

## 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

**JUL 18 2013**

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

Dear Ms. Kolar:

Use Permit Application (USE 13-000037)  
Applicant: Vista Towers LLC  
Request: To Construct a 150-Foot Tall Telecommunication Monopole  
And Related Facilities  
Tax Map Key: 1-5-106:portion 001

The Windward Planning Commission, at its duly held public hearing on July 11, 2013, voted to approve the above-referenced request to construct a wireless telecommunications facility consisting of a 150-tall monopole and related equipment on a 3,075 square foot portion of a 3.81-acre parcel situated within the Agricultural – 1 acre (A-1a) zoning district. The subject property, known as Māikoiko Park, is located at the end of South Māikoiko on the makai side of the street, Hawaiian Shores Subdivision, Puna, Hawai'i.

Approval of this request is based on the following:

Vista Towers LLC is requesting a Use Permit to construct a wireless telecommunications facility consisting of a 150-foot tall monopole tower and related equipment on a 3,075-square-foot portion of a 3.8129-acre parcel identified as Tax Map Key: 1-5-106:001. The monopole will be structurally capable of supporting five (5) or more wireless communications carriers, including all of their antennas, coaxial cabling and appurtenant structures. In addition to the monopole, the 3,075-square-foot leased area will be used for accessory ground facilities, which includes equipment cabinets and outdoor standby generators. The leased area will be fenced with 6-foot high chain link

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security fencing. Native red hibiscus shrubs are proposed for landscaping around the fence line. The proposed facility will be unmanned, and maintenance and repair activities will be performed by a technician on a periodic basis. The objective of establishing this facility is to provide telecommunication services to the communities of Hawaiian Shores, Hawaiian Parks, Hawaiian Beaches, Keo'nepo'ko Iki Farm Lots, and Wa'a Wa'a.

Rule 7 (Use Permits), Section 7-6, of the Planning Commission's Rules of Practice and Procedure states that the Planning Commission may approve a Use Permit upon finding that:

- a) 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;
- 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, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

**The proposed use is consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan.** The subject property is situated within the State Land Use Urban district and is zoned Agricultural-1 acre (A-1a). The Zoning Code allows for telecommunication antennas and towers to be permitted in the County's Agricultural zoning district, provided that a Use Permit is issued by the Planning Commission. 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, as well as consistency with the goals and polices of the General Plan.

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 residential uses (density of up to six units per acre); ancillary community and public uses; and neighborhood and convenience-type

commercial uses. Telecommunication facilities may be allowed in this area with the approval of a Use Permit from the Planning Commission.

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. And a goal in the Natural Resources element of the General Plan is to protect rare or endangered species and habitats native to Hawai'i. The tower site is located on a small portion of a 3.81-acre property situated adjacent to the Nānāwale Forest Reserve. The US Department of Fish and Wildlife has determined that although endangered and threatened seabirds may fly over the property in transit to upland breeding colonies, it is highly unlikely that the proposed tower will have an adverse effect on these seabirds. To reduce the potential impact to seabirds the monopole will not include guy wires or lights.

Lastly, the request is consistent with Action 3.4.3.(e) in the Public Safety and Sanitation Services section of the Puna Community Development Plan (CDP), which states "Encourage enhancement of cell phone service to expand coverage to more remote areas." 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 proposed use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties.** The 3,075-square-foot project site is located on a 3.81-acre parcel known as Māikoiko Park, which serves as the community park for residents of the Hawaiian Shores subdivision. There is a pavilion, restroom building, an unfinished tennis court and unfinished swimming pool on the property. The project site is situated on the south side of the property in an open grassy area that is currently used for parking. Surrounding properties to the north, east and west are approximately 12,000 to 15,000 square feet in size and consist of residences and vacant land. These properties are zoned A-1a. There is a large State-owned parcel known as the Nānāwale Forest Reserve just south of the subject property. The closest residence to the project site is about 250 feet away on Māikoiko Street. Establishment of the telecommunication facility within the community park will not change the use of the property or the character of the surrounding community. As requested by the community association, the applicant has agreed to paint the tower, antennas, visible cables and mounting hardware in a color and manner that best minimizes the visual impact of the structure on surrounding properties. Ground equipment will be screened from public view by a 6-foot high chain link fence surrounded by hibiscus hedges or other similar landscaping and will include sound-

absorbing hoods and panels to reduce noise levels. Lastly, the applicant held a community meeting on February 2, 2012 and the Hawaiian Shores Community Association distributed a ballot to all association members to gauge community support or opposition for the proposed project. Over 80% of the ballots submitted were in favor of the long term lease of the project site for the proposed project. Therefore, it is not anticipated that the proposed use will have a substantial adverse impact on the surrounding community.

**The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, schools, police and fire protection and other related infrastructure.** The proposed use will not unreasonably burden public agencies to provide roads, sewers, water, drainage systems, school improvements, and police, fire and medical services. Only electrical and telephone services are required for the use and they are already available to the property. Access to the project site will be from Kahakai Boulevard and Māikoiko Street, which are both two-lane paved roadways. As traffic is anticipated to be minimal, access to the project site is adequate. Finally, the applicant will meet all applicable agency requirements, including the Federal Communications Commission and the Federal Aviation Administration.

Based on the above, the establishment of a 150-foot tall telecommunication monopole and related equipment on a 3,075-square-foot portion of a 3.8129-acre parcel of land situated within the Agricultural-1 acre (A-1a) zoning district meets the criteria for approving the issuance of a Use Permit. Approval of this request is subject to the following conditions:

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)(2), 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. Landscaping shall also be indicated on the plans along the perimeter of the 3,075-square-foot permit area for the purpose of mitigating any adverse noise or visual impacts to adjacent properties.

3. 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.
4. The applicant shall paint the tower and antennas, including future co-location antennas, a color that will best blend the tower and antennas with their immediate surroundings. The applicant shall submit color swatches to the Hawaiian Shores Community Association Board for approval. The approved color swatches along with a letter of approval from the Association shall be submitted to the Planning Department with the application for Plan Approval.
5. The monopole shall not include guy wires or lights. All exterior lighting associated with the ground equipment shall be shielded so that the light is directed downward.
6. All development-generated runoff shall be disposed of onsite and not directed towards any adjacent properties.
7. 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—State 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.
8. 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.
9. 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.
10. An initial extension of time for the performance of conditions of the permit may be granted by the Planning Director upon the following circumstances:

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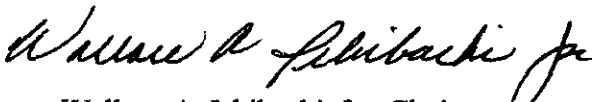
- A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
- B. Granting of the time extension would not be contrary to the General Plan or the Zoning Code.
- 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 fashion, the Director may initiate procedures to revoke 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,



Wallace A. Ishibashi, Jr., Chairman  
Windward Planning Commission

Lvistatowersuse13-000037

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State DLNR-HPD  
Mr. Gilbert Bailado