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PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 14-000299

Project: Construction of 204-Foot Monopole with Appurtenant Equipment
Applicant: New Cingular Wireless PCS, LLC aka AT&T Mobility
Landowner: Helene S. Yamase Trust
Location: Lepoloa, Kauniho Homesteads, North Hilo, Hawai'i
TMK: (3) 3-1-002:033 **Land Area:** 6.512 acres

Applicant's Request

1. Project Description:

The proposed project would construct an unmanned wireless telecommunications facility inclusive of a 204' monopole with twelve (12) panel antennas and an approximately 230 s.f. ground-level equipment shelter to house an emergency backup generator and equipment cabinets. The antenna and shelter would be enclosed by a 30' x 30' x 8'tall chain link fence and accessed by a 12' wide by 450' long driveway off of Kauniho Road.

2. Purpose of Project:

The project would provide improved cellular service along the Māmalahoa Highway between Hakalau and Nīnole.

3. Project Valuation: \$448,000

State and County Plans

- 1. State Land Use District:** The parcels are located in the State Land Use Agricultural District.
- 2. General Plan:** The parcels are designated as Important Agricultural Lands by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcels are zoned Agricultural (A-20a) by the County.
- 4. Special Management Area:** The makai half of the parcel is located within the Special Management Area, however, no portion of the property is located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.
- 5. Flood Zone:** X

Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes

Checked boxes below indicate that the objectives and policies are found to be consistent with the proposed development. Issuance of a SMA Minor Permit requires that the activities, uses, or operations 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 tsunami, 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 **not consistent** with the Hawai'i County Zoning Code (Sec. 25-4-12(a), HCC) unless approval of a Use Permit for the proposed telecommunications tower has been secured.

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

The estimated project cost of \$448,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated March 26, 2014, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, Hawai'i County Code (HCC), forwarded by your memo dated March 24, 2014 and offer the following comments for your consideration.

The subject property is in an area that is not mapped by the Federal Emergency Management Agency and is identified as an area of "minimal tsunami inundation." The parcel, at elevation 245 feet, is designated as Zone X (an area determined to be outside the 500-year floodplain). The Federal Government and the County of Hawai'i do not have any regulations for developments within areas of minimal tsunami inundation and Zone X.

Kauniho Road is a County owned and maintained street. Access to this street shall comply with Chapter 22, County Streets, HCC and will require a permit from the Department of Public Works."

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 14-000299** is hereby approved for the construction of an unmanned wireless telecommunications facility inclusive of a 204' monopole with twelve (12) panel antennas, an approximately 230 s.f. ground-level equipment shelter, a 30' x 30' x 8'tall chain link fence enclosure, and a 12' wide by 450' long driveway off of Kauniho Road, 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. 14-000299**, 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. The applicant shall secure approval of a Use Permit from the Windward Planning Commission prior to commencement of construction of the telecommunications tower or appurtenant structures. In the event a Use Permit is not secured, Special Management Area Minor Permit No. 14-000299 shall become null and void.
4. The applicant shall secure Plan Approval from the Planning Department prior to commencement of construction of the telecommunications tower or appurtenant structures. All construction activities in connection with this project shall be completed within two (2) years from the date of Final Plan Approval.
5. A copy of the lease agreement with the landowner, redacted as necessary, shall be submitted to the Planning Department prior to issuance of building permits.
6. The applicant shall comply with Chapter 22, County Streets, HCC, and obtain the necessary permit(s) from the Department of Public Works for access onto the property from Kauniho Road.
7. At a minimum, the applicant shall paint the tower and antennas a color that will best blend the structures with the immediate surroundings. It is recommended that the applicant solicit and incorporate input from the immediate community with respect to appropriate and reasonable design measures to reduce the visual impact of the structure. Any landscaping screening of the structure should incorporate appropriate native vegetation.
8. 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.

9. 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 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).
10. 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 feel free to contact Lucas Mead of this department at 961-8140.

APPROVED:



DUANE KANUHA
Planning Director

APR 10 2014

Date