

William P. Kenoi  
Mayor



Duane Kanuha  
Director

Bobby Command  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
**PLANNING DEPARTMENT**

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

July 24, 2015

Mr. Steve Shropshire  
Shropshire Group LLC  
P.O. Box 1146  
Hilo, HI 96721

Dear Mr. Shropshire:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application  
(SAA 15-001303) and  
Special Management Area Minor Use Permit (SMM 12-000224) as amended**  
**Applicant(s): Steve Shropshire**  
**Landowner: Shropshire Group, LLC**  
**Request: Removal of Invasive Trees and Plants**  
**Tax Map Key: (3) 3-2-005:001 - 005; Waikaumalo, North Hilo, Hawai'i**

We received your Special Management Area Use Permit Assessment Application on June 9, 2015, with additional information submitted on July 22, 2015, for the removal of invasive trees, plants, and grasses within the shoreline setback area and along the top of the cliff on subject parcel 005. Within sixty (60) days of vegetation removal, the applicant proposes to replace the trees and shrubs by planting coconut trees and beach naupaka, and to perform regular maintenance to remove any regrowth of invasive species in the area.

According to the application submitted, the vegetation removal project, proposed within the shoreline setback area, will only disturb small areas of soil. All trees will be secured with a boom truck and or excavator and choker cable and cut as close to the ground as possible, then treated with an approved herbicide. The remaining sub surface root stock will not be disturbed. The trees will be hoisted to a designated landing area and then carried to the abandoned quarry site, on the subject property, utilizing a D-6 bulldozer or wheeled tractor. The shrubs will be selectively removed with chain saws and the invasive grasses and weeds will be removed by hand. The proposed method of on-site mulching is consistent with the priority to keep organics out of the landfill established in the County of Hawai'i Integrated Resources and Solid Waste Management Plan Update (2009). Also, on-site management reduces costs of the collection and transfer of organics to appropriate facilities. Therefore, we find the on-site mulching is appropriate, provided that any excess mulch, not being used on the property be removed within a reasonable time.

**JUL 24 2015**

On May 31, 2012, the Planning Director approved SMM 12-000224 for the removal of 75 invasive trees and clearing of vegetation, the subdivision of the property from the existing 3 lots into 4 lots, and the demolition and removal of the existing structures. This permit was amended on February 4, 2014 to allow for rehabilitation of the existing structures, rather than their demolition, and the construction of a temporary storage shed. Subsequently, the work was completed on the subject properties. In addition, on January 8, 2015, the Windward Planning Commission voted to approve Special Management Area Use Permit (SMA 14-000058) to allow the consolidation and subdivision, creating a total of 10 lots and a road lot, with related improvements. However, none of the permits allowed for any activity in the shoreline setback area.

**Special Management Area Determination:**

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(e) (1) (B) relating to the Special Management Area, "Grading, removing, dredging, mining, or extraction of any materials" are not exempt from the definition of "development." In addition, PC Rule No. 9-4(e) (1) (A) states that "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste" is not exempt from the definition of "development."

Therefore, the proposed tree removal and clearing of vegetation will require a review against the Special Management Area rules and regulations. The proposed vegetation removal is consistent with the previously approved SMM 12-000224. The estimated cost of the development approved under SMM-12-000224 was \$127,781. The additional cost of the vegetation removal is \$30,000, for a total development cost of \$ 157,781, which does not exceed the \$500,000 valuation threshold for SMA Minor Permits. In addition, the project will not have a significant adverse environmental or ecological effects.

**For these reasons and pursuant to Planning Commission Rule 9-10(e), SMM-12-000224 is hereby amended to allow the vegetation removal.** This approval is subject to the conditions listed below as well as those in the enclosed original SMM-12-000224 permit as amended.

