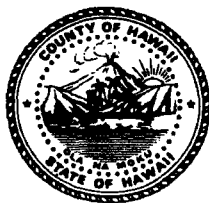


Harry Kim  
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## County of Hawai'i PLANNING DEPARTMENT

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### **Special Management Area Minor Permit No. 20-000427**

**Project:** Implement Burial Treatment Plan  
**Applicant(s):** Lili'uokalani Trust  
**Owner(s):** Lili'uokalani Trust  
**Location:** Makala Blvd., Kailua-Kona, HI 96740  
**TMK:** (3) 7-4-025:015  
**Land Area:** 14.755-acres

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

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

The applicant proposes the following activities:

- *Implementation of the approved Burial Treatment Plan (BTP) which will include a 2.5-foot high stone and masonry wall to create a protective "buffer" around Site 50-10-27-18511. Some clearing of non-native vegetation and site preparation for the wall (within the buffer area) will also be included.*
- 2. Purpose of Project:** The objective of the proposed project is to protect and preserve the burial located at Site: 50-10-27-18511
- 3. Project Valuation:** \$100,000
- 4. Determination:** According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(E) relating to Special Management Area (SMA), "construction, reconstruction, demolition or alteration of the size of any structure" is defined as "development." Therefore, the proposed construction of a 2.5-foot high stone and masonry wall is considered "development" and requires a review against the SMA rules and regulations and requires an SMA Minor Permit.

### State and County Plans

1. **State Land Use District:** The parcel is designated Urban by the State Land Use Commission.
2. **General Plan:** The parcel is designated as Industrial or Urban Expansion (ue) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is Industrial-Commercial Mixed (MCX-20).
4. **Special Management Area:** The subject parcel is located in the SMA; no portion of the proposed project is located within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** Zone X (Area of minimal flood hazard).

### Compliance with Objectives and Policies of Chapter 205A, Hawai'i 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 tsunامي, 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.

<b>Findings</b>
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1. 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.

2. The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The estimated project cost of \$100,000 for upgrades, improvements, and replacement of existing structures is not in excess of \$500,000.

<b>Approved Uses, Activities and Operations</b>
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Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. SMM-20-000427** is hereby approved to:

1. Construct a 2.5-foot high stone and masonry wall around Site: 50-10-27-18511;
2. Clear non-native vegetation around the Site buffer; and
3. Prepare the land for the placement of the wall.

<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. SMM-20-000427**, 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 construction shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
4. Best Management Practices (BMP) must be followed to ensure the grounds surrounding the project area are kept clear of any rubbish or debris resulting from the construction activities at all times.
5. Any further uses, activities or operations proposed for the subject property shall require further review and approval as provided under HRS Chapter, and Rule 9 of Planning Commission Rules of Practice and Procedure.
6. In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.

7. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:

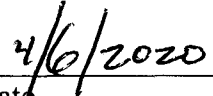
- a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
- b) Granting of the time extension would not be contrary to the original reasons for the 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.

If you have any questions, please feel free to contact Alex J. Roy at (808) 961-8140.

APPROVED:

  
\_\_\_\_\_  
MICHAEL YEE  
Planning Director

  
\_\_\_\_\_  
Date