Stephen K. Yamashiro
Mayor

Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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

December 13, 1995

Jon Y. Miyata
Controller
M. Sonomura Contracting Co., Inc.
100 Kukila Street
Hilo, Hawaii 96720

Dear Mr. Miyata:

Subject: Use Permit No. 84 and 136
Applicant: M. Sonomura Contracting Co., Inc.
Request: Continue Quarry Operations
Tax Map Key: 2-1-13: Portion of 11

This is in response to your letter dated November 17, 1995 regarding the expiration of Use Permit No. 84 on October 12, 1995 and the approval of Use Permit No. 136, effective May 8, 1995 by the Planning Commission to allow the continuation of quarry activities. Your letter accurately reflects that the approved status of your quarry operations.

We apologize for any inconvenience our original letter has caused you. Should you have any further questions regarding this matter, please contact Susan Gagorik or Alice Kawaha of this office at 961-8288.

Sincerely,

Alice G. Kawaha

VIRGINIA GOLDSTEIN
Planning Director

SG:dmo
lsonom01.skg

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Resp to 13291

M. Sonomura Contracting Co., Inc.

100 KUKILA STREET
HILO, HAWAII 96720

BUSINESS PHONE: (808) 935-8561
FAX: (808) 961-0176

November 17, 1995

Mr. Edward E. Crook
County of Hawaii
Planning Commission
25 Aupuni Street, Room 109
Hilo, Hawaii 96720-4252

RE: USE PERMIT NO. 84 (USE 84)
TMK: 2-1-13:11

Dear Mr. Crook:

We received your letter dated November 15, 1995, indicating that Use Permit No. 84 expired on October 12, 1995 and that we should cease all quarrying activity on the referenced site. However, on April 26, 1995, the Planning Commission approved our application under Use Permit No. 136, which effectively allows the continuation of the quarrying activity on said site for a period not to exceed September 8, 1999 or the date of completion of the quarry operations or its abandonment, whichever occurs first. Accordingly, we intend to continue our quarrying activities on the referenced site.

A copy of the Planning Commission's Approval dated May 8, 1995 is attached for your reference. Please feel free to call me should you have any questions.

Very truly yours,

Jon Y. Miyata
Controller

Attachment

File:Permit136

13291

3. The life of this permit shall be for a period not to exceed September 8, 1999, or the date of completion of the quarry operations or its abandonment, whichever occurs first.

4. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.

5. 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.

Should you have any questions, please feel free to contact Daryn Arai or Connie Kiriu of the Planning Department at 961-8288.

Sincerely,

Wilton K. Wong, Chairman
Planning Commission

CRK:syw
LMSono01.PC

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division/Hilo
Plan Approval Section
DLNR/Hilo

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
P 008 113 380

May 8, 1995

Roy Sonomura, President
M. Sonomura Contracting Co., Inc.
100 Kukila Street
Hilo, HI 96720

Dear Mr. Sonomura:

Use Permit Application (USE 95-4)
Applicant: M. Sonomura Contracting Co., Inc.
Request: Continue Quarry Operations
Tax Map Key: 2-1-13:Portion of 11

The Planning Commission at its duly held public hearing on April 26, 1995, voted to approve the above-referenced application. Use Permit No. 136 is hereby issued to allow the continuation of a 13.86-acre quarry operation within the County's General Industrial-1 acre (MG-1a) zoned district adjacent and to the south of the County's sanitary landfill, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits requires that such action conform to the following guidelines:

a. The proposed use will still be consistent with the general purpose of the zoned district, the intent and purpose of this chapter and the County General Plan;

b. The proposed use will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties;

c. The proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region; and

d. The proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

The granting of this request will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan. The establishment of a temporary quarry on lands located within the State Land Use Urban District and the County's General Industrial-zoned district may be permitted through the granting of a Use Permit. The project site is also located within an area designated as General Industrial-1 acre (ML-1a) by the Hilo Community Development Plan and Industrial Area by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The General Plan LUPAG Map designation of Industrial Area includes uses such as manufacturing and processing, wholesaling, large storage and transportation facilities and light industrial uses. Approval of the requested Use Permit will be consistent with the general purpose of the General Industrial-zoned district, which applies to areas for uses which are generally considered to be offensive or potentially hazardous in nature. The establishment of the proposed quarry in this particular location will complement the Land Use Element of the General Plan to, "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to ". . . . encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." More specifically, approval of the request will be consistent with a Course of Action for industrial development within South Hilo to " . . . . encourage the centralization of industrial activities in the Kanoelehua Industrial area. Noxious industries shall be located away from residential and related areas." The project site is located within the Kanoelehua Industrial Area, which presently accommodates many industrial activities of a noxious or hazardous nature.

The desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties. The project site is located within an area designated for General Industrial uses by the County's General Plan, Hilo Community Development Plan and Zoning Code. This industrial area (Kanoelehua Industrial Area) has been designated for General Industrial uses in order to segregate noxious and hazardous activities from

other incompatible uses. The proposed quarrying operation will be consistent with the existing character of the surrounding area, which includes other quarrying activities and the County's sanitary landfill operations.

The proposed temporary quarry operations will be conducted from Monday through Friday, between the hours of 7 a.m. and 5 p.m., excluding holidays, for a period of five years not to exceed September 8, 1999. The limited nature of the requested use and its location within an area already developed to accommodate other noxious industries will ensure that any noise, visual and odor impacts generated by the proposed quarrying operations will be negligible. Hours and days of operation will not be restricted under this permit due to its location far away from non-compatible uses which may be adversely affected.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. The material to be extracted will be used by the applicant, who is a general contractor, for its various construction projects located throughout Hilo.

Finally, the desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure. Water, roadway systems and other public facilities and services within the affected area are able to accommodate the proposed quarrying operations. The Kanoelehua Industrial Area, which includes the project site, is a well-established industrial area whose infrastructure and services are readily available to support the proposed use.

The Land License issued by the Department of Land and Natural Resources contains 23 terms and conditions of the license which regulates and restricts the quarrying operations to ensure compliance with all existing governmental regulations and requirements, among other conditions.

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. 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, personal injury and 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 this permit.