A Hui Hou Crematory
and Funeral Home

PLANNING DEPARTMENT
COUNTY OF HAWAII
2011 MAY 16 PM 3:04

Burials • Scattering • Cremations • Cemetery Markers

May 13, 2011

BJ Leithead Todd
Planning Director
County of Hawaii
Planning Department
Aupuni Center
101 Pauahi Street, Ste 3
Hilo Hawaii 96720

Dear Ms Todd:

Enclosed is the Use Permit Application requesting to allow a full service Cremation Facility on Property Zoned General Industrial (MG-1a). We began this process last July, and have met all requirements of Queen Liliuokalani Trust receiving their signature dated February 28, 2011. Just having received these documents back we are attempting to get in motion all requirements so as to be on the June docket for the Planning Committee Meeting in Kona.

We have posted the sign as evidenced by the affidavit attached to the application, and have sent out an initial letter and documents (Exhibit E of application) November 25, 2010 to all property owners and leaseholds on record. We are prepared to send another as soon as we are notified of the meeting date.

Please let us know.

Thank you.

Sincerely,

Penny Brumbaugh
Member Manager

071501

"From our Ohana to yours, where families come first"

74-5615 Luhia St • Kailua-Kona, HI 96740 • ahuihouservices.com • (808) 329-5137 or 887-2801 • Fax (808) 329-8917

Affidavit on Posting of Sign

We have prepared the sign, with the information below, posted as required near the property boundary adjacent to the public road bordering the property. This was completed Friday, May 13, 2011. Specifications: 4 feet by 3 feet (12 ft square), with 1 inch lettering as required.

A Hui Hou Tribute Center, LLC
Full Service Cremation Facility
Addition of Equipment
69,696 sq ft lot / 23612 sq ft bldg
TMK (3) 7-4-15:22
County of Hawaii, Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720-3043
1-808-961-8288

Signed this 13th day of May, 2011 by Affiant, Penny Brumbaugh, Member Manager of A Hui Hou Tribute Center, LLC

Penny Brumbaugh
Signature of Affiant

Subscribed and sworn to before me,

This 13th day of MAY (Month) 2011 (Year)

(Signature of Notary Public)

Notary Public, THIRD Judicial Circuit,
State of Hawaii,
[✓] My commission expires: 08/30/2013
Sec 338-51, Hawai'i Revised Statutes

HANNA L. SPAIN NOTARY 09-396 PUBLIC STATE OF HAWAII

Doc. Date: 5/13/2011 # Pages: 1
Notary Name: HANNA L SPAIN THIRD Circuit
Doc. Description: AFFIDAVIT ON POSTING OF SIGN.

Notary Signature 5/13/11 Date
NOTARY CERTIFICATION

PLANNING DEPARTMENT
COUNTY OF HAWAII

2011 MAY 16 PM 3:24

COUNTY OF HAWAII
PLANNING COMMISSION

USE PERMIT APPLICATION
(Type or legibly print the requested information)

APPLICANT: A Hui Hou Tribute Center, LLC Lenny Entwistle 5/13/2011

APPLICANT'S SIGNATURE: [signature] DATE: 3/2/11

ADDRESS: 74-5615 Luhia Street, Kailua-Kona, Hawaii 96740

LIST APPLICANT'S INTEREST IF NOT OWNER: We have a 10 year lease

TELEPHONE:(Bus.) 808-329-5137 (Res.) 808-557-1939 (Fax) 808-329-8917

LANDOWNER(S): Queen Liliuokalani Trust

LANDOWNER SIGNATURE(S): See attached Addendum DATE: 2/28/2011

(May be by letter)

ADDRESS:

Lessee: Community Foundation for Monterey County Real Estate #1, LLC

Dan Baldwin, President

TAX MAP KEY: (3) 7-4-15:22 Lot size: 69,696 sq feet, 1.6 acres

STREET ADDRESS OF PROPERTY: 74-5615 Luhia Street, Kailua-Kona, HI 96740

REQUESTED USE: Full service Cremation Facility

ZONING: General ndustrial-1 Acre (MG-1a) SIZE OF PROPERTY: Bldg: 23612 sq feet/Crematory 1,270 sq feet

AGENT: The Commercial Group, LLC: Monique Peacock

ADDRESS: PO Box 908, Kailua-Kona, HI 96745

TELEPHONE:(Bus.) 808-329-1111 (Res.) (Fax) 808-334-0066

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: COPIES:

071501

County of Hawaii Planning Commission
Use Permit Application

Addendum - Landowner Approval of Use Permit Application

Applicant: A Hui Hou Tribute Center, LLC
Address: 74-5615 Luhia Street, Kailua-Kona, Hawaii 96740
Landlord: Queen Lili'uokalani Trust
Lessee: Community Foundation for Monterey County Real Estate #1 LLC

Based on the representations and warranties submitted to the Lessor jointly by the Applicant and Lessee, pursuant to the Certification, Representation, and Warranty Statement and Notice attached hereto, Lessor understands that Lessee and Applicant's intended use of the Property is not inconsistent with the use restrictions under the Lease and, therefore, will restrict such intended crematorium use of the leasehold premises under the terms of the Lease. Further, in the event it is determine that emissions from the Property have measurable nuisance qualities beyond the property line thereby constituting a breach of the use restrictions in the Lease, the Lessor hereby reserves the right to withdraw its execution of the Application, which would include the delivery of appropriate notices to the county and state regarding the withdrawal of such Application endorsement.

Landowner: Queen Liliuokalani Trust

Michael R. Walsh

Michael R. Walsh
Its: Vice President

Date: February 28, 2011

CERTIFICATION, REPRESENTATION, AND WARRANTY STATEMENT

THIS CERTIFICATION, REPRESENTION, AND WARRANTY STATEMENT ("Certification") is made this 10th day of February, 2011 by COMMUNITY FOUNDATION FOR MONTEREY COUNTY REAL ESTATE #1, LLC, a California Non-Profit Benefit Corporation, whose address is 2354 Garden Road, Monterey California, 93940, ("Lessee"), and A HUI HOU TRIBUTE CENTER, LLC, a Hawaii limited liability company, whose address is P. O. Box 5489, Kailua-Kona, Hawaii 96745 ("Tenant").

RECITALS

WHEREAS, THOMAS K. KAULUKUKUI, JR., PATRICK K.S.L. YIM, and CLAIRE L. ASAM, Trustees of the Queen Lili'uokalani Trust ("Lessor") entered into that certain Lease dated November 29, 1983 with Eagle Distributors, Inc., a Hawaii corporation, demising that certain leasehold premises located at KONA INDUSTRIAL SUBDIVISION, UNIT V, LOT 7 and identified as Tax Map Key No. (3) 7-4-015-022, recorded on January 6, 1984 at the Bureau of Conveyances of the State of Hawaii in Liber 17573 at Page 1 (said Lease, as amended from time to time, hereafter is called the "Lease"); and

WHEREAS, said Lease was assigned by mesne assignment to Lessee by that certain Assignment of Lease recorded on July 18, 2008 at said Bureau as Document No. 2008-115844; and

WHEREAS, Lessee has entered into a sublease with Tenant for the use of the subject Premises under the terms and conditions stated in that certain Sublease dated June 25, 2010; and

WHEREAS, Tenant is required to submit a Use Permit Application to the County of Hawaii, Planning Commission, in order to operate a full service cremation facility on the subject Premises ("Application") and said Application requires the approval of Lessor; and

WHEREAS, Lessor is agreeable with executing said Application as Lessor as requested by Lessee and Tenant provided that Lessee and Tenant execute this Certification.

