

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

November 23, 2009

Mr. Lawrence A. Daniels
NSA Wireless, Inc.
12647 Alcosta Blvd., Suite 110
San Ramon, CA 94583

Dear Mr. Daniels:

Special Permit Application No. 09-000090

Applicant: Sprintcom, Inc.

Request: Establishment of a 125-foot Non-Manned Telecommunications Facility

Subject: Determination of Permitted Use

Tax Map Key: 4-1-003:portion of 010

In response to a recent change in the State Land Use Law, the Planning Director has determined that your request to allow a telecommunications facility on the above-referenced property in the State Land Use Agricultural District is a permitted use. Hawaii Revised Statutes, Section 205 -4.5(a)(17), as amended, now allows for the construction and operation of wireless communication antennas as a permitted use in the State Land Use Agricultural District.

You are still required to submit plans to for Plan Approval for the use. This process will also take into consideration of the placement of the tower on the subject property.

The Planning Director has recently drafted an amendment to the Zoning Code that would require a Use Permit for telecommunication towers and antennas in the State Land Use Agricultural District. If approved, a cellular tower would require a Use Permit rather than a Special Permit to allow the construction of a telecommunication facility in the State Land Use Agricultural District. Please check with the Planning Department for direction prior to submitting plans for a tower or antenna in the State Land Use Agricultural District.



Hawai'i County is an Equal Opportunity Provider and Employer


NOV 24 2009

CDR 09-05 8639

Mr. Lawrence A. Daniels
November 23, 2009
Page 2

If you have any questions, please feel free to contact Jeff Darrow at 961-8158.

Sincerely,


BJ LEITHEAD TODD
Planning Director

JWD:smn

P:\wpwin60\Jeff\Letters\PC\LDaniels-PermittedUse-SPP09-90.doc

cc: Windward Planning Commission