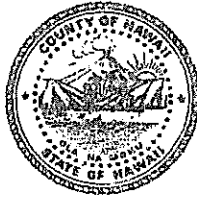


Harry Kim
Mayor



County of Hawaii
PLANNING COMMISSION

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

DEC 30 2002

Mr. Dennis Wilborn
Crown Castle GT
94-547 Uke'e Street, Suite 209
Waipio, HI 96797

Dear Mr. Wilborn:

Special Permit Application (SPP 02-020)

Applicant: Crown Castle International

Request: To allow an existing 80-foot high wooden utility monopole telecommunication tower and accessory structures, co-location antennas, related equipment buildings and accessory structures, and in the future to replace the tower with a new 80-foot high monopole tower within the same parameters

Tax Map Key: 5-4-002:Portion of 002

The Planning Commission at its duly held public hearing on December 6, 2002, voted to approve the above-referenced application. Special Permit No. 1191 is hereby issued to allow an existing 80-foot high wooden utility monopole telecommunication tower and accessory structures, co-location antennas, related equipment buildings and accessory structures, and in the future to replace the tower with a new 80-foot high monopole tower within the same parameters, on approximately 10,000 square foot portion of a 131.942-acre parcel in the State Land Use Agricultural District. The property is located along the north side (makai) of Kynnersley Road, approximately 1.3 miles south of its intersection with Akoni Pule Highway, Honomaka'u, North Kohala, Hawai'i.

Approval of this request is based on the following:

The applicant, Crown Castle International, is requesting the approval of this Special Permit application to allow for the continued use of an existing 80-foot tall wooden monopole that will eventually be replaced by 80-foot high steel monopole telecommunication tower, co-location antennas, related equipment buildings and accessory structures in order to:

023584

DEC 30 2002

- (1) comply with a Hawai'i Supreme Court ruling requiring all telecommunication towers within the State's Agricultural District to obtain a Special Permit under HRS Section 205-6(a);
- (2) improve telecommunication coverage along the Kohala coasts; and
- (3) promote co-location of wireless carriers, thereby minimizing the proliferation of multiple towers in a single area.

The existing 80-foot tall wooden monopole tower currently accommodates Verizon Wireless antennas. Crown Castle International currently maintains 12 existing telecommunication sites throughout the Big Island with a new tower site in Pa'auilo recently approved by the Planning Commission. The project site will provide coverage along the Kohala coasts. The project site is one of many that will eventually provide for full and uninterrupted wireless communication coverage island-wide.

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawai'i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The project site is situated within the County's Agricultural (A-20a) zoned district and within the State Land Use Agricultural District. The project site is situated within a larger 131.94-acre parcel. According to the applicant, the project site and subject property were previously cultivated in agriculture. The project site is located within an area whose soils are classified as "C" or Fair for agricultural productivity by the Land Study Bureau's Overall Master Productivity Rating. The Agricultural Lands of Importance to the State of Hawai'i (ALISH) Map classifies soils within the project site as Prime agricultural lands. The 10,000 square foot project site will displace a relatively small amount of land from potential agricultural use but will not diminish the agricultural potential of the area nor adversely affect the agricultural potential of the remainder of the 131.94-acre property or its surrounding area. The use of 10,000 square feet of "prime" agricultural land must be weighed against the benefits that wireless service will provide to the residents of this portion of North Kohala. While these agricultural lands do carry a "prime" designation, it is classified as Fair for agricultural productivity by the Land Study Bureau. The most productive agricultural lands in the State are classified "A" (Very Good) or "B" (Good).

