



## County of Hawai'i

### WINDWARD PLANNING COMMISSION

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

January 31, 2011

Mr. Carl Young  
Coral Wireless, LLC dba Mobi PCS  
733 Bishop Street # 1200  
Honolulu, HI 96813

Dear Mr. Young:

Use Permit Application (USE 10-000024)  
Applicant: Coral Wireless, LLC dba Mobi PCS  
Request: 80-Foot Tall Monopole Telecommunication Tower With 6-Foot Tall  
Panel Antennas and Related Improvements  
Tax Map Key: 3-6-004:007

---

The Windward Planning Commission at its duly held public hearing on January 6, 2011, voted to approve the above-referenced request for a use permit to allow the construction of an 80-foot tall telecommunication monopole with 6-foot tall panel antennas and related facilities on an approximate 200-square foot portion of a 21.03-acre parcel situated in the State Land Use Agricultural District. The property is located in Waipunalei, approximately one mile north of the town of Laupāhoehoe, North Hilo, Hawai'i.

Approval of this request is based on the following:

The applicant is requesting to construct an 80-foot tall monopole with nine (9) 6-foot antennas mounted on top of the pole. The pole would be designed to accommodate the placement of another antenna platform for another carrier. In addition to the monopole, the applicant is requesting to utilize a 200 square-foot (20' x 10') area to be used for accessory ground facilities to house Mobi's radio equipment, which will be fenced with a 6-foot high chain link fence. The reason for the request is that the applicant is trying to increase its delivery to this rural area.

Telecommunication towers and antennas previously required a Special Permit to operate within the State Land Use Agricultural District. In 2007, the State Legislature  
*Hawai'i County is an Equal Opportunity Provider and Employer*

adopted Act 171 to allow the construction and operation of wireless communication antennas and towers as permitted uses within the State Land Use Agricultural District. In 2010, the Hawai'i County Council approved Ordinance No. 10-17 to require a Use Permit for telecommunication antennas and towers in the County's Agricultural zoned district. As the applicant is proposing to construct a new tower in the County's Agricultural (A-20a) zoned district, a Use Permit is required.

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits, requires that such action conform to the following guidelines:

- A. The granting of the proposed use shall be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan;
- B. The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties; and
- C. The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.

The proposed request meets the guidelines for approval of a Use Permit, for the reasons outlined below:

**The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and the County General Plan.** The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses, as well as consistency with the goals and policies of the General Plan. The Zoning Code allows for telecommunication antennas and towers to be a permitted use within the County's Agricultural zoned district if a Use Permit is approved by the Planning Commission.

The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The General Plan designation for this property is Important Agriculture Land, which is those lands with better potential for

sustained high agricultural yields because of soil type, climate, topography, or other factors. Allowable uses within these areas, with a Use Permit, may include telecommunication facilities that serve the residents in the area. The request is also consistent with the Public Utilities element of the General Plan.

The telephone is an essential means of voice communication for the majority of residents in Hawai'i County. However, over the last decade, the County has seen acceleration in the development of telecommunication technology and a transformation of the telecommunications industry. In addition to traditional phone communication, the telecommunications industry now includes technologies such as wireless cellular and digital mobile phones, the internet and World Wide Web.

During the last decade, wireless telecommunications has experienced a dramatic decrease in cost and a phenomenal increase in availability. Changes in technology and competition in the industry have made wireless communication more affordable to the general public.

Advances in telecommunications are not without cost or concerns. One such concern is the construction and location of telecommunication towers. Telecommunication towers are the physical structures to which antennas are attached to facilitate wireless communication. Because of the need for a clear line-of-site, telecommunication towers are usually located in areas with minimum obstructions between the tower and its area of service. Line-of-site refers to the imaginary line between a mobile phone antenna and a telecommunication tower. If there are impediments between the mobile phone antenna and the telecommunication tower, there may be signal degradation or signal loss. For example, the loss of line-of-sight occurs when a person uses a mobile phone while driving through a tunnel. Most often, communication is lost or unclear. The line-of-sight requirement often necessitates the conspicuous location of many telecommunication towers. Consequently, the telecommunications tower is usually much taller than the surrounding structures or vegetation and may negatively impact the scenic nature of a given area.

A standard in the Public Utilities element of the General Plan states that in the development and placement of telephone facilities, such as lines, telecommunications and cellular towers, poles, and substations, the design of the facilities shall consider the existing environment, and scenic view and vistas shall be considered and preserved where possible. The proposed request will be located next to an existing 80-foot monopole. Additionally, the tower site is located on a small portion of an approximately 21-acre property near a stand of ironwood trees, which will not significantly impact scenic vistas. While the 200 square-foot project site has the potential for agricultural uses, its small size would not place a burden upon the County's Agricultural Land Inventory. The

public benefit to be gained by the installation of the proposed telecommunication tower will far outweigh the loss of only 200 square feet of agricultural land. Therefore, approval of this request will not run contrary to the goals, policies and standards of the General Plan.