NOW, THEREFORE, Lessee and Tenant certify, represent, and warrant as follows:

A. Lessee and Tenant, individually and jointly, acknowledge and affirm Part III, Subsections A.2.i. and A.2.j. of said Application, which specifically states, in pertinent part, that "particulate emissions from the crematory unit shall not exceed 0.20 pounds per 100 pounds of material charged," and that for "any six (6) minute averaging period, the crematory unit shall not exhibit visible emissions of twenty (20) percent opacity or greater, except as follows: during start-up, shutdowns, or equipment breakdown, the crematory unit may exhibit visible emissions

greater than twenty (20), but not exceeding sixty (60) percent opacity for a period aggregating not more than six (6) minutes in any sixty (60) minute period," respectively; and

B. Lessee and Tenant, individually and jointly, acknowledge and affirm that the Noncovered Source Permit, No. 0732-01-N referenced in the State Department of Health August 3, 2010 Letter, attached as Exhibit "B" to said Application, does allow for emission of air pollutants in a "specified manner or amount"; and

C. Lessee and Tenant, individually and jointly, acknowledge and affirm the use restrictions under the Lease, Section 6.3, and the Design Standards and Design Criteria, Permitted Uses, Pages 2-3, which, among other things, specifically prohibits any use that emits any "odor, dust, smoke, gas, noise, vibration, radiation or other effect that has measurable nuisance qualities beyond the property line"; and

D. Lessee and Tenant, individually and jointly, represent and warrant that notwithstanding the visible particulate emissions disclosed in Sections A and B above, such emissions will not under any circumstances result in any odor, dust, smoke, gas, noise, vibration, radiation, or other effect that has measurable nuisance qualities beyond the property line of the subject Premises.

The parties agree and acknowledge that this Certification is binding upon each party hereto as of the date hereof.

The parties agree that this Certification may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing, and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

Lessee and Tenant understand and acknowledge that this Certification is a material inducement to Lessor to cooperate with the execution of the Application as Lessor and landowner.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, Lessee and Tenant have executed this instrument as of the date and year first above written.

COMMUNITY FOUNDATION FOR MONTEREY COUNTY REAL ESTATE #1, LLC, a California Non-Profit Benefit Corporation

By Daniel A. Baldwin
Its President/CEO

"Lessee"

A HUI HOU TRIBUTE CENTER, LLC, a Hawaii limited liability company

By _____
Its _____

"Tenant"

IN WITNESS WHEREOF, Lessee and Tenant have executed this instrument as of the date and year first above written.

COMMUNITY FOUNDATION FOR MONTEREY COUNTY REAL ESTATE #1, LLC, a California Non-Profit Benefit Corporation

_____

By _____

Its _____

"Lessee"

A HUI HOU TRIBUTE CENTER, LLC, a Hawaii limited liability company

_____

By Penny Brumbaugh

Its Member Manager

"Tenant"

I. A filing fee of $500.00 is attached.

II. The Original and twenty copies of completed application are enclosed.

III. The Original and twenty copies of background information are enclosed.

A. Description of proposed use:

1. Description: We are a fully operational crematory. As such we remove deceased from place of death and bring them to our facility where we care for them in accordance with the Sanitation Department rules and regulations and the Health Department rules and regulations; we meet with families and make arrangements for services meeting the needs of the bereaved as well as the deceased; contact outside agencies and coordinate transportation from our facility to the mainland or foreign countries. There will be no viewings or services held on-site. Any viewings and services will be held off-site in approved meeting areas, chapels, cemeteries, and other locations.
2. Our cremation chamber is a 150 lb/hr Human Crematory Unit, American Crematory Equipment Company Model A-200HT, Serial number 112005-A. Approved Air Quality Permit **(see Exhibit B).**
   a. The crematory unit burners fire only on liquefied petroleum gas (LPG).
   b. The exhaust stack of the incinerator is constructed to a minimum height of 23 feet above ground elevation.
   c. The crematory unit shall only be charged with deceased human remains which include the casket, or the cloth used to cover the human remains.
   d. The initial charge of the crematory unit shall not exceed 500 pounds.
   e. The cremation rate shall not exceed 150 pounds per hour.
   f. The set point of the temperature indicator/controller for the secondary chamber shall be set and maintained at a minimum of 1650 F. Ignition of the primary burner shall not occur until the secondary chamber has attained a minimum temperature of 1650 F.
   g. The crematory unit shall not be used unless both the primary and secondary burners of the unit are functioning properly.
   h. The crematory unit shall not be used unless the temperature indicator/controller and thermocouple for the secondary chamber equipped with the unit are functioning properly. The thermocouple measuring the temperature of the secondary chamber shall be replaced as recommended by the manufacturer and at any other time as necessary to ensure proper operation.
   i. Particulate emissions from the crematory unit shall not exceed 0.20 pounds per 100 pounds of material charged. Approved Air Quality Permit **(see Exhibit B)**
   j. For any six (6) minute averaging period, the crematory unit shall not exhibit visible emission of twenty (20) percent opacity or greater, except as follows: during start-up, shutdown, or equipment breakdown, the crematory unit may exhibit visible emissions greater than twenty (20), but not exceeding sixty (60) percent opacity for a period aggregating not more than six (6) minutes in any sixty (60) minute period. Approved Air Quality Permit **(see Exhibit B)**
   k. Only properly trained personnel shall operate the crematory unit. A copy of the operator's manual shall be available in the vicinity of the crematory unit.
   l. The crematory unit shall be properly maintained and kept in good operating condition at all times. The permittee shall follow a regular maintenance schedule to ensure proper operation of the crematory unit, as recommended by the manufacturer.

3. Statement of objectives and reasons for the request:
   a. We moved our business from 75-5745 Kuakini Hwy to 74-5615 Luhia Street.
   b. Our lease at 75-5745 Kuakini was to expire. After a few failed attempts to purchase the building it was only a matter of time where a move was inevitable.
   c. To stay at current location has become cost prohibitive, with rents continuing to rise, we had no option other than to relocate our business.
   d. With the economy suffering, our families are suffering, and increasing our costs to cover our rent increases would only increase the burden on our families. We want to continue to provide affordable services to our families.
4. Hours of operation would continue as already observed. We are a 24/hour, seven day/week facility, working totally at the discretion and request of our families.
5. We are a family owned business with two or three individuals on site at any given time.
6. We endeavor to grow our business. Last year we served 130 families and hope that moving our business to this location will keep us competitive by keeping our expenses down.

B. Description of subject property in detail:
   1. Subject property (TMK (3) 7-4-15:22 is located in the Palm Terrace at 74-5615 Luhia Street, E-1, Kailua Kona, Hawaii 96740. The roads bordering the property are Queen Kaahumanu Hwy, Eho Street and Luhia Street.
   2. The previous tenant was Harley Davidson motorcycles, no exterior renovations or additions have been necessary. The location includes a parking lot that contains 65 parking stalls available for common use by all. At any given time we may use three stalls.
   3. The space is 1270 square feet **(Exhibit C)**, single story with both a garage door and entry door.
   4. The topography is flat, there is a gradual rise from Luhia Street to location of proposed crematory.
   5. The remaining units on the property contain a variety of businesses serving the public; including a dive shop, window coverings, martial arts training studio, photographer, and others.