The granting of this request would promote the effectiveness and objectives of Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Program. The intent of the Coastal Zone Management Program is to guide and regulate public and private uses in the coastal zone management area with respect to recreational resources, scenic and open space resources, coastal ecosystems, economic uses, coastal hazards, managing development, public participation, and beach protection. Given the fact that the project site has been previously cleared for agricultural use, it is unlikely that any archaeological features and threatened species of plants or animals are present within the project site. There is no designated public access to the mountain areas nor to the shoreline that crosses over the project site. The project site is located more than 2.5 miles from the nearest shoreline and is not located in close proximity to existing residential lands. The nearest dwelling is located approximately 250 feet away from the project site. The continued use of the project site as a telecommunication facility and its replacement with monopole tower of the same height in generally the same location will not impact any recreational resources, including access to and along the shoreline, mountain access, scenic and open space nor visual resources, coastal ecosystems, and marine coastal resources. Further, the project site will not be affected by any coastal hazards nor beach erosion. The existing monopole tower is visible along the makai side of Kynnersley Road. However, due to its location on the makai side of Kynnersley Road, its distance from the ocean, and the fact that lands mauka of the project site consists of large-acreage parcels in excess of 8 acres, it is not anticipated that the continued use of the existing telecommunication facility and its future replacement with a monopole tower of the same height in generally the same location will significantly obstruct any ocean (makai) views. Therefore, the approval of the subject request shall not be contrary to the objectives and policies of the Coastal Zone Management Program.

The desired use shall not adversely affect the surrounding properties. The existing 80-foot high tower and its future replacement is situated on a 10,000 square foot portion of a 131.94-acre parcel of land. The nearest residence is located approximately 250 feet away. The steel replacement monopole tower will be painted a non-reflective dark brown to blend in with the surrounding area and the existing tree line. Parcels located mauka of the project site consist of Agriculturally-zoned lands with lot sizes in excess of 8 acres. The large lots and the relatively dense vegetation along the project site's frontage with Kynnersley Road also assists with mitigating the significant adverse visual impacts associated with an 80-foot tall monopole tower. The applicant has met with two neighboring landowners and in response to those meetings, have reduced the maximum height of the proposed monopole tower from its original requested height of 168 feet to 80 feet while still being able to service a total of 4 wireless carriers.

Verizon Wireless currently occupies the top of the existing 80-foot tall monopole tower and will also eventually relocate to the top of the new 80-foot tall replacement steel

monopole tower. Nextel will locate its omni antennas on the same tower below Verizon Wireless at about the 70-foot elevation. The existing and future monopole towers can accommodate two additional carriers beyond Verizon Wireless and Nextel. Although co-location is encouraged, it is understandable that at a certain point the number of antennas placed on an 80-foot tall tower could have a visual impact. Therefore, it is recommended that plan approval be required for co-location and that the Planning Director may refer the request for additional antennas back to the Planning Commission for review and approval. Further, to avoid any unnecessary visual impact, an abandonment clause is included as a condition, to require removal of the tower within 120 days after permanent abandonment. This requirement is also built into the applicant's licensing agreement with the owners of the subject property.

Traffic to the project site is expected to be minimal as service personnel will only visit the site for maintenance only. There will be added traffic during removal of the existing tower and the construction of the new tower and carrier antennas, but this traffic will be temporary. It is anticipated that sound will have a minimal impact beyond the project site. Therefore, it is not anticipated that noise will adversely impact surrounding properties. In regards to radio frequency emissions, the applicant would be required to comply with the requirements of the Federal Communications Commission (FCC). Furthermore, Section 704 of the Federal Telecommunications Act of 1996 recognizes the absence of health hazards from cellular radio wave transmissions and accordingly prohibits local authorities from regulating the placement of cellular towers based on environmental effects of radio frequency emissions, as long as such facilities comply with the FCC's guidelines. As the proposed tower and antennas will be designed to comply with the above guidelines, no significant adverse impact to surrounding properties is expected.

