



## 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

DEC 08 2010

Ms. Debbie Wong  
NSA Wireless Inc.  
P.O. Box 1146  
Pearl City, HI 96782

Dear Ms. Wong:

Use Permit Application (USE 10-000022)

Applicant: Sprint Nextel Hawaii

Request: To Allow Installation of Nine Panel Antennas on an Existing Light Pole  
And Associated Equipment at Pahala County Ball Park

Tax Map Key: 9-6-005:039

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The Windward Planning Commission at its duly held public hearing on November 10, 2010, voted to approve the above-referenced request for the installation of panel antennas on an existing 100-foot light pole along with its associated ground equipment on approximately 525 square feet of land within the County's Pahala Ball Park. The project site is situated within the southeastern corner of the Pahala Ball Park near the intersection of Pakalana and Huapala Streets in Pahala Village, Makaka-Pā'au'au, Ka'ū, Hawai'i.

Approval of this request is based on the following:

The applicant is requesting a Use Permit to install nine (9) panel telecommunications antennas on one of the existing 100-foot tall light poles at the County's Pāhala Ball Park. The antenna array will consist of three (3) sectors of antennas with three (3) antennas per sector for a total of nine (9) antennas. One GPS whip antenna will also be located on the pole at the same height as the antenna array. Associated equipment will be contained within an approximately 24'9" by 21' fenced area on the ground and will include but not be limited to a back-up generator on an approximately 60-square foot concrete pad and two outdoor equipment cabinets on an approximately 98-square foot concrete pad. A sound-attenuated enclosure will surround the back-up generator. The facility will be un-manned but will require periodic maintenance.

*Hawai'i County is an Equal Opportunity Provider and Employer*

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 use 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 zoned district, the intent and purpose of the Zoning Code and the County General Plan.** The Use Permit process provides an avenue to review a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses, and to ensure consistency with the goals and policies of the General Plan. According to the Zoning Code, Single Family Residential zoned districts “provide for lower or low and medium density residential use, for urban and suburban family life.” A telecommunication antenna or tower may be permitted in the RS- zoned district if a use permit is obtained for such use. Where there is an existing telecommunication tower, co-location of additional antenna or equipment will be permitted provided the director has issued plan approval for such use. In this case, a Use Permit is required because the applicant is proposing to install antennas on an existing light pole rather than an existing telecommunication tower.

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 Low Density Urban, which allows for single-family residential uses, ancillary community and public uses, and neighborhood and convenience-type commercial uses. Allowable uses within these areas, with a Use Permit, may include telecommunication

facilities that serve the residents in the area. 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 located on a 6.442-acre parcel used by the adjacent schools and general public as play fields. Surrounding properties are zoned RS-10, RS-15 and Open and consist of play fields to the north, the Ka'ū High School and Pāhala Elementary School campuses to the east, and single-family residences to the west and south. The proposed antennas will be attached to an existing 100-foot tall light pole and thus will not change the character of the area. An intermittent buffer of trees is located between the project site and nearby homes to the south. A back-up generator will be located on the ground near the light pole and will be surrounded by sound-attenuated material to reduce noise. Therefore, it is not anticipated that the approval of the request will have a negative impact on the community's character or surrounding properties.

**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.** As the telecommunication facility will be un-manned and require only periodic maintenance, infrastructure and services such as water, sewer, telephone, police and fire will not be required. Electricity services are available to the site. The project site can be accessed from a parking lot at the end of Hapu Street, which is a County roadway. According to the applicant, an access easement from the entrance of the Pāhala Ball Park to the project site will be secured from the landowner. Therefore, the proposed use will not burden public agencies to provide additional services or infrastructure.

The proposed request will not have a significant adverse impact to traditional and customary Hawaiian Rights as the site has been developed since the early 1970's with play fields associated with the County's Pāhala Ball Park.

Based on the above, the request to install telecommunication antennas on an existing 100-foot tall light pole and associated ground equipment within the Single-Family Residential (RS-10) zoned district is approved by the Windward Planning Commission.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the 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 Chapter 25 (Zoning Code), Hawai'i County Code. The antenna plans shall be stamped by a structural engineer.
3. Within one hundred and twenty (120) days of the permanent abandonment of the antennas, the applicant shall remove the antennas and accessory structures. The applicant shall provide written notification to the Planning Director of such removal.
4. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements, including the Federal Aviation Administration and Federal Communications Commission.
5. An initial extension of time for the performance of conditions of 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, 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).

Should any of the conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate the revocation of the permit.

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.

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

Sincerely,

A handwritten signature in cursive script that reads "Rell Woodward". The signature is written in black ink and is positioned above the typed name.

Rell Woodward, Chairman  
Windward Planning Commission

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cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Mr. Gilbert Bailado ✓