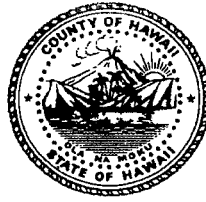


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

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

May 24, 2018

Mr. Aaron Watkins
1619 Kamāmalu Ave., #106
Honolulu, HI 96813

Dear Mr. Watkins:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA 17-001549)**

Special Management Area Minor Permit No. 18-000388 (SMM 18-000388)

Applicant: Aaron Watkins

Land Owner: Aaron Duke Watkins

**Project: Grubbing and Grading to Install a Food Trailer with
Related Improvements**

Tax Map Key: (3) 2-1-006:024, Waiākea, Hilo, Hawai'i

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 17-001549), submitted on October 16, 2017. Proposed is grubbing and grading to install a food trailer with related improvements on the subject parcel.

The subject 8,253 square foot parcel is zoned Resort Hotel (V-.75) by the County and designated Urban by the State Land Use Commission. It is also designated Resort by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. Although it is located entirely within the Special Management Area (SMA), it is not in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

Special Management Area Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(B), and (A), "Grading, removing, dredging, mining, or extraction of any materials" and "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste," respectively, are not exempt from the definition of "development" and requires a review against the SMA rules and regulations.

MAY 24 2018

Mr. Aaron Watkins
May 24, 2018
Page 2

Based on the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. 18-000388 is hereby issued for grubbing and grading to install a food trailer with related improvements on the subject parcel.

It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have any questions, please contact Esther Imamura of this office at (808) 961-8139.

Sincerely,

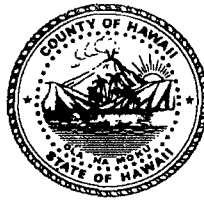

FDL MICHAEL YEE
Planning Director

ETI:ja

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Enclosures: SMM No. 18-000388
Department of Public Works Memo dated November 27, 2017
Department of Health Memo dated December 13, 2017

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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Special Management Area Minor Permit No. 18-000388

Project: Grubbing and Grading to Install a Food Trailer with Related Improvements
Applicant: Aaron Watkins
Landowner: Aaron Duke Watkins
TMK: (3) 2-1-006:024 **Land Area:** 8,253 square feet

Applicant's Request

- 1. Project Description:** Proposed is removal of all vegetation except for one mango tree. The lot will then be leveled.
- 2. Purpose of Project:** The objective is to park Le's Yellow Sub, a certified food trailer, on the level cleared lot. Although additional features include picnic tables and a porta potty, no permanent structures are proposed.
- 3. Project Valuation:** \$30,000
- 4. Determination:** According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(B), and (A), "*Grading, removing, dredging, mining, or extraction of any materials*" and "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste,*" respectively, are not exempt from the definition of "development" and requires a review against the SMA rules and regulations. Therefore, grubbing and grading to install a food trailer with related improvements are considered "development" and requires an SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The parcel is located in the Urban District.
- 2. General Plan:** The parcel is designated Resort by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** This parcel is zoned Resort Hotel (V-.75). According to Hawai'i County Code Chapter 25-5-92(a)(30), "Restaurants" are permitted uses. Section 25-1-5(b), in part, defines "restaurant" as "*an establishment which is regularly and in a bona fide manner used and kept open for the serving of meals to patrons for compensation and which has suitable kitchen facilities connected with the establishment, containing the necessary equipment and supplies for cooking an assortment of foods which may be required for ordinary meals.*" Further, Section 25-2-71(a) states, in part, that "*Plan*

Approval shall be required prior to the construction or installation of any new structure or development or any addition to an existing structure or development in all districts except in the RS, RA, FA, A, and IA districts... ”

4. **Special Management Area:** This parcel is within the Special Management Area (SMA) but not located in a “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).

5. **Flood Zone:** VE

<p align="center">Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes (HRS), Regarding the Special Management Area</p>

Check all objectives and policies found to be consistent with proposed development. Issuance of a 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 Hawai‘i 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, regarding Environmental Impact Statements.

Findings

1. 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.
2. The proposed development is consistent with the Hawai'i County General Plan and Zoning Code.
3. The proposed development is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
4. The estimated project cost of \$30,000 is not in excess of \$500,000.
5. The enclosed Department of Public Works, Engineering Division memorandum dated November 27, 2017, states the following:

"We have reviewed the subject application for compliance with Chapter 27 – Floodplain Management, forwarded by your memo dated October 24, 2017 and offer the following comments for your consideration.

The subject parcel is in an area designated as Flood Zone VE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (1% chance of occurring in any given year) with velocity hazard (wave action).

Fill material is considered an encroachment and/or obstruction which may block, impede, or aggravate flooding and is prohibited unless certified by a civil engineer

licensed in the State of Hawai‘i, with supporting data, that the encroachment will not cause any increase in the Base Flood Elevation during the occurrence of the Base Flood.

All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage plan may be required by the Plan Approval process in accordance with Section 25-2-72(3) of the Hawai‘i County Code.”