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 service is required for the use and this is already available to the property. Access to the project site is provided directly from Kynnersley Road via an existing driveway access. As traffic is anticipated to be minimal, the proposed driveway leading to the project site on the subject property is adequate. Fire, police and emergency services are available to the project area from the town of Kapaau, a few miles away. Further the applicant has stated that their system will not interfere with the County of Hawai'i Public Safety System. Finally, the applicant shall meet all applicable agency requirements, including the Federal Communications Commission and the Federal Aviation Administration.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. In the 1960s and 1970s, when the State's agricultural

district boundaries and regulations were first established and subsequently amended pursuant to Chapter 205, Land Use Commission, Hawai'i Revised Statutes, cellular telephone service to the general public was unknown and not available, and the predominant means of audio communication was by traditional telephone service, relying on telephone and power poles and lines. The State Land Use Commission was created in 1961; the interim regulations and temporary district boundaries became effective in 1962; and subsequently the Regulations and Land Use District Boundaries became effective in August 1964. In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural District.

Section 205-4.5 of Chapter 205, Land Use Commission, Hawai'i Revised Statutes, list permitted uses within the Agricultural districts. Among others, the permitted uses include "Public, private, and quasi-public utility lines and roadways, transformer stations, communications equipment building," and "Wind energy facilities, including the appurtenances associated with the production and transmission of wind generated energy; provided that such facilities and appurtenances are compatible with agricultural land." While the State Land Use Law recognizes the need for public, private and quasi-public utility lines and roadways to be permitted within agricultural districts, and including wind energy facilities, Section 205-4.5 does not specifically permit telecommunication towers. In recent years, however, technological advances in the telecommunications industry have grown considerably and services to the general public have become widespread. This is especially true in rural areas where traditional land-line telephone service is sometimes unavailable due to the high cost of installing power poles and lines. The growth of the cellular telecommunications industry is a worldwide phenomenon and has generated a need for increased telecommunication infrastructure including telecommunication towers and antennas.

Legitimizing the existing monopole tower will allow cellular carriers to maintain and improve upon existing telecommunication service and infrastructure within North Kohala and eventually throughout the County of Hawai'i as part of a comprehensive wireless network.

A Hawai'i Supreme Court ruling has determined that a Special Permit would be the appropriate means to establishing telecommunication towers and antennas within the State Land Use Agricultural District.

The land upon which the use is sought is suited for the uses permitted within the district, however, the proposed use will not interfere with such uses. The existing and

proposed telecommunication facility is limited to 10,000 square feet of land area on lands classified as "C" or Fair for agricultural productivity by the Land Study Bureau and is classified as "Prime" agricultural land by the Agricultural Lands of Importance to the State of Hawai'i (ALISH) Map. The lands for the project site are classified Ainakea Silty Clay loam (AaD). AaD soils have 12-20 percent slope. The runoff is medium and the erosion hazard is moderate. This soil is used for sugar cane, macadamia nuts, and used as home sites. The existing telecommunication facility complex will occupy a small portion of a 131.94-acre parcel and will not seriously impair the agricultural productivity or potential of the subject property, nor will it seriously or significantly deplete the County of Hawaii's agricultural land resource.

The use will not substantially alter or change the essential character of the land and the present use. The existing 80-foot tower and antennas will be located approximately 36 feet makai from its frontage with Kynnersley Road. The replacement tower will be placed no closer to Kynnersley Road. The subject property, which surrounds the project site, is dominated by open spaces and an existing orchard. The tower itself is made of wood and blends in with the surrounding landscape. When the steel replacement monopole tower is installed, it will be painted a dark brown to also blend with the surrounding landscape. The existing tower and antennas are visible from certain areas while travelling along Kynnersley Road as well as from the Akoni Pule Highway. View of the existing tower and antennas are visible by nearby residents, especially those along Kynnersley Road. There are ironwood trees along both sides of Kynnersley Road in the vicinity of the project site. The applicant has worked diligently with surrounding property owners to address their concerns regarding visual impacts. The effort of the applicant is witnessed by their agreement to reduce the height of the monopole tower from its originally requested height of 168 feet to their current proposal not to exceed the height of the existing 80-foot tall monopole tower. Since this particular location has been originally cleared for agricultural purposes, it is not anticipated that cultural, archaeological or botanical resources will be affected. Should any unidentified sites or remains be discovered during the land clearing or construction stages, our standard condition, relating to cease work in the area, shall be included as a precautionary measure. Further, as no valued cultural, historical or native resources nor any traditional and customary Native Hawaiian rights were practiced in the area, it is also not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

The request will not be contrary to the General Plan. The subject property is within an area designated as Intensive Agricultural on the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The project area is not listed as an example of Natural Beauty. The use is consistent with the following goals and policies of the General Plan.