C. State/County Plans affecting subject request:
   1. State Land Use designation is Urban
   2. General Plan designation is High Density Urban
   3. County Zoning is General Industrial-1 Acre (MG-1a); allows a cremation facility to operate with an approved USE permit.
   4. The proposed use is not located within the Special Management Area
   5. The proposed use falls within the area affected by the Kona Community Development Plan

D. Surrounding zoning and land uses. The area where we moved our business is zoned General Industrial-1 Acre (MG-1a); the surrounding properties are zoned General Industrial and Village Commercial. The neighboring property along Eho street is Village Commercial and currently is undeveloped. The neighboring property bordering Queen Kaahumanu makai is all General Industrial and developed with numerous commercial buildings and businesses.

E. Flood Insurance Rate Map (FIRM) designation: "X"

F. Archaeological Resources: see attached letter requesting a "no effect" letter **(EXHIBIT A)**

G. Floral and Faunal Resources...none required or has no affect on already established business site.

H. Description of access to the area: We have an already established entrance from Luhia Street onto subject location.

I. Traffic impacts...no affect

J. Availability of utilities...again no affect, this is an established location and already has access to utilities.

IV. The Original and twenty copies of how the request meets with the following standards:

A. The granting of the proposed use shall be consistent with the general purpose of the zones district, the intent and purpose of the Zoning Code and the County General Plan.
   1. The proposed use is consistent with the zoning code of allowable businesses operating in General Industrial-1 Acre (MG-1a)
   2. We have had no complaints filed against our operation while operating out of (CV) Commercial Village at 75-5745 Kuakini Hwy.
   3. Operating in 74-5615 Luhia Street, in General Industrial-1 Acre (MG-1a) will still be accessible to the public.

B. The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties.
   1. The proposed use is not materially detrimental to the public welfare nor shall it cause substantial adverse impact to the community's character or to surrounding properties.
   2. The cremation chamber is certified to meet all Department of Environmental Quality Clean Air requirements as evidences by our current Air Quality Permit **(EXHIBIT B)**
   3. It will be held within the structure of the building.
   4. It cannot be seen from the street.
   5. The stack from the roof will be the only indication of the unit. There will be only heat waves when in operation. No smoke will be seen.
   6. We have currently been operating under a Use Permit at the location on 75-5745 Kuakini Hwy downtown in Kailua-Kona. We have received no complaints since we have been in operation beginning 2007.

C. The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.
   1. Just as our operation out of our current location at 75-5745 Kuakini Hwy has not unreasonably burdened public agencies, operation out of the new location at 74-5615 Luhia Street will not unreasonably burden public agencies.
   2. No additional traffic will be incurred.
   3. No drainage is required.
   4. No additional police and fire protection required.

V. The Original and twenty (20) copies of a scale-drawn plot plan of the property showing property lines; all existing and proposed structures, uses and improvements; and reference points such as roadways, shoreline, etc. (See Attached) (EXHIBIT C)

VI. One copy of a full-size (2' x 3') scale-drawn plot plan of Item 5 for presentation purposes. (See attached) (EXHIBIT D)

VII. A list of the names , addresses and tax map keys of all owners and lessees of record of surrounding properties who are required to receive notice. (See attached) (EXHIBIT E)

Initial letter of contact to every name and address per record. (See attached)

All surrounding property is owned by Queen Liliuokalani Trust.

Subject property:

TMK 3-7-4-5-22, 74-5615 LUHIA STREET

Lessor: LILIUOKALANI TRUST ESTATE, Lessee: COMM FDM FOR MONTEREY CTY RE #1 LLC, Agent Name, Monique Peacock, The Commercial Group, PO Box 908, Kailua Kona, Hawaii 96745

South of Property, cross street Eho:

TMK 3-7-4-15-15 No Address, Owner: LILIUOKALANI TRUST ESTATE

TMK 3-7-4-15-14 No Address, Owner: LILIUOKALANI TRUST ESTATE

North of Property:

TMK 3-7-4-15-21 74-5605 LUHIA STREET

Lessor: LILIUOKALANI TRUST ESTATE, Lessee: LUHIA PARTNERS/ETAL, 354 Snook Rd. Sundance, Wyoming 82729, Agent Name: Sandi Fassbender, Kona International Market, 74-5533 Luhia Street #100, Kailua Kona, Hawaii 96740

TMK 3-7-4-15-20 74-5599 LUHIA STREET

Lessor: LILIUOKALANI TRUST ESTATE, Lessee: LUHIA PARTNERS/ETAL, 354 Snook Rd. Sundance, Wyoming 82729, Agent Name: Sandi Fassbender, Kona International Market, 74-5533 Luhia Street #100, Kailua Kona, Hawaii 96740

East of Property:

Queen Kaahumanu Highway

West of Property:

TMK 3-7-4-15-13 74-5604 LUHIA STREET

Lessor: LILIUOKALANI TRUST ESTATE, Lessee: KONANI PARTNERS LP, 74-5590 Eho St Ste 215, Kailua Kona, HI. 96740

TMK 3-7-4-15-24 74-5598 LUHIA STREET

Lessor: LILIUOKALANI TRUST ESTATE, Lessee: KEOPU PARTNERS LLC, Agent Name, Monique Peacock, The Commercial Group, PO Box 908, Kailua Kona, Hawaii 96745

TMK 3-7-4-15-12 74-5611 ALAPA STREET

Lessor: LILIUOKALANI TRUST ESTATE, Lessee: I KITAGAWA AND COMPANY LIMITED, 400 E Kawili St, Hilo Hawaii 96720

TMK 3-7-4-15-3 74-5603 ALAPA STREET

Lessor: LILIUOKALANI TRUST ESTATE, Lessee: BLOCK ACQUISITIONS LTD, 501 Houston St. Waxahachie, Texas 75165, Agent Name: Peter P. Virdone and Company Limited, 1149 Bethel St Ste 501, Honolulu, Hawaii 96813

VIII. A certificate of clearance from the Director of Finance that the real property taxes and other fees relating to the subject parcel(s) have been paid; and there are no outstanding delinquencies. See attached letter requesting a Certificate of Clearance from the Director of Finance. (See attached) (EXHIBIT F)

A Hui Hou Crematory
and Funeral Home

Exhibit A

Burials • Scattering • Cremations • Cemetery Markers

June 29, 2010

Resent 8/25/2010

State Department of Land and Natural Resources
Historic Preservation Division
Kailua-Kona, HI 96740

Attn: Theresa Donham
40 Pookela St
Hilo HI 96720

To Whom It May Concern:

We are in the process of requesting a use permit. We currently operate at 75-5745 Kuakini Hwy in Kailua-Kona. We have operated as a full service Cremation facility since January 2007. We have received no complaints during our operation that we are aware of.

We are moving our business to 74-5615 Luhia Street in Kailua Kona. We intend to continue to run our business as we have done so at this new location. As such, we need a Use Permit to operate our Crematory facility in this new location.

We are not changing the building.

