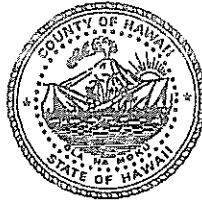


Harry Kim
Mayor



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

September 1, 2005

Mr. and Mrs. Richard Gillette
P. O. Box 120
Kilauea HI 96754

Dear Mr and Mrs. Gillette:

Subject: Special Management Area Use Permit Assessment Application (SAA 05-000061)
Special Management Area Minor Permit No. SMM 05-000016
Land Owner: David Brazeau
Applicants: Susan and Richard Gillette
Request: Trimming/Removal of Trees and Grubbing
TMK: 1-5-63:24 and 26, Hawaiian Parks Subdivision, Puna, Hawaii

This is to follow up on our August 10, 2005 letter relating to the above-referenced Special Management Area assessment for the trimming/removal of trees and grubbing on the two parcels.

Both parcels are zoned Agricultural (A-1a) by the County and designated Urban by the State Land Use Commission. They do not have frontage along the ocean.

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(ii) relating to the Special Management Area, the "*Grading, removing, dredging, mining, or extraction of any materials*" is defined as "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. 05-000016 is hereby issued to allow for the trimming/removal of trees and grubbing on the two parcels, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Mr. and Mrs. Richard Gillette
Page 2
September 1, 2005

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

Should you have questions, please feel free to contact Esther Imamura or Larry Brown of this department at 961-8288, extensions 257 and 258, respectively.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

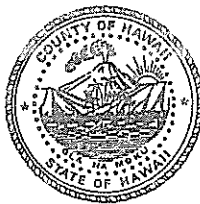
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Enclosures - SMM No. 05-000016
Department of Public Works August 11, 2005 Memo

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

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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

Special Management Area Minor Permit No. 05-000016

Project: Trimming/Removal of Trees and Grubbing
Applicants: Susan and Richard Gillette
Land Owner: David Brazeau
Location: Hawaiian Parks Subdivision, Puna, Hawaii
TMK: 1-5-63:24 **Land Area:** 9,100 square feet
TMK: 1-5-63:26 **Land Area:** 9,100 square feet

Applicant's Request

1. Project Description:

The applicants propose to do the following:

- a. Prune mature Coconut palms and remove immature palms for relocation to the perimeter of parcels.
- b. Remove vines from the Norfolk trees.
- c. Remove Ironwood trees.
- d. Remove Schifflera trees.
- e. Clear vegetation.

2. Purpose of Project:

The purpose is to clean and remove unwanted vegetation from the parcels.

3. Project Valuation: \$13,585

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(ii) relating to the Special Management Area, the "Grading, removing, dredging, mining, or extraction of any materials" is defined as "development." Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject properties are 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 properties as Open.
3. **County Zoning:** Both parcels are zoned Agricultural (A-1a) by the County.
4. **Special Management Area:** Although the subject properties are located in the SMA, they do not have frontage along the ocean.
5. **Flood Zone:** The subject parcels are in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is designated as "minimal tsunami inundation".

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

The project sites are not shoreline properties. Therefore, the proposed improvements will not affect the shoreline 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 tsunامي, 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.

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 \$13,585 is not in excess of \$125,000.

The Department of Public Works – Engineering Division has reviewed the proposed project for compliance with Chapter 27, Flood Control, of the Hawaii County Code and has no objections to the request. A copy of this memo is enclosed.

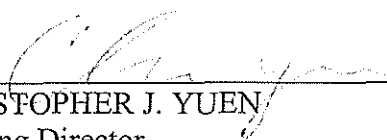
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 05-000016** is hereby approved to allow for the trimming/removal of trees and grubbing of both parcels.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 05-000016** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or wall be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when he finds that sufficient mitigative measures have been taken.

APPROVED:



CHRISTOPHER J. YUEN
Planning Director



Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: August 11, 2005

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM: *fa* Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMAA 05-000061)

Applicants: Susan and Richard Gillette

Owner: David Brazeau

Request: Trimming/Removal of Trees

Tax Map Keys: 1-5-63: 024 & 026

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated August 10, 2005 and have no objection to the request.

The subject parcels are in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is designated as "minimal tsunami inundation."

The proposed trimming and removal of trees will not require a grubbing permit.

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