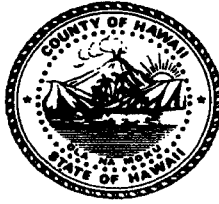


Harry Kim
Mayor



Joseph Clarkson, Chair
Donald Ikeda, Vice Chair
Gilbert Aguinaldo
Donn Dela Cruz
Thomas Raffipiy
John Replogle

County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

DEC 31 2018

Mr. Sidney M. Fuke
Planning Consultant
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

SUBJECT: Revocation of Special Management Area Use Permit No. 334 (Docket No. 92-00003)
Applicant: Piilani Partners, LLC
Tax Map Key: 2-2-033:11

The Windward Planning Commission, at its duly held public hearing on December 6, 2018, considered the above-referenced request for the revocation of Special Management Area (SMA) Use Permit No. 334. SMA No. 334, was originally approved in 1992 to allow the construction of a warehouse, fish processing plant, accessory office use, parking and related improvements on a 2.5712-acre parcel within the Special Management Area. The property is located at 525 Pi'ilani Street, at the northeastern corner of the Pi'ilani Street-Mililani Street intersection, Waiākea, South Hilo, Hawai'i.

The Commission voted to officially revoke SMA Use Permit No. 334, as requested by the applicant.

Should you have any questions, please contact Christian Kay of the Planning Department at (808) 961-8136.

Sincerely,

Joseph Clarkson, Chairman
Windward Planning Commission

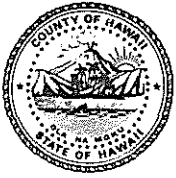
LPiilaniPartnersRevokeSMA334wpc

Hawai'i County is an Equal Opportunity Provider and Employer

DEC 31 2018

Mr. Sidney M. Fuke
Planning Consultant
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cc: Piilani Partners, LLC
Department of Public Works
Department of Water Supply
Real Property Tax Office
GIS Section



Planning Commission

Lorraine R. Inouye
Mayor

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

CERTIFIED MAIL

September 1, 1992

Suisan Company, Ltd.
1965 Kamehameha Avenue
Hilo, HI 96720

Gentlemen:

Change of Zone Application (R92-7)
Special Management Area Use Permit
Application (SMA 92-3) - 334
Applicant: Suisan Company, Ltd.
Request: V-S-.75 to ML-20
Tax Map Key: 2-2-33: 11, 12, 19 & 20

The Planning Commission at its duly held public hearing on August 20, 1992 reviewed and acted on your applications for a Change of Zone and Special Management Area Use Permit for the above described property.

The Commission voted to recommend the approval of the Change of Zone Application to the County Council, subject to the following conditions:

- A. The applicant, its successors or assigns shall comply with all of the stated conditions of approval.
- B. Final consolidation approval of the subject properties shall be secured within one year from the effective date of the change of zone. *10/21/94*
11/10/94 - until Nov. 20, 1994 to secure final approval.
- C. Final plan approval for the proposed fish processing/warehouse/office facility and related improvements shall be secured from the Planning Department within one year from the date of Final Consolidation Approval. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five (45) days prior to the date for which plan approval must be secured. Plans shall indicate proposed structures, landscaping and parking associated with the proposed development. *10/21/94*
10/21/94
showed to
11/21/94
for verification
done

SEP - 1 1992

- D. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
- E. In the design and review of any improvements, due consideration shall be given to the minimization of noise and adverse visual impacts through appropriate siting, height, bulk, color schemes, signage, and landscaping.
- F. Access to the project site shall meet with the approval of the Department of Public Works.
- G. The method of sewage and solid waste disposal shall meet with the approval of the appropriate governmental agencies.
- H. That portion of Piilani Street fronting the project site shall be improved to commercial standards. This improvement shall be constructed in a manner meeting with the approval of the Department of Public Works, prior to the issuance of a certificate of occupancy for the proposed development.
- I. Upon the development of parcels along the unconstructed portion of Mililani Street in the immediate vicinity of the subject properties, the applicant shall either participate in the construction of Mililani Street or a fair share contribution of its construction (280 feet) at a time and in a manner meeting with the approval of the Department of Public Works.
- J. A drainage system, if required, shall be installed meeting with the approval of the Department of Public Works.
- K. Comply with all applicable laws, rules, regulations and requirements, including those of the Departments of Public Works, Health and Fire.
- L. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may, at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance.

