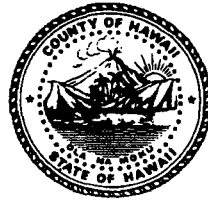


Harry Kim
Mayor

Roy Takemoto
Managing Director



Joseph Clarkson, Chair
Thomas Raffiyy, Vice Chair
Gilbert Aguinaldo
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Donn Dela Cruz
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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

JAN 21 2020

Ms. Danette Martin
General Dynamics
76-6357 Kololia Street
Kailua-Kona, HI 96740

Dear Ms. Martin:

SUBJECT: Use Permit No. USE 15-000056
Applicant: Cellco Partnership dba Verizon Wireless
Request: Revise Access to Previously Approved Telecommunication Facility
And Five-Year Extension of Time to Condition No. 2 (Complete
Construction)
Tax Map Key: 1-5-017:084 and 1-5-017:118

The Windward Planning Commission, at its duly held public hearing on January 8, 2020, voted to approve the above-referenced request to amend Use Permit No. USE 15-000056 to change access to the telecommunication facility so access is from 31st Avenue over TMK 1-5-017:084 and allow a five-year time extension to Condition No. 2 to complete construction of the facility. The property is located between 31st Avenue and 32nd Avenue, about 2,160 feet southeast of the Paradise Drive intersection, Hawaiian Paradise Park, Puna, Hawai'i.

Approval of this amendment 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 monopole shall be completed within five (5) years from the effective date of this amended 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. Landscaping shall also be indicated on the plans along northeast and northwest corner of Parcel 118 for the purpose of mitigating any adverse noise or visual impacts to adjacent properties. The plans shall identify existing landscaping and new landscaping in the areas that do not currently have landscaping in place. The antenna plans shall be stamped by a structural engineer.

JAN 21 2020

3. The applicant shall execute and record an easement over Parcel 84 to provide access to the telecommunication site on Parcel 118 for the duration of the life of the telecommunication facility. A copy of the recorded easement shall be provided to the Planning Department prior to issuance of a building permit for construction of the telecommunication facility.
4. All earthwork activity, including grading, grubbing and stockpiling, shall conform to Chapter 10, Erosion and Sedimentary Control, of the Hawai'i County Code.
5. To protect any Hawaiian hoary bats in the vicinity of the property, barbed wire fencing shall not be used in the permit area and woody vegetation over 15 feet in height shall not be disturbed, trimmed or removed during bat birthing and pup rearing season of June 1st to September 15th without first conducting surveys for bat nests and coordinating with US Fish and Wildlife Service (USFWS) if nests are found. Surveys shall be conducted by a qualified biologist.
6. To protect any Hawaiian hawks in the vicinity of the property, ground clearing, grubbing activities and construction shall not occur in the permit area during hawk breeding season of March 1st to September 30th without first conducting surveys for hawk nests and coordinating with USFWS if nests are found. Surveys shall be conducted by a qualified ornithologist and are only valid for 14 days. Ground clearing or construction shall not occur within 1,600 feet of any active Hawaiian hawk nest during the breeding season. Regardless of the time of year, trimming or cutting trees containing a hawk nest is prohibited.
7. To protect any seabirds (Hawaiian petrels, Newell's shearwaters and band-rumped storm petrel) in the vicinity of the property, any lighting shall be fully shielded so that the bulb can only be seen from below bulb height. The lights shall be turned off when human activity is not occurring in the lighted area.
8. To prevent the spread of Rapid 'Ōhi'a Death, a survey of the proposed site shall be conducted two weeks prior to any tree cutting to determine if there are any infected 'ōhi'a trees. If infected 'ōhi'a are suspected at the site, the applicant shall contact the appropriate agencies at UH-Hilo and USDA for further guidance. If 'ōhi'a trees will be cut during construction, the applicant shall follow procedures as described in the comment letter from US Fish and Wildlife Service, dated January 6, 2020.
9. To prevent the spread of harmful invasive species, the applicant shall follow biosecurity protocols as described in the comments letter from US Fish and Wildlife Service, dated January 6, 2020.
10. Co-location of antennas upon the existing tower and expansion of related support equipment within the project site may be allowed within the parameters of the tower height as approved by the Planning Commission, provided that ground lease areas of co-locating carriers are adjacent to the existing ground lease area and not located within the open yard setback areas.

