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## County of Hawai'i

### PLANNING DEPARTMENT

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### Special Management Area Minor Permit No. 14-000312

**Project:** Construction of a New Pavilion at Lili'uokalani Gardens  
**Applicant:** County of Hawai'i – Department of Parks and Recreation  
Clayton S. Honma, Director  
**Landowner:** County of Hawai'i through Executive Order 3807 from the State of Hawai'i  
**Location:** Waiākea, South Hilo, Hawai'i  
**TMK:** (3) 2-1-003:001 **Land Area:** 20.062 acres

#### Applicant's Request

**1. Project Description:**

The proposed project would construct a new 116 s.f. pavilion on the subject property.

**2. Purpose of Project:**

The pavilion would offer an additional recreation area for users of the gardens and replace the former pavilion that was in disrepair and demolished in 2009.

**3. Project Valuation:** \$25,000

#### State and County Plans

- 1. State Land Use District:** The parcel is located in the State Land Use Urban and Conservation Districts.
- 2. General Plan:** The parcel is designated Open, Conservation and Industrial by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcel is zoned Open by the County.
- 4. Special Management Area:** The subject property is located entirely within the SMA with shoreline frontage along the parcel.
- 5. Flood Zone:** VE

#### 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 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 pavilion is considered a use directly accessory to Public Parks and is therefore consistent with the Hawai'i County General Plan and Zoning Code.

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

The estimated project cost of \$25,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated September 4, 2014, states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated September 2, 2014 and have no objections to the request.*

*The subject parcel is in an area designated as Flood Zone VE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (1% chance of occurring in any given year) where flood elevations have been determined.*

*Because the proposed new pavilion does not have walls, it is not considered a "structure" under flood code definition and is "exempt" from the requirements of Chapter 27.*

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

### Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 14-000312** is hereby approved for the construction of a new 116 s.f. pavilion at Lili'uokalani Gardens, 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. 14-000312**, 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 secure site plan or other written approval for the pavilion from the Department of Land and Natural Resources, Office of Conservation and Coastal Lands (DLNR-OCCL) prior to receiving a building permit.
4. Plan Approval will be required for the proposed pavilion per Section 25-5-165 of the Hawai'i County Code.
5. A construction barrier shall be installed around the construction area, which shall include a sediment barrier flush to the ground to prevent soils or construction debris from entering adjacent pond waters.
6. During work, all construction waste shall be removed daily from within the SMA and disposed of at an appropriate location designated by the Department of Environmental Management.
7. All activities and operations shall be conducted a minimum of 40 feet from the nearest shoreline. No staging of equipment or construction waste shall be allowed within the area 40 feet mauka of the seawall.
8. To the extent possible, all activities and operations associated with this permit should occur on dates and times that would result in the lowest possible impact to public users of the gardens.
9. 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.
10. 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).

11. 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 feel free to contact Lucas Mead of this department at 961-8140.

APPROVED:



DUANE KANUHA  
Planning Director

SEP 16 2014

Date