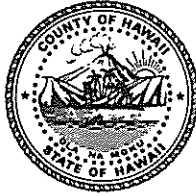


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL

JAN - 3 1995

Mr. Tommy Ishimaru
PO Box 105
Naalehu, HI 96772

Dear Mr. Ishimaru:

Special Permit Application (SPP 94-20)
Applicant: Tommy Ishimaru
Request: Establish Temporary Quarry Operations
and Related Activities
Tax Map Key: 9-5-08:portion of 1

The Planning Commission at its duly held public hearing on December 15, 1994, voted to approve your application. Special Permit No. 894 is hereby issued to establish a quarry operation on approximately 14 acres of land in the State Land Use Agricultural district. The property is situated approximately 1000 feet mauka of the Naalehu Cemetery, Kahilipali, Kau, 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 proposed quarry is intended to provide a local source of topsoil for businesses and individuals in the surrounding community. According to the applicant, area residents currently commute to either Kona or Hilo to purchase soil materials for their agricultural ventures. A local source of soil material will reduce the expense involved in operating a diversified agricultural business in Kau, and thus encourage the survival of such businesses in this area. With the impending closure of the sugar industry in Kau, small-scale agriculture will play a vital role in the local economy. The applicant's proposal will offer local farmers a valuable resource -- topsoil -- at a reasonable cost. Therefore, the project will advance the objectives of the State Land Use Law, by promoting diversified agriculture in the district of Kau.

00128

JAN - 3 1995

The 14-acre site is a very small portion of the 1,879-acre parcel. Use of this particular site for a quarry will not restrict agricultural cultivation of the surrounding property, and it will not remove any land from active cultivation, since the site is currently fallow. The applicant will be required to regrade the site and restore the topsoil at the conclusion of the quarrying activity, in accordance with a plan approved by the Kau Soil and Water Conservation Service. The temporary use of the site as a quarry for a period of five years should, therefore, not permanently impact the future agricultural potential of this site.

The desired use will not adversely affect the surrounding properties: All required measures to minimize traffic, dust, noise, and contamination of surrounding waterways will be adhered to by the applicant.

- a. Traffic: The quarry will not operate during evening or weekend hours, and deliveries will be scheduled to avoid peak traffic periods. With an average of only two deliveries per day, the quarry should not create a significant traffic impact on Kaalaiki Road or on Mamalahoa Highway. A portion of the material will be delivered to the applicant's own property approximately one and one-half miles to the southwest on the highway, and a portion will be delivered to a soil and compost mixing operation located less than one-quarter of a mile away on Kaalaiki Road -- thereby further reducing the need for long trips along public roadways.
- b. Dust: All loads will be covered, and the trucks will be washed of excess soil and dust prior to leaving the quarry site. Access roads will also be wetted down, if necessary. The applicant will not conduct quarrying at the site during periods of heavy wind.
- c. Noise: No blasting will occur at the quarry site, and the largest machine required will be a D8 or D9 bulldozer. The applicant will be required to inform surrounding property owners prior to commencing quarrying at the site. The site is located approximately 1,700 feet from the nearest residence, and immediately surrounding properties are fallow sugar cane land. An adequate buffer exists between the site and neighboring residences to mitigate the noise impacts of the proposed operation. During the previous excavations at the site, neither the applicant nor the Planning Department received any complaints regarding noise at the site.

- d. **Pollution Control:** The applicant will be required to obtain a National Pollutant Discharge Elimination System (NPDES) storm water permit prior to commencing quarrying at the site. The applicant will consult with the Kau Soil and Water Conservation Service regarding the extent and manner of excavation on the site, to ensure that no contamination of surrounding waterways occurs. All drainage improvements will also be designed in accordance with Department of Health and Department of Public Works standards. The applicant will be required to implement an approved Site Restoration Plan at the termination of quarrying on the site, in order to restore the agricultural potential of the property.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, and police and fire protection: As stated above, use of public roadways for deliveries of material should be minimal, with no more than ten deliveries per week. Kaalaiki Road will be used for deliveries in the Hilo direction only; westbound deliveries will be routed over a privately owned cane haul road to the Mamalahoa Highway. No sewers will be required for the proposed quarry; the applicant will utilize a portable toilet on the site, if necessary. As noted in item "d" above, all drainage improvements will adhere to federal, State, and County standards. Although the proposed quarry should not create a significant demand for police and fire protection, these services are available in the commercial core of Naalehu town, located less than two miles to the southeast of the site.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district: Although the site is classified as Prime Agricultural Land according to the ALISH Maps, the temporary excavation of soil from the site should not impair the agricultural potential of the land. The excavated soil will be sold to farmers and businesses in the district, thereby promoting agricultural cultivation of other properties in the area. A portion of the soil will be utilized by the applicant to support his own floricultural business. Commercial excavation of natural material is a permitted use within the County's Agricultural zone, and the applicant is prepared to take all precautions necessary to ensure that his operation does not permanently alter the viability of the land.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established: According to representations made by the applicant, no other similar operation exists in the Kau district. There is certainly a demand for affordable soil materials for use in agricultural ventures in Kau, since the economy of this district will

increasingly rely on such ventures in the coming years. The establishment of a quarry at the proposed location, in such close proximity to the commercial core of Naalehu, will provide a convenience and a service to local farmers, who will no longer have to travel to Hilo or Kona to purchase soil materials.