**Determination of Minor Activity within Shoreline Setback Area:**

Pursuant to SMA 14-000058, Condition 3. "All vertical structures and land alteration activities shall be setback a minimum of sixty (60) feet from the top of pali..." Please note that the shoreline setback for any future developments on the subject parcels will be subject to a valid shoreline certification and will be determined during the SMA assessment of that project.

We understand that the applicant is proposing to remove invasive trees, plants, and grasses within the shoreline setback area and along the top of the cliff to allow for the establishment of native species, reduce the cliff instability caused from the invasive ironwood trees, allow for professional surveyors to safely survey the property and improve scenic vistas along the coastline. Finally, the applicant is proposing to replant all trees and shrubs within the shoreline setback area but not over the cliff face.

Pursuant to Rule 11-7 of the Planning Department Rules of Practice and Procedure (PD Rules), the proposed activities would be allowed in the Shoreline Setback Area only upon the issuance of a Determination of Minor Structure or Minor Activity by the Planning Director or the approval of a Shoreline Setback Variance by the Planning Commission.

Rule 11-8, PD Rules, provides that a Determination of Minor Structure or Minor Activity may be granted by the Planning Department where the proposed structure or activity would not affect beach processes or artificially fix the shoreline and would not interfere with public access or public views to and along the shoreline.

Since the project area is along the top of a sea cliff, the proposed activities are not expected to affect beach processes or artificially fix the shoreline. There is no public access along the top of the sea cliff and public views to and along the shoreline from the Shoreline Setback Area and the nearest public road are likely to be enhanced by the proposed activities.

In view of the above, we have determined that the proposed vegetation removal and the replanting with new trees, shrubs and/or groundcover constitute a minor activity.

**Compliance with Environmental Impact Statement Regulations (Chapter 343, HRS):**

According to HRS Chapter 343-5, an environmental assessment shall be required for actions that propose any use within a shoreline area. However, Hawai'i Administrative Rules (HAR), Chapter 200, Environmental Impact Statement Rules, provides a list of classes of action that may be exempt from the preparation of an environmental assessment (EA). Among the list of exempt classes of action listed in HAR Chapter 200 is:

- *11-200-8(A)(4) Minor alterations in the conditions of land, water, or vegetation;*

The Planning Department consulted with the Department of Public Works (DPW) regarding the Planning Director's "Declaration of Exemption" from the preparation of an EA for the subject project. DPW responded with the enclosed memorandum dated June 1, 2015 that they had no objections to the request. The Planning Department determines that the vegetation removal and replanting will probably have minimal or no significant effect on the environment and hereby exempts the applicant from the preparation of an EA for the proposed project. No uses, activities, or development, other than those described in the application, shall be exempt from environmental review under HRS, Chapter 343.

In addition to the proposed coconut palms and beach naupaka, the Planning Department would also like to suggest the following list of native trees/shrubs/groundcovers for possible replacement plantings:

- |          |              |              |
|----------|--------------|--------------|
| • Kamani | • Beach      | • Nanea      |
| • Ohia   | • Heliotrope | • Pohinahina |
| • Hala   | • Loulu Palm | • Akia       |
| • Milo   | • Naio       |              |

For your reference, additional plants and information can be found on the University of Hawai'i Native Plants website ([http://nativeplants.hawaii.edu/plant/view/Vigna\\_marina](http://nativeplants.hawaii.edu/plant/view/Vigna_marina)).

**This amendment to SMA Minor Permit No. 12-000224 is subject to the following conditions:**

1. The applicant shall implement standard Best Management Practices (BMPs) for erosion control and water quality, including the ability to contain and clean up fuel; fluid or oil

spills immediately for activities/uses. Work shall not be performed during periods of heavy rain. Equipment must not be refueled in the shoreline area. If visible petroleum, persistent turbidity or other unusual substances are observed in the nearby waters as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance.