11. Prior to the issuance of Final Plan Approval, the applicant shall secure and finalize any building permits for the subject property required by the Department of Public Works Building Division.
12. 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.
13. In the unlikely event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g. rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the grading or construction work, work shall cease in the immediate vicinity of the find, the find shall be protected from further disturbance and the State Historic Preservation Division shall be contacted at (808) 933-7651 or (808) 692-8015.
14. 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. All exterior lighting shall be shielded.
15. An initial extension of time for the performance of conditions of this amended 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 fashion, the Director may initiate procedures to revoke the permit.

Ms. Danette Martin
General Dynamics
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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.

[Note: Ramseyer version available upon request.]

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Maija Jackson of the Planning Department at 961-8159.

Sincerely,

Joseph B. Digitally signed by Joseph
B. Clarkson
Date: 2020.01.21
17:28:58 -10'00'
Clarkson
Joseph Clarkson, Chairman
Windward Planning Commission

LCellcopartnershipAmend USE15-056wpc
Enclosure: PC Findings Report

cc w/enclosures: Cellco Partnership dba Verizon Wireless
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Department of Land & Natural Resources-HPD
U.S. Fish and Wildlife Service
GIS Section

COUNTY OF HAWAI'I PLANNING DEPARTMENT
PLANNING COMMISSION FINDINGS

CELLCO PARTNERSHIP DBA VERIZON WIRELESS
AMENDMENT TO USE PERMIT NO. 15-000056

Based on the following considerations, an amendment Use Permit No. 15-000056 to change access to the telecommunication facility and to provide a 5-year time extension to complete construction is approved.

On November 19, 2015, the Windward Planning Commission issued a Use Permit to allow the construction of a new telecommunication facility, including a 150-foot tall steel monopole with 8-foot tall panel antennas and related facilities within a 1,600-square foot portion of a 2-acre parcel situated in the County's Agricultural 1-acre (A-1a) zoning district. Condition No. 2 of the permit required completion of construction by November 19, 2020. As of this writing, plan approval and a building permit has not been issued nor has construction begun on the tower.

CELLCO PARTNERSHIP DBA VERIZON WIRELESS is requesting an additional 5 years to complete construction of the telecommunication facility because they will not be able to secure plan approval, secure a building permit, and construct the facility by the November 2020 deadline.

The applicant is also proposing to revise the 12-foot wide gravel access to the facility from 31st Avenue over parcel 84, which is a vacant lot owned by the same landowner as parcel 118, where the telecommunication facility will be located. Originally the access was proposed from 32nd Avenue into the church parking lot and between the playground equipment area and multi-purpose building. The subject property is situated between 31st Avenue and 32nd Avenue, about 2,160 feet southeast of the Paradise Drive intersection, Hawaiian Paradise Park, Puna, Hawai'i, TMKs (3) 1-5-017:84 and 1-5-017: Portion of 118.

The 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. The applicant became aware of the conflict between the original proposed driveway access and children's playground after the original permit was granted in 2015. The proposed change in access has caused delay in securing plan approval and building permits for construction of the facility.

Granting of the time extension would not be contrary to the General Plan or Zoning Code. Since the original permit was granted in 2015 there have not been changes to the General Plan, the Puna Community Development Plan, or the Zoning Code that affect telecommunication facilities, thus the amendment request remains consistent with these plans and the zoning code.

Granting of the time extension would not be contrary to the original reasons for the granting of the permit. The reasons for granting the original permit have not changed; the only change is the location of the proposed driveway access in order to create a safer environment for children playing on and around the playground equipment on Parcel 118.