We are required to write to you to request a "no effect" letter with reference to the Historic Preservation Division requirements. As the building we are moving to is already in place, and we are not expanding its footprint, we request a "no effect" letter from your department.

Thank you for your prompt attention to this matter.

Sincerely,

Penny Brumbaugh
President

Connie Brumbaugh
Secretary

"From our Ohana to yours, where families come first"

75-5745 Kuakini Hwy • Kailua-Kona, HI 96740 • ahuihouservices.com • (808) 329-5137 or 887-2801 • Fax (808) 329-8917

LINDA LINGLE
GOVERNOR OF HAWAII

(Exhibit B)

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

August 3, 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
(7009 0960 0000 3848 6749)

10-567E CAB
File No. 0732

Ms. Penny Brumbaugh
President
A Hui Hou Funeral and Tribute Services
74-5615 Luhia Street
Kailua-Kona, Hawaii 96740

Dear Ms. Brumbaugh:

Subject: Noncovered Source Permit (NSP) No. 0732-01-N
Initial Application No. 0732-01
A Hui Hou Funeral and Tribute Services
One (1) 150 lb/hr Human Crematory Unit
Located at: 74-5615 Luhia Street, Kailua-Kona, Hawaii
Date of Expiration: August 2, 2015

The subject noncovered source permit is issued in accordance with Hawaii Administrative Rules, Title 11, Chapter 60.1. The issuance of this permit is based on the plans, specifications, and additional information that you submitted as part of your application on July 19, 2010 and additional information submitted on July 20 and 21, 2010. A receipt for the application filing fee of $150.00 is enclosed.

The Noncovered Source Permit is issued subject to the conditions/requirements set forth in the following Attachments:

Attachment I: Standard Conditions
Attachment II: Special Conditions
Attachment III: Annual Fee Requirements

The following forms are enclosed for your use and submittal as required:

Annual Fee Form
Monitoring Report Form: Crematory Unit

This permit: (a) shall not in any manner affect the title of the premises upon which the equipment is to be located; (b) does not release the permittee from any liability for any loss due to personal injury or property damage caused by, resulting from or arising out of the design,

installation, maintenance, or operation of the equipment; and (c) in no manner implies or suggests that the Department of Health, or its officers, agents, or employees, assumes any liability, directly or indirectly, for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment.

Sincerely,

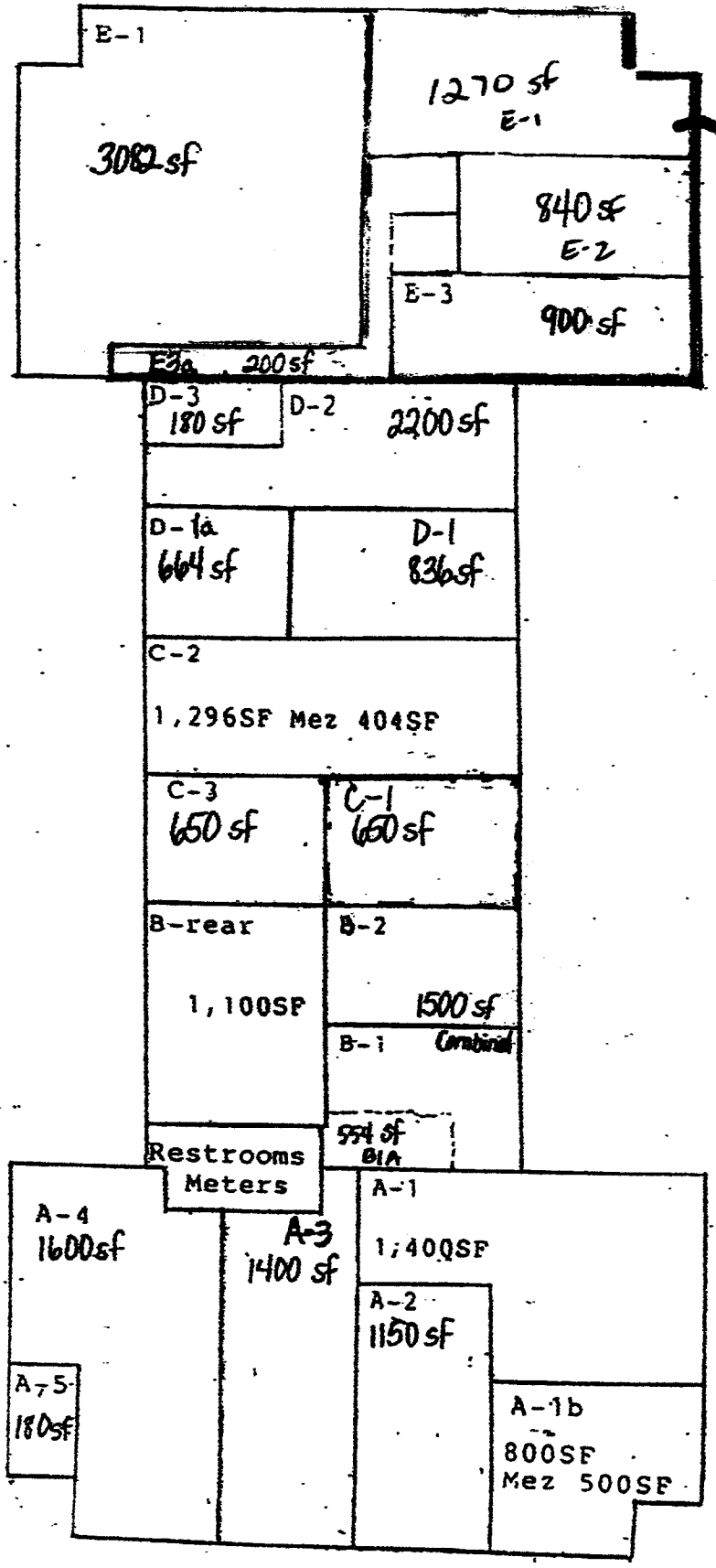
ALEC WONG, P.E., ACTING CHIEF
Environmental Management Division

CL:nn
Enclosures

c: Ed Yamamoto, EHS - Hilo
CAB Monitoring Section

PEL TERRACE
FLOOR PLAN

EXHIBIT "C"