Economic Element

- Provide residents with opportunities to improve their quality of life.
- Economic development and improvements shall be in balance with the physical and social environments of the island of Hawai'i.
- The County of Hawai'i shall strive for diversity and stability in its economic system.
- The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.
- The County of Hawai'i shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.
- The County of Hawai'i shall encourage the research, development and implementation of advanced technologies and processes in existing and potential economic endeavors.

Natural Beauty

- Protect, preserve and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources.
- Protect scenic vistas and view planes from becoming obstructed.
- Criteria of safeguards of natural beauty shall be provided in the design review of developments so as to blend and harmonize man-made elements with their natural setting.

Public Utilities

- Ensure that adequate, efficient and dependable public utility services will be available to users.
- Maximize efficiency and economy in the provision of public utility services.
- To have public utility facilities which are designed to fit into their surroundings or concealed from public view.

- Provide utilities and service facilities which minimize total cost to the public and effectively service the needs of the community.
- Encourage the clustering of developments in order to reduce the cost of providing utilities.

Based on the above considerations, the approval of a Special Permit to allow for an existing 80-foot high wooden utility monopole telecommunication tower and accessory structures and its eventual replacement with an 80-foot high steel monopole telecommunication tower, co-location antennas, related equipment buildings and accessory structures is an unusual and reasonable use of lands situated within the State Land Use Agricultural District which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions. Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this permit.

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval for the existing monopole telecommunication tower, additional antennas and related improvements shall be secured from the Planning Director in accordance with the Zoning Code, Sections 25-2-71 (c)(3), 25-2-72, 25-2-74 and 25-4-12 within six (6) months from the date of issuance of this Special Permit. Plans shall identify existing and proposed structures, fire protection measures, fencing, driveways, and parking areas associated with the use. Antenna plans shall be stamped by a structural engineer.
3. The monopole tower and appurtenant structures, if necessary, shall be painted a dark brown to blend in with the surrounding landscape.
4. When the current pole is replaced with a dark brown painted steel monopole, the replacement pole will be located within a ten-foot arc of the existing pole, but no closer to Kynnersley Road than the existing pole.
5. The replacement monopole with appurtenances will be no taller than the existing pole with appurtenances.

6. The collar used for securing guy wires to existing pole will be painted a dark color similar to that of the pole. Guy wires covered with a dark green vinyl coating will be utilized.
7. The applicant shall fence in only that portion of the project site as is reasonably needed to accommodate the proposed monopole tower and its related facilities and for the proper and efficient operation and protection of the telecommunication equipment. In most cases, the applicant will only fence reasonable areas around buildings, antennas, and transmission tower.
8. Co-location or any expansion of the tower and related facilities within the site may be allowed within the parameters of the tower height and envelope as approved by the Planning Commission upon securing Final Plan Approval. The proposed tower and its related facilities shall be built in a manner substantially similar to representations shown on Exhibit B, Drawings 1 through 4, of the Amended Application for Special Use Permit-Hawi Telecommunication Tower and Facility dated November 13, 2002.
9. Within 120 days of the permanent abandonment of the monopole tower, the applicant shall remove the tower and its antennas 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.
10. Written evidence shall be submitted to the Planning Director with a copy to the Police Department that the proposed monopole tower and its proposed antennas shall not interfere with the County of Hawai'i Public Safety Radio System.
11. The applicant shall operate and improve upon the existing telecommunication facility in substantial compliance with representations made in its Amended Application for Special Use Permit-Hawi Telecommunication Tower and Facility dated November 13, 2002.
12. Comply with all applicable rules, regulations and requirements of the affected agencies for the continued use of the project site as a telecommunication facility, including the Federal Aviation Administration and Federal Communications Commission.

