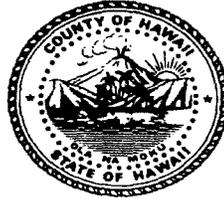


Harry Kim
Mayor



Gregory Henkel, Chair
Joseph Clarkson, Vice Chair
Donn Dela Cruz
Donald Ikeda
Myles Miyasato

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

JUN - 9 2017

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

Dear Ms. Martin:

SUBJECT: Use Permit No. USE 15-000059
Applicant: Cellco Partnership dba Verizon Wireless
Permitted Use: Allows the Construction of a 155-Foot Steel Monopine
Telecommunication Tower and Related Facilities
Tax Map Key: 1-1-020:085 and 086

The Windward Planning Commission, at its duly held public hearing on June 1, 2017 voted to approve the above-referenced request to allow the construction of a new telecommunication facility, including a 155-foot tall steel monopine with 8-foot tall panel antennas and related facilities within a 900-square foot portion of a 5.76-acre parcel situated in the County's Agricultural 3-acre (A-3a) zoning district. The project site is situated at 11-3019 Volcano Highway, approximately 400 feet east of the Kahuale'a Road-Volcano Highway intersection, Fern Forest Estates Subdivision, Kea'au, Puna, Hawai'i.

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 monopine and related equipment 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, driveway and access easements and any fencing associated with the use.

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Landscaping shall also be indicated on the plans along the outside perimeter of chain link fencing of the leased area 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. The applicant shall secure and finalize any building permits for the telecommunication facility 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. 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.
7. 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 to September without first conducting surveys for hawk nests and coordinating with USFWS if nests are found. Surveys shall be conducted by a qualified ornithologist.

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8. 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.
9. 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.
10. 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.
11. 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 fashion, the Director may initiate procedures to revoke the permit.

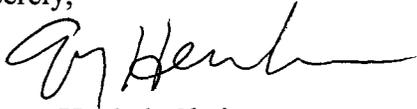
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This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies

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

Should you have any questions, please contact Shancy Watanabe of the Planning Department at 961-8144.

Sincerely,



Gregory Henkel, Chairman
Windward Planning Commission

LCellcopartnershipUSE15-059wpc
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 NO. 15-000059 (USE 15-59)

Based on the following, Use Permit No. 15-59 is approved and hereby issued by the Planning Commission to allow the construction of a new telecommunication facility, consisting of a 155-foot tall steel monopine with 8-foot tall panel antennas and related facilities within a 900-square foot portion of a 5.76-acre parcel situated in the County's Agricultural 3-acre zoning district (A-3a), with access over an adjacent half-acre parcel. The properties are located at 11-3019 Volcano Road, approximately 400 feet east of the Kahuale'a Road-Volcano Highway intersection, Fern Forest Estates Subdivision, Kea'au, Puna, Hawai'i, TMK: (3) 1-1-020:085 and 086.

CELLCO PARTNERSHIP DBA VERIZON WIRELESS is requesting a Use Permit to allow the construction of a new telecommunication facility, consisting of a 155-foot tall monopine telecommunication tower with 8-foot tall panel antennas and related facilities within a 900-square foot portion of a 5.76-acre parcel. The monopine tower will emulate the appearance of a pine tree. The monopine will be painted with colors that blend in with the surrounding area. Access is from an existing, paved driveway over Parcel 086 fronting the Old Volcano Road, which is a two-lane, paved County road. The 900-square foot (30'x 30') lease area will be used for accessory ground facilities, which include electronic radio and battery equipment cabinets and an emergency generator on a concrete slab foundation. The lease area will be surrounded with 6-foot high chain link security fencing with locked gates. The monopine will be constructed of structural galvanized steel and built to withstand a minimum 105 mph wind load requirement. The proposed facility would be non-manned. Maintenance and repair activities will be performed by a technician on a periodic basis. According to the applicant, the telecommunication tower will not interfere with the County's public safety radio system and the facility will be designed to accommodate co-location by other carriers. Finally, the applicant will comply with all Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) rules. According to the applicant, Verizon Wireless is seeking to expand its coverage in the neighborhoods between Volcano Village and Glenwood Estates by installing the telecommunication facility in the Ola'a Reserve. The proposed project serves to provide reliable call quality within homes as more customers depend on cellular service over land-line telephones. 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-3a) 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 Extensive Agriculture, which 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. 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 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 monopine tower site is located on a small portion of a 5.76-acre property. Access to the Old Volcano Road is over a half-acre adjacent parcel, also included in this Use Permit. 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.

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."

Both the General Plan and Puna Community Development Plan discuss the importance of protecting native species in order to maintain an ecological balance for the well-being of the island. A formal flora or fauna survey was not submitted with the application. The property is partially vegetated with ferns, grass and 'ōhi'a trees ranging in height from 20-40 feet tall. There is no federally designated critical habitat in the proposed project area. The proposed use will require that an approximately 900-square foot lease area will be cleared on the property. The US Fish and Wildlife Service (USFWS) has not commented on this particular project. According to the USFWS in a similar project, there are five listed animals in the vicinity of the project area, which include the endangered Hawaiian hoary bat, Hawaiian hawk, Hawaiian petrel, band-rumped storm-petrel, and the Newell's shearwater may transit the project area flying to upland breeding colonies. The USFWS recommended several measures to avoid or minimize project impact to these species that the Planning Director agrees should be implemented. Thus, to avoid possible impacts on the listed species, the applicant will be required to implement mitigation measures, as recommended by the USFWS, as conditions of this permit. 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 of Hawai'i 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 900-square foot (30' x 30') portion of a 5.76-acre property with access over an existing paved driveway on an adjacent half-acre parcel. There is an existing church facility on the property, which includes the church hall, office-classroom building and parking area. Special Permit No. 1014 was approved by the Planning Commission on November 20, 1998 to allow the establishment of the church and related improvements on TMK: (3) 1-1-020:086.

On February 19, 1999, the Planning Department approved the consolidation and resubdivision under Final Subdivision Map No. 7083, which separated church and related structures on a 5.760-acre parcel, known currently as TMK: (3) 1-1-020:085. The half-acre remainder property is known currently as TMK: (3) 1-1-020:086, which includes a single-family dwelling and related structures. Properties adjacent to the subject parcel are similarly zoned Agricultural District with a minimum building site of three acres (A-3a). Properties to the east and south of the subject

parcel are undeveloped. Properties adjacent to the west are developed with a single-family dwelling and accessory structures. An Archaeological Inventory Survey (AIS) and Section 106 Review for the project was conducted by SEARCH, Inc. A copy of the Final report is included in the application and was submitted to SHPD for review. The Department of Land and Natural Resources-State Historic Preservation Division (SHPD) issued a "no effect" letter on November 18, 2015 and on February 24, 2016.

The applicant has confirmed that the tower has been changed from a monopole to a monopine to mitigate any aesthetic concerns, the tower height was increased five (5) feet to allow the proposed antenna to blend into the tree. 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 outside of the fencing of the leased area where the tower will be located. If there is landscaping in place, the applicant will be required to identify the existing 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 is from an existing, paved driveway over the adjacent Parcel 086, known as 11-3019 Volcano Road, fronting the Old Volcano Road, which is a two-lane, paved County road. 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 Volcano Village and Kea'au, respectively. 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 properties are located nearly twelve (12) miles to the nearest coastline and are 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 two parcels.

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.