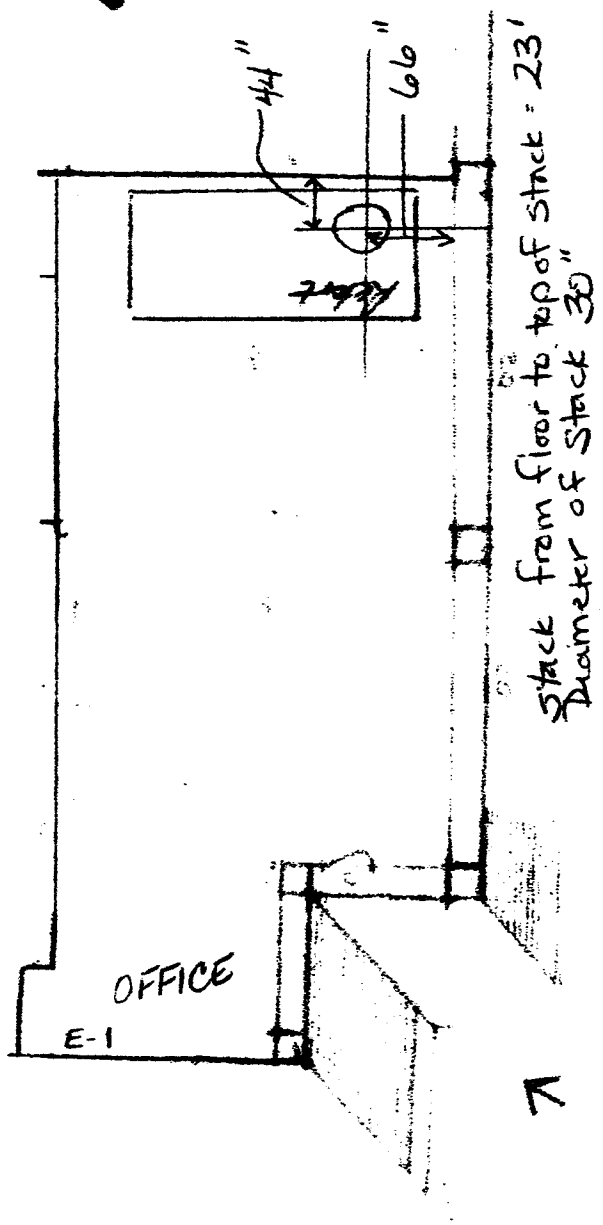
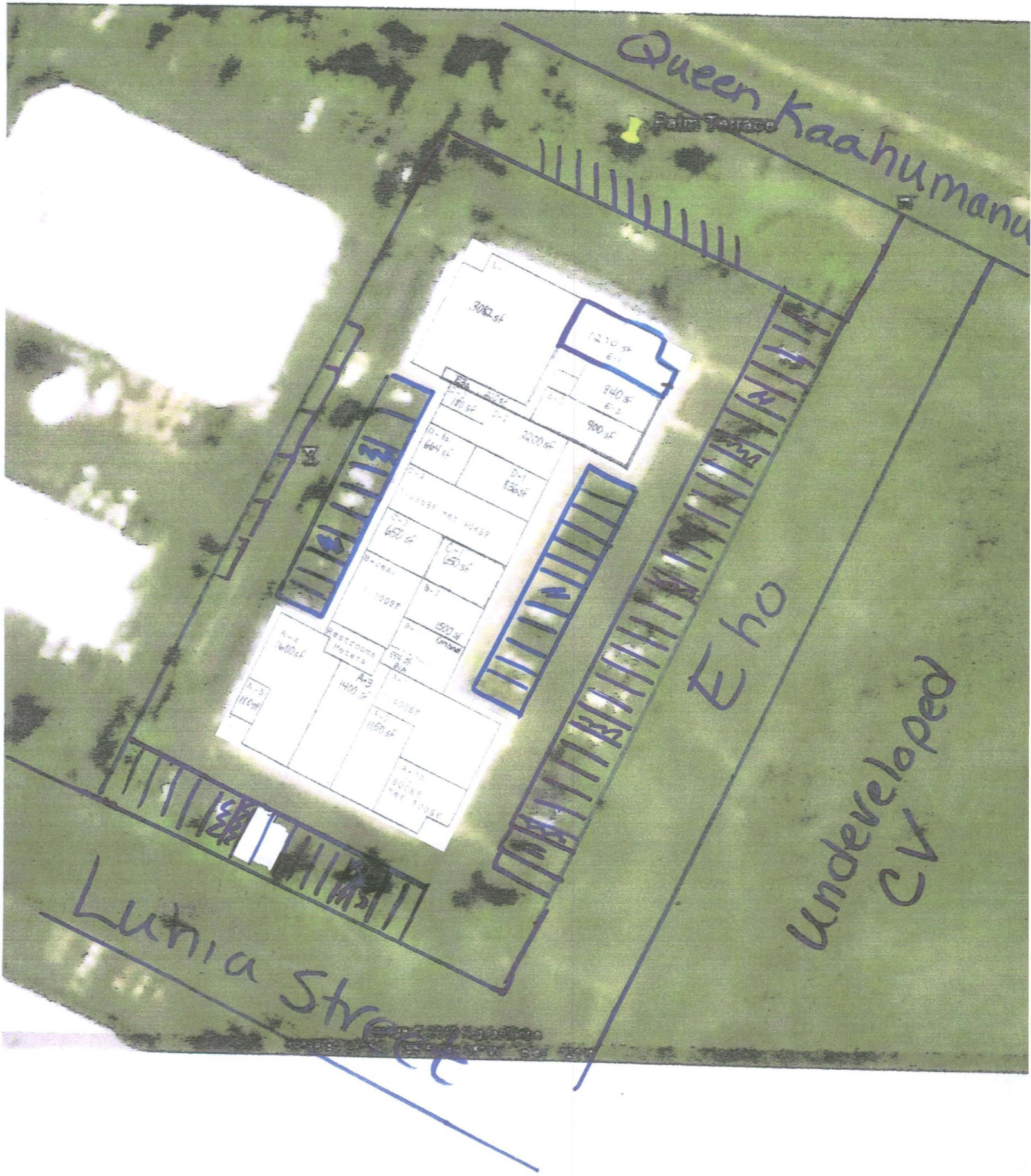


Exhibit C


Queen Kaahumanu
Palm Terrace
Luhia Street
Eho
undeveloped
CV
3082 sf
1210 sf
840 sf
900 sf
2200 sf
D-1a
664 sf
D-1
836 sf
C-2
650 sf
C-1
650 sf
B-2
1100 sf
B-1
1500 sf
Restrooms
Mechanical
A-4
1600 sf
A-3
1400 sf
A-5
1150 sf
A-2
1150 sf

Queen Kaahumanu Highway
TMK3-7-4-15-20
TMK3-7-4-15-21
Palm Terrace, TMK3-7-4-15-22
Luhia Street
TMK3-7-4-15-24
Eha Street
TMK3-7-4-15-15
TMK3-7-4-15-13
TMK3-7-4-15-3
TMK3-7-4-15-12
TMK3-7-4-15-14
Alapa Street
Image © 2010 DigitalGlobe
19°38'48.07" N 155°59'49.62" W elev 111 ft

A Hui Hou Crematory and Funeral Home

Exhibit E

Burials • Scattering • Cremations • Cemetery Markers

November 15, 2010

Notice to the affected property owners and lessees:

A Hui Hou Crematory is located at 74-5615 Luhia Street, Kailua-Kona. Our mission is to help the family of the deceased through the difficult days following a death by taking care of the remains of their loved one, and to help them meaningfully plan a tribute in honor of their loved one in a traditional or non-traditional service. A Hui Hou Tribute Center, LLC is committed to providing services that meet the families' needs and wants.

We are the only full service facility in West Hawaii. We are the "hometown" funeral home. The only other full-service facilities are located in Hilo, a five hour round trip drive. The families here need us and to that end we will continue to provide quality services, meeting their needs as our first priority.

We opened in October 2004 downtown in the Kailua Village district on Kuakini Highway. At first many people were concerned because we were by restaurants, offices, and a residential community. Understandably people were worried about the possibility of smoke, smell, ash. We were granted a use permit to operate, and have operated there for three years. Those who were concerned and had voiced their fears, found, that as we had said, there was no smoke, smell, or ash. No complaints were ever filed against us. We operated our unit in consideration of our neighbors; no one even seemed to notice we were operating. Families would come in and inquire into where our cremations were done, and seemed very surprised that they were done on site. We went to great extent to be sure to comply with all laws and regulations.

