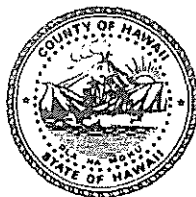


Debbie

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 96720-3043
(808) 961-8288 • FAX (808) 961-8742

April 7, 2006

Mr. Michael Pascual, Manager
Keauhou Kona Surf and Racquet Club
78-6800 Alii Drive
Kailua-Kona HI 96740

Dear Mr. Pascual:

Subject: Special Management Area Use Permit Assessment Application (SMAA 06-000129)
Special Management Area Minor Permit No. 06-000028
Applicant: Keauhou Kona Surf and Racquet Club
Request: Removal of Two Coco-palms
Tax Map Key: 7-8-13:3, North Kona, Hawaii

This is to follow up on our March 20, 2006 letter relating to the above-referenced Special Management Area assessment for the removal of two coco-palms from the subject parcel.

The subject property is zoned Multi-Family Residential (RM-3) 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 Resort Node and Open.

Both coco-palms are located within the 40 feet shoreline setback area. For your information, Planning Commission Rule 11, Shoreline Setback regulates the use and activities within the shoreline setback area. However, with reference to Planning Department Rule 11-8, we have determined that the removal of the two coco-palms is considered a minor activity since it would not affect beach process or artificially fix the shoreline and would not interfere with public access or public views to and along the shoreline. Therefore, no shoreline setback variance is required.

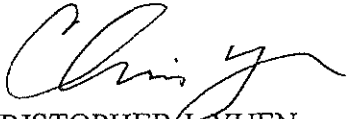
Mr. Michael Pascual, Manager
Keauhou Kona Surf and Racquet Club
Page 2
April 7, 2006

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 coco-palms 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. 06-000028 is hereby issued to allow for the removal of the two coco-palms.

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

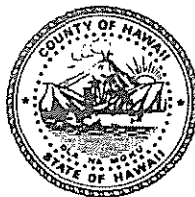
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Enclosures - SMM No. 06-000028
Department of Public Works March 24, 2006 Memo

xc w/encls: Ms. Deborah Chang - Long Range Planning
Mr. Norman Hayashi - Planning

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
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Deputy Director

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Special Management Area Minor Permit No. 06-000028

Project: Removal of Two Coco-palms
Applicant: Keauhou Kona Surf & Racquet Club
Location: North Kona, Hawaii
TMK: 7-8-13:3 **Land Area:** 15.542 acres

Applicant's Request

1. Project Description:

The applicant proposes to cut down two coco-palms.

2. Purpose of Project:

The two coco-palms are safety hazards. One is growing over the roof of several residences. The other, growing at the waterline, has an exposed root system. There are liability concerns should the fronds, nuts, or even the trees fall onto areas that are frequented by the public.

3. Project Valuation: \$1,200.

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 coco-palms 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 Resort Node and Open.
- 3. County Zoning:** The subject property is zoned Multiple-Family Residential (RM-3).

4. **Special Management Area:** The subject property is located in the SMA. Both trees are within the shoreline setback area.
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). According to the March 24, 2006 Department of Public Works, Engineering Division memorandum, *"...removal of coconut palms does not alter the land or structures, and is not regulated under Chapter 27 – Flood Control, of Hawaii County Code"*.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area
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Although the parcel is a shoreline property, only one tree is on 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 tsunami, 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, regarding 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.

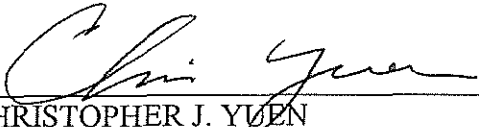
The estimated project cost of approximately \$1,200 is not in excess of \$125,000.

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

The Planning Director has approved SMA Minor Permit No. 06-000028, subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall comply with all applicable State and the County requirements.
3. All debris resulting from the removal of the trees shall not impact the ocean waters.
4. The removal of the trees shall not interfere with public access to and along the shoreline.

APPROVED:



CHRISTOPHER J. YUEN
Planning Director

APR 11 2006

Date


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DEPARTMENT OF PUBLIC WORKS
PLANNING DEPARTMENT COUNTY OF HAWAII
COUNTY OF HAWAII HILO, HAWAII

DATE: March 24, 2006

Memorandum

TO : Christopher J. Yuen, Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief 
a Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 06-000129)
Applicant: Keauhou Kona Surf and Racket Club
Location: Kahaluu, N. Kona, HI
TMK: 3 / 7-8-013:003

We reviewed the subject application and our comments are as follows:

Flood Zone "VE", affects the subject parcel as designated by the Flood Insurance Rate Map (FIRM), dated September 16, 1988. However, the proposed trimming or removal of coconut palms does not alter the land or structures, and is not regulated under Chapter 27 - Flood Control, of Hawaii County Code.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE

copy: ENG-HILO/KONA
PLNG-HILO

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