
Daryn Arai
Land Use Planning Consultant

June 1, 2022

Mr. Dean Au, Chairperson
and Members of the Windward Planning Commission
County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720

Dear Chairperson Au:

Subject: Applicant's Response to Planning Director's Recommendation regarding
Special Permit Application PL-SPP-2022-000012
Applicant: Yamada and Sons, Inc.
Request Proposed quarry and related activities on 37.882 acres
TMK: 2-1-013: 002 (portion); Waiākea, South Hilo

The Applicant for the above-described matter, Yamada and Sons, Inc., appreciates the Planning Director's favorable recommendation of its request for a Special Permit to allow for the proposed quarry on a 37.882-acre portion of a much larger State-owned property located in proximity to the other past and current quarry sites as well as the Hilo Landfill, Mass Transit Baseyard and the Hilo Dragstrip, among other industrial and active recreational-type of uses. The Applicant accepts and agrees with the findings, conclusions and proposed conditions that support the favorable recommendation, but respectfully requests a refinement to Condition 5 regarding restrictive use of certain types of quarry vehicles, which currently reads as follows:

5.e Prior to commencement of quarrying activities, the Applicant shall notify the Department of Environmental Management of the starting date of quarrying operations. Upon commencement of quarrying operations within the permit area, the Applicant shall only use highway legal vehicles to haul material from the quarry site to the Applicant's processing site.

The Applicant requests that the Commission considers the following amendment to Condition 5 that would provide the same restriction regarding the use of only highway-legal vehicles for rock hauling operations, but also provide that such a restriction be implemented by the County Department of Environmental Management, as presented in the proposed amendment to Condition 5 as reflected on the following page.

5.e Prior to commencement of quarrying activities, the Applicant shall notify the Department of Environmental Management of the starting date of quarrying operations. ~~[Upon commencement of quarrying operations within the permit area,~~
†The Applicant shall only use highway legal vehicles to haul material from the quarry site to the Applicant's processing site upon the acceptance of the dedication of Ho'olaulima Road by the County of Hawai'i or as may be directed by the Department of Environmental Management.

(deleted material is bracketed and struck-out, added material is underscored)

Reasons to Support Applicant's Proposed Amendment to Condition 5

Managing use of Ho'olaulima Road by County of Hawai'i

One of the reasons for the requested amendment is to keep decision-making regarding the use of the County-owned and maintained Ho'olaulima Road with the County Department of Environmental Management, which specifically made the statement restricting the use of highway-legal vehicles for rock hauling between the project site and the Applicant's processing facilities.

The State Land License issued to the Applicant allows for quarrying activities within the project site for the next 20 years. Should this Special Permit be approved, its permit life will likely be co-terminus with the term of the State Land License. A 20-year life is a long time and conditions and circumstances regarding the use of Ho'olaulima Road could change. Quarry equipment technology and/or traffic conditions along Ho'olaulima Road may change at any given time that could warrant a reassessment of any restriction regarding the type of rock hauling vehicles utilized.

The County of Hawai'i and its Department of Environmental Management ultimately controls the use of Ho'olaulima Road. The requested amendment to Condition 5 will still obligate the Applicant to abide by any restrictions regarding the use of rock-hauling vehicles, but at the discretion and authority of the County.

Condition 5, as currently worded by the Planning Director, would prohibit the County from exercising any discretion regarding the type of rock hauling vehicles that can be used along Ho'olaulima Road. We do not think that it was the intent of Condition 5 to place control over the permitted types of rock hauling vehicles with the State Land Use Commission. Should situation or circumstances change where non-highway-legal rock hauling vehicles could be permitted by the County, the Applicant would be forced to first amend this Special Permit and follow the same lengthy process before the Windward Planning Commission and the State Land Use Commission. We

feel that creating an excessive procedural process when none is required to accomplish the same outcome is unreasonable.

Proposed Dedication of Ho'olaulima Road to County

As shown on the attached Exhibit A as part of the early consultation process for the Environmental Assessment, the County's Solid Waste Division indicated that the "...creation of a road lot that will be dedicated to the County to become ROW which will end the use of off-road rock haulers."

The Applicant understands this as meaning that Ho'olaulima Road is currently a sort of "driveway" where no restrictions on types of vehicles are currently in place. Once a proper road right-of-way to accommodate Ho'olaulima Road is created and dedicated to the County, it then becomes a legal County street where only "highway legal" equipment will be permitted. Therefore, until such time that Ho'olaulima Road is formally dedicated to the County of Hawai'i as a legal street, the Applicant assumes that the continued use of off-road rock haulers may be permissible.

