

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

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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

June 17, 2015

Ms. Charlene Prickett
27-121 Mill Road
'Pāpa'ikou, HI 96781

Dear Ms. Prickett:

**SUBJECT: Special Management Area Use Permit Assessment Application
(SAA 15-001281)**

Special Management Area Minor Permit (SMM 15-000335)

**Request: Pruning and/or Removal of Designated Trees on Parcel 65
(Mill Road) and Parcel 119, with Two Composting Sites on
Parcel 119**

Applicant: Charlene Prickett

Land Owner: Pāpa'ikou Landing, Inc.

TMK: (3) 2-7-027:065, South Hilo, Hawai'i
HAWAUGHYA Inc.

TMK: (3) 2-7-004:119, South Hilo, Hawai'i

This is to acknowledge receipt on April 10, 2015, of the Special Management Area Use Permit Assessment Application (SAA 15-001281) for the pruning and/or removal of designated trees on Parcel 65 (Mill Road) and Parcel 119 with two composting sites on Parcel 119. Also acknowledged is receipt of additional information on May 8, 2015, including a request to allow for routine maintenance of the mango tree and time extensions to review the application.

Numerous tall trees line Mill Road and the rear of the mauka parcels along the road. Adjacent neighbors and owners have expressed concern that homes, fences, walls and vehicles are at risk from falling trees. Proposed is the removal of designated trees in the Mill Road right-of-way. Also proposed for Parcel 119 is the pruning and routine maintenance of the mango tree, removal of the coconut tree and the cook pine tree, and the establishment of two tree waste composting site. Site #1 is adjacent to Parcel 62 (Lot C-1) and approximately 20 feet from the upper rim of a gulch with the stream over 200 feet further inland. Site #2 is away from a cliff (pali) area and adjacent to the rear property line of Parcel 64 (Lot E).

Mill Road, consisting of 1.292 acres, is designated Urban by the State Land Use Commission, zoned Single-Family Residential (RS-10 and RS-7.5) by the County and designated Low Density Urban and Industrial by the Hawaii County General Plan Land Use Pattern Allocation Guide

Ms. Charlene Prickett
June 17, 2015
Page 2

(LUPAG) map. Parcel 119, consisting of 20 acres, is designated Agricultural and Urban by the State Land Use Commission, zoned Agricultural (A-20a) by the County and designated Medium Density Urban, Low Density Urban and Industrial by the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) map. Although both parcels are in the Special Management Area (SMA), they are not located in a "shoreline area" as defined by Chapter 205A-41, HRS. Therefore, the requirement to submit a current certified shoreline survey is waived.

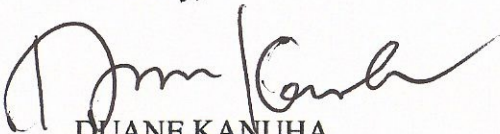
Special Management Area Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission Rule 9-4(e)(1)(B) and (A), "*Grading, removing, dredging, mining, or extraction of any materials*" and "*Placement or erection of any solid material or any gaseous liquid, solid, or thermal waste*", respectively, are defined as "development" and requires a review against the Special Management Area rules and regulations. Therefore, the pruning and/or removal of designated trees and the establishment of two tree waste composting sites require an SMA Minor Permit.

For this reason, and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.15-000335 is hereby issued for the SMA approval of the pruning and/or removal of designated trees and the establishment of two tree waste composting sites. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please contact Esther Imamura of this office at (808) 961-8139.

