



County of Hawai'i

WINDWARD PLANNING COMMISSION

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January 31, 2011

Ms. Maria Kolar
Alii Wireless Specialists, LLC
45-955 Kamehameha Highway, Suite 308
Kaneohe, HI 96744

Dear Ms. Kolar:

Use Permit Application (USE 10-000023)
Applicant: Crown Castle GT Company, LLC
Request: To Allow Replacement of an Existing 111' Wood Monopole With a
New 104' Steel Monopole and Related Improvements on 600 Square Feet
Of Land
Tax Map Key: 9-5-007:016

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 removal of an existing 111-foot tall telecommunication monopole and the construction of a 104-foot tall steel telecommunication monopole, antennas, and related improvements on a 600-square foot portion of a larger 2,000+ acre parcel situated in the County's Agricultural-zoned district. The project site is located approximately 1.5 miles south (makai) of Highway 11 and Na'alehu Village, Kahilipali Nui, Ka'u, Hawai'i.

Approval of this request is based on the following:

The applicant is proposing to remove an existing 111-foot tall wood monopole and replace it with a 104-foot tall steel monopole with 16 panel antennas (12 panels for Verizon Wireless and 4 panels for Sprint) and related improvements including a backup emergency generator and 6-foot high chain link security fence on a 600 square-foot portion of a 2,013-acre property within the County's Agricultural (A-20a) zoned district.

The reason for the request is that the current existing telecommunication facility requires an upgrade to improve coverage between existing tower sites. Additionally, the replacement of the wood pole with a steel pole will provide a stronger, more storm resistant installation.

Telecommunication towers and antennas previously required a Special Permit to operate within the State Land Use Agricultural District. In 2007, the State Legislature 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 to upgrade the facility, 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 Extensive Agriculture, which includes lands not classified as Important Agricultural Land and includes lands that are not capable of producing sustained, high agricultural yields without the intensive application of modern farming methods and technologies due to certain physical constraints such as soil composition, slope, machine tillability and climate. Other less intensive agricultural uses such as grazing and pasture may be included in the Extensive Agriculture category. 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 Hawaii County. However, over the last decade, the County has seen an 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-sight, telecommunication towers are usually located in areas with minimum obstructions between the tower and its area of service. Line-of-sight 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 replace an existing tower in an area used primarily as pasture land. Additionally, the tower site is located on a small portion of an approximately 2,000-acre property and is located approximately 1 mile from the nearest urban zoned properties and approximately 1.5 miles from the nearest coastline, which will not significantly impact scenic vistas. While the 600 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 600 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 600 square-foot portion of a large approximately 2,000-acre property. The majority of the property is used for pasture. There are several existing towers located on the property, including a 215-foot high tower approved under Special Permit No. 1037 and a 100-foot high tower approved under Special Permit No. 1217. The surrounding area is characterized as pasture lands, and properties to the east and west are zoned A-20a and used for cattle grazing. To the north along Highway 11 are urban lands zoned RM-3, RS-10, CV-7.5, CV-10 and Open. The nearest residence is located approximately 1 mile north in Naalehu. The proposed tower will not be painted because of its remote location. Due to the distance from the nearest urban areas, the tower will not impair mauka or makai view planes.

The applicant held a community informational meeting on September 28, 2009 at the Naalehu Elementary School. All owners within 500 feet of the property boundary were invited to attend. Questions were raised regarding site design, improvements in service, and construction timeline. Those in attendance identified the need for improved wireless service in the area for emergency purposes. Additionally, no objections or concerns were received from the community.

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. As the telecommunication tower will be an un-manned facility, infrastructure and services such as water, sewer, police and fire will not be required. Electricity and telephone services are available to the site. Access to the project site is via a 9-foot wide partially paved/graveled jeep road from Naalehu Spur Road and Highway 11. Highway 11 is State owned and maintained road that has a 60-foot right-of-way with 20-foot wide pavement. Therefore, the requested use will not burden public agencies to provide additional services or infrastructure.

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 over 1.5 miles to the nearest shoreline and is not 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. No valued cultural, historical or natural resources exist on or near the project site, and there is no evidence of any traditional and customary Native Hawaiian rights being practiced on or near the site. Therefore, no action is necessary to protect these rights.

Lastly, the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) issued a "no-effect" letter dated October 6, 2009 stating that no historic properties will be affected by this undertaking because there are no known historic properties within or near the APE and because the area has been previously grubbed/graded for the extant facility.

Based on the above, the request to construct an unmanned, 104-foot steel monopole, antennas and related improvements 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 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. Co-location of antennas on the tower shall be allowed within the parameters of the building height and envelope as represented.
4. Within one hundred and twenty (120) days of the permanent abandonment of the tower, the applicant shall remove the tower, antennas and accessory structures. The applicant shall provide written notification to the Planning Director of such removal.
5. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.
6. 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.
7. 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.

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- 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.

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

Sincerely,



Zendo Kern, Chairman
Windward Planning Commission

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cc: Crown Castle GT Company LLC
Department of Public Works
Department of Water Supply
County Real Property Tax Division
✓ Mr. Gilbert Bailado