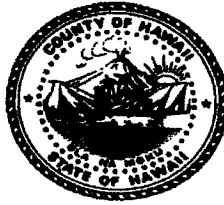


William P. Kenoi
Mayor



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

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 14 2016

Ms. Danette Martin
General Dynamics
c/o MP Property Services
76-6357 Kololia Street
Kailua-Kona, HI 96740

Dear Ms. Martin:

SUBJECT: Use Permit No. USE 16-000063
Applicant: Cellco Partnership dba Verizon Wireless
Approved Use: Construction of an Unmanned 195-Foot Steel Lattice
Telecommunication Tower and Related Improvements
Tax Map Key: 2-5-002: portion of 005

The Windward Planning Commission, at its duly held public hearing on July 7, 2016 voted to approve the above-referenced request to allow the construction of a new, unmanned telecommunication facility that includes a 195-foot tall, four-legged steel lattice telecommunications tower with twelve (12) 8-foot tall panel antennas and related facilities within a 1,500-square foot portion of land. The project site is situated approximately 1,200 feet southwest of Saddle Road near the 8-mile marker, Kaūmana and Ponohawai Homesteads, South Hilo, 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 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 the use. The antenna plans shall be stamped by a structural engineer.

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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. 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 removed during bat breeding season of June 1st to September 15th without first conducting surveys for bat nests and coordinating with US Fish and Wildlife Service if nests are found. Surveys shall be conducted by a qualified biologist.
6. To protect any Hawaiian hawks in the vicinity of the property, clearing and grubbing activities shall not occur in the permit area during hawk breeding season of March to September and goose breeding season of October to March without first conducting surveys for hawk and goose nests and coordinating with US Fish and Wildlife Service if nests are found. Surveys shall be conducted by a qualified biologist.
7. To protect any seabirds (Hawaiian petrels and Newell's shearwaters) in the vicinity of the property, the applicant shall install shielded outdoor lights to direct light downwards.
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. 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.
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:
12.
 - 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.

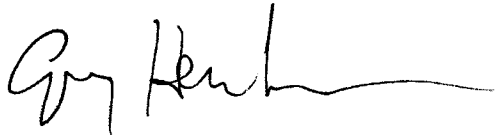
This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies

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

Should you have any questions, please contact Christian Kay of the Planning Department at 961-8136.

Sincerely,



Gregory Henkel, Chairman
Windward Planning Commission

LCellopartnershipUSE16-063wpc
Enclosure: PC Findings Report

cc: Cellco Partnership dba Verizon Wireless
Department of Public Works
County Real Property Tax Division - Hilo
Department of Land & Natural Resources - HPD
State Land Use Commission
US Fish and Wildlife Service
GIS Section

COUNTY OF HAWAI'I
PLANNING COMMISSION FINDINGS

CELLCO PARTNERSHIP DBA VERIZON WIRELESS
USE PERMIT APPLICATION (USE 16-000063)

Based on the following, Use Permit No. 16-000063 is hereby issued to allow the construction of a new telecommunication facility, including a 195-foot tall, four-legged steel lattice telecommunications tower and related facilities within a 1,050 square-foot portion of a 1 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, non-manned telecommunication facility, including a 195-foot tall, four-legged steel lattice telecommunications tower with twelve (12) 8-foot tall panel antennas and related facilities within a 1,500 square-foot portion of a 116-acre parcel of land situated in the County's Agricultural 20-acre (A-20a) zoning district. The project area is located approximately 1,200 feet southwest of Saddle Road near the 8 mile marker, Kaūmana and Ponoahawai Homesteads, South Hilo, Hawai'i, TMK: 2-5-002: Portion of 005.

The applicant, Cellco Partnership dba Verizon Wireless is requesting a Use Permit to allow the construction of a new, non-manned telecommunication facility, including a 195-foot tall, four-legged steel lattice telecommunications tower with twelve (12) 8-foot tall panel antennas. In addition to the tower, the 1,500-square foot (30'x 50') leased area will be used for accessory ground facilities, which include outdoor equipment cabinets and a diesel emergency generator on a concrete slab. The leased area will be surrounded with 6-foot high chain link security fencing with locked gates. The pole will be constructed of structural galvanized steel and built to withstand 105 mph wind load. The proposed facility would be non-manned and maintenance and repair activities will be performed by a technician on a periodic basis. According to the applicant, the telecommunications tower will not interfere with the County's public safety radio system and the facility will be designed to accommodate other carriers (co-location). 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 along Saddle Road and to provide service to the Kaūmana Estates subdivision located within close proximity to the proposed project, by installing a 195' tower near the Hilo Forest Reserve. Much of Saddle Road is without cellular coverage because there is a lack of available utility services towards Kona, after Kaūmana. This is the last approximate location where utilities are available without an excessive cost.

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) zoning 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, Lands not classified as Important Agricultural Land. 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. 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 116-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.

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 1,500 square-foot (30' x50') portion of a 116-acre property. The parcel is vacant of any structures and is overgrown with native and non-native vegetation. Properties adjacent to the east of the subject parcel are similarly zoned A-20a and appear overgrown with vegetation. Properties to the north, south and west of the subject parcel are situated in the State Land Use Conservation District and are part of the Hilo Forest reserve. The Kaūmana City Subdivision is located across Saddle Road to the north east of the subject parcel and the nearest dwelling is located approximately 2,800 feet north east of the project site. Given the distance from the closest dwelling and the 1,200 foot setback from Saddle Road, it is unlikely that there will be a significant visual impact.

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

those utilities will be supplied via overhead lines to a new utility pole in the lease area and via underground lines into the equipment yard. Access to the subject property is from Saddle Road via a pre-existing public right-of-way through the Hilo Forest Reserve. The project area will be accessed from the north corner of the subject parcel over a proposed a 20 foot access road that will be constructed along a new easement from the pre-existing right of way to the wireless **communication tower and fenced equipment yard. As traffic is anticipated to be minimal, the** access to the site on the property is adequate. Water and wastewater disposal are not required for the proposed use and fire and police services are available to the project area in Hilo. 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 approximately 7.5 miles from 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.

An archaeological inventory survey (AIS) and Section 106 Review for the project was conducted by SEARCH, Inc. The Department of Land and Natural Resources-State Historic Preservation Division (SHPD) issued a "no effect" letter on December 17, 2015.

There was no formal flora or fauna survey submitted with the application, however, the Archeological Inventory Survey prepared for this project indicated that the subject parcel is vegetated with native and non-native species including mosses and lichens, koa, 'ohi'a, hapu'u, uluhe, strawberry guava, Christmas-berry, Molucca albizia, white ginger, California grass, and tall bamboo. According to the US Fish and Wildlife Service (USFWS) the federally endangered Hawaiian hoary bat and Hawaiian hawk have been observed in the vicinity of the proposed project. The endangered Hawaiian petrel, and the threatened Newell's Shearwater may transit the project area flying to upland breeding colonies. There is no federally designated critical habitat in the proposed project area. To avoid possible impacts on the identified species, the applicant will be required to implement mitigation measures, as recommended by the USFWS, as conditions of this permit.

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.