

# Planning Commission

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

Larry S. Tanimoto  
Mayor

CERTIFIED MAIL

August 29, 1990

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

Dear Mr. Carlsmith:

Special Permit Application  
Richard Smart Trust dba Parker Ranch  
TMK: 5-6-01:51 (portion)

The Planning Commission at its duly held public hearing on August 15, 1990, voted to approve the above application, Special Permit No. 746, to allow continuation of quarry Site No. 2 approved under Special Permit No. 77-260 and the expansion of the site to a total 14.9-acre area within the State Land Use Agricultural District approximately 280 feet mauka of the Mahukona-Hawi Road and approximately 700 feet to the east of the Puakea Bay Ranch entry road, Puakea, North Kohala, 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-20 acre (A-20a) zoned district and the State Land Use Agricultural District.

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

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ancillary activities by reasons of topography, soils and other related characteristics. The affected area is rated "E" or very poor for agricultural productivity by the Land Study Bureau's Overall Productivity rating system. Aside from grazing activities in the immediate area, no other agricultural resources would be affected. Surrounding pasturage will be minimally affected by the expansion of an existing quarry site. Therefore, it is determined that the subject request would not be detrimental to the agricultural resources of the county or state.

The continued operations and expansion of a quarry site will not adversely affect the surrounding properties. The closest single family dwelling is approximately 1,500 feet from the quarry site. While the quarry site was in operation a number of years, no complaints were received by the Planning Department. Dust and air-borne particulates have and will be mitigated through the application of existing quarry operating procedures and compliance with the regulations of the Department of Health. From a visual and public safety standpoint, a condition of this approval requires the applicant to restore the area to a state which would blend with surrounding topography of the area. Based upon submittal of appropriate documentation, such as landscaping plans and contours, the Planning Department would review and, if acceptable, approve the restoration.

The proposed use will not unreasonably burden public agencies to provide additional facilities and services. The Department of Water Supply had no objections to the request. Traffic generated by the proposed expansion would not substantially increase its present volume. The existing quarry site has not generated concerns for additional services. The area is not affected by drainageways or flood plains as designated on the Flood Insurance Rate Map (FIRM), which is administered by the Department of Public Works.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The rapid growth experienced, especially in West Hawaii, has created a demand for natural resources by the construction industry. To meet this demand, the applicant, on behalf of its operator, is seeking to expand the existing operations from six acres to 14.9 acres of land.

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The proposed use will alter the character of the land. However, it is felt that with the review and approval of restoration efforts by the Planning Department, visual and public safety concerns can be mitigated to the best extent practicable.

The subject request is not contrary to the General Plan LUPAG Map, which designates the property for Agricultural uses. It would also support the following goal and policy in the Natural Resources Element of the General Plan which says "Ensure that alterations to existing land forms and vegetation, except crops, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake" and "The County of Hawaii should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse effects on the environment."

Based on the foregoing, it is determined that the proposed quarrying activity within a 14.9-acre area 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:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. A map and metes and bounds description of the quarry site shall be filed with the Planning Department within one year from the effective date of this permit.
3. The quarrying activity, including the loading and hauling, shall be limited to between the hours of 6 a.m. and 6 p.m. on Mondays through Saturdays only.
4. The quarrying operations shall be terminated within ten years from the date of approval of the Special Permit or its prior abandonment, whichever occurs first.

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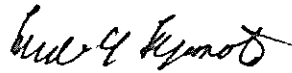
5. Upon termination of the operations or abandonment of any portion of the affected site, the land shall be graded to blend with the surrounding areas and revegetated. Further, the site shall be left in a nonhazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Planning Director for review and approval within ninety (90) days from the termination or abandonment date.
6. That all other applicable laws, requirements, rules and regulations, including those of the Department of Health, be complied with.
7. 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 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.
8. An extension of time for the performance of conditions within the permit, with the exception of Condition No. 8, may be granted by the Planning Director upon the following circumstances: a) the nonperformance 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 shall 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.

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

Sincerely,

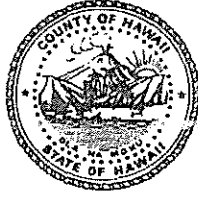


Fred Y. Fujimoto  
Chairman, Planning Commission

xc: Richard Smart Trust dba Parker Ranch  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Office - Kona  
State Land Use Commission  
DLNR

Bcc: Plan Approval Section

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

County of Hawaii  
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • FAX (808) 961-8742

November 2, 2006

Mr. Ken Melrose  
Pa'ahana Enterprises LLC  
P.O. Box 109  
Kealahou, HI 96750

Dear Mr. Melrose:

Special Permit No. 746  
Applicant: M. Luce Contracting, Inc.  
Request: Allow Quarry Operations on 14.9 Acres of Land  
Subject: Revocation of Permit  
Tax Map Key: 5-6-001: Portion of 001

This is to acknowledge receipt of your letter received on October 20, 2006 requesting the Planning Department to terminate the above referenced Special Permit application. As required by Condition 5 of Special Permit No. 746, appropriate documentation has been submitted to the Planning Department demonstrating that the land has been graded to blend with the surrounding areas and has been revegetated. Per your request, we are hereby revoking Special Permit No. 746.

If you have any questions, please feel free to contact Jeff Darrow at 961-8288.

Sincerely,

  
CHRISTOPHER J. YUEN  
Planning Director

JWD:smn

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cc w/copy of letter: Planning Commission  
Land Use Commission  
Kona Planning Department  
Ivan Torigoe, Deputy Corporation Council  
Planning Division