

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

June 10, 2004

Mr. Gordon C. Heit
Land Agent
Department of Land and Natural Resources
Land Division
P. O. Box 936
Hilo, HI 96721-0936

A handwritten signature in black ink, appearing to be "Roy R. Takemoto", written over a horizontal line.

Dear Mr. Heit:

**Subject: Special Management Area Use Permit Assessment Application (SMAA 04-39)
Special Management Area Minor Permit No. 158**
Applicant: Department of Land and Natural Resources, Land Division
Request: Removal of Two Albezia Trees
Tax Map Key: 2-2-1:10, Hilo, Hawaii

This is to follow up on our May 27, 2004 letter relating to the above-referenced Special Management Area assessment for the removal of two albezia trees on the subject parcel.

The subject property is zoned Open (O) by the County. It is designated Urban by the State Land Use Commission. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(v) relating to Special Management Area, the removal of two albezia trees does not qualify as exempt from the definition of "development". Therefore, a Special Management Area Minor Permit is required.

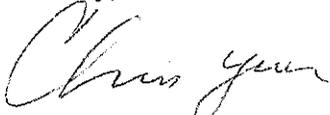
For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 154 is hereby issued to allow for the removal of the two albezia trees.

Hawai'i County is an equal opportunity provider and employer.

Mr. Gordon C. Heit
Land Agent
Department of Land and Natural Resources
Land Division
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June 10, 2004

Should you have questions, please feel free to contact Esther Imamura or Larry Brown of this department at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

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Enclosures - SMM No. 158
Department of Public Works June 8, 2004 Memo

xc w/encls: ✓ Long Range Planning – Ms. Susan Gagorik
Planning Commission

Special Management Area Minor Permit No. 158

Project: Removal of Two Albezia Trees
Applicant: Department of Land & Natural Resources, Land Division
Location: Hilo, Hawaii
TMK: (3) 2-2-1:10 **Land Area:** 48,168 square feet

Applicant's Request

1. Project Description:

The applicant proposes to cut down two albezia trees.

2. Purpose of Project:

There are liability concerns should the limbs and/or branches drop onto areas that are frequented by the public.

3. Project Valuation: Less than \$5,000.00

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area, the removal of two albezia trees is not exempt from the definition of "development." Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject property is designated Urban by the State Land Use Commission.
- 2. General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Open.
- 3. County Zoning:** The subject property is zoned Open (O) by the County.
- 4. Special Management Area:** The subject property is located in the SMA.

5. **Flood Zone:** 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). However, according to the memorandum dated June 8, 2004, the Department of Public Works has no objection to the project.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area

Although the parcel is a shoreline property, the nearest tree is approximately 45 feet from the shoreline. Therefore, the proposed improvements will not affect the recreational resources available to the public.

Check all objectives and policies found to be consistent with proposed development. Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- Development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.
- The proposed development is consistent with the Hawaii County General Plan and the Zoning Code.
- The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to:
 - Provide coastal recreational opportunities accessible to the public.
 - Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
 - Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
 - Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
 - Provide public or private facilities and improvements important to the State's economy in suitable locations.
- Reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence and pollution.
- Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- Stimulate public awareness, education, and participation in coastal management.

- Protect beaches for public use and recreation.
- Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
 - Recreational Resources
 - Historic Resources
 - Scenic and Open Space Resources
 - Coastal Ecosystems
 - Economic Uses
 - Coastal Hazards
 - Managing Development
 - Public Participation
- Beach Protection
- Marine Resources
- The proposed development conforms to the requirements of Chapter 343, HRS, Environmental Impact Statements.

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| Findings |
|-----------------|

As discussed above, the proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.

The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$5,000 is not in excess of \$125,000.

Upon review of the subject application, the Department of Public Works, Engineering Division has no objections to the request.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area**
Minor Permit No. 158 is hereby approved to allow for the removal of two albezia trees.

APPROVED:



CHRISTOPHER J. YUEN
Planning Director



Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: June 8, 2004

2004 JUN 9 PM 1 07

Memorandum
PLANNING DEPARTMENT
COUNTY OF HAWAII

TO: Christopher J. Yuen, Planning Director

FROM: *for* *CG* Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMAA 04-39)
Applicant: DLNR, Land Division
Request: Removal of Two Albizia Trees
TMK: 2-2-01: 010

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated May 27, 2004 and have no objection to the request.

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 with velocity hazard (wave action).

Questions may be referred to Kelly Gomes of our Engineering Division at ext. 8327.

KG