



**OFFICE OF PLANNING
STATE OF HAWAII**

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Ref. No. P-14341

April 11, 2014

Mr. Duane Kanuha, Director
Planning Department
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Attention: Maija Cottle

Dear Mr. Kanuha:

Subject: Special Permit Application (SPP 14-000162)
Jas W. Glover, Ltd. – Request to Establish a New Quarry
Tax Map Key: (3) 2-1-013: 004 (por.), South Hilo, Hawaii

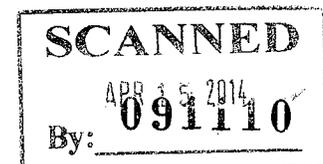
We have reviewed the request for a Special Permit to establish an 85.338-acre portion of a 140-acre parcel as an expansion to an existing quarry operation. The subject land is in the County's Agricultural 20-Acres (A-20a) Zoning District and is within the State Land Use Agricultural District. Based on the application, the land contains soils that are classified as "E" under the Land Study Bureau (LSB) overall master productivity rating and "Other" under the Agricultural Lands of Importance to the State of Hawaii (ALISH) system.

Based on our review of the subject project relative to the Special Permit guidelines in Hawaii Administrative Rules § 15-15-95, we offer the following comments:

1. **The use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, HRS, and the rules of the Commission.**

Hawaii Revised Statutes (HRS) Chapter 205 provides that the Agricultural District shall include lands with a high capacity for agricultural production, grazing, or other agricultural uses. It also recognizes that some lands may not be suitable for the uses permitted in the Agricultural District and therefore other uses may be allowed with a special permit. In this case, the site contains soils of poor quality not suitable for agricultural use (see discussion on No. 5). There is also a history of non-agricultural quarrying on other areas of the parcel previously allowed by four (4) special permits.

**EXHIBIT
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Contrary to the applicant's representation, the site lies within the coastal zone management (CZM) area and is subject to the objectives and policies of HRS Chapter 205A. The application does not include an assessment of impacts relative to the applicable CZM objectives and policies to allow for our determination of its consistency and compliance. An archaeological assessment is provided, but there is no determination of its acceptability from the State Historic Preservation Division.

2. **The desired use would not adversely affect surrounding property.**

The site is situated in an isolated area of the Panaewa forest with immediately surrounding uses that are non-agricultural, including the Hilo International Airport, military reservation, a sewage treatment plant and other vacant State-owned lands. The nearest farmlands are approximately 5,500 feet west of the site. The existing quarry mining in various portions of the parcel has been ongoing with existing levels of noise, dust and fumes generated by the operation. Therefore, the proposed use is not anticipated to adversely affect surrounding properties.

3. **The use would not unreasonably burden public agencies to provide streets, sewers, water, drainage, schools, fire and police resources.**

The proposed use does not require additional water, sewer, drainage, fire or police resources. However, based on the application (Exhibit 3), it appears that the adjacent land owned by the State will provide a public access road in the near future in lieu of the easement access road currently being utilized. Due to the close proximity of the airport, the "Clear Zone Easement" and a court mandate regarding the access road, the State Department of Transportation should be consulted to determine any impacts and access requirements.

4. **Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established.**

According to the Applicant, mining of the "Blue-Rock" is a raw material resource vital to the local construction trade. Since the discovery of the resource's existence at the site for a period of 52 years (variance approval in 1962), the site has been operating under a long-term license agreement. Various portions of the site are already used as quarry. Currently, there are also no agricultural uses in the surrounding areas with the nearest farmlands located 5,500 feet west of the site. There is no record of any agricultural uses at the subject land for decades.

5. **The land upon which the proposed use is sought is unsuited for the uses permitted within the district.**

Based on the application, the land contains very poor soils that are classified as "E" under the Land Study Bureau (LSB) overall master productivity rating. However,

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the site is rated as "Other" under the Agricultural Lands of Importance to the State of Hawaii (ALISH) system. The lands in this classification are important to agriculture in Hawaii yet they exhibit properties, such as seasonal wetness, erodibility, limited rooting zone, slope, flooding, or droughtiness, that exclude them from the "Prime or Unique" agricultural and classifications. One criterion that qualifies the proposed site as "Other Important" is land with thin organic soils underlain by "Aa" lava. According to the Applicant, the USDA Soil Survey Report indicates the property contains nonfertile and stoney soil over lava sediment without soil covering, which may not be best suited for agricultural activities even though it is permitted within the district.

The Office of Planning (OP) concurs with the State Land Use Commission's letter of April 4, 2014, recommending the consolidation of the existing Special Permits (SP 1107, 1008, 1221, and 12-000145) with the proposed request (to include the remainder of the "licensed-area") into a single Special Permit.

OP also recommends that the County consider imposing a condition that the Applicant seek a reclassification of the parcel from the State Agricultural District to the Rural or Urban District sometime prior to the expiration of the Special Permit. The Rural or Urban District would be a more appropriate zoning given the anticipated long-term industrial use and the site's unlikely return to agricultural use.

Thank you for the opportunity to review the Special Permit application. If you have any questions, please contact Jenny Lee of our Land Use Division at (808) 587-2805.

Sincerely,



Leo R. Asuncion
Acting Director

c: Land Use Commission