

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. 13-000267

Project: Remove Trees, Extension of Waterline, Add Topsoil and Landscape Yard
Applicant: Tyrone G. Rapozo and Jolette A Rapozo
Land Owner: Tyrone G. Rapozo and Jolette A Rapozo
Location: Puakō Beach Lots, South Kohala, Hawai'i
TMK: (3) 6-9-003:014 **Land Area:** 22,366 square feet

Applicant's Request

1. Project Description:

The applicant proposes to cut down all Milo trees on the property, mauka of the existing house and trim the Milo tree on the makai side of the house. In addition, the applicant proposes to remove the piles of leaves and debris, bring in 2-3 inches of topsoil and plant grass, palms and other tropical plants. Finally, the applicant proposes to extend the existing waterline to provide irrigation to the plantings.

2. Purpose of Project:

The purpose of the project is to remove the Milo trees that drop nuts and leaves that require continuous raking. This will provide more light into the house and reduce the risk of broken branches causing damage. By removing the leaves and debris, the potential for a fire hazard will also be reduced. The irrigation will help to grow the palms trees and other tropical plants to beautify the yard.

3. Project Valuation: \$2,000.

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4 (e)(1)(A), "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste," is not exempt from the definition of "development." In addition, according to HRS Chapter 205A-22 and PC Rule No. 9-4(e)(1)(B), "Grading, removing, dredging, mining, or extraction of any materials," is not exempt from the definition of "development." Therefore, the project will require a review against the SMA rules and regulations.

State and County Plans

1. **State Land Use District:** The subject parcel is designated Urban 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 Low Density Urban.
3. **County Zoning:** The subject parcel is zoned V-1.25 (Resort-Hotel) by the County of Hawai'i.
4. **Special Management Area (SMA):** The subject parcel is located entirely within the SMA. However, the project area is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.
5. **Flood Zone:** AE.

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 Hawai'i 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 \$2,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated May 9, 2013, states the following:

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

We have determined that the subject property is located within Flood Zone "AE" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Alteration of, or any new construction, improvements to repetitive loss structures or substantial improvements of structures within Parcel

TMK (3) 6-9-003:014 will be subject to the requirements of Chapter 27-Flood Plain Management, of the Hawai'i County Code.

Notwithstanding the above, the applicant's proposed improvements are in conformance with Chapter 27 of Hawai'i County Code."

Pursuant to Planning Commission Rule 9-10(e), Special Management Area Minor Permit No. 13-000267 is hereby approved to allow the removal of trees and piles of leaves and debris, extension of existing waterline, addition of 2-3 inches of topsoil, and landscaping to include new grass and tropical plants on the subject property.

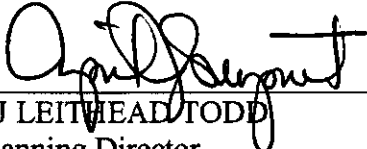
Conditions of Approval

The Planning Director has approved SMA Minor Permit No. 13-000267 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. All green waste from vegetation clearing shall be collected and disposed of at appropriate locations designated by the Department of Environmental Management for green waste.
4. No heavy equipment shall be used in the shoreline setback area.
5. 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.
6. 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.
7. 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).
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.

APPROVED:



BJ LEITHEAD TODD
Planning Director

MAY 20 2013

Date