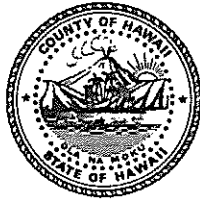


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL

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APR 23 1998

Steven S. C. Lim, Esq.  
Carlsmith Ball Wichman Case & Ichiki  
121 Waiianuenue Avenue  
Hilo, HI 96720

Dear Mr. Lim:

Special Permit Application (SPP 98-3)

Applicant: Reba-Mae Silva

Request: Establish a Self-Storage Facility and Related Improvements

Tax Map Key: 9-2-150:Portion of 51

The Planning Commission at its duly held public hearing on April 17, 1998, voted to approve the above-referenced application. Special Permit No. 998 is hereby issued to establish a self-storage facility and related improvements on 1.00 acre of land situated in the State Land Use Agricultural District. The property is located in the Kona-South Estate Subdivision on the south (makai) side of Mamalahoa Highway, approximately 1 1/4 mile west of the Ocean View Post Office, Kahuku, Ka'u, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The proposed project will be located within an area whose soils are identified as Kaimu (rKED) lava found on sloping to moderately steep uplands at elevations from sea level to 1,000 feet. These soils are not suitable for cultivation. The productivity rating system classifies the soil as Class "E" or Very Poor for agricultural use. The property is unclassified by the Department of Agriculture's ALISH Map. This classification suggests that the site has a poor to very poor productivity potential for most agricultural uses. The proposed use would not displace any agricultural activity nor diminish the agricultural potential of the area, which as

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seen very little in the way of intensive agricultural activities in many areas. Therefore, the proposed use would not be contrary to the objectives of the State Land Use Law for Agricultural district.

The desired use will not adversely affect the surrounding properties. Properties located along Mamalahoa Highway are predominantly undeveloped with scattered residential dwellings. The proposed use is quiet, non-polluting and geared to provide needed short-term and long-term secured storage needs for residents in the area. Perimeter landscaping will be added as well as neutral colors used to help minimize adverse visual effects.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and police and fire protection. Access to the property will be from Road A, which has a 15-foot wide cinder/gravel roadway surface in a designated 60-foot wide right-of-way. All essential services are or will be made available to the subject property.

The use will not substantially alter or change the essential character of the land and the present use. The property is currently vacant, and the owner derives only the non-tangible benefits of owning over-vegetated, undeveloped land. The proposed self-storage facility and related improvements would not be inconsistent with the character of the area. As mentioned above, perimeter landscaping and neutral colors will be added and used to help minimize adverse visual effects.

The land upon which the proposed use is sought is not unsuitable for the uses permitted within the district. As previously mentioned, soils within the subject property are very poorly suitable for many types of agriculture. The limited nature of the request and the land area it will occupy will not adversely affect permitted uses located within adjoining areas.

The proposed use is not contrary to the General Plan. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Extensive Agricultural. However, the Kaimu soils are not suitable for cultivation. The productivity rating system classifies the soil as Class "E" or Very Poor for agricultural use. The property is unclassified by the Department of Agriculture's ALISH Map. This classification suggests that the site has a poor to very poor productivity potential for most agricultural uses. Although the subject property is located approximately 1-1/4 miles to the east of the Urban Expansion designation, where the existing commercial activities are situated, the residents of the Hawaiian Ocean View Estates Subdivision have expressed the need for a self-storage facility in their community. The subject request is consistent with the Land Use element of the General Plan which is to "Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to "...encourage the development and maintenance of the communities meeting the needs of its residents in balance with the physical and social environment."

Based on the above considerations, the proposed self-storage facility and related improvements is considered an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate revocation of this permit.


1. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Construction of the proposed facility and related improvements shall be completed within five (5) years from the effective date of this permit. This time period shall include the securing of Final Plan Approval from the Planning Director for the proposed facility. Landscaping shall also be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties. Landscaping along the project site's boundaries shall be provided to the extent that a continuous, unbroken, heavy planting screen, no less than 5 feet in height, is established prior to the issuance of a certificate of occupancy. Earth tone paint color samples shall be submitted for Final Plan Approval.
3. Access to the subject property from and any improvements within the Road A shall be constructed meeting the requirements and approval of the Department of Public Works.
4. The applicant shall comply with all other laws, rules, regulations and requirements of the affected agencies for the approval of the facility, including those of the Department of Health, Fire Department and the Department of Public Works.
5. Upon compliance with all conditions of approval and prior to the start of the operation, the applicant shall provide, in writing, a final status report to the Planning Director.
6. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
7. An initial 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.
- 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).

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.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

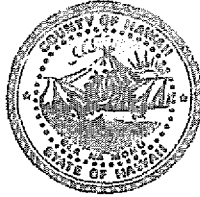
Sincerely,

*for*   
Kevin M. Balog, Chairman  
Planning Commission

LSilva01.PC

cc: Ms. Reba-Mae Silva  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
State Land Use Commission  
Department of Land & Natural Resources  
Kazu Hayashida, Director/DOT-Highways, Honolulu  
Department of Health  
Fire Department

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

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

April 21, 2008

Steven S. C. Lim, Esq.  
Carlsmith Ball, LLP  
121 Waianuenue Avenue  
Hilo, HI 96720

Dear Mr. Lim:

Special Permit (SPP 998)  
Applicant: Minipro Construction, Inc.  
Request: Amendment to Condition 2 (Construction Deadline)  
Tax Map Key: 9-2-150:51

The Planning Commission at its duly held public hearing on April 4, 2008, voted to approve the above-referenced request for an amendment to Condition No. 2 (construction time requirement) of Special Permit No. 998, which allowed the construction of a self-storage facility and related improvements on 1 acre of land situated within the State Land Use Agricultural District. The amendment request also includes increasing the land area to 3 acres and to increase the number of storage units and storage structures. The property is located in the Kona-South Estate Subdivision situated on the south (makai) side of Highway 11, approximately 1 and ¼ miles west of the Ocean View Post Office, Kahuku, Ka'u, Hawaii.

Approval of this request is based on the following:

The applicant is requesting a 5-year time extension to amend Condition No. 2 (complete construction) of Special Permit No. 998, which allowed the establishment of a self-storage facility and related improvements on approximately one acre of a 3.09-acre of land in the State Land Use Agricultural District. The request also includes increasing the land area to three acres and expanding the number of storage units and structures. Special Permit No. 998 was approved by the Planning Commission on April 23, 1998. By letter dated March 13, 2003, an administrative time extension was granted until April 23, 2008 within which to complete construction of the self-storage facility and related

improvements. The applicant states, "the fee owners of the property have continued to face economic conditions that have prevented them from raising the necessary capital to finance the project." By letter dated February 15, 2008, the applicant provided a clarification that the project area was proposed to be expanded from one to three acres, and the number of self-storage units increased to 1,038 units in seven separate structures.

Approval of this request would not be contrary to the General Plan or the Zoning Code or the original reasons for granting the Special Permit. The applicant still plans to develop a self-storage facility on the site. The property is located on lands designated State Land Use Agricultural and zoned A-3a. The General Plan LUPAG Map designates the property as Extensive Agricultural. Soils on the property are unclassified by the ALISH map, and the Land Study Bureau's Soil Rating for the property is "E" or "Very Poor" for agricultural activity.

Approval of this request would not be contrary to the original reasons for granting the Special Permit. No active agricultural lands will be taken out of production for the construction of the proposed self-storage facility. The property is of sufficient size to allow for adequate setbacks and buffers in minimizing any physical, social, or other impacts that this proposed use may have on surrounding properties. While there are no commercial-zoned lands in the immediate area, a centralized commercial area has been established along both sides of the Hawaii Belt Highway through the issuance of Special Permits. These commercial uses include a post office, hardware store, and other commercial and industrial uses. This particular area of the Hawaiian Ocean View Estates and Ranchos subdivisions is identified as the "commercial center." The applicant will still be required to comply with all other existing conditions within Special Permit No. 998.