The proposed use will not have any significant adverse effects on surrounding properties and will not substantially alter or change the essential character of the land and the present use. The change in driveway access location from Parcel 118 to Parcel 84 will not adversely affect surrounding properties, primarily because of the very low volume of traffic that will use this driveway. In the original application, the applicant estimated about one to four visits to the site would occur on a monthly basis for the applicant to maintain the unmanned facility. It should also be noted that although the landowner of Parcel 118 also owns Parcel 84, the proposed driveway access on Parcel 84 cannot be used for church traffic unless Special Permit No. 607, which permitted the church in 1985, is amended by the Planning Commission. The Planning Director also recommends a condition be added to the permit to ensure access is provided during the life of the telecommunication facility over Parcel 84, even if the parcel is sold to another owner by the landowner.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.



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

NOV 19 2015

Mr. David Lyman
Mastec Network Solutions
123 Terrace Drive
Hilo, HI 96720

Dear Mr. Lyman:

SUBJECT: Use Permit Application (USE 15-000056)
Applicant: Celco Partnership dba Verizon Wireless
Request: Allow the Construction of a 150-foot Steel Monopole
Telecommunication Tower and Related Improvements
Tax Map Key: 1-5-017:118

The Windward Planning Commission, at its duly held public hearing on November 5, 2015, voted to approve the above-referenced request to allow the construction of a new telecommunication facility, including a 150-foot tall steel monopole with 8-foot tall panel antennas and related facilities within a 1,600 square-foot portion of a 2-acre parcel situated in the County's Agricultural 1-acre (A-1a) zoning district. The project site is situated on the northeast side of 32nd Avenue approximately 2,160 feet southeast of the Paradise Drive – 32nd Avenue intersection, Hawaiian Paradise Park Subdivision, Kea'au, Puna, Hawai'i.

A Petition for Standing in a Contested Case Hearing was received from Petitioners, Shun Kwan and Yuk Wah Wong both of whom, were not present during the Commissioner's meeting on this matter. The Commission subsequently voted to deny the Petitioners request for Intervention.

Approval of this permit 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 monopole 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

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NOV 20 2015

the use. Landscaping shall also be indicated on the plans along northeast and northwest corner of the property for the purpose of mitigating any adverse noise or visual impacts to adjacent properties. The plans shall identify existing landscaping and new landscaping in the areas that do not currently have landscaping in place. The antenna plans shall be stamped by a structural engineer.

3. Co-location of antennas upon the existing tower and expansion of related support equipment within the project site may be allowed within the parameters of the tower height as approved by the Planning Commission, provided that ground lease areas of co-locating carriers are adjacent to the existing ground lease area and not located within the open yard setback areas.
4. Prior to the issuance of Final Plan Approval, the applicant shall secure and finalize any building permits for the subject property required by the Department of Public Works Building Division.
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. 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. All exterior lighting shall be shielded.
8. 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.

Mr. David Lyman
Mastec Network Solutions
Page 3

- 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

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Jeff Darrow of the Planning Department at 961-8158.

Sincerely,



Myles Miyasato, Chairman
Windward Planning Commission

LCellcopartnershipUSE15-056wpc
Enclosure: PC Findings Report

cc: Cellco Partnership dba Verizon Wireless
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Department of Land & Natural Resources - HPD
Mr. Gilbert Bailado

COUNTY OF HAWAI‘I
PLANNING COMMISSION FINDINGS

CELLCO PARTNERSHIP DBA VERIZON WIRELESS
USE PERMIT APPLICATION (USE 15-000056)

Based on the following, Use Permit No. 15-000056 is hereby issued to allow the construction of a new telecommunication facility, including a 150-foot tall steel monopole with 8-foot tall panel antennas and related facilities within a 1,600 square-foot portion of a 2-acre parcel is approved by the Planning Commission.