6. Pursuant to Planning Commission Rule Section 9-10(e), the Planning Director hereby approves the grubbing and grading to install a food trailer with related improvements, subject to the applicant’s compliance with the conditions of approval as specified below.

Conditions of Approval

This SMA Minor Permit is subject to the following conditions:

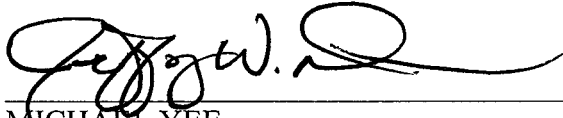
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
3. All construction shall comply with Chapter 27, Floodplain Management, of the Hawai‘i County Code.
4. The applicant shall comply with the requirements of the enclosed State of Hawai‘i, Department of Health Memorandum dated December 13, 2017.
5. Prior to installation of the food trailer, the applicant(s), successor(s) or assign(s) shall secure Final Plan Approval for the proposed project from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai‘i County Code.
6. Installation of the proposed food trailer with related improvements shall be completed within two (2) years from the effective date of this permit.
7. Any further uses, activities or operations proposed for the subject property shall require further review and approval as provided under Chapter 205A of the Hawai‘i Revised Statutes, and Rule 9 of Planning Commission Rules of Practice and Procedure. Should the cost of any new activities or operations not included in the subject proposal but related to the subject undertaking move the total valuation of the project over \$500,000, this permit will be deemed void and a Special Management Area “Major” Use Permit will be required for the project.
8. In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact State Historic Preservation Division at (808) 933-7651.
9. 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).

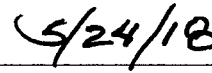
10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

If you have any questions, please feel free to contact Esther Imamura at (808) 961-8139.

APPROVED:



MICHAEL YEE
Planning Director



Date

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DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

PLANNING DEPARTMENT
COUNTY OF HAWAII

DATE: November 27, 2017

Memorandum

TO: Michael Yee, Planning Director

FROM: Department of Public Works, Engineering Division 

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SAA 17-001549)**

Applicant: Aaron Watkins

Request: Grubbing and Grading to Install a Food Trailer with Related Improvements

TMK: 2-1-006:024

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated October 24, 2017 and offer the following comments for your consideration.

The subject parcel is in an area designated as Flood Zone VE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (1% chance of occurring in any given year) with velocity hazard (wave action).

Fill material is considered an encroachment and/or obstruction which may block, impede, or aggravate flooding and is prohibited unless certified by a civil engineer licensed in the State of Hawaii, with supporting data, that the encroachment will not cause any increase in the Base Flood Elevation during the occurrence of the Base Flood.

All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage plan may be required by the Plan Approval process in accordance with Section 25-2-72(3) of the Hawaii County Code.

Questions may be referred to Robyn Matsumoto at 961-8924.

115155



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

2017 DEC 15 AM 10 40
PLANNING DEPARTMENT
COUNTY OF HAWAII

MEMORANDUM

DATE: December 13, 2017

TO: Mr. Michael Yee
Planning Director, County of Hawaii

FROM: Eric Honda *EH*
District Environmental Health Program Chief

SUBJECT: Special Management Area Use Permit Assessment Application
SAA-17-001549
Applicant: Aaron Watkins
Request: Grubbing and Grading to Install a Food Trailer
With Related Improvements
TMK: 2-1-006:024 Waiakea, Hilo, Hawaii

The applicant would need to meet the requirements of our Department of Health Air Pollution Rules, Chapter 60.1, Title 11, State of Hawaii for fugitive dust control. If there is need to discuss these requirements, please contact our Clean Air Branch staff at Ph. 933-0401.

Construction activities must comply with the provisions of Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control."

1. The contractor must obtain a noise permit if the noise levels from the construction activities are expected to exceed the allowable levels of the rules.
2. Construction equipment and on-site vehicles requiring an exhaust of gas or air must be equipped with mufflers.
3. The contractor must comply with the requirements pertaining to construction activities as specified in the rules and the conditions issued with the permit.

Should there be any questions on this matter, please contact the Department of Health at 933-0917.

The subject project is located within or near proximity to the County sewer system. Wastewater Branch supports the sewer requirements made by the County for the proposed project.

115472

JD

Michael Yee
December 13, 2017
Page 2 of 2

We recommend that you review all of the Standard Comments on our website:
<http://hawaii.gov/health/environmental/env-planning/landuse/landuse.html>. Any comments specifically applicable to this project should be adhered to.

- The same website also features a Healthy Community Design Smart Growth Checklist
- (Checklist) created by Built Environment Working Group (BEWG) of the Hawaii State
- Department of Health. The BEWG recommends that state and county planning departments,
- developers, planners, engineers and other interested parties apply the healthy built environment
- principles in the Checklist whenever they plan or review new developments or redevelopments
- projects. We also ask you to share this list with others to increase community awareness on
- healthy community design.