

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 87-19

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

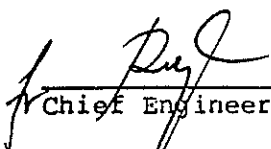
The Planning Director completed on May 3, 1987, an assessment on the application of Neil S. Hirota dba H&H Construction for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: ^{Allow} Legitimize the removal & purchase of approximately 400 field stock coconut palm trees from the subject property. Where necessary, underbrush will be removed to allow access of equipment to be used for the proposed activity in the Opihikao Subdivision, Puna, Hawaii, TMK: 1-3-03:39.

As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

(SEE ATTACHED CONDITIONS)



Chief Engineer, DPW



Planning Director

Attachment

6257A-5/84

SMA Minor Use Permit No. 87-19
NEIL S. HIROTA DBA H&H CONSTRUCTION
Conditions

1. The petitioner, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Secure a Conservation District Use Application from the Board of Land and Natural Resources within one year from the effective date of this permit.
3. Secure a grading or grubbing permit, if required, from the Department of Public Works.
4. No construction or land clearing activity shall occur within 40-foot shoreline setback area.
5. Excavated areas shall be filled or altered to the level of the adjacent terrain.
6. No excavation or clearing activities shall be permitted within a 10-foot wide strip fronting the subject property adjacent to the Kapoho Government Road.
7. Comply with all other applicable rules, regulations and requirements.
8. The Planning Director may administratively grant extensions to the foregoing conditions. Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Director shall initiate procedures to nullify the permit.

BACKGROUND

1836Q 5/12/87

Neil S. Hirota dba H & H Construction is requesting a Special Management Area (SMA) Use Permit to legitimize the removal and purchase of approximately 400 field stock coconut palm trees from the subject property. Where necessary, underbrush will be removed to allow access of equipment to be used for the proposed activity. The project site is located approximately 950 feet northeast of the Opihikao-Kamaili Road/Kalapana-Kapoho Government Road intersection in the Opihikao Subdivision, Puna, Hawaii, Tax Map Key 1-3-03:39.

The scope of work will be concentrated on approximately 2.0 acres of the 5.011 acre parcel. The applicant states that no work will be done within 40 feet of the shoreline. The valuation of the coconut palm tree removal activity is estimated to be \$30,000. No grading or grubbing permit has been applied for by the applicant to date. Equipment to be used for activity are backhoes, flatbed trucks, a crane, and bulldozer. The applicant has obtained permission from the landowner, Muilani Kealoha, to pursue the project.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area as Orchards and Open along the shoreline. The State Land Use classification is Conservation and the County zoning is Open. To date, the applicant has not applied for a Conservation District Use Application from the Board of Land and Natural Resources.

The subject property currently contains one residential structure. Vegetation in the subject parcel as noted by a field trip on April 7, 1987 by Planning Department staff, consists of

coconut palm trees, breadfruit trees, noni (*morinda citrifolia*), bird-nest ferns (*Asplenium nidus*), ti-plants (*cordyline terminalis*), a macadamia-nut orchard, and grasses. surrounding properties are zoned Open and are presently vacant.

The subject property is not listed in the State or National Register of Historic Places as having a site of historical significance.

The Soil Survey of the Island of Hawaii, prepared by the U.S. Department of Agriculture, Soil Conservation Service, classifies the soil in the area as "Malama extremely stony muck." In representative profile, the surface layer is very dark-brown extremely stony muck about 3 inches thick. It is underlain by fragmental A'a lava. The soil is strongly acidic and permeability is rapid. The eorsion hazard is slight due to very slow runoff.

It should be noted that the description of the coastal environment has been deleted since the proposed activity will be conducted at a substantial distance from the shoreline.

The Puna Soil and Water Conservation District had no comments to offer on the project.

The Flood Insurance Rate Map prepared by the U.S. Army Corps of Engineers, depicts the subject property to be in Zone C, an area of minimal flooding.

Since the property is within the State Land Use Conservation District, the Planning Department which is the agency initially receiving the request for an approval prepared an environmental assessment and negative declaration in compliance with Chapter 343, HRS. This determination was published in the Office of Environmental Quality Control Bulletin on May 8, 1987.

RECOMMENDATION

An SMA Minor Use Permit is issued based on the following findings:

1. The total valuation of the proposal will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the Special Management Area.

The removal activity will not create a substantial adverse affect on the environmental or ecological resources of the Special Management Area. It is unlikely that any rare or endangered species of plant or animal nor any significant historic sites would be affected by the project.

The proposed project is consistent with the Special Management Area objectives, policies, and guidelines. These were established to provide guidance for the preservation, protection and development of the coastal resources of the State and County. The guidelines identify several areas of management concerns including recreational, historic, and scenic and open space resources, coastal ecosystems, economic uses, and coastal hazards.

The proposed activity will be conducted on relatively level terrain. As stated by the applicant and also made a condition of this permit, the excavated area will be filled to the level of the adjacent terrain. Further, the subject property is in an area of minimal flooding and the activity will be conducted a considerable distance from the shoreline. These factors will effectively mitigate any negative effects to the coastal ecosystems.

There are no identified recreational or historic resources which will be affected by the removal of the coconut trees. Scenic resources would be enhanced by the clearing activities. However, to retain a scenic buffer corridor to the adjacent road, a 10-foot wide "no excavation" strip fronting the road along the property will be imposed.

The proposed removal of coconut palm trees is consistent with the General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation as Orchards and Open along the shoreline. This permit is conditioned upon securing a Conservation District Use Application from the Board of Land and Natural Resources, which has jurisdiction over uses in the Conservation District.

Based on the foregoing, it is determined that the granting of the request will not create a significant adverse effect on the environment and, therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code; or the General Plan.

A Special Management Area Minor Use Permit is approved subject to the following conditions:

1. The petitioner, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Secure a Conservation District Use Application from the Board of Land and Natural Resources within one year from the effective date of this permit.
3. Secure a grading or grubbing permit, if required, from the Department of Public Works.

4. No construction or land clearing activity shall occur within 40-foot shoreline setback area.
5. Excavated areas shall be filled or altered to the level of the adjacent terrain.
6. No excavation or clearing activities shall be permitted within a 10-foot wide strip fronting the subject property adjacent to the Kapoho Government Road.
7. Comply with all other applicable rules, regulations and requirements.
8. The Planning Director may administratively grant extensions to the foregoing conditions. Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Director shall initiate procedures to nullify the permit.