

CERTIFIED MAIL

September 30, 1988

Mr. Abraham Ramos  
P. O. Box 142  
Paauilo, HI 96776

Dear Mr. Ramos:

Special Permit Application (88-19)  
Tax Map Key: 4-3-11:Portion of 9

The Planning Commission at its duly held public hearing on September 27, 1988, voted to approve your application, Special Permit No. 681, to allow the establishment of a quarry activity on 5 acres of land at Pohakea Homesteads, 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 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 subject property is situated within the County's Agricultural-5 acre (A-5a) zone district and the State Land Use Agricultural District. A major objective in the evaluation of Special Permit is that the County of Hawaii's General Plan and related planning documents are being carried out. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject area for Intensive Agricultural uses. 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 establishment of a quarry operation on five acres of land would be compatible with the existing land use designations and would not be circumventing the County's planning efforts for this particular area.

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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 for agricultural or ancillary activities by reasons of topography, soils, and other related characteristics. Although the Land Study Bureau's Overall Master Productivity rating for the subject property is "C" or fair and the ALISH system map classifies the area as "Other Important", the project site is an abandoned quarry, which has no agricultural uses established on the site. Surrounding pasturage and the dairy farm will be minimally affected by the one-man quarry operation. Therefore, it is determined that the subject request would not be detrimental to the agricultural resources of the county or state. It should be noted that the Department of Agriculture had no objections to the application.

The proposed quarry operation will not adversely affect the surrounding properties. The activity will be limited to excavating machinery operated by one person between the hours of 7 a.m. and 4 p.m. The nature and scale of the quarrying activity is such that potential impacts can be controlled by conditions of approval.

The proposed use will not unreasonably burden public agencies to provide additional facilities and services. While there was a concern raised by the Department of Public Works relating to the carrying capacity of two bridges located along Paauiilo-Pohakea Homestead Road, these bridges were buttressed when mauka eucalyptus farms were being harvested. Thus, the bridges are expected to support the truck used by the one-man quarrying operations. It is felt that the limited nature of the proposed use will not aggravate the present roadway conditions given the heavy use of the Road by an existing dairy farm and ranches gaining access from the Homestead Road. All essential services and utilities are available or will be provided by the petitioner. Further, all responding agencies raised no other objections to the applicant's request.

Based on the foregoing, it is determined that the proposed quarrying activity 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 request is subject to the following conditions:

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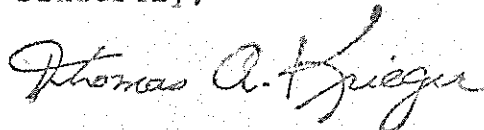
1. The petitioner shall comply with all of the stated conditions of approval.
2. A grading permit shall be obtained from the Department of Public Works within one year from the effective date of this permit.
3. All State and County standards and appropriate safety measures shall be exercised by the petitioner to assure optimum vehicular traffic safeguards during the entire period of operation.
4. Precautions shall be taken to avert any inconvenience such as traffic, noise and dust problems, to surrounding properties.
5. Should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls be encountered, work in the area affected shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigating measures have been taken.
6. The life of the permit shall be for a period of five years from the date of its approval and shall not be transferable unless approved by the Planning Commission.
7. Upon termination of the quarrying operations, all temporary support facilities and equipment shall be removed from the area. Further, the land shall be revegetated to blend with the surrounding areas.
8. The quarrying activity shall be limited to Mondays through Saturdays between the hours of 7:00 a.m. and 4:00 p.m.
9. Comply with all other applicable laws, rules, regulations and requirements, including those of the Department of Health.
10. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.

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11. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

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

Sincerely,



Thomas A. Krieger  
Chairman, Planning Commission

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
DLNR

bcc: Plan Approval Section