



CERTIFIED MAIL

## Planning Department

County of Hawaii • 25 Aupuni Street, Room 109 • Hilo, Hawaii 96720 • (808) 961-8288

*Rick*  
Lorraine R. Inouye  
Mayor

Norman K. Hayashi  
Director

Tad Nagasako  
Deputy Director

October 20, 1992

Mr. J.M. Bennett  
U.S. Cellular  
75-5660 Kopiko Street, Building A-2  
Kailua-Kona, HI 96740

Dear Mr. Bennett:

Special Management Area (SMA) Minor  
Use Permit No. 92-10  
Applicant: J.M. Bennett/U.S. Cellular  
TMK: 8-1-09:17

Upon careful review of your SMA Use Permit request, we have found that it complies with the requirements for a Minor Permit set forth in Rule 9.7 of the Planning Commission's Rules and Regulations Relating to Special Management Area.

Accordingly, please find enclosed a SMA Minor Use Permit No. 92-10 to allow the construction and use of a cellular telephone system tower and telecommunication facility on the subject parcel owned by Christopher Norrie. The 3.0 acre parcel is located 700 feet makai of Napoopoo Road, about 1200 feet south of its junction with the Mamalahoa Highway in Kaawaloa, South Kona, Hawaii, TMK: 8-1-09: 17.

Please note that the permit approval is also subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with all other applicable laws, rules, regulations and requirements.
3. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured.

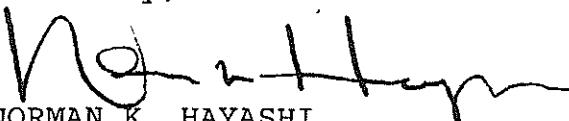
Mr. J.M. Bennett  
October 20, 1992  
Page 2

4. Construction of the proposed improvements shall commence within one year of the date of Final Plan Approval and shall be completed within one year thereafter.
5. Should any unanticipated archaeological or historic features be encountered or uncovered during the construction activities, work in the affected area shall cease immediately, and the Planning Department and the Historic Preservation Division of the Department of Land and Natural Resources shall be immediately notified. Work shall not resume until clearance has been obtained from the Planning Department and the Historic Preservation Division.
6. An extension of time for the performance of conditions within the permit 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 General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) 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).

Further, should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

Should you have any questions regarding the above, please do not hesitate to contact Rick Warshauer or Alice Kawaha of this office.

Sincerely,

  
NORMAN K. HAYASHI  
Planning Director

FRW:smo  
6814D  
Enclosures  
cc: Chief Engineer  
West Hawaii Office (w/Encl)  
SMA Section (w/Encl)

PLANNING DEPARTMENT - PLANNING COMMISSION  
COUNTY OF HAWAII  
Hilo, Hawaii

PERMIT NO. 92-10

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on October 20, 1992, an assessment on the application of J.M. BENNETT/U.S. CELLULAR for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is ~~FOR~~ to allow the construction and use of a cellular telephone system tower and telecommunication facility on the subject parcel owned by Christopher Norrie. The 3.0 acre parcel is located 700 feet makai of Napoopoo Road, about 1200 feet south of its junction with the Mamalahoa Highway in Kaawaloa, South Kona, Hawaii,  
TMK: 8-1-09:17

As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$125,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

PLEASE SEE ATTACHED CONDITIONS.

  
Chief Engineer, DPW

  
Planning Director

Attachment

6257A-5/84

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 92-10  
APPLICANT: J.M. BENNETT/U.S. CELLULAR  
CONDITIONS

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1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with all other applicable laws, rules, regulations and requirements.
3. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured.
4. Construction of the proposed improvements shall commence within one year of the date of Final Plan Approval and shall be completed within one year thereafter.
5. Should any unanticipated archaeological or historic features be encountered or uncovered during the construction activities, work in the affected area shall cease immediately, and the Planning Department and the Historic Preservation Division of the Department of Land and Natural Resources shall be immediately notified. Work shall not resume until clearance has been obtained from the Planning Department and the Historic Preservation Division.
6. An extension of time for the performance of conditions within the permit 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 General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) 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). Further, should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.