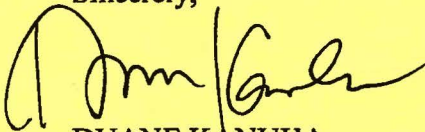
2. Other than the vegetation removal, replanting and regular maintenance, no land alteration, grubbing, landscaping or construction activities, including but not limited to, the stockpiling of debris, construction materials or equipment, shall occur in the 60-foot shoreline setback area.
3. The tree stumps and roots shall not be removed from the ground. The stumps may be treated through the proper use of herbicides approved by the State Department of Health.
4. Replacement plantings shall be planted in approximately the same location for each tree that is removed so as to maintain a relatively even distribution of vegetation along the sea cliff.
5. All replacement vegetation shall be of native or Polynesian species.
6. The replanting to include coconut trees and native beach naupaka shall be maintained and shall not be placed in a manner that will obstruct views to and along the shoreline. Any future plantings will be subject to further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
7. All green waste and cut trees shall be properly disposed of in the abandoned quarry site in a manner meeting with the approval of the Planning Department or outside the SMA, subject to the requirements of Chapter 20 - Refuse, of the Hawai'i County Code and may require a Landfill Disposal Permit from the Department of Environmental Management, Solid Waste Division.
8. All tree removal and replanting activities in the Shoreline Setback Area shall be completed within one year from the date of this letter.
9. A construction barrier, meeting with the approval of the Planning Director, shall be erected along the shoreline side of the abandoned quarry site as a containment measure to prevent runoff, prior to storing any green waste from the vegetation removal project and shall remain in place until the material has sufficiently decomposed and is no longer loose material.
10. The green waste pile in the abandoned quarry site shall not exceed 20-feet in height.
11. No green waste or loose soil from the top of the cliff is permitted along the shoreline. The applicant may be subject to Penalties as provided for in Planning Department Rule 11-14, Penalties, for any material that falls into the shoreline as a result of the applicant's activities.
12. Any further grading, grubbing, filling or other construction activity including but not limited to the construction of structures of any type shall require further review and approval as provided under Chapter 205A, HRS and Rule 9, Planning Commission Rules of Practice and Procedure. This includes the determination of the shoreline setback area.

Mr. Steve Shropshire  
July 24, 2015  
Page 5

13. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
14. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:
  - a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
  - b) Granting of the time extension would not be contrary to the original reasons for the granting of the permit; and
  - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
15. The project may be subject to periodic inspections from Planning Department staff. Any deviation from the above conditions will automatically result in the termination of this approval and the applicant shall be responsible to restore the area to its original condition within 30 days of notice of termination by the Planning Director. Failure to abide by this notice of termination shall result in Penalties as provided for in Planning Department Rule 11-14, Penalties.

If you have questions or require further information, please feel free to contact April Surprenant of this office at (808) 961-8131.

Sincerely,



DUANE KANUHA  
Planning Director

AJS:cs

Encl.: DPW Memorandum dated June 1, 2015

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

JUN -3 AM 10:04

DATE: June 1, 2015

**Memorandum**

TO: Duane Kanuha, Planning Director

FROM:  Department of Public Works, Engineering Division

**SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 15-001279)**

Applicant: Steven H. Shropshire

Land Owner: Steven H. Shropshire

Request: Removal of Invasive Trees, Plants (Shrubs), and Grasses

Reference: Sub. No. 2014-1410

Tax Map Keys: 3-2-05: 004 & 005

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo received May 19, 2015 and have no objections to the request.

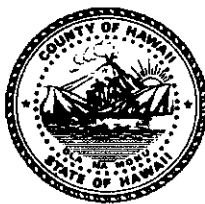
Because the trees and plants will be cut with chain saws (above ground level) and the invasive grasses will be removed by hand, the subject work is not considered grubbing. Therefore, a grubbing permit is not required for the subject request.

