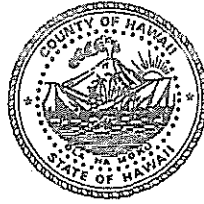


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

September 14, 2005

Mr. Ivan I. Nakano
I. Kitagawa & Company, Ltd.
400 E. Kawili Street
Hilo, HI 96720

Dear Mr. Nakano:

Subject Special Management Area Use Permit Assessment Application (SAA 05-000075)
Special Management Area Minor Permit No. 05-000017
Applicant: I. Kitagawa & Company, Ltd.
Land Owner: State of Hawaii
Request: Grub, Gravel and Fence a Portion of the Property for Vehicle Storage
Tax Map Key: 2-1-7:Portion of 51, Waiakea, Hilo, Hawaii

Portion assigned new TMK: 2-1-007:055

This is to follow up on our August 30, 2005 letter relating to the above-referenced Special Management Area assessment to grub, gravel and fence a portion of the subject property for the storage of vehicles.

According to the application, a revocable permit was issued by the Department of Land and Natural Resources to I. Kitagawa and Company, Inc. for the project area.

The subject property is zoned General Industrial (MG-1a) by the County and designated Urban by the State Land Use Commission. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Industrial.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(i) relating to Special Management Area, to grub, gravel and fence a portion of the property for vehicle storage is considered "*Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste*" and defined as "development".

Hawaii County is an equal opportunity provider and employer.

Mr. Ivan I. Nakano
I. Kitagawa & Company, Ltd.
Page 2
September 14, 2005

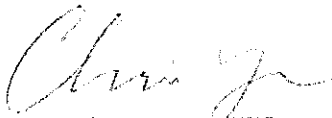
Therefore, a Special Management Area Minor Permit is required. For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 05-000017 is hereby issued to grub, gravel and fence a portion of the subject property for the storage of vehicles, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

As a reminder, according to Chapter 25, Hawaii County Zoning Code, although "*Automobile and truck storage facilities*" are permitted uses on the subject parcel, "*Automobile sales and rentals*" are not allowed.

Should you have questions, please feel free to contact Esther Imamura or Larry Brown of this department at 961-8288, extension 257 and 258, respectively.

Sincerely,



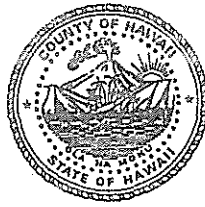
CHRISTOPHER J. YUEN
Planning Director

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Enclosures - SMM No. 05-000017
Department of Public Works September 1, 2005 Memo

xc w/encls: ✓ Long Range Planning – Ms. Susan Gagorik
Planning Commission

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

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(808) 961-8288 • Fax (808) 961-8742

Special Management Area Minor Permit No. 05-000017

Project: Grub, Gravel and Fence a Portion of the Property for Vehicle Storage
Applicant: I. Kitagawa & Company, Ltd.
Land Owner: State of Hawaii
Location: Waiakea, Hilo, Hawaii
TMK: 2-1-7:Portion of 51 **Project Area:** 6,617.5 square feet

Applicant's Request

1. Project Description:

The applicant proposes to grub, gravel and fence a portion of the property for vehicle storage.

2. Purpose of Project:

The applicant proposes to use this area to provide additional storage parking for motor vehicles.

3. Project Valuation: \$5,000

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area, the "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste" is defined as "development." Therefore, to grub, gravel and fence a portion of the property for vehicle storage requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject property is designated Urban by the State Land Use Commission.

2. **General Plan:** The subject property is designated Industrial by the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The subject property is zoned General Industrial (MG-1a) by the County.
4. **Special Management Area:** The subject property is located in the SMA. However, it does not have frontage along the ocean.
5. **Flood Zone:** The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map.

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</p>

This parcel does not have frontage along the ocean. Therefore, the proposed improvements will not affect the recreational resources available to the public.

Check all objectives and policies found to be consistent with proposed development. Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- ☒ 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 the elimination of planning options.
- ☒ The proposed development is consistent with the Hawaii County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to:
 - ☒ Provide coastal recreational opportunities accessible to the public.
 - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
 - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
 - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
 - ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
- ☒ Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution.

- ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- ☒ Stimulate public awareness, education, and participation in coastal management.
- ☒ Protect beaches for public use and recreation.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
 - ☒ Recreational Resources
 - ☒ Historic Resources
 - ☒ Scenic and Open Space Resources
 - ☒ Coastal Ecosystems
 - ☒ Economic Uses
 - ☒ Coastal Hazards
 - ☒ Managing Development
 - ☒ Public Participation
- ☒ Beach Protection
- ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, Environmental Impact Statements.

Findings

As discussed above, the proposed 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.

The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$5,000 is not in excess of \$125,000.

Upon review of the subject application, the Department of Public Works, Engineering Division has no objections to the request.

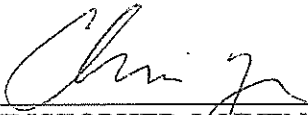
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 05-000017** is hereby approved to allow the applicant to grub, gravel and fence a portion of the property for vehicle storage, subject to the applicant complying with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved SMA Minor Permit No. 05-000017, subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured and construction completed within one (1) year from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
3. The applicant shall comply with all applicable requirements of the State Department of Health and the County Department of Public Works and applicable requirements of other affected agencies.
4. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
5. An extension of time for the performance of the conditions contained herein 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 original reasons for the granting of the permit; and
 - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
6. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:


CHRISTOPHER J. YUEN
Planning Director

SEP 14 2005

Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: September 1, 2005

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM: Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMAA 05-000075)
Applicant: I. Kitagawa & Company, Ltd.
Request: Grub, Gravel and Fence for Vehicle Storage
TMK: 2-1-07: Portion of 051 (6617.5 SF)

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated August 30, 2005 and have no objection to the request.

The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map