The expansion of the proposed self-storage facility may generate more traffic to and from the project site. The Trip Generation Report, Volume Two, 7<sup>th</sup> Edition published by the Institute of Transportation Engineers, uses a figure of 2.5 trips/1,000 square feet of gross floor area per day for self-storage facilities. This report is normally used by transportation engineers to estimate traffic. With the applicant's proposal of 114,600 square feet of gross floor area, traffic to and from the facility is estimated at approximately 286 trips/day. The report counts the entry and exits as two trips, thus the 286 trips/day would be equivalent to approximately 143 cars/day. The San Diego Municipal Code Land Development Code Trip Generation Manual dated May, 2003 uses a slightly lower figure of 2 trips/1,000 square feet. Under this calculation, the present request would generate approximately 229 trips/day, or 114 cars/day. (Exhibit 14 - excerpts from Institute of Transportation Engineers Trip Generation Report, Volume Two, 7<sup>th</sup> Edition; Exhibit 15 - excerpts from the San Diego Municipal Code Land Development Code Trip Generation Manual.) (*Planning Department Recommendation Report.*)

In a letter dated March 10, 2008, the Department of Transportation (DOT) had no objections to the request. However, the DOT has recommended that Road A, the access driveway, be paved and a street light installed at the intersection of Road A with the Mamalahoa Highway. A condition of approval will be included as suggested by the Department of Transportation.

Based on the above, the request to amend Special Permit No. 998 would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations or the original reasons for approving this permit. Condition No. 2 of Special Permit No. 998 is amended as follows. In addition, existing conditions in the permit are revised to reflect the current standard language for conditions of approval. (Material to be deleted is bracketed; material to be added is underscored):

1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The construction of the proposed facility and related improvements shall be completed within five (5) years from the effective date of this permit, as amended. This time period shall include the securing of Final Plan Approval from the Planning Director for the proposed facility. Landscaping shall also be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties. Landscaping along the project site's boundaries shall be provided to the extent that a continuous, unbroken heavy planting screen no less than 5 feet in height, is established prior to the issuance of a certificate of occupancy, or a textured 10-foot high concrete wall around the perimeter of the property plus landscaping as approved by the Planning Director. Earth tone paint color samples shall be submitted for Final Plan Approval.
3. Access to the subject property from and any improvements within ~~[the]~~ Road A, including the installation of a street light at the intersection of Road A and Mamalahoa Highway, shall be constructed meeting the requirement and approval of the ~~[Department of Public Works]~~ Department of Transportation. Road A shall be paved from the highway to the entrance to the project.
4. The applicant shall comply with all ~~[other]~~ applicable County, State and Federal laws, rules, regulations and requirements ~~[of the affected agencies for the approval of the facility, including those of the Department of Health, Fire Department and the Department of Public Works]~~.

5. Upon compliance with all conditions of approval and prior to the start of the operation, the applicant shall provide, in writing, a final status report to the Planning Director.
6. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
7. ~~[An initial 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.~~
  - ~~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).]~~

If the applicant should require an additional extension of time, the request shall be submitted to the Planning Commission for appropriate action. Should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this permit.

This approval does not, however, sanction the specific plans submitted with the request as they may be subject to change given specific code and regulatory requirements of the affected agencies.

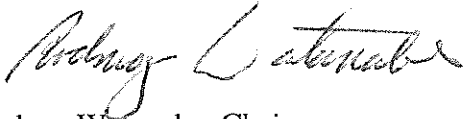


Steven S. C. Lim, Esq.

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Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288, x205.

Sincerely,



Rodney Watanabe, Chairman  
Planning Commission

Lminiprosp998PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Department of Land & Natural Resources-HPD  
DOT-High ways, Honolulu