CELLCO PARTNERSHIP DBA VERIZON WIRELESS is requesting a Use Permit to allow the construction of a new telecommunication facility, including a 150-foot tall steel monopole with 8-foot tall panel antennas and related facilities within a 1,600 square-foot portion of a 2-acre parcel situated in the County's Agricultural 1-acre (A-1a) zoning district. The property is located on the northeast side of 32nd Avenue approximately 2,160 feet southeast of the Paradise Drive – 32nd Avenue intersection, Hawaiian Paradise Park Subdivision, Kea‘au, Puna, Hawai‘i, TMK: 1-5-017: Portion of 118.

The applicant, Cellco Partnership dba Verizon Wireless, is requesting a Use Permit to construct a 150-foot tall steel monopole with twelve (12) 8-foot panel antennas mounted on top of the monopole. The monopole would be designed to also accommodate the placement of other carriers (co-location). In addition to the monopole, the 1,600 square foot (40' x 40') leased area would be used for accessory ground facilities, which includes electronic radio and battery equipment cabinets and an outdoor emergency generator on a concrete slab. The leased area would be fenced with 8-foot high chain link security fencing with locked gates. The proposed facility would be unmanned, and maintenance and repair activities will be performed by a technician on a periodic basis. The pole will be constructed of structural galvanized steel and built to withstand 105 mph wind. The applicant will comply with all Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) rules. Additionally, the monopole will not interfere with the County's public safety radio system.

The objective of this project is to improve coverage in the neighborhoods for Hawaiian Paradise Park, covering the southwestern part of the neighborhood. Coverage will be improved to provide better call quality within the homes as customers depend more on cellular service over land-line telephone services in Hawai‘i. Lastly, the proposed project will increase data speeds for internet connection, video services and phone applications.

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-1a) 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 Rural, which includes existing subdivisions in the State Land Use Agricultural and Rural districts that have a significant residential component. Typical lot sizes vary from 9,000-square feet to two acres. These subdivisions may contain small farms, wooded areas, and open fields as well as residences. Allowable uses within these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities. The Rural designation does not necessarily mean that these areas should be further subdivided to smaller lots. Most lack the infrastructure necessary to allow further subdivision. Telecommunication facilities may be allowed in this area with the approval of a Use Permit from the Planning Commission.

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 telecommunication 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 tower site is located on a small portion of a 2-acre property. There is significant public benefit to be gained by the installation of the proposed telecommunication tower for the residents in this area. Therefore, approval of this request will not run contrary to the goals, policies and standards of the General Plan.

Lastly, the Puna Community Development Plan (CDP) was adopted by the Hawai'i County Council on September 10, 2008. The request is consistent with Action 3.4.3.(e) under the Public Safety and Sanitation Services section in the plan, 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 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 1,600 square-foot (40' x 40') portion of a 2-acre property. There is an existing church facility on the property, which includes the church hall, office-classroom building and parking area. Special Permit No. 607 was approved by the Planning Commission on October 15, 1985 to allow the establishment of a church and related improvements on 2 acres of land. The remainder of the property is undeveloped. The surrounding properties are similarly zoned A-1a and consist of scattered dwellings, agricultural uses and vacant land. The nearest dwellings are located on the adjacent properties to the east and to the north. There are also several dwellings across 32nd Avenue just west of the subject property.

To help mitigate possible visual impacts in the immediate area, a condition of plan approval will be to maintain and/or place landscaping along the northeast and northwest corners of the subject property where the tower will be located. If there is landscaping in place, the applicant will just be required to identify the landscaping on the site plan and make sure it is maintained in place. If landscaping is not in place, the applicant will need to identify the new landscaping in that area on the site plan, and install and maintain the new landscaping.

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.

Therefore, based on the above, 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 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 property will be from 32nd Avenue (Uhaloa Avenue), which is a private road that has an approximately 20-foot gravel road within a 50-foot right-of-way. As traffic is anticipated to be minimal, the access to the site on the property is adequate. Fire and police services are available to the project area in Kea'au and Pāhoa. Finally, the applicant will be required to 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 over four (4) 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.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.