Sincerely,



DUANE KANUHA
Planning Director

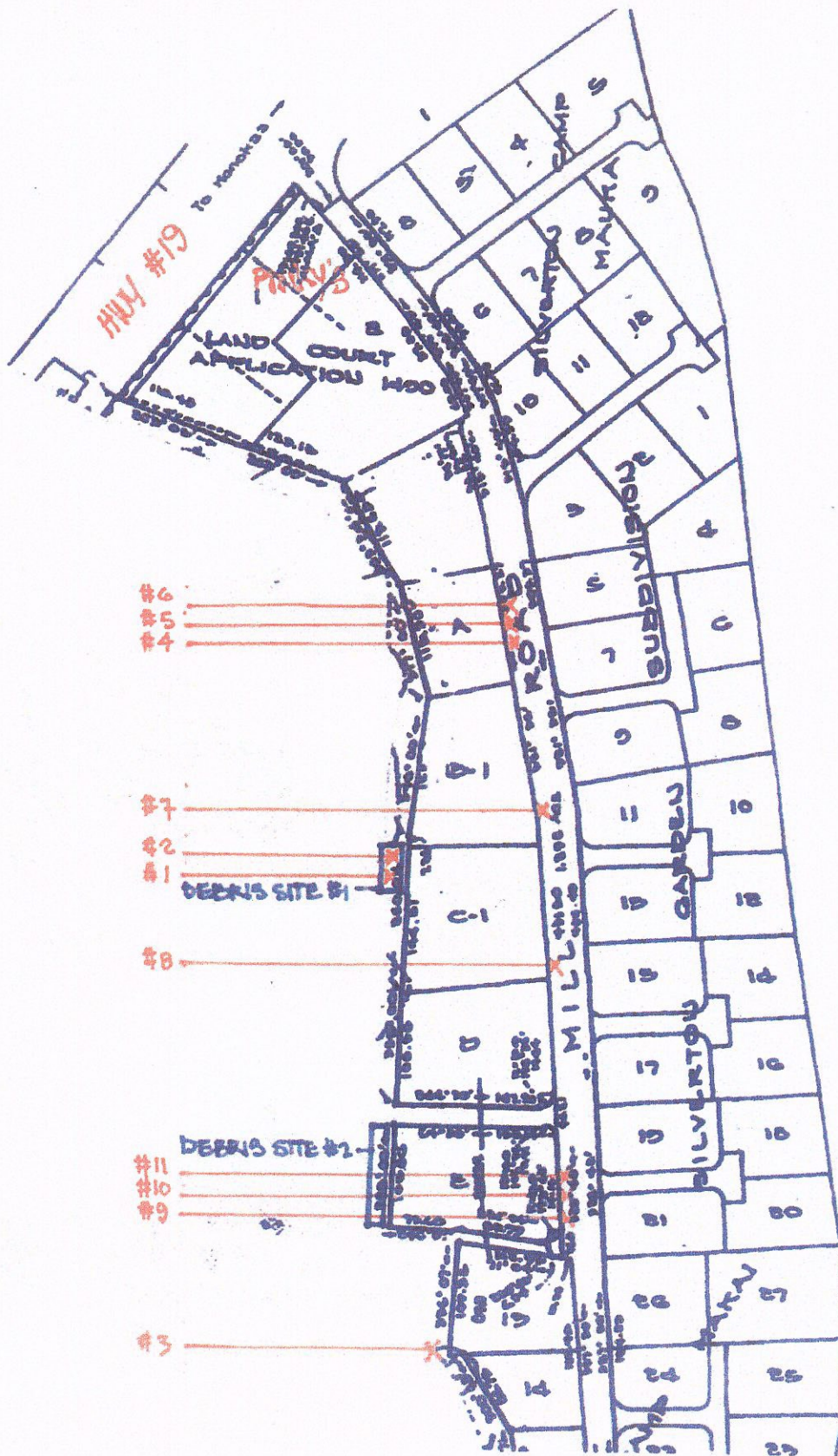
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Enclosures: SMM No.: 15-000335
DPW Memorandum dated April 16, 2015
Site plan

cc w/Encls.: Long Range Planning
Planning Division

cc ltr. only: Mr. Leo Asuncion, Acting Director
Office of Planning, DBEDT



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Special Management Area Minor Permit No. 15-000335

Project: Pruning and/or Removal of Designated Trees on Parcel 65 (Mill Road) and Parcel 119, with Two Tree Waste Composting Sites on Parcel 119

Applicant: Charlene Prickett

Land Owner: Pāpa'ikou Landing, Inc.
TMK: (3) 2-7-027:065 Land Area: 1.292 acres
HAWAUGHYA Inc.
TMK: (3) 2-7-004:119 Land Area: 20 acres

Location: South Hilo, Hawai'i

Applicant's Request

1. Project Description:

- a. Pruning and routine maintenance of the mango tree (#3).
- b. Removal of the various trees as identified on the enclosed site plan.
- c. Establishment of two tree waste composting site. Debris Site #1 is adjacent to Parcel 62 (C-1) and approximately 20 feet from the upper rim of the gulch, with a stream over 200 feet further mauka. Debris Site #2 is away from the pali area and adjacent to the rear property line of Parcel 64 (E).

All trees will be felled by a commercial tree cutter. Equipment will include chain saws, a tractor to move large remnant pieces and a truck to transport debris to the composting site.