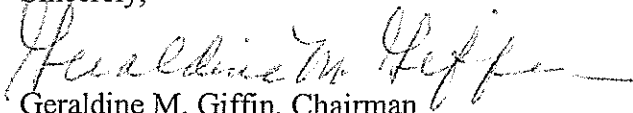
Mr. Dennis Wilborn
Page 10

13. Upon compliance with applicable conditions of approval, and upon completion of construction for any portion of the development, the applicant shall submit a written status report to the Planning Director.
14. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, its 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.
 - 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 Alice Kawaha of the Planning Department at 961-8288.

Sincerely,

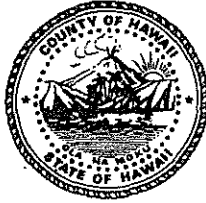


Geraldine M. Giffin, Chairman

Planning Commission

LcrowncastleHawi01pc

cc: Mr. Michael Luce
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Brian Minaai, Director/DOT-Highways, Honolulu
Planning Dept. - Kona
Mr. Roy Irei



County of Hawai'i

PLANNING COMMISSION

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

March 6, 2009

Mr. William Keoni Fox
Alii Wireless Specialists, LLC
1019 Waimanu Street, Suite 212
Honolulu, HI 96814

Dear Mr. Fox:

Special Permit (SPP 1191)
Applicant: Crown Castle International
Request: To Increase Tower Height from 80 Feet to 120 Feet
Tax Map Key: 5-4-2:2

The Planning Commission at its duly held public hearing on February 19, 2009, voted to approve the above-referenced request for an amendment to Special Permit No. 1191 to allow the replacement of an existing 80-foot-monopole with a 120-foot steel monopole. The request would also require the amendment of Condition No. 5 (height of tower). The property is located along the north side (makai) of Kynnersly Road, approximately 1.3 miles south of its intersection with Akoni Pule Highway (Highway 270), Honomakau, North Kohala, Hawai'i.

Approval of this request is based on the following:

The applicant requests the increased height of the monopole "due to the growth of trees in the vicinity and additional interest from wireless carriers to co-locate on the existing telecommunications facility....wireless technology operates by line of sight transmission and signal strength is diminished as the surrounding tree line height increases and obstructs the antennas. The additional coverage will further benefit the community by improving the E911 service capabilities." The applicant states that the increase in the height of the pole will allow wireless service providers to maintain original coverage without having to develop a second monopole; this design contributes toward the County's goal of preventing the proliferation of telecommunication facilities. The replacement pole will be painted dark brown to comply with Condition No. 3 in the Special Permit. On October 31, 2008, the applicant submitted a letter stating that the current lease with the landowners expires on November 30, 2036.

Special Permit No. 1191 was approved on December 6, 2002 to allow an existing 80-foot high wood monopole and accessory structures, co-location of antennas, related equipment buildings and accessory structures. The permit also approved the replacement of the wood tower with an 80-foot high steel monopole (which was not constructed) within the same parameters on the approximately 10,000-square foot portion of a 131.942-acre parcel. Condition No. 5 reads: "The replacement monopole with appurtenances will be no taller than the existing pole with appurtenances."

Granting of the request would not be contrary to the original reasons for the approval of the permit. The initial criteria for the granting of the original request has not changed since the approval of the permit. The 80-foot wood monopole and related improvements are constructed on the site. The proposed new 120-foot steel tower will replace the existing wood monopole and will not displace any portion of the property from any agricultural use, diminish the agricultural potential of the area, or adversely affect the agricultural potential of the property and surrounding areas.

