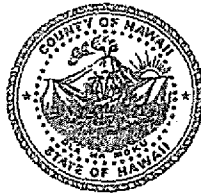


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

March 14, 2003

Mr. Sidney Fuke  
100 Pauahi Street, Suite 212  
Hilo, HI 96720

Dear Mr. Fuke:

Special Management Area Use Permit Assessment Application (SMAA 03-12)  
Special Management Area (SMA) Minor Use Permit No. 134 (SMM 134)  
Applicant: Nextel WIP Lease  
Request: Installation of non-manned telecommunication antennas and equipment shelter  
TMK: 6-9-007: 008 Anaehoomalu, South Kohala, Hawaii

This is to acknowledge receipt of your Special Management Area Use Permit Assessment Application on March 4, 2003 for the construction/installation of non-manned telecommunication antennas and an equipment shelter at the Outrigger Waikoloa Hotel.

According to Section 9-4(10) of Planning Commission Rule No. 9 regarding the Special Management Area, the improvements as detailed above are defined as "development", thereby requiring a Special Management Area Minor Use Permit. The proposed improvements are valued at \$90,000.

For the reasons above and pursuant to Section 9-10(E) of Planning Commission Rule No. 9, Special Management Area Minor Use Permit No. 134 (SMM No. 134) is issued to allow the non-manned telecommunication antenna and related improvements, subject to the applicant's compliance with the conditions of approval as specified in the permit. Please note that pursuant to the Hawaii County Zoning Code Chapter 25 Sections 25-2-71(c)(2) and 25-4-11(c), Final Plan Approval must be secured from the Planning Director. In addition, in response to comments from the Department of Public Works, a building permit must be obtained from the Department of Public Works Building Division prior to the commencement of any construction on the property.

MAR 19 2003  
#31866

# SPECIAL MANAGEMENT AREA MINOR USE PERMIT NO. 134

**Approved Development** (describe in detail):

To allow the construction/installation of a telecommunication antenna and equipment shelter at the Outrigger Waikoloa Hotel.

**Applicant's Name:** NextelWIP Lease

**TWK:** 6-9-007: 008

**Land Area:** Por. 15.735 acres

Anaehoomalu, South Kohala, Hawaii

**Compliance with Objectives and Policies of Chapter 205-A, Hawaii Revised Statutes  
regarding the Special Management Area**

Check all objectives and policies found to be consistent with proposed development.  
Issuance of SMA Minor Use Permit requires that activity be consistent with all objectives & 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 Zoning Code.

## Conditions of Approval

1. The applicant(s), its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. All improvements approved by this permit shall be completed within three (3) years from the effective date of this permit (Planning Director's date of approval) indicated below.
3. Prior to the commencement of construction, Final Plan Approval shall be secured from the Planning Director, in accordance with Chapter 25, Section 25-2-71(c)(2) and Section 25-4-11(c).
4. Prior to the commencement of construction, a building permit shall be secured from the Department of Public Works.
5. Request(s) for an extension of time shall be submitted to the Planning Director. Pursuant to SMA Rule 9-11E, written requests shall be filed sixty (60) days before the expiration of this permit. The request shall state the length of time requested and the reasons for the time extension.
6. The Planning Director may grant an extension of time upon the following circumstances:
  - a) non-performance is a result of unforeseen conditions or conditions beyond the control of the applicant, successors, assigns, and are not a 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 not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).
7. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.



SidneyFuke, Planning Consultant

100 Pauahi Street, Suite 212 • Hilo, Hawaii 96720  
Telephone: (808) 969-1522 • Fax: (808) 969-7996

• Planning • Variance • Zoning  
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March 5, 2003

2003 MAR 4 PM 3 01  
PLANNING DEPARTMENT  
COUNTY OF HAWAII

Mr. Christopher Yuen, Director  
Planning Department  
COUNTY OF HAWAII  
101 Pauahi Street  
Hilo, HI 96720

Dear Mr. Yuen:

**Subject: SMA Minor Permit Assessment Application – Nextel WIP Lease Corp., Anaeho`omalu, South Kohala, Hawai`i, TMK: (3)6-9-7: 08**

Transmitted herewith for your review and processing is the subject matter. Nextel WIP Lease Corp. is proposing to install a series of flat panel antennas on the existing elevator shaft of the Outrigger Waikoloa Hotel. As the site is located within the County SMA boundary and the estimated costs of the improvement is \$90,000 (which is less than the \$125,000 threshold), a Minor SMA Use Permit is being requested.