A part of the process is getting a Clean Air Permit with the State of Hawaii, and we have done so. It approves our operation at the Luhia street location. There are strict standards that must be complied with. We did so at the Kuakini address and will continue to do so here at the Luhia Street address.

We are a part of the community. Our families are here. We feel a civic responsibility to help families and in doing so do not limit our services only to those who can pay. We have never turned anyone away. Our first priority is to care for the families and to work with them. This is very different from our competitors. We also offer our services at no charge for children seventeen (17) and under. The hospitals are all aware of our services and as such we have helped many families that have lost babies. However, while we do not charge for our services, we do have to pay any third parties their fees. While at the Kuakini address we were able to provide cremations with no charge, as well as burials (the family needs to pay for a casket and cemetery fees); unfortunately until we receive the use permit to run the chamber at the Luhia address we have not been able to provide free cremation services.

"From our Ohana to yours, where families come first"

74-5615 Luhia St • Kailua-Kona, HI 96740 • ahuihouservices.com • (808) 329-5137 or 887-2801 • Fax (808) 329-8917

Please understand. We provide valuable services to those families of West Hawaii, and wish to continue. We have served over 450 families over the time we have operated.

While at our previous location, at 75-5745 Kuakini Hwy we provided services at the point of death: transferring the deceased from place of death to our business; storage and preparation of the body including bathing, refrigeration, embalming, autopsy repair, cosmetising, dressing, casketing and viewing, cremation of remains; meeting with families; arranging services including contacting ministers, musicians, building reservations, cemetery arrangements, grave opening and closing; casket ordering, delivery and storage; urn ordering, delivery and storage; marker ordering, delivery and storage; arrangements for air travel of deceased and assistance in arrangements for air travel for deceased's family; transportation of remains to and from place of service, viewing, and gathering; arrangements of police escort; transportation of remains to place of internment or inurnment; preparation and filing of necessary documents, permits, death certificate; notification of Social Security, State and Federal offices including Veteran's filing for benefits; and follow-up with family following death with grief support information and assistance and referral to local support organizations.

Currently we provide every possible service available to the deceased and would plan to continue to do so at our new location, 74-5615 Luhia Street, Kailua-Kona. There will be no structural changes necessary and there will be no affect on Flora and Fauna Resources, and no impact on traffic. The granting of this proposal is consistent with the zoning requirements for general industrial providing a use permit for cremation, it will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties; and it will not unreasonably burden public agencies and existing infrastructure. We have been operating downtown in the Kailua-Village district for the past six years providing cremation services since January 2007 and have received no complaints.

This notification will act as first notice to owners and lessees of record and be submitted concurrently with subject application. You will also receive another notification within 10 days after receiving notice from the director of the date of the schedule public hearing, should one be necessary.

Attached is the letter from the American Crematory Equipment Co. certifying that the American A-200HT Cremator is manufactured with all UL listed and tested components, Air Quality approved, Source Tested and Mechanical Laboratories tested to insure safety. They guarantee environmental approval on all of their equipment. This unit is **smoke and odor free** and is temperature controlled to prevent overheating and operator error.

What we wish to note is that the addition of a cremator will not affect any business or resident in any manner, just as our current operations have not affected any business or resident in any manner.

Also attached is the letter directed to Queen Liliuokalani Trust giving written certification, acknowledging and affirming our intentions to follow as directed from the State of Hawaii the issued Clean Air Permit given for the use of this machine at this location.

Please allow us the opportunity to answer any questions that you may have.

Sincerely,

Penny Brumbaugh
Funeral Director/Owner

Connie Brumbaugh
Funeral Director/Owner

American
CREMATORY EQUIPMENT CO.

January 12, 2006

A Hui Hou Funeral Home
75-5745 Kuakini Hwy
Kailua Kona, HI 96740

Attn: Penny, Connie & Sue,

Re: New American Cremation Equipment and Accessories Installed

Dear Ladies,:

We want to thank you for giving us the opportunity to provide with one of our New Cremation Chamber. We have been manufacturing, servicing and repairing cremation equipment for over 38 years now. We are the only crematory manufacture on the West Coast with installations all along the eleven Western States.

Our American A-200HT Cremator is manufactured with all UL listed and tested components, Air Quality approved, Source Tested and Mechanical Laboratories tested to insure your safety. We guarantee environmental approval on all of our equipment. **This unit is smoke and odor free and is temperature controlled to prevent overheating and operator error.**

American Crematory supports you with the most experienced team of factory trained technicians. Our support staff is available 24 hours a day for technical assistance and service. We provide you with complete operator training and trouble shooting to insure that your staff is fully trained on the proper operation of each of our unit. Each operator will receive a "Certificate of Training" upon completion of the installation, start-up and complete training.

Please feel free to call us anytime you have any questions of need help with anything.
We look forward to working with you and helping you with the expansion of your facility.

We hope to see you soon.....

Sincerely Appreciated,

AMERICAN CREMATORY EQUIPMENT CO.

John Raggett
Vice President

P.O. BOX 4087 ☐ SANTA FE SPRINGS, CA 90670 ☐ (562) 693-5139

American CREMATORY EQUIPMENT CO.

"SERVICE IS EVERYTHING"

November 29, 2006

A Hui Hou Funeral Home
75-5745 Kuakini Hwy
Kailua- Kona, HI 96740

Attn: Penny, Connie & Susan / Owners

Re: New "American" "Hot Hearth" Cremation Equipment & Accessories.

Dear Penny, Connie & Susan,

We want to "Thank you" for giving us the opportunity to provide you with our products and services. We look forward to working with you on your installation of a New Crematory. We have been manufacturing, servicing and repairing cremation equipment for over 30 years. We are the only private, family owned and operated crematory manufacture on the West Coast.

Your new Cremation Equipment is Brand New and has been fully factory assembled and tested at our plant prior to shipping to your location. We had to remove the right side control panel on the unit in order to help save you time and money installing it threw your front doors of your mortuary. Once you receive the Air Quality Permit, we will make arrangements to come out and re-install the right side control panel, open the main chamber door and put the unit into operation and start-up, train your personal and cremate some cases to insure your understand how to operate and troubleshoot your new equipment. Prior to use leaving we will "guarantee" that everything is working properly and everyone is fully trained on everything.

We want to thank you again for your giving us the opportunity to serve you and we look forward to working with you and helping you with your crematory needs throughout the future.

See you soon.....

Sincerely Appreciated,

AMERICAN CREMATORY EQUIPMENT CO.