The proposed use will not substantially alter or change the essential character of the land and its present use: The proposed quarry will operate for a maximum of five years, at the end of which time the site will be satisfactorily restored for agricultural use. Adjoining properties are fallow sugar cane lands, which should not be impacted by the quarry operation. The site is located in close proximity to the commercial center of Naalehu, making the delivery of excavated material both economical and convenient. The applicant previously utilized a 5-acre portion of the site for a quarry, and the community and various government agencies involved were satisfied with the operation and the subsequent restoration of the site.

The request will not be contrary to the General Plan: Appropriate environmental controls have been incorporated into the conditions of approval of this permit to ensure that General Plan policies regarding the preservation of the island's natural resources are adhered to. The project will advance the economic goals of the General Plan by allowing the applicant to provide a more economical source of soil materials to the residents of the district. The quarry site is located in close proximity to the commercial center of Naalehu, where the material can be safely and easily delivered to potential customers.

Approval of this request is subject to the following conditions:

1. The applicant, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, 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, personal injury, or death arising out of any act or omission of the applicant, his successors or assigns, officers, employees, contractors, or agents under this Special Permit or relating to or connected with the granting of this Special Permit.
3. Prior to the issuance of a Grading Permit, a map and metes and bounds description of the quarry site shall be filed with the Planning Department, and the project site shall be staked.

7/18/85

4. Prior to the issuance of a Grading Permit, a Site Restoration Plan which has been approved by the Kau Soil and Water Conservation Service shall be submitted to the Planning Department for review and approval
5. If required, the applicant, successors, or assigns shall secure a National Pollutant Discharge Elimination System (NPDES) storm water permit from the Department of Health prior to the issuance of a Grading Permit.
6. Drainage improvements, if required, shall meet with the approval of the Department of Health, the Department of Public Works, and the Kau Soil and Water Conservation Service prior to the issuance of a Grading Permit.
7. All accesses to the Mamalahoa Highway shall meet with the approval of the Department of Public Works prior to the issuance of a Grading Permit.
8. Fire apparatus access roads which meet with the approval of the Fire Department shall be provided prior to the issuance of a Grading Permit.
9. The applicant, successors, or assigns shall secure a Grading Permit from the Department of Public Works prior to the establishment of the quarry.
10. The quarry shall operate only between the hours of 7:00 a.m. and 5:00 p.m. on Mondays through Fridays.
11. Best efforts shall be used to provide 24-hour notice to residents along the Mamalahoa Highway in the vicinity of both access roads prior to the commencement of quarrying activity at the site.
12. Dust control measures -- including watering the quarry access roads, washing excess soil and dust from loaded trucks, and on-site watering to minimize dust -- shall be implemented during the quarry operating hours. Best effort measures shall be taken to stop quarrying activities when wind speeds in the area exceed 15 miles per hour.
13. All quarrying activity-generated runoff and erosion shall be disposed of on site and/or properly mitigated and shall not be directed toward any adjacent properties.
14. Use of Kaalaiki Road shall be limited to movement of material in the Hilo direction only.

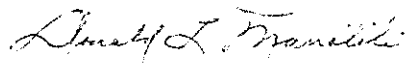
15. No more than ten (10) truck loads of material may be delivered per week. Any increase in the number of deliveries per week will require an amendment to this Special Permit.
16. The applicant, successors, or assigns shall comply with Section 291C-131 of the Hawaii Revised Statutes regarding "spilling loads on highways." All loads shall be covered prior to leaving the quarry site.
17. 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 immediately cease and the Planning Department shall be notified. Subsequent work shall proceed only upon issuance of an archaeological clearance from the State's Historic Preservation Division, when it finds that sufficient mitigating measures have been taken.
18. Upon termination or abandonment of the quarry operation, the site shall be graded to blend with the surrounding area, and rehabilitated in accordance with the approved Site Restoration Plan. The site shall be left in a nonhazardous condition. Documentation which demonstrates compliance with this condition shall be submitted to the Planning Department and to the Department of Public Works for review and approval within ninety (90) days from the termination or abandonment date.
19. This Special Permit shall be valid until July 1, 2000, or until the date of completion or abandonment of the proposed quarry activity, whichever comes first.
20. The applicant, successors, or assigns shall comply with all other applicable County, State, and Federal regulations.
21. If any of the conditions are not met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this 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.

Mr. Tommy Ishimaru
Page 7

Should you have any questions, please feel free to contact Rodney Nakano or Linda Copeman of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:jdk
LIshim01.PC

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
Corporation Counsel
County Real Property Tax Division
Fire Department
State Land Use Commission
Department of Health
Department of Land & Natural Resources-Historic Preservation
Kau Soil and Water Conservation Service