The applicant has provided two simulation photographs of the proposed 120-foot steel monopole as requested by the Planning Director. The photos show two different vantage points depicting the proposed monopole and antennas. The proposed monopole, although visible from the highway, would not have a major visual impact to surrounding properties. A condition will be included to paint the steel pole to blend in with the natural surroundings. As of this writing, no comments were received from surrounding property owners regarding the proposed action.

Granting of the request would not be contrary to the General Plan or Zoning Code. The General Plan and Zoning designations have not changed since the approval of the original request. The General Plan Land Use Pattern Allocation Guide (LUPAG) map designates the area as Important Agricultural Lands, and the property is zoned Agricultural 20-acres (A-20a). Telecommunication towers are permitted in the Agricultural district with the approval of a Special Permit.

Soils on the property are classified as "C" or "Fair" for agricultural productivity by the Land Study Bureau's Overall Master Productivity Rating. The Agricultural Lands of Importance to the State of Hawai'i (ALISH) Map classifies soils within the project site as Prime Agricultural Lands. The 10,000 square foot project site displaces a relatively small amount of land from potential agricultural use but will not diminish the agricultural potential of the area nor adversely affect the agricultural potential of the remainder of the 131.94-acre property or its surrounding area. The use of 10,000 square feet of "prime" agricultural land must be weighed against the benefits that wireless service will provide to the residents of this portion of North Kohala. While these agricultural lands do carry a "prime" designation, it is classified as Fair for agricultural productivity by the Land Study Bureau.

The project site is located more than 2.5 miles from the nearest shoreline and is not located in close proximity to existing residential lands. The closest dwelling is located approximately 250 feet from the project site across Kynnersley Road. The dwelling was constructed in 2004, two years after the approval of the permit in 2002. The continued use of the project site as a telecommunication facility and its replacement with a steel monopole higher than the existing wood monopole will not impact any recreational resources, including access to and along the shoreline, mountain access, scenic and open space nor visual resources, coastal ecosystems, and marine coastal resources.

The existing monopole is visible along the makai side of Kynnersley Road. However, due to its location on the makai side of Kynnersley Road, its distance from the ocean, and given that lands mauka of the project site consist of large-acreage parcels, it is not anticipated that the continued use of the existing telecommunication facility will significantly obstruct any ocean (makai) views. The large lots and the relatively dense vegetation along the project site's frontage with Kynnersley Road also mitigate any significant adverse visual impacts associated with the proposed use.

Current tenants on the existing wood monopole include Verizon Wireless, Sprint Nextel, AT&T and T-Mobile. All carriers have agreed to relocate to the proposed monopole. A 120-foot high monopole will be able to accommodate a fifth wireless service provider. Plan approval will be required for co-location of any additional antennas. Further, to avoid any unnecessary visual impact, an abandonment clause will continue to be included as a condition, to require removal of the tower within 120 days after permanent abandonment. This requirement is included in the applicant's licensing agreement with the landowner(s).

The applicant would still be required to comply with the requirements of the Federal Communications Commission (FCC). Section 704 of the Federal Telecommunications Act of 1996 recognizes the absence of health hazards from cellular radio wave transmissions and accordingly prohibits local authorities from regulating the placement of cellular towers based on environmental effects of radio frequency emissions, as long as such facilities comply with the FCC's guidelines. As the proposed 120-foot steel monopole will be designed to comply with the above guidelines, no significant adverse impact to surrounding properties is anticipated.

As stated in the original request, the replacement monopole will be constructed no closer to Kynnersley Road than the existing monopole, located approximately 36 feet makai from its frontage with Kynnersley Road. The approximately 131-acre property which surrounds the project site is dominated by open space and an orchard. The existing monopole and antennas are visible from certain areas along Kynnersley Road, the Akoni Pule Highway and residences along Kynnersley Road. However, even at the increased

height, the visual impact of the monopole should be minimal given the proposed conditions of approval.

