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Special Management Area Minor Permit No. 13-000286

Project: Construction of Concrete Block CMU Enclosure and Installation of New Emergency Back-Up Generator
Applicant(s): AT &T Wireless
Landowner: Orchid Hotel Partners, LLC
Location: 'Anaeho'omalu and Waikoloa, South Kohala, Hawai'i
TMK: (3) 6-8-022:008 Land Area: 26.949 acres

Applicant's Request

1. Project Description:

The applicant is proposing to install a new emergency back-up generator within a new concrete block CMU enclosure that will be secure and access only allowed by authorized personnel. The enclosure will be located on the ground level and on the far northeast end of the North Tower. The new enclosure will have dimensions of 8' W X 10' L and surrounded by a new 9' high CMU wall on three sides and with a double door metal gate for entry. A 50kw diesel fuel generator will be installed that has a fuel capacity of 210 gallons and a fuel containment compartment to prevent spillage.

2. Purpose of Project:

The new emergency back-up generator will be used to provide continuous electrical power to the existing communication facility during times of power outages. The existing communication facility is located on the rooftop of the North Tower of the Fairmont Orchid Resort. Maintaining communication, especially for emergency personnel is critical during times of power outages and the installation of a back-up generator will better assure that this facility will continue to operate and provide critical communication services to emergency personnel, hotel staff, residents and guests.

3. Project Valuation: \$75,000

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 the Special Management Area, the "Construction, reconstruction, demolition, or alteration of the size of any structure" is defined as "development." Therefore, the construction of the new concrete block CMU enclosure and installation of a new emergency back-up generator requires an SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The parcel is located in the State Land Use Urban District.
2. **General Plan:** The parcel is designated as Resort Node and Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is zoned V-1.25 (Resort-Hotel) and Open by the County of Hawai'i.
4. **Special Management Area:** The subject parcel is located within the Special Management Area (SMA). However, the project site is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** VE and AE

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 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 Hawai'i County General Plan and Zoning Code.

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

The estimated project cost of \$75,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated July 23, 2013, states the following:

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

We have determined that the North Tower is partially located within Flood Zones "VE and AE" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). However, the proposed improvements are at the mauka end, well out if the

Special Flood Hazard Area and above the Base Flood Elevation. As such, the proposed improvements will be in compliance with Hawai'i County Code Chapter 27 Floodplain Management."

Pursuant to PC Rule Section 9-10(e), **Special Management Area Minor Permit No. 13-000286** is hereby approved for the construction of the new concrete block CMU enclosure and installation of a new emergency back-up generator, subject to the applicant's compliance with the conditions of approval as specified below.

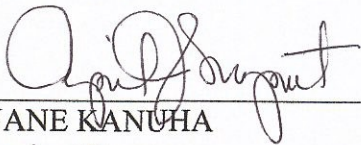
Conditions of Approval


The Planning Director has approved **SMA Minor Permit No. 13-000286**, 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 required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
3. Applicant shall secure Plan Approval for the concrete block CMU enclosure and installation of a new emergency back-up generator within one year from the effective date of this SMA Minor Permit.
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. 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.

If you have questions, please contact Bethany Morrison of this department at 961-8138.

APPROVED:


for DUANE KANUHA
Planning Director


Date