Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

January 23, 1992

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

Dear Mr. Fujimoto:

Use Permit Application (UP91-16)
Applicant: Jas. W. Glover, Ltd.
Request: Quarry Use
Tax Map Key: 2-1-13:Portion of 11

The Planning Commission at its duly held public hearing on January 16, 1992, voted to approve your application, Use Permit No. 93, to allow the establishment of quarrying activities on 10.304± acres of land within the County's General Industrial-1 acre (MG-1a) zoned district. The property is situated adjacent and to the south of the County's sanitary landfill, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The granting of the proposed use 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 quarry within the General Industrial zoned district may be permitted through the issuance 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 potentially hazardous in nature. A goal of the Land Use Element of the General Plan is to "Designate and allocate industrial areas in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." More specifically, the

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proposed use is consistent with a course of action for industrial development in South Hilo which is to "...encourage the centralization of industrial activities in the Kanoelehua Industrial area. Noxious industries shall be located away from residential and related areas." The proposed quarry will be located within the Kanoelehua Industrial area, which presently accommodates many industrial and related activities of a noxious or hazardous nature. Within the immediate area of the project site are the existing Jas. W. Glover quarry site and the County's sanitary landfill. M. Sonomura's quarrying activities on the subject property were granted a Use Permit from the Planning Commission in 1991. The nearest residential area is the Panewa House and Farm Lots subdivision, which is located adjacent to the project site. The 3 to 10 acre lots within this subdivision allows for a very low density residential development which further reduces the possibility of adverse impacts to residents from the proposed use.

The proposed development will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties. The area has been designated for General Industrial use in order to segregate these usually noxious and sometimes hazardous activities from other incompatible uses. The proposed quarrying operation will be in conformance with the existing character of the area. Furthermore, the proposed quarrying activity is temporary in nature for a period requested of five years or "until such time as the rock deposits are fully mined." It is recommended that this permit be for a period of five years as is standard for permits of this nature. Operating hours will be limited to the hours of 7:00 a.m. to 5:00 p.m., Mondays through Fridays. Given the limited nature of the proposed use and its location within an area able to accommodate other noxious and/or hazardous industries, it is not anticipated that this request will have significant impacts with regards to noise, odors or traffic. Any potential impacts can be mitigated by conditions of this approval.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. The extracted material will be utilized by the applicant for use in various construction projects within Hilo.

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, in part, because of the availability of necessary services for uses such as that proposed. All concerned agencies had no objections to the request.

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. Plans shall be submitted to the Planning Department prior to establishing use, which shall assure adequate setback and safeguards of the activity adjacent to existing roads.

3. Access onto the County Sanitary Landfill access road shall meet with the approval of the Department of Public Works prior to commencing any quarrying activities.

4. The quarrying activity shall be limited to between the hours of 7:00 a.m. to 5:00 p.m. on Mondays through Fridays.

5. 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 cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigating measures have been taken.

6. The life of this permit shall be for a period of five years from its effective date or the date of completion of the proposed quarry activity or its abandonment, whichever comes first.

7. Upon termination of the operations or abandonment of any portion of the affected site, the land shall be graded to blend with the surrounding areas and rehabilitated as approved in a site restoration plan. The affected site shall be left in a nonhazardous condition. Appropriate documentation which demonstrates compliance with this

condition shall be submitted to the Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

8. Comply with applicable laws, rules, regulations and requirements, including those of the Departments of Health and Public Works.

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 and the Planning Director acknowledges that further reports are not required.

10. An extension of time for the performance of conditions within the permit, with the exception of Condition No. 6, 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 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.

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

Sincerely,

Mike Luce

Mike Luce, Chairman
Planning Commission

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jdk

xc: Mayor
Planning Director
Department of Health
Department of Public Works
Department of Water Supply
County Real Property Tax Division
DLNR
Plan Approval Section