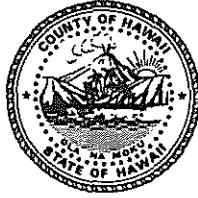


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL

March 23, 1994

Mr. Paul O'Leary, President
ONO Diversified, Limited
1212 Nuuanu Avenue, #501
Honolulu, HI 96817

Dear Mr. O'Leary:

Special Permit Application (SPP 93-23)
Applicant: ONO Diversified, Limited
Request: Establish a Recycling Park
Tax Map Key: 1-6-3:Portion of 2

The Planning Commission at its duly held public hearing on March 17, 1994, voted to approve the above application. Special Permit No. 867 is hereby issued to Ono Diversified Limited to establish a recycling park and related activities on land situated in the State Land Use Agricultural District. The property is located on the makai side of the Keaau to Pahoa Highway adjacent (Pahoa side) to the Keaau Solid Waste Transfer Station, Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and 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 agricultural use. The proposed use has been reviewed in accordance with the following criteria and determined not be contrary to the objectives of the State Land Use Law for Agricultural districts.

The desired use will not adversely affect the surrounding properties. The proposed recycling park will be located on

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approximately 12 acres of land to the south of and adjacent to the existing Keaau Solid Waste Transfer Station. Operationally, the proposed use would complement the existing transfer station by separating disposal and waste for further recycling and composting. Surrounding parcels to the south and east are vacant. Across the Keaau-Pahoa Highway and to the west are the former Henry Opukahaia School and the Girl Scouts of Hawaii, who has expressed their support of the project. Plans for the recycling park indicate side setbacks as approximately 80 feet with a rear setback of 400 feet and front setback of 100 feet. In addition to setbacks, it is recommended that landscaping, as needed and to be reviewed at the time of plan approval review, be included along the perimeter of the property to alleviate any visual and noise impacts to surrounding properties. To minimize odor from the recycling facility, it is recommended that structures be placed in a manner so as to minimize the impact that odor may have on neighboring properties. Best efforts to control odor and other health risks shall also be undertaken. As adjacent parcels are relatively large and vacant of use, the proposed use is not expected to adversely affect the surrounding parcels.

The use will not substantially alter or change the essential character of the land and the present use. The existing character of the land will be changed with the construction of the recycling plant, however, the proposed use will be similar in nature to the existing Keaau Transfer Station. The recycling park would be constructed on approximately 12 acres of land, and not expected to impose on the agricultural character of the area or take land away from active agricultural use. Landscaping is expected to shield the property from the highway and surrounding neighbors.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, police and fire protection. All essential utilities are available to the project site, including County water, which can be made available through an existing line. Appropriate wastewater systems shall be provided by the applicant in accordance with requirements of the Department of Health. The applicant has agreed to comply with applicable agency requirements, including the construction of highway improvements in accordance with the Department of Transportation. As in the past, the Department of Transportation has imposed varying degrees of improvements for requests along the Keaau-Pahoa

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Highway. The Department of Public Works and W.H. Shipman have consented to allow the applicant to access the proposed recycling park from the existing transfer station roads. As such, all access roads leading to and on the subject property from the Keaau Solid Waste Transfer Station shall be improved with chipseal, asphalt or asphalt-concrete to a width of 16 feet. In addition, all driveway and parking areas shall also be paved with the above material. Overall, there were no objections to the proposed use by county and state agencies.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. It is through the special permit process that the proposed use may be established on lands within a State Land Use designation of Agricultural. The proposed use is similar in nature to the transfer station by further separating disposed wastes. The establishment of a recycling park will provide a much needed service to the community, especially in light of environmental benefits and our increasing problem with disposal of waste at our landfills. In addition the proposed project would provide an educational resource center to further explore other recycling options.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. Soils are classified "E" or "Very Poor" by the Land Study Bureau for agricultural productivity and unclassified according to the ALISH map system. Although the lands could be used for agriculture, the subject land has not been used as such, and thus, the proposed recycling park would not adversely affect the agricultural potential of the project site or its surrounding area, nor will it remove valuable lands from agricultural use.

The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans. The General Plan Land Use Pattern Allocation Guide (LUPAG) map designates the area for Orchards, which would allow for the proposed use provided the request is consistent with specific goals and objectives of the General Plan. The proposed use is also consistent with the following goals of the *Land Use Element* of the General Plan:

- * Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County

- * The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

The proposed use is consistent with the following goals of the *Environmental Quality Element* of the General Plan:

- * Encourage the concept of recycling agricultural and municipal waste material.

The proposed use is also consistent with the following goals of the *Public Facilities Element* of the General Plan:

- * Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community.
- * Provide utilities and service facilities which minimize total cost to the public and effectively service the needs of the community.

Based on the above considerations, a recycling park is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions:

1. The petitioner, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval, pursuant to Section 25-242 of the Zoning Code, shall be secured for the entire recycling park. Plans shall identify structures, landscaping, fire protection measures, recycling bins, paved roads, paved parking stalls and paved driveway (chipseal, asphalt or asphalt-concrete) associated with the proposed uses. Parking for all recycling functions shall be maintained on the subject property. Parking shall comply with the

requirements of Chapter 25 (Zoning Code). Detailed landscaping plans shall also be included along the perimeter of the subject property, as deemed necessary and to be reviewed during plan approval review.

3. The applicant shall locate structures and utilize other measures so as to minimize any impacts of odor or health risks on surrounding properties.
4. Construction of the recycling park shall be completed within five years from the effective date of this permit.
5. Driveway access(es) shall meet with the approval of the Department of Transportation.
6. Highway improvements, shall be constructed in accordance with the requirements of the Department of Transportation prior to issuance of a certificate of occupancy for any portion of the facility.
7. All roads leading to the subject property shall be paved (chipseal, asphalt or asphalt-concrete) to a width of 16 feet.
8. Should any unanticipated archaeological or cultural sites or features be uncovered during land preparation activities, work with the affected area shall immediately cease and the Planning Director notified. No work within the affected area shall resume until clearance is obtained from the Planning Director.
9. All applicable county and state laws, rules, regulations and requirements shall be complied with, including the Department of Water Supply, Fire Department, Department of Public Works, Health Department and Department of Transportation.
10. Upon compliance with conditions of approval and in conjunction with the application for a certificate of occupancy, and prior to the opening of any portion of the facility, a status report, in writing, shall be submitted to the Planning Director. Upon completion of the entire recycling park, a final status report shall be submitted to the Planning Director.

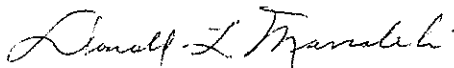
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11. The Planning Director may administratively grant extensions to the foregoing conditions subject to any of the following circumstances occurring: A) the need for an extension is the result of either unforeseen conditions or are circumstances beyond the control of the applicant, successors or assigns; 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 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). Should any of the conditions not be met or substantially complied with in a timely fashion after the Planning Director has given the permittee notice, this permit may be voided by the Planning Commission.

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.

Should you have any questions, please feel free to contact Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:smn

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources
Plan Approval Section
State Department of Transportation
Fire Department
Department of Health
Roy Takemoto, Esq.