit No. 600, to allow the establishment of a sand mining quarrying operation and related improvements on 14.6 acres of land situated within the State Land Use Agricultural District at Kaohu, Hamakua, Hawaii.

Approval of this request is based on the following:

The proposed use will not be contrary to the objectives sought to be accomplished by the 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 subject property is situated within the County's Agricultural 40-acre (A-40a) and the 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 Extensive Agriculture classification. Commercial excavation or removal of natural building material or minerals is a permitted use within the County's Agriculture zone. As such, it is determined that approval of the subject request to allow the

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establishment of a sand mining quarry operation would be compatible with the existing land use designation and would not be circumventing the County's planning efforts for this particular area.

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 Kilohana loamy fine sand. The Land Study Bureau's overall master productivity rating is "D" and "E" which is considered poor and very poor, respectively. The Soil Conservation Service Soil Survey Report indicates that this soil has a capability class rating of VIe which indicates severe limitations due to the risk of erosion and makes it generally unsuited to cultivation limiting their use largely to pasture or range, woodland or wildlife. 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 the subject property is utilized for grazing purposes, approval of the subject request would not be detrimental to the existing agricultural operation, nor contrary to the objectives of the State Land Use Law and Regulations given the low agricultural productivity rating for the property. It should be noted that the Department of Agriculture commented that "We are of the opinion that the proposed use will have minimal adverse impact on the agricultural resources of the area." It should be further noted that extensive conditions of approval attached to the Department of Land and Natural Resources' Land License No. S-298 and recommended to be attached by reference herein, will protect surrounding properties and assure that the potential impacts are minimized.

The proposed use will not adversely affect the surrounding properties. The nature and scale of the proposed sand mining activity is such that potential impacts can be controlled by conditions of approval. As stated previously, extensive conditions of approval included in the State's land license and recommended for incorporation by the Special Permit should adequately protect surrounding properties.

The proposed use will not unreasonably burden public agencies to provide additional facilities and services. All essential services and utilities are available or will be provided by the petitioner.

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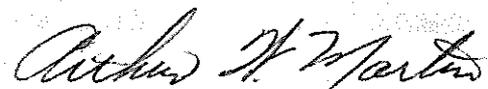
Based on the foregoing, it is further determined that the proposed sand mining quarry operation is an unusual and reasonable use of the land within the State Land Use Agricultural District and that approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

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

- a. The petitioner, successors, or its assigns shall comply with all of the stated conditions of approval.
- b. All of the conditions included in the Department of Land and Natural Resources' Land License No. S-298 are included by reference herein.
- c. The Special Permit shall expire concurrently with Land License No. S-298 as issued by the Department of Land and Natural Resources.
- d. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Special Permit shall be void.

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

Sincerely,



Arthur Martin, Chairman Pro Tem
Planning Commission

cc: Girl Scouts
DLNR, Land Management
State Land Use Commission
Department of Public Works
Department of Water Supply
County Real Property Tax Division

bcc: Plan Approval Section