2. Purpose of Project:

Removal of designated trees is proposed to prevent a fall hazard to homes, fences, vehicles and pedestrians. Tree waste will be allowed to decay and enrich the soil of the farming area of the two composting sites.

3. Project Valuation: Less than \$1,000.

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission Rule 9-4(e)(1)(B) and (A), "Grading, removing, dredging, mining, or extraction of any materials" and "Placement or erection of any solid material or any gaseous liquid, solid, or thermal waste", respectively, are defined as "development"

and require a review against the Special Management Area rules and regulations. Therefore, the pruning and/or removal of the designated trees and the establishment of two tree waste composting sites require an SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject parcel is designated Agricultural and Urban.
2. **General Plan:** According to the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map, the subject parcel is designated Low Density Urban, Medium Density Urban and Industrial.
3. **County Zoning:** The subject parcel is zoned Agricultural (A-20a).
4. **Special Management Area (SMA):** The subject parcel is located entirely within the SMA, but the project is not located in a “shoreline area” as defined by Hawai‘i Revised Statutes (HRS) Chapter 205A-41.
5. **Flood Zone:** X

Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes

Checked boxes below indicate that the objectives and policies are found to be consistent with the proposed development. Issuance of a SMA Minor Permit requires that the activities, uses, or operations 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 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 pruning and/or removal of potentially hazardous trees is consistent with Chapter 8 of the Hawai'i County General Plan, and is not in conflict with the Hawai'i County Zoning Code.

The proposed is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of \$1,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated May 22, 2015, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 7, 2015 and have no objections.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is identified as an area of "minimal tsunami inundation." The parcels' elevations are at approximately 110 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 Hawai'i do not have any regulations for developments within areas of minimal tsunami inundation and Zone X."

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 15-000335** is hereby approved for the pruning and routine maintenance of the mango tree, the removal of designated trees and the establishment of two tree waste composting sites, 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. 15-000335**, 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. Activities approved by this permit shall be completed within one year of the date of this letter.
4. 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.
5. All green waste and cut trees shall be properly disposed of in the two composting sites 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.

6. The green waste pile at the two composting sites shall only be used for this project and shall not exceed 20-feet in height.
7. Any further uses, activities or operations proposed for the subject properties shall require further review and approval as provided under Chapter 205A of the Hawai'i Revised Statutes, and Rule 9 of Planning Commission Rules of Practice and Procedure.
8. 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).
9. 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 office at 961-8139.

APPROVED:



DUANE KANUHA
Planning Director

JUN 17 2015

Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

RECEIVED
MAY 22 2015

DATE: May 22, 2015

Memorandum

TO: Duane Kanuha, Planning Director

FROM: *for*  Department of Public Works, Engineering Division

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SAA 15-001281)**
Applicant: Charlene Pricket
Request: Pruning and Cutting Designated Trees on Parcels 065 and 119
with Debris Deposited on Parcel 119
Tax Map Keys: 2-7-027: 065 and 2-7-004: 119

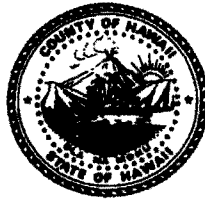
We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 7, 2015 and have no objections.

The subject parcel is 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' elevations are at approximately 110 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.

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William P. Kenoi
Mayor



Duane Kanuha
Director

Joaquin Gamiao-Kunkel
Deputy Director

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June 20, 2016

Ms. Charlene Prickett
27-121 Mill Road
Pāpa'ikou, HI 96781

Dear Ms. Prickett:

**SUBJECT: Amendments and a Time Extension for Condition No. 3
Special Management Area Minor Permit No. 15-000335 (SMM 15-000335)
Project: Pruning and/or Removal of Designated Trees on Parcel 65
(Mill Road) and Parcel 119, with Two Composting Sites on
Parcel 119
TMK: (3) 2-7-027:065 and (3) 2-7-004:119, South Hilo, Hawai'i**

This is in response to your May 2, 2016, and June 7, 2016, requests to amend SMM 15-000335 and for a time extension to comply with Condition No. 3. SMM 15-000335 approved on June 17, 2015, included Condition No. 3 which stated that "*Activities approved by this permit shall be completed within one year of the date of this letter.*"

The mango tree on Parcel 119 was proposed to be pruned and routinely maintained. However, two licensed arborists have concerns about the considerable amount of dead wood in the canopy, resulting in rotting limbs falling from the tree. Therefore, the proposal is now to remove this tree that is presenting a danger to the nearby home and property. In another location, additional time is required to determine how much of the tree to prune away and how best to approach the work from a backyard backfilled against a retaining wall. Finally, another survey is required to re-establish the location of a parcel's property pins in relation to the tree designated for removal.


