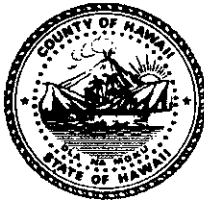


William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

## County of Hawai'i

### PLANNING DEPARTMENT

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

October 13, 2010

Mr. Carl Young  
Coral Wireless, LLC dba Mobi PCS  
733 Bishop Street, Suite 1200  
Honolulu, Hawai'i 96813

Dear Mr. Young:

**SUBJECT: Special Management Area Use Permit Assessment Application  
(SAA 10-000599)  
Special Management Area Minor Permit No. 10-000161  
Applicant(s): Coral Wireless, LLC dba Mobi PCS  
Land Owner: Edmund and Terry Broda Trust  
Request: Install Mobile Telecommunications Antenna on a new 80-foot  
Monopole  
Tax Map Key: (3) 3-6-004:007, Waipunalei and Laupāhoehoe, North Hilo,  
Hawai'i**

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We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 10-599), which you submitted on August 30, 2010. The applicant proposes to install mobile telecommunications antennas on a new 80-foot monopole on the subject property.

The property consists of 21.03 acres. The property is zoned Agricultural (A-20a) by the County and is designated Agricultural and Conservation by the State Land Use Commission. The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Important Agricultural Lands. In addition, the entire parcel is located within the Special Management Area (SMA).

According to Hawaii Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e) (1) (A), "development" includes *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*. Therefore, the mobile telecommunications antenna is considered "development" and requires either a Special Management Area Minor Permit or a Special

Mr. Carl Young  
Coral Wireless, LLC dba Mobi PCS

Page 2

October 13, 2010

**Management Area (Major) Use Permit.**

For this reason and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.10-000161 is hereby issued to allow for the installation of an 80-foot tall telecommunication pole with 6-foot tall panel antennas and related facilities on the subject parcel. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

In addition, please be note that the applicant must still apply for and secure a Use Permit from the Planning Commission prior to commencing the proposed use.

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

Sincerely,



BJ LEITHEAD TODD  
Planning Director

BJM:cs

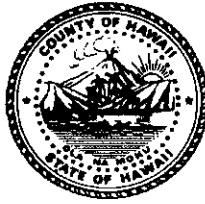
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Enclosure - SMM No. 10-000161  
Department of Public Works Memorandum dated September 30, 2010

cc w/encls: Edmund and Terry Broda Trust  
PO Box 523  
Laupāhoehoe, HI 96764

Long Range Planning Division  
Planning Division

cc ltr only: Mr. Abbey S. Mayer, Interim Director  
Office of Planning, DBEDT  
State of Hawaii Department of Business, Economic  
Development & Tourism  
P.O. Box 2359  
Honolulu, HI 96804-2359



## County of Hawai'i

### PLANNING DEPARTMENT

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

### **Special Management Area Minor Permit No. 10-000161**

**Project:** Install Mobile Telecommunication Antennas on a new 80-foot Monopole  
**Applicant:** Coral Wireless, LLC dba Mobi PCS  
**Owner:** Edmund and Terry Broda Trust  
**Location:** Waipunalei and Laupāhoehoe, North Hilo, Hawai'i  
**TMK:** (3) 3-6-004:007 **Land Area:** 21.03 acres

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

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

The applicant proposes to install an 80-foot tall telecommunication pole with 6-foot tall panel antennas and related facilities on approximately 200 square feet of the subject property. The unmanned facility would consist of radio equipment and six panel antennas mounted at the top of the 80-foot monopole. The Base Transceiver Station and a power protection cabinet would also be mounted on the ground next to the monopole. The visible parts would be painted to blend in with the existing landscape.

##### **2. Purpose of Project:**

The proposed installation is in response to customer's requests for improved service along the Laupāhoehoe coastline. The cell site on the Broda property is a vital site to Mobi's network design along the Hāmākua Coast. Its primary coverage objectives include Laupāhoehoe Town and nearby commercial and residential areas.

##### **3. Project Valuation: \$118,200.00**

##### **4. Determination:**

According to Chapter 205A-22, HRS, and Planning Commission 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 proposed unmanned wireless cell site requires an SMA Minor Permit.

#### **State and County Plans**

- 1. State Land Use District:** The subject property is designated Agricultural and Conservation 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 Important Agricultural Lands.
3. **County Zoning:** The subject property is zoned Agricultural (A-20).
4. **Land Use Permit:** Hawaii County Zoning Code Section 25-4-12(a) states that “...*A telecommunication antenna or tower may be permitted in the A district if a use permit is obtained for such use.*”
5. **Special Management Area:** The subject property is located in the SMA.
6. **Flood Zone:** X

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| <p align="center"><b>Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</b></p> |
|--|

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 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.

|                 |
|-----------------|
| <b>Findings</b> |
|-----------------|

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 **not consistent** with the Hawaii County General Plan unless it is a permitted use in the zoning district in which the property is situated, or approval of a Use Permit for the proposed use has been secured.

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

The estimated project cost of approximately \$118,200 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated September 30, 2010, states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated September 15, 2010 and have no objections to the request."*

*The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and we designate the subject parcel as Zone X- an area determined to be outside the 500-year floodplain.*

*Questions may be referred to Kelly Gomes at ext. 8327."*

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 10-000161** is hereby approved for the installation of an 80-foot tall telecommunication pole with 6-foot tall panel antennas and related facilities, subject to the applicant's compliance with the conditions of approval as specified below.

|                               |
|-------------------------------|
| <b>Conditions of Approval</b> |
|-------------------------------|

The Planning Director has approved **SMA Minor Permit No. 10-000161** 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. Applicant shall secure approval of a Use Permit from the Planning Commission prior to commencing the proposed use. In the event that approval of a Use Permit is not secured from or is denied by the Planning Commission within one year from the effective date of this SMA Minor Permit, SMM 10-000161 shall become null and void.
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. Should there be legitimate access claims to the Mamala Heiau by native Hawaiians for the purpose of exercising native Hawaiian cultural or religious practices, the applicant will work with the landowner to make appropriate access accommodations.
6. 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).
7. 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  
Planning Director

**OCT 13 2010**

Date

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: September 30, 2010

*Memorandum*

TO: BJ Leithead Todd, Planning Director

FROM: *for*  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 10-000599)  
Applicant: Coral Wireless, LLC dba Mobi PCS  
Request: Install Antenna on a New 80-foot Monopole  
Tax Map Key: 3-6-04: 007

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated September 15, 2010 and have no objections to the request.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and we designate the subject parcel as Zone X - an area determined to be outside the 500-year floodplain.

Questions may be referred to Kelly Gomes at ext. 8327.