John Raggett
Vice President

SALES SERVICE SUPPLIES REPAIRS
"SERVICE IS EVERYTHING"

P.O. Box 4087 • 9920 Jordan Circle • Santa Fe Springs, CA 90670
Office: (562) 777-0023 • (800) 396-2254 • Fax: (562) 777-0025
www.americancrematory.com

A Hui Hou Crematory
and Funeral Home

Burials • Scattering • Cremations • Cemetery Markers

November 15, 2010

Queen Liliuokalani Trust Estate
c/o Pitluck Kido & Aipa
701 Bishop Street
Honolulu, Hawaii 96813

Re:	QLT/KISU V, Lot 7
Premises:	74-5615 Luhia Street, TMK: (3)7-4-15:22
Lease:	Amended and Restated Lease dated July 1, 1996
Lessee:	Community Foundation for Monterey County
Tenant:	A Hui Hou Tribute Center, LLC—Use Permit Application

With reference to letter dated November 9, 2010 in regards to the above-referenced Use Permit Application which has been submitted to QLT for review and execution as Lessor; A Hui Hou Tribute Center, LLC agrees to the conditions set below as stated in proposal:

1. QLT would be amenable to executing the Application as landowner and Lessor of the subject Premises on the following conditions:

a. Lessee and Tenant must provide written certification that:

i. They each acknowledge and affirm Part III, Subsections A.i. and A.j. of the Application, which specifically state, in pertinent part, that "particulate emissions from the crematory unit shall not exceed 20 pounds per 100 pounds of material charged," and that for "any six (6) minute averaging period, the crematory unit shall not exhibit visible emissions of twenty (20) percent opacity or greater, except as follows: during start-up, shutdowns, or equipment breakdown, the crematory unit may exhibit visible emissions greater than twenty (20), but not exceeding sixty (60) percent opacity for a period aggregating not more than six (6) minutes in any sixty (60) minute period," respectively;

ii. They each acknowledge and affirm that the Noncovered Source Permit, No. 0732-01-N referenced in the State Department of Health August 3, 2010 Letter, attached as Exhibit B to the Application, does allow for emission of air pollutants in a "specified manner or amount";

iii. They each acknowledge and affirm the use restrictions under the Lease, Section 6.3 and the Design Standards and Design Criteria, Permitted Uses, Pages 2-3, which, among other things, specifically prohibits any use that emits any "odor, dust, smoke, gas, noise, vibration, radiation or other effect that has measurable nuisance qualities beyond the property line"; and

iv. They represent and warrant that notwithstanding the visible particulate emissions disclosed in parts i and ii above, such emissions will not under any circumstances result in any odor, dust, smoke, gas, noise, vibration, radiation or other effect that has measurable nuisance qualities beyond the property line of the Premises.

With reference to letter dated November 9, 2010 in regards to the above-referenced Use Permit Application which has been submitted to QLT for review and execution as Lessor; A Hui Hou Tribute Center, LLC agrees to the conditions set below as stated in proposal:

b. Lessee and Tenant must also modify its Notice to all affected property owners, lessees and tenants, disclosing the written certification required above.

c. Lessee and Tenant must provide QLT with the revised notice, to the written certification required above, with a complete listing of the names, addresses and tax map keys of all owners, lessees (including tenants) of record of surrounding properties and space units that will receive such revised Notice pursuant to the Planning Commission requirements.

d. Lessee and Tenant must update the Application with the revised Notice, including the written certification required above, and the undated listing mentioned above.

In acknowledgement of the above the affected properties (those within 300 ft of property) that will be notified are:

Subject property:
TMK 3-7-4-5-22, 74-5615 LUHIA STREET
Lessor: LILIUOKALANI TRUST ESTATE, Lessee: COMM FDM FOR MONTEREY CTY RE #1 LLC, Agent Name, Monique Peacock, The Commercial Group, PO Box 908, Kailua Kona, Hawaii 96745

South of Property, cross street Eho:
TMK 3-7-4-15-15 No Address, Owner: LILIUOKALANI TRUST ESTATE
TMK 3-7-4-15-14 No Address, Owner: LILIUOKALANI TRUST ESTATE

North of Property:
TMK 3-7-4-15-21 74-5605 LUHIA STREET
Lessor: LILIUOKALANI TRUST ESTATE, Lessee: LUHIA PARTNERS/ETAL, 354 Snook Rd. Sundance, Wyoming 82729, Agent Name: Sandi Fassbender, Kona International Market, 74-5533 Luhia Street #100, Kailua Kona, Hawaii 96740
TMK 3-7-4-15-20 74-5599 LUHIA STREET
Lessor: LILIUOKALANI TRUST ESTATE, Lessee: LUHIA PARTNERS/ETAL, 354 Snook Rd. Sundance, Wyoming 82729, Agent Name: Sandi Fassbender, Kona International Market, 74-5533 Luhia Street #100, Kailua Kona, Hawaii 96740

East of Property:
Queen Kaahumanu Highway

West of Property:
TMK 3-7-4-15-13 74-5604 LUHIA STREET
Lessor: LILIUOKALANI TRUST ESTATE, Lessee: KONANI PARTNERS LP, 74-5590 Eho St Ste 215, Kailua Kona, HI. 96740
TMK 3-7-4-15-24 74-5598 LUHIA STREET
Lessor: LILIUOKALANI TRUST ESTATE, Lessee: KEOPU PARTNERS LLC, Agent Name, Monique Peacock, The Commercial Group, PO Box 908, Kailua Kona, Hawaii 96745
TMK 3-7-4-15-12 74-5611 ALAPA STREET
Lessor: LILIUOKALANI TRUST ESTATE, Lessee: I KITAGAWA AND COMPANY LIMITED, 400 E Kawili St, Hilo Hawaii 96720
TMK 3-7-4-15-3 74-5603 ALAPA STREET
Lessor: LILIUOKALANI TRUST ESTATE, Lessee: BLOCK ACQUISITIONS LTD, 501 Houston St. Waxahachie, Texas 75165, Agent Name: Peter P. Virdone and Company Limited, 1149 Bethel St Ste 501, Honolulu, Hawaii 96813

Please accept this letter as written certification of our acknowledgement and affirmation of the requirements set forth. This document will be submitted along with use permit application as Exhibit E, Notice to the affected property owners and lessees, as required by Use Permit Application.

Sincerely,

Penny Brumbaugh
Funeral Director/Owner

Connie Brumbaugh
Funeral Director/Owner

UNITED STATES POSTAL SERVICE

Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: A Nui Hoa
74-5615 Luhia St, KK, HI

To: Luhia Partners
C/o Sandi Fassbender
Kona International Market
74-5533 Luhia St #100
Kailua Kona HI 96740

PS Form **3817**, April 2007 PSN 7530-02-000-9065

1000

U.S. POSTAGE PAID KAILUA KONA, HI 96740 NOV 17, '10 AMOUNT $1.15 00020175-17

UNITED STATES POSTAL SERVICE

Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: A Nui Hoa
74-5615 Luhia St, KK, HI

To: Konani Partners LP
74-5590 Eho St Sk 215
Kailua Kona HI 96740

PS Form **3817**, April 2007 PSN 7530-02-000-9065

1000

U.S. POSTAGE PAID KAILUA KONA, HI 96740 NOV 17, '10 AMOUNT $1.15 00020175-17

UNITED STATES POSTAL SERVICE

Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: A Nui Hoa
74-5615 Luhia St, KK HI

To: Keopu Partners LLC
C/o Monique Bacot
The Commercial Group
PO Box 908
Kailua Kona HI 96740

PS Form **3817**, April 2007 PSN 7530-02-000-9065

1000

U.S. POSTAGE PAID KAILUA KONA, HI 96740 NOV 17, '10 AMOUNT $1.15 00020175-17

UNITED STATES POSTAL SERVICE

1000

U.S. POSTAGE PAID KAILUA KONA, HI 96740 NOV 17, '10 AMOUNT $1.15 00020175-17

Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: A Nui Hoa
74-5615 Luhia St, KK, HI

To: Z Kitagawa & Company Limited
400 E Kawili St
Hilo HI 96720

PS Form **3817**, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE

1000

U.S. POSTAGE PAID KAILUA KONA, HI 96740 NOV 17, '10 AMOUNT $1.15 00020175-17

Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: A Nui Hoa
74-5615 Luhia St, KK, HI

To: Black Aquaculture Ltd
C/o Pacific Virgin Company Ltd
1149 Bethel St Sk 501
Honolulu HI 96813

PS Form **3817**, April 2007 PSN 7530-02-000-9065

A Hui Hou Crematory
and Funeral Home

[Exhibit F]

Burials • Scattering • Cremations • Cemetery Markers

June 29, 2010

Department of Finance
Real Property Tax Division
75-5706 Kuakini Hwy, Ste 112
Kailua-Kona, HI 96740

To Whom It May Concern:

We are in the process of requesting a Use Permit. We are required to request a Certificate of Clearance from the Director of Finance that real property taxes & fees have been paid.