The subject parcels are in an area that is not mapped by the Federal Emergency Management Agency and is identified as an area of "minimal tsunami inundation." The parcels' elevation is at approximately 60 feet above mean sea level and we therefore designate it as Zone X (an area determined to be outside the 500-year floodplain). The Federal Government and the County of Hawaii do not have any regulations for developments within areas of minimal tsunami inundation and Zone X.

Questions may be referred to Kelly Gomes at ext. 8327.

**099110**

William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

## County of Hawai'i

### PLANNING DEPARTMENT

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

### **Special Management Area Minor Permit No. 12-000224**

**Project:** Removal of 75 Invasive Trees and Clearing of Vegetation,  
Subdividing Property from 3 Lots to 4, Demolition and  
Removal of Existing Structures

**Applicant:** Steven H. Shropshire

**Land Owner:** Steven H. Shropshire

**Location:** Nīnole, North Hilo, Hawai'i

**TMK(s):** (3) 3-2-002:031, 075 & 109

**Land Area:** 9.287 acres

#### **Applicant's Request**

##### **1. Project Description:**

The applicant is seeking approval for the removal of 75 invasive trees and clearing of vegetation. The trees and vegetation will be stacked in the quarry site and allowed to naturally compost. The applicant proposes to replant the trees with coconut trees and native beach naupaka.

The applicant is also proposing the subdivision of the property from 3 lots to 4. There will be improvements required through the subdivision, including roadway and waterline improvements.

Finally, the applicant is proposing the demolition and removal of two existing homes and one existing garage structure on the subject properties.

##### **2. Purpose of Project:**

The objective is to allow the owner more effective use of the property, determine future uses of the property, and allow the professional surveyors to survey the properties.

##### **3. Project Valuation: \$72,781**

##### **4. Determination:**

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(e) (1) (B), relating to the Special Management Area, "Grading, removing, dredging, mining, or extraction of any materials," are not

exempt from the definition of “development.” Therefore the proposed tree removal and clearing of vegetation will require a review against the Special Management Area rules and regulations.

In addition, PC Rule No. 9-4(e) (1) (C) states that “Change in the density or intensity of use of land, including but not limited to the division or subdivision of land” is not exempt from the definition of “development.” Therefore, the proposed subdivision will also require a review against the Special Management Area rules and regulations. Please note that this application was also reviewed under PC Rule No. 9-4(e) (2) (M) which states that, “development” does not include “Subdivision of a parcel of land into four or fewer parcels when no associated construction activities are proposed, provided that any such land which is so subdivided shall not thereafter qualify for this exception with respect to any subsequent subdivision of any of the resulting parcels”. However, based on the preliminary plat map submitted on August 2, 2011 (SUB-11-001109) and the improvement requirements of the Hawai‘i County Code, Chapter 23 (Subdivision Code), there will be associated construction activities for the subdivision and the exemption stated above cannot be applied.

Finally, PC Rule No. 9-4(e) (1) (C) states that “Construction, reconstruction, demolition, or alteration of the size of any structure” is not exempt from the definition of “development.” Therefore, the proposed demolition and removal of structures is considered to be development and will require a review against the Special Management Area rules and regulations.

In summary the proposed project requires either a Special Management Area Minor Permit or a Special Management Area (Major) Use Permit.

#### **State and County Plans**

1. **State Land Use District:** The subject parcel is designated Rural by the State Land Use (SLU) Commission.
2. **General Plan:** The Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation is Rural.
3. **County Zoning:** The subject parcel is zoned RA-.5a (Residential- Agricultural- minimum one half acre lot size) by the County of Hawai‘i.
4. **Special Management Area (SMA):** The subject parcels are located entirely within the SMA.
5. **Flood Zone:** Zone X.

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

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, 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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$72,781 is not in excess of \$500,000.

