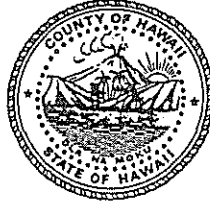


Harry Kim  
Mayor



**County of Hawaii**  
**PLANNING COMMISSION**

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

OCT 03 2003

Mr. Byron Fujimoto, Vice-President  
Jas W. Glover, Ltd.  
890 Leilani Street  
Hilo, HI 96720

Dear Mr. Glover:

Special Permit Application (SPP 03-014)  
Applicant: Jas. W. Glover, Ltd.  
Request: Establishment of a Quarry Operation and Related Activities  
Tax Map Key: 2-1-13:Portion of 4

The Planning Commission at its duly held public hearing on September 22, 2003, voted to approve the above-referenced application. Special Permit No. 1221 is hereby issued to allow the establishment of a quarry operation and related activities on 14.99 acres of land situated within the State Land Use Agricultural District. The area is located adjacent to and southwest of an existing quarry site. The Hawaii National Guard site and the Hilo International Airport are located west of the proposed quarry at Honohononui, South Hilo, Hawaii.

Approval of this request is based on the following:

The applicant, Jas W. Glover, Inc. is requesting a Special Permit to allow the establishment of a quarry, including production facilities (such as crushing plants, concrete plants, asphalt plants, tile plants) and other support facilities and accessory uses situated on approximately 14.99 acres of land.

The proposed use is not contrary to the objectives sought to be accomplished by the land use law and regulations. 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 project site is located within an area whose soils are

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classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and other important ag lands by the Department of Agriculture's ALISH Map. The applicant secured a special permit for quarrying aggregate and rock on a portion of the subject property in July 1998. Based on the original request, the applicant proposed to haul the aggregate and rock to their Hilo operations site for further processing. Approval of this request would allow the applicant to establish another quarry site, including production facilities on the site, such as crushing plants, concrete plants, asphalt plants, tile plants and other supporting facilities and accessory uses.

Lands within agricultural districts might not always be best suited for agricultural activities and yet classified as such. Also, there are certain types of uses that may not be agricultural in nature, yet reasonable in such districts. As such, the legislature has provided for the Special Permit process to allow for certain unusual and reasonable uses within the Agricultural district. The subject property is situated within the County's Agricultural-5 acres (A-5a) zone district. The quarry operation is situated on a 14.99 acre portion of a 140.3 acre parcel. The 14.9 acres of land for quarry use and would not significantly affect the agricultural resources or potential of the area nor displace any active agricultural activity since this parcel has not been in agricultural use. The quarry and related uses on the subject property would be an unusual and reasonable use of the land. Therefore, based on the above circumstances, approval of the request would not be contrary to the objectives of the State Land Use Law Rules and Regulations given the subject conditions.

The request is not contrary to the General Plan. The subject request is not contrary to the General Plan LUPAG Map, which designates the area as Industrial with some Orchards. The project would complement the following goals and policies of the General Plan:

*Land Use - Industrial Element:*

- \* Industrial activities may be located close to raw material or key resources. The ability of the subject property to provide the needed raw material vital to the construction industry while able to absorb the noxious nature of quarries speaks to the appropriateness of the area for such uses.

*Economic:*

- \* The County shall strive for diversification of its economy by strengthening industries and attracting new endeavors.

*Natural Resources and Shoreline Elements:*

- \* 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, salutation, or failure in the event of earthquake.
- \* The County of Hawaii should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse impacts on the environment.

The desired use will not adversely affect the surrounding properties. The surrounding properties include the County of Hawaii landfill sites, other quarrying operations and vacant State-owned lands. There are no dwellings or urban developments within the area. Existing uses surrounding the property include other quarry activities, wastewater treatment plant, the landfill site, the airport, a skeet range and the Hawaii National Guard training facility. Dust and air-borne particles will be mitigated by watering down the roadway and complying with regulations of the Department of Health. A condition will be added to insure that the applicant restores the area to a state that would blend with the surrounding topography of the area once the activity is completed. All required measures to minimize traffic, dust and noise shall be adhered to by the applicant.

The land upon which the proposed use is sought is unsuitable for the uses permitted within the district. As previously mentioned, the lands are rated "E" or "Very Poor" for agricultural productivity and other important ag lands by the ALISH Map. The soils in this area are not suitable for many types of agricultural uses. The project site is already being quarried and the request is to continue related quarry activities such as crushing, concrete, asphalt and tile plants. Surrounding parcels are also in quarry use and industrial-related activities.

