

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

December 7, 2006

Mr. Alan M. Okamoto, Esq.
Nakamoto, Okamoto & Yamamoto
187 Kapiolani Street
Hilo HI 96720-2687

Dear Mr. Okamoto:

**Subject: Special Management Area Use Permit Assessment Application (SAA 06-000203)
Special Management Area Minor Permit No. 06-000043
Applicant: Hilo One, Incorporated
Landowner: Hiroko Hubbard
Request: After-the-Fact Cutting of Trees and Routine Maintenance
Tax Map Key: 2-7-21:14, Paukaa, South Hilo, Hawaii**

This is to follow up on our November 6, 2006 letter relating to the above-referenced Special Management Area assessment for the after-the-fact cutting of trees and routine maintenance of the subject parcel.

The subject property is zoned Single-Family Residential (RS-20) by the County and designated Urban by the State Land Use Commission. It does not have frontage along the coastline.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)A(ii) relating to Special Management Area, "Grading, removing, dredging, mining, or extraction of any materials" 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. 06-000043 is hereby issued for the after-the-fact cutting of trees and routine maintenance of the subject parcel.

Mr. Alan M. Okamoto, Esq.
Nakamoto, Okamoto & Yamamoto
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December 7, 2006

Should you have questions, please feel free to contact Esther Imamura of this department at 961-8288, extension 257.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

ETI:cd

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Enclosures: SMM No. 06-000043
Department of Public Works November 9, 2006 Memo

xc w/encls: Ms. Deborah Chang, Long Range Planning Division
Mr. Norman Hayashi, Planning Commission
Mr. Robert Usagawa, Zoning Inspector
Ms. Laura H. Thielen, Director – Office of Planning, DBED&T (emailed enclosure)

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Special Management Area Minor Permit No. 06-000043

Project: After-the-Fact Cutting of Trees and Routine Maintenance
Applicant: Hilo One, Incorporated
Land Owner: Hiroko Hubbard
Location: Paukaa, South Hilo, Hawaii
TMK: 2-7-21:14 **Land Area:** 0.93 acre

Applicant's Request

1. Project Description:

After-the fact cutting of trees and to allow for routine maintenance of the property.

2. Purpose of Project:

The cutting of various trees was intended to improve the views from the applicant's land.

3. Project Valuation: \$4,500.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(ii) relating to the Special Management Area, "*Grading, removing, dredging, mining, or extraction of any materials*" is not exempt from the definition of "development." Therefore, a SMA Minor Permit is required for the after-the fact cutting of trees and routine maintenance of the property.

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 Low Density Urban.
- 3. County Zoning:** The subject property is zoned Single-Family Residential (RS-20).

4. **Special Management Area (SMA):** The subject property is located in the SMA. However, it is located mauka of Kuakahi Street and does not have frontage along the coastline.
5. **Flood Zone:** By memorandum dated November 9, 2006, the Department of Public Works, Engineering Division stated that *“The subject parcel is in area that is not mapped by the Federal Emergency Management Agency (FEMA) and is labeled as an area of “minimal tsunami inundation.” For developmental purposes, we designate such parcels as Zone X – areas determined to be outside the 500-year floodplain”.*

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area
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The parcel does not have frontage along the coastline. Therefore, the after-the fact cutting of trees and routine maintenance will not affect the recreational resources available to the public.

Check all objectives and policies found to be consistent with the 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 \$4,500 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.

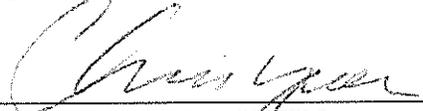
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 06-000043** is hereby approved for the after-the fact cutting of trees and routine maintenance on the subject parcel. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 06-000043** 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 secure all necessary approvals and permits from other affected 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

DEC 13 2006

Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

2006 NOV 9 PM 1 04
PLANNING DEPARTMENT
COUNTY OF HAWAII

DATE: November 9, 2006

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM:  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 06-000203)
Applicant: Hilo One, Incorporated
Land Owner: Hiroko Hubbard
Request: After-the-Fact Cutting of Trees and Routine Maintenance
Tax Map Key: 2-7-21: 014

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated November 6, 2006 and have no objections to the request.

The subject parcel is in area that is not mapped by the Federal Emergency Management Agency (FEMA) and is labeled as an area of "minimal tsunami inundation." For developmental purposes, we designate such parcels as Zone X - areas determined to be outside the 500-year floodplain.

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

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