- M. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of this Change of Zone. The report shall address the status of the development and the compliance with the conditions of approval. 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.
- N. An extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the Change of Zone; 4) 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); and 5) if the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate rezoning of the area to its original or more appropriate designation.

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.

The Planning Commission also approved your Special Management Area Use Permit No. 334, to allow the construction of a warehouse, fish processing plant, accessory office use, parking and related improvements. The property is at the northeastern corner of the Piilani Street-Mililani Street intersection, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes, and Rule 9, Special Management Area (SMA) Rules and Regulations of the County of Hawaii is to preserve, protect, and, where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

One of the criteria for approving a development within the SMA is that it is consistent with the General Plan and Zoning Code. The proposed project does conform to the General Plan Land Use Pattern Allocation Guide Map, which designates this area for Industrial use. As discussed previously, the granting of this permit will also complement the mentioned goals, policies and standards of the General Plan.

A criteria in reviewing an SMA Use Permit Application is that "The development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options."

The proposed facility will utilize an "ozonator" to control odors emanating from the processing of fish products. Waste products generated by this processing will be refrigerated and placed in containers for later composting and/or recycling by independent operators. Therefore, the proposed facility is not anticipated to have an adverse impact to air quality in the surrounding area. Wastewater generated by the facility will be disposed of within the County's sewer system. Due to the improved nature of the project site, endangered species of plants or animals are not anticipated to be adversely affected by the proposed development. Similarly, the proposed development will not have an adverse impact to historical or cultural resources.

The coastal ecosystem is not expected to be significantly affected by the development. The project site is located approximately 700 feet from the nearest waterway (Waiakea Fish

Pond) and approximately 2,000 feet from the coastal areas. As previously mentioned, the facility will utilize the County's wastewater treatment facilities, thereby reducing the possibility of ground and coastal water contamination. Negative impacts on the local water quality resulting from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing ordinances and regulations. With these precautionary measures in place, the proposed development is not expected to have any substantial adverse effects on the coastal resources.

Public access and recreational resources would be unaffected by the proposal. As previously mentioned, the project site is located over 2,000 feet from coastal areas.

The proposed development will not be subject to flood or coastal hazards. According to the FIRM map, the site is in Zone "X" an area outside of the 500-year flood plain and is not within a tsunami inundation area. However, Civil Defense indicates that the project site is located within a tsunami zone. Given the location of the project site next to major recreational facilities, it is recommended that an emergency preparedness and response plan be developed by the applicant to be filed with the Planning Department and the Civil Defense Agency.

The project site is not located within a recognized visual corridor. Nevertheless, its proximity to the Wailoa River State Recreation Area does elevate the concern that such a development would have an adverse visual impact to this area. Therefore, it is recommended that in the design and review of any improvements within the project site, due consideration shall be given to the minimization of noise and adverse visual impacts through appropriate siting, height, bulk, color schemes, signage, and landscaping.

Approval of this SMA Use Permit is subject to the following conditions:

1. The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
2. This Special Management Area Use Permit shall become effective simultaneous with the accompanying Change of Zone.

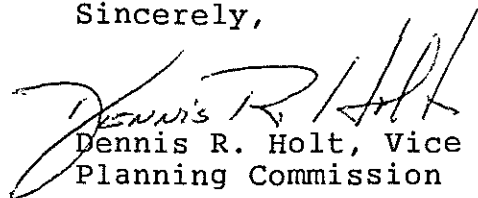
3. An emergency preparedness and response plan shall be filed with the Hawaii County Civil Defense Agency and the Planning Department prior to the issuance of a certificate of occupancy for any portion of the proposed development.
4. Comply with all applicable laws, rules, regulations and requirements, including those of the Departments of Public Works, Health, Fire and the conditions of approval of the accompanying change of zone.
5. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of this permit. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Department acknowledges that further reports are not required.
6. 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 shall initiate procedures to revoke the permit.

This recommendation 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.

Suisan Company, Ltd.
September 1, 1992
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Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,


Dennis R. Holt, Vice Chairman
Planning Commission

7629d
jdk

xc: R. Ben Tsukazaki, Esq.
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Civil Defense
OSP, CZM Program w/background
DLNR
Mayor
Planning Director
Plan Approval Section
Connie