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PLANNING DEPARTMENT  
COUNTY OF HAWAII

2014 APR -8 AM 10:33

**LAND USE COMMISSION**  
Department of Business, Economic Development & Tourism  
State of Hawai'i

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April 4, 2014

Dwayne Kanuha, Director  
Hawai'i County Planning Department  
County of Hawai'i  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720

Subject: Special Use Permit Amendment Application No. SPP 14-000162  
To Establish New Quarry  
Jas W. Glover, Ltd.  
South Hilo, Hawai'i  
Tax Map Key: (2) 2-1-013: 004 (por.)

Dear Mr. Kanuha:

We have reviewed the State Special Permit application received on March 20, 2014. We have the following comments to provide:

The application is for the establishment of a new quarry on 85.338 acres on the existing approximately 140-acre parcel at Honohononui, South Hilo. The applicant refers to the entire 140-acre parcel as the "Licensed Area" however; within this larger area are a series of existing Special Permits<sup>1</sup> for quarrying activities totaling approximately 55.03 acres. Therefore, the applicant intends the current application to apply only to those portions of the "Licensed Area" that are not currently covered by one of the existing Special Permits.

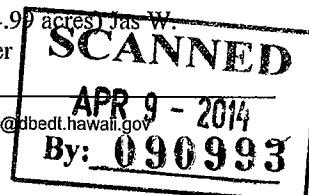
In the Land Use Commission's (LUC) response letter to the County Planning Department dated February 4, 2013 regarding the previous Jas W. Glover Special Permit for a portion of the same area (SP 12-000145); the LUC raised the issue of continued application for special permits on acreages below 15 acres for the same use by the same individual or group of individuals as being contrary to the intent of Chapter 205, Hawai'i Revised Statutes (HRS) and the rules of the Commission.

LUC staff subsequently met with Mr. Roy Vitousek regarding the Special Permit requested in 2013. At that time, Mr. Vitousek informed us that the applicant intended to apply for an

<sup>1</sup> Four active, less than 15-acre permits: SP 1107 (14.906 acres) Yamada & Sons; SP 1008 (14.99 acres) Jas W. Glover; SP 1221 (14.99 acres) Jas W. Glover; and SP 12-000145 (10.15 acres) Jas W. Glover

**EXHIBIT**

**12**



additional Special Permit for the remaining areas within the "License Area" in the future. The staff requested that the applicant, within one year, apply for a Special Permit that would cover all the existing and planned Jas W. Glover, Ltd. quarrying operations within the "Licensed Area." We clearly discussed and felt it had been agreed that this was to include all the existing areas under Special Permit.

The Windward Planning Commission in its March 21, 2013 letter of approval for Special Permit (SPP 12-000145) to Jas W. Glover, Ltd., provided the following:

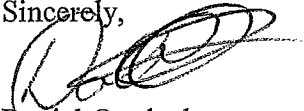
"...In summary, the applicant represented that the LUC was amenable towards supporting the issuance of this 10.15-acre Special Permit application with the stipulation that a Special Permit application be submitted for all quarrying activities, existing and proposed, within the 140-acre property...As a condition of approval, the applicant will be required to submit a properly completed Special Permit application for quarrying activities within the affected property within one (1) year from the effective date of this Special Permit..."

The current application only covers areas within the "Licensed Area" that have not been quarried or currently under a Special Permit. We recommend that the Planning Department and the Windward Planning Commission require the applicant to amend their application to incorporate their existing Special Permit areas and consider consolidating conditions where possible. Since all the existing Special Permit areas are delineated by metes and bounds descriptions, any site specific conditions can be identified separately as necessary.

The "Draft Report: An Archaeological Assessment of A Proposed 90-Acre Quarry Site in Waiākea Ahupua'a, South Hilo District, Island of Hawai'i" (applicants Exhibit 9) has only recently been submitted to the Department of Land and Natural Resources, State Historic Preservation Division (SHPD) for review. Decision-making on this application would be premature until SHPD has reviewed and provided a concurrence letter on the archaeological report and any necessary mitigation measures in order that they may be considered for incorporation as conditions.

Thank you for the opportunity to comment on the subject application. Should you have any questions, please feel free to contact me or Scott A.K. Derrickson, AICP of our office at 587-3822.

Sincerely,



Daniel Orodener  
Executive Officer

cc: Roy Vitousek, Esq. – Cades Schutte  
Leo Asuncion, State Office of Planning