The proposed improvements will consist of the installation of nine (9) panel antennas, each being six (6) feet in length, two (2) feet in width, and eight (8) inches deep. Additionally, a 160-square foot cabinet structure adjacent to the existing elevation shaft is being proposed. The antennas will be mounted flush against the elevator shaft.

The application form and the accompanying assessment, as well as two (2) copies of the plans, are enclosed for your appropriate action.

As always, if there are questions on this matter, please feel free to contact me. Thank you very much for your attention.

Sincerely,

SIDNEY M. FUKU  
Planning Consultant

Enclosures  
cc Nextel WIP Lease Corp. w/ enclosure

2003 MAR 5

## **SPECIAL MANAGEMENT AREA USE PERMIT ASSESSMENT APPLICATION**

**Nextel WIP Lease Corp.**

**Waikoloa, South Kohala, Hawai'i, TMK: (3)6-9-007: 008**

### **I. Description of Proposed Project and Objectives to be Accomplished**

The applicant, Nextel WIP Lease Corp., is proposing to mount nine (9) flat telecommunication panel antennas on an existing elevator shaft located on top of the Outrigger Waikoloa Beach Hotel as well as to construct a 160 square foot equipment shelter adjacent to the elevator shaft. The estimated cost of these improvements will be less than \$90,000. (See enclosed plans.)

The subject property, consisting of 15.735 acres, is located on the *makai* side of Waikoloa Beach Drive within the Waikoloa Resort. It is the site of the Outrigger Waikoloa Beach Hotel Aston, which is located within the resort area of Waikoloa. The site is located immediately *mauka* of Anaeho'omalu Bay.

The subject property is owned by RWH, Inc. (Outrigger Waikoloa Beach), as noted on the real property tax clearance.

The entire complex is zoned resort (VH-1.25) and is located within the County Special Management Area (SMA). Although the requested use is permissible under the County Zoning Code, compliance with the County SMA provision must be demonstrated. In this case, a Minor SMA Permit is being requested, as the total estimated cost of the improvements is \$90,000.

### **II. Description of Anticipated Impacts**

#### **A. Description of the Area Involved**

The area of the proposed improvements is the rooftop of the Outrigger Waikoloa Beach Hotel. The proposed flat panel antennas will be situated on the *mauka* end of the hotel. They will not protrude or extend above of the elevator shaft. They will be mounted on the sides of the building housing the elevator shaft.

Each of these antennas is approximately six (6) feet long, two (2) feet wide, and eight (8) inches deep. They will be mounted on three sides of the walls of the existing elevator shaft.

The existing height of the basic hotel structure is seventy and one-half (70.5) feet to the top of the roof. The building housing the elevator

**D. Unavoidable Impacts and Proposed Mitigation**

As noted earlier, there will be some measure of visual impacts. As such, the proposed mitigations include locating the cabinet or equipment shelter building adjacent to the elevator shaft, as well as coloring all of the improvements similar to the roof top.

There will be no other impacts to existing communication facilities, including the civil defense system. As such, no mitigation measures are proposed.

**E. Alternatives to the Proposed Project**

There are several alternatives to this project. One would be to not proceed with the project. This would not be a feasible alternative, as it would deprive the public of an additional communication medium. It is a medium that can provide improved emergency services, particularly to ocean users.

Another alternative would be to develop a new tower in this general vicinity. While possible, this may result in greater visual impacts to an area. It is Nextel's goal to co-locate wherever possible or to site on existing structures so as to minimize visual impacts of communication facilities.

**F. Any Irreversible and Irretrievable Commitment of Resources**

As the site is already developed and given the location (rooftop) of the proposed improvements, the likelihood of finding rare or endangered plant or animal life within or proximate to this site appears remote. Further, while there are significant archaeological resources on the site, the location (rooftop) of these improvements would have no impacts on these resources.

Accordingly, this proposed action should not result in the irreversible or irretrievable commitment of any environmental resources.

**III. Relationship to SMA Objectives and Policies**

Although the site is adjacent to the ocean, the proposed improvements will occur on the rooftop of an existing structure. It will also not foster any more public traffic to this area, except for the periodic monthly maintenance. As such, the proposed action should not have any adverse impacts the area's recreational resources.