Responsible use of Ho'olaulima Road by Applicant

Over the past 11-1/2 years since the Applicant began operations at its existing 14.99-acre quarry immediately adjacent to the project site, it has demonstrated safe and responsible operations of its rock hauling trucks along Ho'olaulima Road between this existing quarry and its nearby processing facilities, a practice that will definitely continue with the operation of the new quarry site should the Special Permit be approved. This on-going practice of safe and responsible use of Ho'olaulima Road is reflected below:

1. a No evidence of damage or safety concerns along Ho'olaulima Road caused by use of rock hauling trucks.a

a.a The Applicant has never been notified by the County or personally aware of any damage to Ho'olaulima Road caused by its use of rock hauling trucks over the 11-1/2 years of on-going activities at this existing quarry site. The Applicant has offered to the County, on many occasions, its willingness to help maintain that portion of Ho'olaulima Road between its existing quarry and its processing facilities, an offer that will continue to be extended to the County should the new quarry site be approved.a

b.a Similarly, the Applicant has never been notified by the County or personally aware of any safety concerns or accidents caused by its use of a rock hauling trucks along Ho'olaulima Road. The Applicant always trains

its drivers to yield to public traffic if they come into a situation where they are in a tight area or unable to safely pass public traffic.

- c.e The Police Department has commented that it does not anticipate any impact to traffic and/or public safety concerns and has no objection to the proposed quarry project.e
- d.e The Applicant understands the importance of safety along Ho‘olaulima Road, and will never seek actions that would compromise the public’s welfare and safety, especially with the mix of public traffic due to the County’s recreational and transit facilities that use the same roadway. The Applicant simply requests that specific restrictions on the types of vehicles permitted along Ho‘olaulima Road not be hard-baked into the Special Permit, for the reasons explained above.e
- e.e Continued use of rock haulers currently utilized by the Applicant limits trips along Ho‘olaulima Road to 3-4 trips per day. Restricting use to “street legal” trucks will likely double the number of vehicle trips per day, increasing the overall vehicle load upon Ho‘olaulima Road. The use of smaller trucks will likely quadruple the cost of the quarried material which will then push the overall price of the Applicant’s products significantly higher, thereby impacting their customers, which includes various government agencies and the general public.e
- f.e Over the years, Ho‘olaulima Road has been widened to provide for the safe passage of both larger vehicles, such as rock haulers and County buses, and passenger vehicles. The Applicant is willing to work with the County to provide additional pavement widening between the quarry site and its processing facilities if deemed necessary to minimize potential conflicts between the Applicant’s rock haulers and passenger vehicles.e

2.e Use of other similar vehicles by existing and past County operations.e

- a.e When the County landfill was open, the County’s Solid Waste Division used their payhauler trucks to transport material obtained from the Applicant’s processing facilities as cover material for the landfill, traveling over a portion of the same route along Ho‘olaulima Road that the Applicant has always used between its processing facilities and the existing quarry. The Applicant has always been willing to meet with County officials to address any concerns, if it was made known to the Applicant. But as previously stated, such concerns about roadway damagee

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and traffic safety were never made known to the Applicant until recently as a course of review of this Special Permit application.

- b. For many years, the Applicant has allowed the County to travel through its existing access driveway through its processing facilities when moving its big machinery between the County baseyard on Lanikaula Street to the landfill and transfer station.
- c. The Applicant has also allowed the County, for many years, to utilize its existing driveway through its processing facilities as a bypass to get their transfer trucks & trailers around the long traffic line to and from the transfer station during busy holiday weekends like Christmas and New Year's. The Applicant's operations are closed during these holiday weekends, but make a special effort to open and close their security gates to accommodate County operations and avoid traffic congestion along Ho'olaulima Road, going as far as providing County personnel the gate key for the holiday weekends so that the Applicant's driveway through its processing facilities could be utilized by the County when the Applicant's personnel was unavailable to open/close the gates for them.

The Applicant shares this information with the Commission to demonstrate that it has been, and will continue to be a very responsible neighbor and business owner that places safety and minimizing of impacts generated by its operations as its paramount obligation to our community. In the end, the Applicant acknowledges that the County will have the final say in types of vehicles that will be permitted to use Ho'olaulima Road. The Applicant simply requests that Condition 5 be amended to give the County this sole discretion, and not the State Land Use Commission.

Should you have any questions or require additional information to assist with this request, please feel free to contact me.

Sincerely,



DARYN ARAI
Land Use Planning Consultant

copy via email: Shellbylynn Yamada, President, Yamada and Sons, Inc.