As all other activities proposed in SMM 15-000335 have been completed, we find that this non-performance is the result of conditions that could not have been foreseen and are beyond control of the applicant. Therefore, the revised scope of work and a one-year time extension, until June 17, 2017, to comply with Condition No. 3 of SMM 15-000335, are hereby approved.

Ms. Charlene Prickett
June 20, 2016
Page 2

Please note, however, that no further time extensions will be granted. Also, all other conditions of the enclosed SMM 15-000335 must still be complied with in a timely fashion.

If you have questions, please contact Esther Imamura of this office at (808) 961-8139.

Sincerely,


DUANE KANUHA
Planning Director

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Encl.: SMM 15-000335



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Special Management Area Minor Permit No. 15-000335

Project: Pruning and/or Removal of Designated Trees on Parcel 65 (Mill Road)
and Parcel 119, with Two Tree Waste Composting Sites on Parcel 119
Applicant: Charlene Prickett
Land Owner: Pāpa'ikou Landing, Inc.
TMK: (3) 2-7-027:065 **Land Area: 1.292 acres**
HAWAUGHYA Inc.
TMK: (3) 2-7-004:119 **Land Area: 20 acres**
Location: South Hilo, Hawai'i

Applicant's Request

1. Project Description:

- a. Pruning and routine maintenance of the mango tree (#3).
- b. Removal of the various trees as identified on the enclosed site plan.
- c. Establishment of two tree waste composting site. Debris Site #1 is adjacent to Parcel 62 (C-1) and approximately 20 feet from the upper rim of the gulch, with a stream over 200 feet further mauka. Debris Site #2 is away from the pali area and adjacent to the rear property line of Parcel 64 (E).

All trees will be felled by a commercial tree cutter. Equipment will include chain saws, a tractor to move large remnant pieces and a truck to transport debris to the composting site.

2. Purpose of Project:

Removal of designated trees is proposed to prevent a fall hazard to homes, fences, vehicles and pedestrians. Tree waste will be allowed to decay and enrich the soil of the farming area of the two composting sites.

3. Project Valuation: Less than \$1,000.

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission Rule 9-4(e)(1)(B) and (A), "*Grading, removing, dredging, mining, or extraction of any materials*" and "*Placement or erection of any solid material or any gaseous liquid, solid, or thermal waste*", respectively, are defined as "development"

and require a review against the Special Management Area rules and regulations. Therefore, the pruning and/or removal of the designated trees and the establishment of two tree waste composting sites require an SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject parcel is designated Agricultural and Urban.
2. **General Plan:** According to the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map, the subject parcel is designated Low Density Urban, Medium Density Urban and Industrial.
3. **County Zoning:** The subject parcel is zoned Agricultural (A-20a).
4. **Special Management Area (SMA):** The subject parcel is located entirely within the SMA, but the project is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.
5. **Flood Zone:** X

Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes

Checked boxes below indicate that the objectives and policies are found to be consistent with the proposed development. Issuance of a SMA Minor Permit requires that the activities, uses, or operations 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 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 pruning and/or removal of potentially hazardous trees is consistent with Chapter 8 of the Hawai'i County General Plan, and is not in conflict with the Hawai'i County Zoning Code.

The proposed is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of \$1,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated May 22, 2015, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 7, 2015 and have no objections.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is identified as an area of "minimal tsunami inundation." The parcels' elevations are at approximately 110 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 Hawai'i do not have any regulations for developments within areas of minimal tsunami inundation and Zone X."

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 15-000335** is hereby approved for the pruning and routine maintenance of the mango tree, the removal of designated trees and the establishment of two tree waste composting sites, 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. 15-000335, 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. Activities approved by this permit shall be completed within one year of the date of this letter.
4. 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.
5. All green waste and cut trees shall be properly disposed of in the two composting sites 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.

6. The green waste pile at the two composting sites shall only be used for this project and shall not exceed 20-feet in height.
7. Any further uses, activities or operations proposed for the subject properties shall require further review and approval as provided under Chapter 205A of the Hawai'i Revised Statutes, and Rule 9 of Planning Commission Rules of Practice and Procedure.
8. 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).
9. 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 office at 961-8139.

APPROVED:



DUANE KANUHA
Planning Director

JUN 17 2015

Date