Based on the above, the request is consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan.

**The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties.** The project site is a 200 square-foot portion of an approximately 21-acre property. It is located on the makai side of the Māmalahoa Highway, near the north end of the Laupāhoehoe Gulch, approximately 1 mile north of the town of Laupāhoehoe. Portions of the site were formerly used by the Hamakua Sugar Company for its sugar cane operations. Currently, there is a single-family dwelling, a metal storage building and an existing 80-foot monopole constructed on the property. There are some scattered residences mauka and generally north of the site. The former plantation village of Waipunalei is located approximately 2,000 feet north of the site. As such, the existing ambiance is generally very low density and pastoral in nature. Lands surrounding the property are zoned A-20a and A-1a.

The applicant held a presentation before the North Hilo Community Association on May 15, 2009. According to the applicant, there were no concerns raised about the installation. Additionally, no objections or concerns were received from the community after the applicant sent the notification to surrounding property owners.

Therefore, it is not anticipated that the approval of the request will have a major negative impact on the surrounding community. It is anticipated that the approval of the telecommunication tower will be beneficial to the community as it will provide increased cell phone coverage in the area and will be a significant resource for emergency services.

**The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, school improvements, police and fire protection and other related infrastructure.** The desired use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Only electrical and telephone services are required for the use and they are already available to the property. Access to the project site is from Māmalahoa Highway, which is a State-owned road that has a right-of-way of 100+ feet in this area. The pavement width is approximately 24 feet, with 4 to 6 foot wide, grassed/graveled shoulders. As traffic is anticipated to be minimal, the access to the site on the property is adequate. Fire and police services are

Mr. Carl Young  
Coral Wireless, LLC dba Mobi PCS  
Page 5

available to the project area. Finally, the applicant will meet all applicable agency requirements, including the Federal Communications Commission and the Federal Aviation Administration.

**In addition to the criteria for granting a Use Permit, the request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area.** The subject property is located approximately 1,000 feet to the nearest shoreline and is located in the Special Management Area, and therefore will not be impacted by coastal hazards and beach erosion. There are no identified coastal recreational resources, coastal scenic and open space resources, coastal ecosystems, and beach or marine resources in the area. Thus, the proposed request will not adversely impact coastal resources. Additionally, there is no record of a designated public access to the shoreline or mountain areas that traverses the property.

Mamala Heiau is located on the subject property. As such, a condition of approval will be added to require the applicant to work with the landowner to make appropriate access accommodations should there be legitimate access claims to the Mamala Heiau by native Hawaiians for the purpose of exercising native Hawaiian cultural or religious practices.

Lastly, the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) issued a "no-effect" letter dated May 27, 2009 stating that they concur that "no historic properties will be affected by this undertaking" as previous grubbing/grading has altered the land. The area of the proposed tower has been fully improved and/or disturbed and the distance between the archaeological features, "Mamala Heiau" and an earth cut which has been interpreted as either a railway cut or a sugar cane transport cut, and the proposed tower is approximately 150 feet.

Based on the above, the request to construct an unmanned, 80-foot monopole, antennas and related improvements is approved by the Windward Planning Commission. Approval of this request is subject to the following conditions. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Construction of the proposed development shall be completed within five (5) years from the effective date of this permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section

25-2-71(c)(3), 25-2-72, 25-2-74 and 25-4-12, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify proposed structures, fire protection measures, access easements and any fencing associated with the use. The antenna plans shall be stamped by a structural engineer.

3. Because the visual effects are mitigated by existing vegetation and existing trees, the existing vegetation and existing trees within 100 feet of the tower shall be retained on the applicant's property.
4. Co-location or any expansion of the tower and related facilities within the project site may be allowed within the parameters of the tower height and envelope as approved by the Planning Commission.
5. Within 120 days of the permanent abandonment of the tower, the applicant shall remove the tower and its antenna and accessory structures (including the equipment building and the fence), down to, but not including, the concrete foundation. The applicant shall immediately provide written notification to the Planning Director of the termination of the telecommunication tower and related improvements and the removal of all structures.
6. Should any unidentified sites or remains such as lava tubes, artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources—Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
7. 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.
8. Comply with all applicable rules, regulations and requirements of the affected agencies for the proposed development, including the Federal Aviation Administration and Federal Communications Commission.
9. An initial extension of time for the performance of conditions of the permit may be granted by the Planning Director upon the following circumstances:

Mr. Carl Young  
Coral Wireless, LLC dba Mobi PCS  
Page 7

- A. 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 the Zoning Code.
- C. Granting of the extension would not be contrary to the original reasons for the granting of the permit.
- 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).

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Zendo Kern, Chairman  
Windward Planning Commission

Lcrowncastleuse10-023

cc: Edmund and Terry Broda  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
DLNR-HPD  
✓ Mr. Gilbert Bailado