Based on the above, the approval of the request to amend Condition No. 5 of Special Permit No. 1191 to allow the replacement of an existing 80-foot high wood utility monopole with an 120-foot high steel monopole is an unusual and reasonable use of lands situated within the State Land Use Agricultural District which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. Approval of this request is subject to the following conditions. (Material to be deleted is bracketed and struck-through; material to be added is underscored)

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval for the ~~[existing]~~ proposed 120-foot steel monopole telecommunication tower, additional antennas and related improvements shall be secured from the Planning Director in accordance with the Zoning Code, Sections 25-2-71 (c)(3), 25-2-72, 25-2-74 and 25-4-12 within six (6) months from the effective date of ~~[issuance of]~~ this amended Special Permit. Plans shall identify existing and proposed structures, fire protection measures, fencing, driveways, and parking areas associated with the use. Antenna plans shall be stamped by a structural engineer.
3. The 120-foot steel monopole tower and appurtenant structures, if necessary, shall be painted a dark brown to blend in with the surrounding landscape.
4. ~~[When the current pole is replaced with a dark brown painted steel monopole, the~~ The [replacement] 120-foot steel pole will be located within a ten-foot arc of the existing pole, but no closer to Kynnersley Road than the existing pole.
5. The ~~[replacement]~~ steel monopole ~~[with appurtenances will be no taller than the existing pole with appurtenances]~~ shall be limited to 120 feet in height, with appurtenances not exceeding four feet in height from the top of the tower.
- ~~[6. The collar used for securing guy wires to existing pole will be painted a dark color similar to that of the pole. Guy wires covered with a dark green vinyl coating will be utilized.]~~
- ~~[7.]~~ 6. The applicant shall fence in only that portion of the project site as is reasonably needed to accommodate the proposed monopole tower and its related facilities and for the proper and efficient operation and protection of the telecommunication equipment. In most cases, the applicant will only fence reasonable areas around buildings, antennas, and transmission tower.

- [8-] 7. Co-location or any expansion of the tower and related facilities within the site may be allowed within the parameters of the tower height and envelope as approved by the Planning Commission upon securing Final Plan Approval for the proposed 120-foot tower. The ~~[proposed]~~ 120-foot tower [and its related facilities] shall be built in a manner substantially similar to representations shown on ~~[Exhibit B, Drawings 1 through 4, of the Amended Application for Special Use Permit-Hawi Telecommunication Tower and Facility dated November 13, 2002]~~ Exhibits T-1(Vicinity Map), Z-1 (Site Plan), Z-2 (Existing and Proposed Compound Layouts) and Z-3 (East Elevation).
- [9-] 8. Within 120 days of the permanent abandonment of the monopole tower, the applicant shall remove the tower and its antennas 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.
- [10-]9. Written evidence shall be submitted to the Planning Director with a copy to the Police Department that the proposed monopole tower and its proposed antennas shall not interfere with the County of Hawai'i Public Safety Radio System.
- [11-]10. The applicant shall operate and improve upon the existing telecommunication facility in substantial compliance with representations made in its Amended Application for Special Use Permit-Hawi Telecommunication Tower and Facility dated November 13, 2002.
- [12-]11. Comply with all applicable County, State and Federal laws, rules, regulations and requirements ~~[of the affected agencies]~~ for the continued use of the project site as a telecommunication facility, including the Federal Aviation Administration and Federal Communications Commission.
- [13-]12. Upon compliance with applicable conditions of approval, and upon completion of construction for any portion of the development, the applicant shall submit a written status report to the Planning Director.
- [14-]13. ~~An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:~~
A. ~~Non performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, its successors, or assigns and that are not the result of their fault or negligence.~~

Mr. William Keoni Fox

Page 6

- 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.~~
- 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).]~~ If the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the Planning Commission for appropriate action.

Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this permit.

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

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

Sincerely,



Rodney Watanabe, Chairman
Planning Commission

Lspp1191crowncastlePC

cc: Crown Castle International
Mr. Christopher McCullough
Amy Self, Esq.
Brandon Gonzalez, Esq.
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources-HPD
DOT-Highways, Honolulu
Mr. Gilbert Bailado ✓