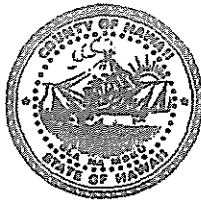


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**County of Hawaii**  
**PLANNING DEPARTMENT**

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224  
(808) 961-8288 • FAX (808) 961-8742

**Christopher J. Yuen**  
*Director*  
**Brad Kurokawa, ASLA**  
**LEED® AP**  
*Deputy Director*

**CERTIFIED MAIL**  
**7006 2150 0004 3151 7598**

April 22, 2008

Mr. Bob Reiersen, President  
Motor Supply Ltd.  
726 Sheridan Street  
Honolulu, HI 96814

Dear Mr. Reiersen:

**SUBJECT: Special Management Area Use Permit Assessment Application (SAA 08-000326)**  
**Special Management Area Minor Permit No. 08-000078**  
**Notice of Violation and Order (File No. 08-035E)**  
**Special Management Area Violation (SMA/V 08-02E)**  
**Land Owner: Motor Supply Ltd.**  
**Applicant: Bob Reiersen, President of Motor Supply Ltd.**  
**Subject: Clearing and Cutting Vegetation and Trees**  
**Tax Map Key: 2-2-53:06, Waiakea, South Hilo, Hawaii**

On April 7, 2008 we received an after-the-fact Special Management Area (SMA) Assessment Application to request permission to cut trees and clear (grub) vegetation on a regular basis in order to prevent rats from habitating on the subject property. This SMA application was required as a corrective action for SMA Violation SMA/V 08-02E which you received by certified mail on April 1, 2008.

Section 9-4(10)A(ii) of the Planning Commission Rules of Practice and Procedures defines "development" as "grading, removing, dredging, mining, or extraction of any materials within the Special Management Area (SMA)." Therefore, a Special Management Area Minor Permit is required.

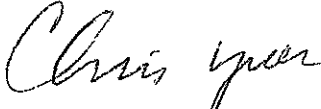
Mr. Bob Reiersen, President  
Motor Supply Ltd.  
Page 2  
April 22, 2008

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 08-000078 is hereby issued to allow the cutting of trees and clearing (grubbing) of vegetation on a regular basis on the subject parcel. It is the applicant/owner's responsibility to read and comply with the conditions listed in the enclosed permit.

Since you responded promptly to the notice of violation by submitting the after-the-fact SMA Assessment Application well before the corrective action deadline of April 30, 2008, and since the nature of the violation was minor, we are waiving the civil fine of \$250.00. Therefore, with the waiving of the civil fine and the issuance of SMA Minor Permit No. 08-000078, the corrective actions for SMA Violation SMA/V 08-02E have been completed and the violation is now closed.

Thank you for your cooperation in this matter. If you have any questions, feel free to contact Maija Cottle of my staff at 961-8288, extension 253.

Sincerely,

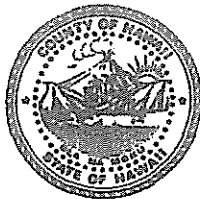


CHRISTOPHER J. YUEN  
Planning Director

MJC:mad

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cc: ✓ Long Range Planning Division  
Corporation Counsel  
Mr. Robert Usagawa, Zoning Inspector  
Department of Public Works-Engineering Division-Hilo



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

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**Special Management Area Minor Permit No. 08-000078**

**Project:** Routine Maintenance of Property by Grubbing and Tree Cutting  
**Applicant:** Motor Supply Ltd. c/o Bob Reiersen, President  
**Location:** Waiakea, South Hilo, Hawaii  
**TMK:** 2-2-53:06                      **Land Area:** 16,582 square feet

**Applicant's Request**

**1. Project Description:**

The applicant proposes to cut trees and grub other vegetation on a regular basis to destroy habitat for rats in order to prevent rats from disturbing neighbor properties. No soil disturbance is proposed because the trees will be cut above ground.

**Purpose of Project:**

The purpose is to discourage rats from habitating on the property.

**2. Project Valuation:** \$1,000.

**3. Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(ii) relating to the Special Management Area, "*Grading, removing, dredging, mining, or extraction of any materials*" is not exempt from the definition of "development." Therefore, the proposed project requires an 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 Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as high density urban (hdu).
- 3. County Zoning:** The subject property is zoned general commercial (CG-7.5).

4. **Special Management Area (SMA):** Although the subject property is located in the SMA, it does not have frontage along the coastline.
5. **Flood Zone:** Zone X.

<b>Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</b>
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The project area does not have frontage along the coastline; therefore, the proposed improvements will not affect public access to the shoreline or public use of the shoreline area.

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 tsunamis, 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, regarding 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 \$1,000 is not in excess of \$125,000.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 08-000078** is hereby approved to cut trees and grub other vegetation on a regular basis for the purpose of destroying habitat for rats in order to prevent rats from disturbing neighbor properties. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

### Conditions of Approval

The Planning Director has approved SMA Minor Permit No. 08-000078 subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. The applicant shall cut trees above ground only, and shall not remove the tree trunks or disturb the soil.
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.

APPROVED:

  
CHRISTOPHER J. YUEN  
Planning Director

  
Date