CERTIFIED MAIL

May 16, 1989

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

Dear Mr. Fujimoto:

Use Permit Application
Tax Map Key: 2-1-13:151

The Planning Commission at its duly held public hearing on May 9, 1989, voted to approve your application, Use Permit No. 67, to allow the establishment of a quarry operation on 8.7 acres of land within the General Industrial - 1 acre (MG-1a) zoned district at the location adjacent to and east of the existing Mana Quarry site and in the vicinity of the County landfill and solid waste transfer sites, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The granting of this request will be consistent with general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan. Quarrying is a permitted use in the General Industrial zoned district with the granting of a Use Permit. The proposed use is consistent with the general purpose of the zoned district which applies to areas for uses that are generally considered to be offensive or have some element of danger. Quarrying activity is consistent with the goals and policies for industrial development set forth in the Land Use Element of the General Plan. Specifically, the proposed use follows the course of action for industrial development in 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".

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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. As previously mentioned the zoned district has been designated as such in order to segregate incompatible uses. Surrounding uses include the County landfill and other quarrying and industrial activities. The quarrying operation will be in conformity with the existing character of the area. It will be an extension of the present Mana Quarry site which is also used by the applicant.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. The proposed use will be an extension of existing quarry use on the adjoining property. Quarrying at the proposed site will have the advantage of providing a source of raw materials near the point of processing.

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. The industrial zoned district has been designated as such in part because of the availability of necessary services for uses such as that proposed. No additional services shall be required.

Based on the above considerations, it is determined that quarrying activity is a use of land which would not be contrary to the objectives sought to be accomplished by the County Zoning Code and General Plan.

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. A grubbing and/or grading permit shall be obtained from the Department of Public Works within one year of the date of approval of this permit.

3. Quarrying activity shall commence within one year from the date of receipt of the grubbing and/or grading permit. A written notification of commencement shall be submitted to the Planning Department.

4. Upon termination of the quarrying operations, all temporary support facilities and equipment shall be removed from the area. Further, the land shall be revegetated to blend with the surrounding areas.

5. Comply with all of the conditions of the Department of Land and Natural Resources Land License No. S-310.

6. Hours of operation shall be 7:00 a.m. to 5:00 p.m., Monday through Friday.

7. The life of this Use Permit shall be co-terminous with the Department of Land and Natural Resources Land License No. S-310, unless otherwise provided in Condition No. 10.

8. Comply with all other applicable laws, rules, regulations and requirements of the Department of Health, Department of Public Works, and other relevant State and County agencies.

9. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

10. 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 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 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify 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.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Gary Mizuno
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division

bcc: Plan Approval Section