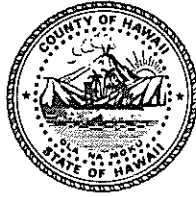


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL

June 7, 1993

Steven and Jill Jacunski
PO Box 4513
Hilo, HI 96720

Dear Mr. and Mrs. Jacunski:

Special Permit No. 841
Applicants: Steven and Jill Jacunski
Request: Establish Baseyard for Tree-Trimming Business
Tax Map Key: 2-4-31:12

The Planning Commission at its duly held public hearing on May 27, 1993, voted to approve Special Permit No. 841, to establish a baseyard for a tree trimming business on one acre of land situated in the State Land Use Agricultural District. The property is located north (Hamakua) side of Ainalako Road approximately 500 feet from its intersection with Ainaola Drive, Waiakea Homesteads, South Hilo, Hawaii.

Although the Planning Director's recommendation was for a denial, the Planning Commission approved your request so that you would be provided the opportunity for the orderly transition of your baseyard to an appropriate location and to recapture your capital investment by the end of the five year life of the permit.

Approval of this request is subject to the following conditions:

1. The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage,

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personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of the permit.

3. The Special Permit shall terminate within five years from its effective date. Any request for an extension of time shall be forwarded to the Planning Commission pursuant to Rule 6.8 of the Planning Commission's Rules of Practice and Procedure.
4. The tree-trimming baseyard shall be limited to it's existing structures.
5. Final Plan Approval shall be secured from the Planning Department. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, stockpiling area, landscaping, fire protection measures, paved parking and paved driveway (concrete or asphalt concrete) associated with the proposed use. Plans shall also indicate additional landscaping along the south property boundary, in consultation with the existing neighbor, to mitigate any visual or noise impacts generated from the baseyard operations.
6. The applicant shall inform the Planning Department in writing, upon compliance with all conditions of approval, in conjunction with the application for a certificate of occupancy.
7. The baseyard operations shall be limited to the hours of 6:00 a.m. to 6:00 p.m., Monday through Friday. Exceptions to those hours would be due to emergency work or occasional work on Saturdays.
8. All employee parking shall be maintained on the subject property.
9. The stockpiling of wood chips or fire wood shall be maintained in a specified location on the property.
10. Repair or maintenance of all vehicles and equipment shall be conducted on the subject property.

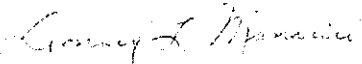
11. Fuel tanks located on the subject property shall meet with the requirements of the Fire Department. In addition, barriers shall be constructed around the tanks to minimize any accidental spills.
12. Any debris falling unto the roadway from trucks entering or leaving the subject property, shall be cleared on a daily basis so as not to obstruct vehicular movement along the roadway.
13. Driveway access and drainage improvements, as needed, shall meet with the requirements of the Department of Public Works.
14. All other applicable rules, regulations and requirements shall be complied with, including those of the Department of Public Works - Building Division, Fire Department, Department of Finance - Real Property Tax Office and Department of Health.
15. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the permit. The report shall include the status of the development, the compliance with the conditions of approval, and a detailed listing of public complaints or problems and their disposition. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission, that the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.
16. Should any of the foregoing conditions not be met, the Planning Director shall initiate procedures to revoke the Special 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.

Steven and Jill Jacunski
June 7, 1993
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Should you have any questions, please feel free to contact Rodney Nakano or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:jdk
LJacun02.PC

xc: Michael Moore, Esq.
Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Plan Approval Section