The use will not substantially alter or change the essential character of the land and the present use. The proposed expanded uses will not substantially change the character of the land, as the area is already used for quarry activities. Additional equipment, however, will be brought on site to accommodate the proposed uses.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. There are many areas in the County where lands within the Agricultural District are not in active agricultural productivity. Because quarrying is resource-based, sites are locationally restricted. Existing quarrying activities are occurring on portions of the subject property and in the near vicinity of the project. The

additional quarry activities will be in keeping with surrounding uses. As such, no existing or proposed areas for agricultural activities will be curtailed or diminished as a result of establishing these activities on the property.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and police and fire protection. According to the applicant, they have temporary rights of access until such time as a more formal access is developed by the State. The existing section of the access road is hard-packed gravel approximately 20 feet wide. The road then widens to 25-30 feet wide and partially paved. In addition, the applicant has paved the driveway access on the subject property, which leads to the actual quarry site. For dust mitigation, the applicant will bring in tanker trucks to water down the roadway. Portable restrooms will be brought to the property. Water will be made available to the subject property by tanker trucks, a new water line or a well. Agencies reviewing the request had no objections to the quarry.

The project site is not a habitat for endangered species of flora or fauna nor is the site listed on the Hawaii or National Registers of Historic Places. There is no record of known archaeological features on the site. In addition, an Archaeological Assessment Survey of the 14.99-acre proposed quarry site was conducted by Paul H. Rosendahl, Ph.D. who concluded that it is considered unlikely that any significant historic properties are present and that no further archaeological survey work of any kind needs to be conducted prior to any land modification work associated with the development and use of the property as a rock quarry. Comments received from DLNR-SHPD stated that they support the conclusion that it is unlikely that any historic properties are present within the 14.99-acre proposed quarry site. They are recommending that a condition be attached requiring the development and implementation of an archaeological monitoring plan to ensure that no historic sites are inadvertently damaged or destroyed. A condition will be added to reflect this request.

Based on the above considerations, the quarry operation, including production facilities and other support facilities and accessory uses within the project site 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. Should any of the conditions, however, not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.

2. Quarry operations shall commence within two (2) years from the effective date of this permit with a written notification to be submitted to the Planning Department. Photographs of the area and a description of the topography of the project site and its related surrounding areas, reflecting the area prior to commencing operations, shall also be submitted with the notification.
3. Prior to commencing construction of any structures, Final Plan Approval for those structure(s) shall be secured from the Planning Department in accordance with Chapter 25-2-70 (Zoning Code). Plans shall identify any proposed structures and parking associated with the proposed quarry operation.
4. Quarrying activities shall be limited to the hours of 6:00 a.m. and 6:00 p.m. daily.
5. An Erosion Control and Site Restoration Plan, which assures the site will be left in a nonhazardous condition, shall be submitted for review and approval by the Planing Director, one year prior to the termination of quarry activities. The Plan shall include photographs of the area and a topography map of the project site and its related surroundings. This Plan shall be reviewed by Kamehameha Schools, the Natural Resources Conservation Service and the Department of Public Works and their comments submitted to the Planning Director for review and approval.
6. Adequate dust control mitigation measures shall be implemented for the duration of the operation in accordance with Department of Health requirements. An adequate supply of water shall be made available for dust control.
7. Prior to commencing any land alteration activity, the applicant shall submit an Archaeological Monitoring Plan for review to the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) to ensure that no historic sites are inadvertently damaged or destroyed. This plan will call for "on-call monitoring" in conjunction with DLNR-SHPD.
8. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease and the DLNR-HPD shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
9. The life of this Special Permit shall be co-terminus with the Kamehameha Schools License Agreement.

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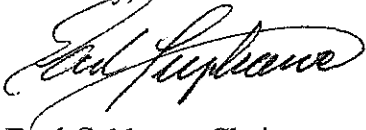
10. Within ninety (90) days after termination of the quarry operation or abandonment of the project site, appropriate documentation which demonstrates compliance with the Site Restoration and Revegetation Plan shall be submitted to the Planning Department.
11. Comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Public Works, Department of Health and Army Corps of Engineers.
12. An extension of time for the performance of conditions within the permit 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 original reasons for the granting of the permit.
  - C. 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).
13. No retail sale of quarrying materials is allowed from the project site. Removal of the materials shall be limited to licensed commercial haulers or by licensed contractors.

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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Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,



VICE CHAIRMAN

Fred Galdones, Chairman  
Planning Commission

Lgloverspp03-014PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Department of Land & Natural Resources-HPD/Kona  
Rodney Haraga, Director/DOT-Highways, Honolulu