### Agency Consultation:

The demolition of the structures was reviewed under HRS Chapter 6E-42. The enclosed Department of Land and Natural Resources, State Historic Preservation Division (SHPD) correspondence dated January 19, 2012, states the following:

*"Hawai'i County records indicate the structures were built circa 1935. The houses are both typical plantation style and the associated outbuilding are utilitarian in nature. The structures are in various levels of disrepair. Despite their poor condition the buildings maintain fair integrity. These structures would not be eligible for the National Register of Historic Places under Criterion C for their design qualities.*

*Materials included with the request include photos of the properties, satellite photos of the site and a detailed site plan. Based on this information SHPD determines that this project does not affect a historic resource."*

The enclosed Department of Public Works, Engineering Division memorandum dated May 30, 2012, states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 22, 2012 and have no objections to the request.*

*The subject parcels are in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and are designated as Zone X- areas outside the 500-year floodplain (minimal tsunami inundation)."*

Pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. 12-000224 is hereby approved for the removal of 75 invasive trees and clearing of vegetation, subdividing property from 3 lots to 4, and demolition and removal of existing structures on the subject properties.

### Conditions of Approval


The Planning Director has approved SMA Minor Permit No. 12-000224 subject to the following conditions:

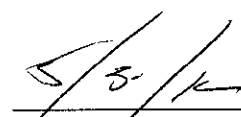
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. The applicant shall implement standard Best Management Practices (BMPs) for erosion control and water quality, including the ability to contain and clean up fuel; fluid or oil spills immediately for activities/uses. Grading shall not be performed during periods of heavy rain. Equipment must not be refueled in the shoreline area. If visible petroleum, persistent turbidity or other unusual substances are observed in the nearby waters as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance.
4. The grubbing pile shall not exceed 20-feet in height.
5. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
6. No land alteration, grubbing, landscaping or construction activities, including but not limited to, the stockpiling of debris, construction materials or equipment, shall occur in the 40-foot shoreline setback area.
7. A construction barrier, meeting with the approval of the Planning Director, shall be erected along the 40-foot shoreline setback line, prior to the commencement of any clearing activities and shall remain in place until the work is completed. The 40-foot shoreline setback line shall be measured from the top of the pali and verified by the Planning Department. Once the barrier is in place, please contact Bethany Morrison at 961-8138 to schedule a site visit.
8. The replanting to include coconut trees and native beach naupaka shall be maintained and shall not be placed in a manner that will not obstruct views to and along the shoreline. Any future plantings will be subject to further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
9. Demolition of the existing structures and the disposal of waste material is subject to the requirements of Chapter 20 - Refuse, of the Hawai'i County Code and may require a Landfill Disposal Permit from the Department of Environmental Management, Solid Waste Division. Their office may be reached at 961-8339.
10. Final subdivision approval shall be secured within two (2) years from the date of approval of this permit.
11. Applicant shall submit a written estimate(s) provided by a contractor(s) licensed to do business in the State of Hawaii for all construction activities proposed and/or required prior to the granting of final subdivision approval to confirm that the total project valuation (exclusive of land costs) is not in excess of \$500,000. In the event the total valuation of the proposed subdivision does exceed \$500,000, this Special Management Area Minor

Permit shall be deemed null and void and the applicant shall be required to secure approval of a Special Management Area Use (Major) Permit from the Planning Commission.

12. Any significant deviations from preliminary plat map submitted on August 2, 2011 (SUB-11-001109), or the proposed subdivision improvements, may require review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
13. Any further grading, grubbing, filling or other construction activity, including but not limited to, the construction of structures of any type shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure. This includes the determination of the shoreline setback area.
14. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
15. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:
  - a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
  - b) Granting of the time extension would not be contrary to the original reasons for the granting of the permit; and
  - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
16. Any deviation from the above conditions will automatically result in the termination of this approval and the applicant shall be responsible to restore the area to its original condition within 30 days of notice of termination by the Planning Director. Failure to abide by this notice of termination shall result in Penalties as provided for in Planning Department Rule 11-14, Penalties.

APPROVED:

  
BJ LEITHEAD TODD  
Planning Director

  
Date