Please forward to us a Certificate of Clearance from the Director of Finance that real property taxes & fees have been paid. Our TMK is (3) 7-4-15:22; our street address is 74-5615 Luhia Street, Kailua-Kona, Hawaii 96740

Thank you for your prompt attention to this matter.

Sincerely,

Penny Brumbaugh
President

Connie Brumbaugh
Secretary

(Exhibit F)

"From our Ohana to yours, where families come first"

75-5745 Kuakini Hwy • Kailua-Kona, HI 96740 • ahuihouservices.com • (808) 329-5137 or 887-2801 • Fax (808) 329-8917

William P. Kenoi
Mayor

Nancy E. Crawford
Finance Director

Deanna S. Sako
Deputy Director

County of Hawaii

DEPARTMENT OF FINANCE - REAL PROPERTY TAX
101 Pauahi Street • Suite 4 • Hilo, Hawaii 96720-4224 • Fax (808) 961-8415
Appraisers (808) 961-8354 • Clerical (808) 961-8201 • Collections (808) 961-8282
75-5706 Kuakini Highway • Suite 112 • Kailua-Kona, Hawaii 96740 • Fax (808) 327-3538
Appraisers (808) 327-3542 • Clerical (808) 327-3540

REAL PROPERTY TAX CLEARANCE

(rev. 12/08)

Date 8-5-10

TMK(s): (3) 2-4-015-022-0000

This is to certify that LILIUOKALANI TRUST ESTATE (FEE OWNER)
COMMUNITY FOUNDATION FOR MONTEREY COUNTY (LESSEE)

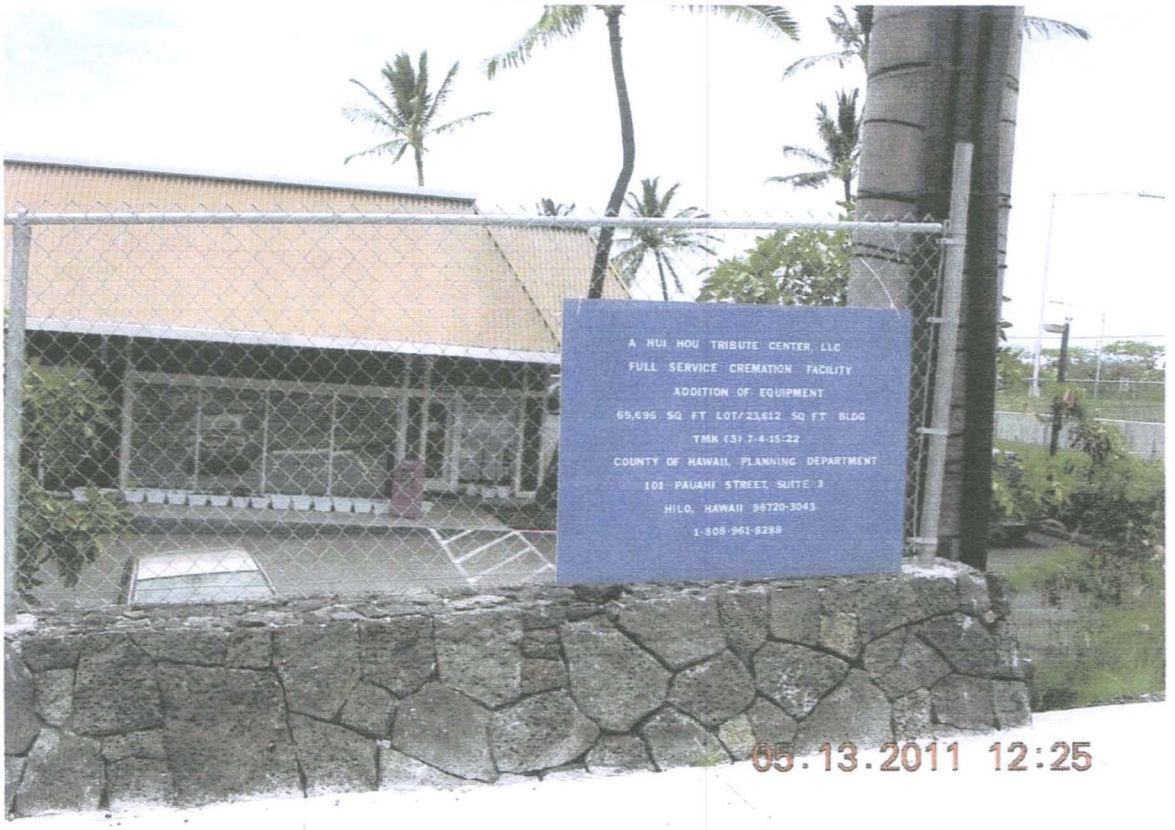
owner(s) of record, has paid all Real Property Taxes due the County of Hawaii up to and including JUNE 30, 2010.

By: B. Werich
Real Property Tax Division

Affidavit on Posting of Sign

We have prepared the sign, with the information below, posted as required near the property boundary adjacent to the public road bordering the property. This was completed Friday, May 13, 2011. Specifications: 4 feet by 3 feet (12 ft square), with 1 inch lettering as required.

A Hui Hou Tribute Center, LLC
Full Service Cremation Facility
Addition of Equipment
69,696 sq ft lot / 23612 sq ft bldg
TMK (3) 7-4-15:22
County of Hawaii, Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720-3043
1-808-961-8288



Signed this 13th day of May, 2011 by Affiant, Penny Brumbaugh, Member Manager of A Hui Hou Tribute Center, LLC

Penny Brumbaugh
Signature of Affiant

Subscribed and sworn to before me,

This 13TH day of MAY (Month) 2011 (Year)

(Signature of Notary Public)

HANNA L. SPAIN NOTARY 09-396 PUBLIC STATE OF HAWAII

Notary Public, THIRD Judicial Circuit,
State of Hawaii,
[✓] My commission expires: 08/30/2013
Sec 338-51, Hawai'i Revised Statutes

Doc. Date: 5/13/2011 # Pages: 1
Notary Name: HANNA L SPAIN THIRD Circuit
Doc. Description: AFFIDAVIT ON POSTING OF SIGN.

Notary Signature 5/13/11 Date

NOTARY CERTIFICATION