



Planning Commission

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

LORRAINE R. INOUE
Mayor

CERTIFIED MAIL

March 5, 1991

Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Special Permit Application
Applicant: Tommy Ishimaru
TMK: 9-5-8:Portion of 1

The Planning Commission at its duly held public hearing on February 21, 1991, voted to approve your application, Special Permit No. 768, to allow the establishment of a quarry site on 5 acres of land situated within the State Land Use Agricultural District. The affected site is situated approximately 1,000 feet west of the Naalehu Cemetery, Kahilipali-Ka'u, Hawaii.

Approval of this request is based on the following:

The granting of this request will not be contrary to the objectives of Chapter 205, Hawaii Revised Statutes, as amended. 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. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agriculture use. The subject property is situated within the County's Agricultural-20 acre (A-20a) zoned district and State Land Use Agricultural District. The affected area is rated "C" or "Fair" for agricultural productivity by the Land Study Bureau's Overall Productivity rating system. The project site is classified as "Prime" agricultural land by the State's Agricultural Lands of Importance to the State of Hawaii (ALISH) system map. Aside from the abandoned nature of the sugarcane activity within the project site, no other agricultural resources would be affected. Surrounding agricultural

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activities are not anticipated to be affected by the proposed quarry. The applicant proposes to replace the topsoil from the project site after completion of the quarry activities. The replacement of the existing topsoil is intended to maintain the agricultural potential of the project site. A condition of approval will require the applicant to submit a site restoration plan to the Planning Department and the Department of Public Works for review and approval. It should be mentioned that the Department of Agriculture had no objections to the request. It can, therefore, be determined that the subject request would not be detrimental to the agricultural resources of the county or state.

The subject request would support the following goal and policy in the Natural Resources Element of the General Plan which say "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." The proposed quarry activity is temporary in nature for a period not to extend beyond July 1, 1992. The applicant will be required to secure a grading permit and comply with the requirements of Chapter 10, Erosion and Sedimentation Control (Grading Ordinance) as a condition of approval. Restoration of the site will be accomplished to the satisfaction of the Planning Director, in consultation with the Department of Public Works.

The desired use will not adversely affect the surrounding properties. The proposed activity will be limited to the use of one bulldozer, a loader and screener. Two or three workers will be present during the operating hours of 7:00 a.m. to 5:00 p.m., Monday through Friday for a period not to extend beyond July 1, 1992. The nearest residential subdivision is located approximately 1,700 feet from the project site. Access to and from the project site will be via an existing cane haul road approximately 4,000 feet west of the commercial core of Naalehu. As a condition of approval, dust control attenuation measures, including watering the quarry access road and washing loaded trucks leaving the site, shall be instituted. As proposed by the applicant and to be incorporated as conditions of approval, best efforts of the applicant will be required in

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providing 24-hour notice of pending quarry activities to residents along the Belt Highway in the immediate vicinity of the proposed quarry access road. Best effort measures shall also be taken to stop quarry activities when wind speeds within the general area exceed 15 miles per hour. Given the limited nature of the proposed use, the limited use of Mamalahoa Highway as an access, and the inclusion of conditions to minimize airborne dust created by the proposed activity, it is not anticipated that this request will result in a significant increase in noise, odors or traffic. Any potential impacts can be mitigated by conditions of this approval.

The proposed use is not anticipated to unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police, and fire protection. Access to the project site, for the most part, is via a private dirt road. All other essential services and utilities are available or will be provided by the applicant.

The proposed use will not substantially alter or change the essential agricultural character of the land and the present use. As mentioned earlier, the applicant intends to replace the initially displaced topsoil once the excavation activity within the project site is complete.

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:

1. The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. A map and metes and bounds description of the quarry site shall be filed with the Planning Department prior to or in conjunction with an application for a grading permit. The entire project area shall be staked out prior to commencing any quarry activities.
3. A grading permit for the project site shall be secured from the Department of Public Works within one year from the date of approval of this permit.

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4. The applicant shall submit a Site Restoration Plan for review and approval by the Planning Department, in consultation with the Department of Public Works, prior to the issuance of a grading permit.
5. Access onto Mamalahoa Highway shall meet with the approval of the Department of Public Works prior to the issuance of a grading permit.
6. The quarrying activity shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on Mondays through Fridays.
7. Best efforts shall be used to provide 24-hour notice to residents along the Belt Highway in the vicinity of the access road before the start of quarrying activities.
8. Dust control attenuation measures, including watering the quarry access road and washing loaded trucks leaving the site, shall be instituted during the hours of active quarry operation. Best effort measures shall be taken to stop quarrying activities when wind speeds in the general area exceed 15 miles per hour.
9. 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 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.
10. 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 rehabilitated as approved in the Site Restoration Plan. The affected site shall be left in a nonhazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Planning Director and the Department of Public Works for review and approval within ninety (90) days from the termination or abandonment date.

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11. The life of this permit shall be for a period not to extend beyond July 1, 1992, or the date of completion of the proposed quarry activity or its abandonment, whichever comes first.
12. Comply with applicable laws, rules, regulations, and requirements including those of the Department of Public Works and the Department of Health.
13. An annual monitoring report shall be submitted to the Planning Department prior to the anniversary date of the approval of this permit. 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.
14. An extension of time for the performance of conditions within the permit, with the exception of Condition No. 11, 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 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: Department of Public Works
Department of Health
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
Ka'u Soil & Water Conservation District
State Land Use Commission
DLNR
Mr. Tommy Ishimaru