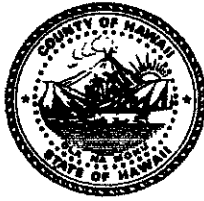


William P. Kenoi
Mayor



BJ Leithead Todd
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Special Management Area Minor Permit No. 13-000257

Project: "After-the-Fact" Removal as well as Trimming and
Routine Maintenance of Coconut Trees
Applicant: Kamehameha Schools
Land Owner: B.P. Bishop Estate
Location: North Kona, Hawai'i
TMK: 7-8-10:44 **Land Area:** 25.239 acres

Applicant's Request

1. Project Description:

A tree approximately 80 feet in height fell in the vicinity of the volleyball court, narrowly missing a visitor at the Keauhou Bay. KS is proposing to cut the remaining trunk of the tree that recently fell, to as close to the ground as possible to minimize it as a tripping hazard.

Fronds and coconut clusters from five (5) trees were trimmed as they were directly adjacent to pedestrian traffic and human activity, posing a hazard to the public and necessitated immediate action.

Proposed is the cutting down of four (4) hazardous coconut trees that pose a tree fall hazard and are in need of immediate removal. The small diameter of the tree trunks, the extreme height of the tree and the way they are tilted from vertical at the base combine to place an excessive amount of stress on the lower trunk, increasing the likelihood that the tree will fall.

Felling and tree trimming will be done utilizing hand-held mechanized tools such as chain saws. On occasion it may be necessary to utilize a mobile lift to access the upper reaches of some trees. No parking of machinery or storage of equipment is required for the duration of the project.

The closest tree to the shoreline is mauka of the pedestrian pathway north of the volleyball court and is approximately 48 feet from the ocean. Other trees to be felled or trimmed are approximately 50' to 100' away from the shoreline.

All machinery will be checked for oil leaks and the contractor will be required to have on-site measures to contain and mitigate accidental leakage of machine fluids.

Each day, the work area will be temporarily cordoned off to protect the public during the removal and trimming of trees. All waste will be diverted to the County's green waste facilities in West Hawai'i.

2. Purpose of Project:

The area is used extensively by the public for ocean and other beach activities and as such, requires routine tree maintenance to prevent public safety issues.

3. Project Valuation: \$1,250 plus tax.

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e)(1)(B), "Development" includes "*Grading, removing, dredging, mining, or extraction of any materials*". Therefore, the "after-the-fact" removal as well as trimming and routine maintenance of coconut trees are considered "Development" and require a Special Management Area Minor Permit.

State and County Plans

1. **State Land Use District:** The subject property is designated Urban.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Open and Resort Node with the project area designated Open.
3. **County Zoning:** The subject property is zoned Resort-Hotel (V-1.25 and V-4) with the project area zoned V-1.25.
4. **Special Management Area:** The parcel is located within the Special Management Area (SMA) and has frontage along the coastline.
5. **Flood Zone:** "AE and X"

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area
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Although the subject parcel has frontage along the ocean, the closest affected coconut tree is approximately 48 feet from the ocean and mauka of a pedestrian pathway. Therefore, the proposed project will not affect public access to the shoreline or negatively affect 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 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 Hawai'i 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 \$1,250 plus tax is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated January 10, 2013, states the following:

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

We have determined that the subject property and subject work area is located within Flood Zones "AE and X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The above information is based on the most recent FIRM for the County of Hawai'i. Zone "X:" is not a designated Special Flood Hazard Area. A Zone "X" designation does not imply that the referenced property will be free from flooding or flood damage. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map.

The proposed activity is not regulated by Chapter 27 of Hawai'i County Code. However, the removed tree trunks and trimmings should be located away from the AE Flood Zone where they could otherwise cause damage to structures during an event."

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 13-000257** is hereby approved for the "after-the-fact" removal as well as trimming and routine maintenance of coconut trees on the parcel, subject to the applicant's compliance with the conditions of approval as specified below.

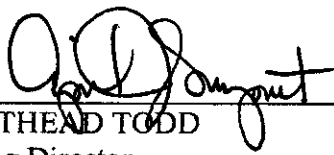
Conditions of Approval

The Planning Director has approved SMA Minor Permit No. 13-000257, 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. Prior to any trimming or tree removal activity, a construction barrier, meeting with the approval of the Planning Director, shall be erected around the project area to protect the public.
4. No heavy equipment other than a mobile lift is allowed.
5. All green waste shall be collected from the Special Management Area and disposed of at appropriate locations designated by the Department of Environmental Management for green waste.
6. The project areas and the areas makai shall be kept clear of any rubbish or debris resulting from these activities at all times.
7. 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.
8. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

If you have questions, please contact Esther Imamura of this department at 961-8139.

APPROVED:


for BJ LEITHEAD TODD
Planning Director

1-25-13
Date