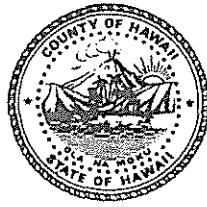


William P. Kenoi
Mayor



BJ Leithead Todd
Acting Deputy Planning Director

County of Hawaii

PLANNING DEPARTMENT

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

February 23, 2009

Ms. Danette Mettler
General Dynamics
76-6357 Kololia Street
Kailua-Kona HI 96740

Dear Ms. Mettler:

Subject: Special Management Area Use Permit Assessment Application (SAA 09-000400)
Special Management Area Minor Permit No. 09-000099
Applicant: Cellco Partnership dba Verizon Wireless
Land Owner: WB-LCP Orchid Owner, LLC
Request: Replace Existing Antennas and Install a New Emergency Generator
Tax Map Key: 6-8-22:8, South Kohala, Hawaii

This is to follow up on our January 30, 2009 letter relating to the above-referenced Special Management Area Assessment Application to replace the existing antennas and install a new emergency generator on and within the Fairmont Orchid Hotel complex on the subject property.

This parcel is designated Urban by the State Land Use Commission. The project site is designated Resort Node by the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map and zoned Resort-Hotel (V-1.25) by the County.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(v) relating to Special Management Area, the proposed project does not qualify as exempt from the definition of "development". Therefore, a Special Management Area Minor Permit is required.

FEB 24 2009

Ms. Danette Mettler
General Dynamics
Page 2
February 23, 2009

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 09-000099 is hereby issued to replace the existing antennas and install a new emergency generator on and within the existing Fairmont Orchid Hotel, subject to compliance with the conditions of approval as specified in the permit.

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

Should you have questions, please feel free to contact Esther Imamura of this department at 961-8288, extension 253.

Sincerely,



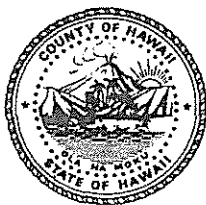
BJ LEITHEAD TODD
Acting Deputy Planning Director

ETI:cs

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Enclosures - SMM No. 09-000099
Department of Public Works February 5, 2009 Memo

xc w/encls: Long Range Planning
Mr. Norman Hayashi, Planning Commission
Mr. Abbey S. Mayer, Director – Office of Planning, DBED&T



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Special Management Area Minor Permit No. 09-000099

Project: Replace Existing Antennas and Install a New Emergency Generator
Applicant: Celco Partnership dba Verizon Wireless
Land Owner: WP-LCP Orchid Owner LLC
Location: South Kohala, Hawaii
TMK: 6-8-22:8 **Land Area:** 25.04 acres (Hotel)

Applicant's Request

1. Project Description:

On the rooftop of the hotel, the applicant proposes to remove the three existing 10' high whip antennas and replace them with 12 panel antennas. These antennas would be shielded by an 8'6" stealth enclosure and painted to match the hotel.

The emergency generator will be located near the service entrance of the hotel and located behind an existing sound enclosure.

2. Purpose of Project:

The objective is to further service the community area with better wireless communication coverage in the Mauna Lani area.

3. Project Valuation: \$35,000.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(v) relating to the Special Management Area, the "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is defined as "development." Therefore, the proposed replacement of the existing antennas and installation of a new emergency generator requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject property is designated Urban by the State Land Use Commission.

2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property for Resort Node and Open, with the project site in the Resort Node area.
3. **County Zoning:** Although the subject property is zoned Resort-Hotel (V-1.25) and Open (O), the project site is in the Resort-Hotel area.
4. **Land Use Permit:** Hawaii County Zoning Code Section 25-4-12(a) states that *"A telecommunication antenna or tower shall be permitted in all districts, except RS, RD, RM and RCX districts; ..."*

PUD No. 16, approved at a Planning Commission hearing on March 9, 1978, allowed a height of 70' above grade and 80' above sea level. The South Tower is 70'-0" high.

The Hawaii County Zoning Code, Section 25-4-22 states that *"The following structures are exempt from zoning district height limits under the specified restrictions: (a) Chimneys, spires, belfries, water tanks, monuments, steeples, antennae, flag poles, vent pipes, fans, structures housing or screening elevator machinery and other similar features, not to exceed ten feet above the governing height limit."* The existing whip antennas are 10' high. The panel antennas and stealth enclosure would extend only 8'6" above the roofline.
5. **Special Management Area (SMA):** The subject property is located in the SMA.
6. **Flood Zone:** The affected building is not located in a Flood Hazard Area on the Flood Insurance Rate Map (FIRM).

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area
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The proposed replacements at 8'6" in height are shorter than the existing 10' high telecommunication facility. The panel antennas will be shielded by a stealth enclosure painted to match the hotel and will not be seen from the surrounding properties. Further, the emergency generator will be located behind a sound enclosure near the service area of the hotel.

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.

Findings

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 Hawaii 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 Hawaii County General Plan and Zoning Code.

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

The estimated project cost of approximately \$35,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated February 5, 2009 states the following:

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

A building permit is required for the subject project. The affected building is not located in a Flood Hazard Area on the Flood Insurance Rate Map (FIRM)."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 09-000099** is hereby approved to replace the existing antennas and install a new emergency generator, 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. 09-000099** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Applicant shall secure Plan Approval from the Planning Department for the proposed development within one year from the date of approval of SMA Minor Permit No. 09-000099.
3. All construction activities in connection with this project shall be completed within two (2) year from the date of Plan Approval. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
4. 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.

5. 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).
6. 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
BJ Leithead Todd
Acting Deputy Planning Director

2/22/09
Date

PLANNING DEPARTMENT
COUNTY OF HAWAII

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

2009 FEB -6 AM 10: 52

DATE: February 5, 2009

Memorandum

TO : Daryn S. Arai, Acting Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief
Engineering Division



SUBJECT : **Special Management Area Use Permit Assessment Application
(SAA 09-000400)**

Applicant: Cellco Partnership dba Verizon Wireless

Location: South Kohala, Hawaii

TMK: 3 / 6-8-022:008

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

A building permit is required for the subject project. The affected building is not located in a Flood Hazard Area on the Flood Insurance Rate Map (FIRM).

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE

copy: ENG-HILO
PLNG-KONA

