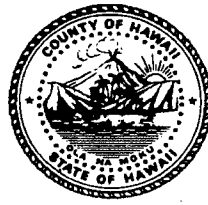


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County of Hawai'i

LEEWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
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JUL - 5 2017

Mr. Steven Sung
Wireless Resources, Inc.
758 Kapahulu Avenue, Suite 100-1062
Honolulu, HI 96816

Dear Mr. Sung:

SUBJECT: Use Permit No. USE 17-000068
Applicant: Verizon Wireless
**Permitted Use: Allows the Construction of a Telecommunication Facility,
Consisting of a 60-Foot Monopalm and Related Antennas
and Equipment**
Tax Map Key: 6-8-002:031

The Leeward Planning Commission, at its duly held public hearing on June 15, 2017 voted to approve the above-referenced request to allow the construction of a new, non-manned telecommunication facility, consisting of a 60-foot tall steel "monopalm" telecommunication tower and related facilities within a 750-square foot portion of a 11.325-acre parcel of land situated in the County's Single-Family Residential (RS-10) zoning district. The project site is situated within Waikoloa Village at 68-3670 Paniolo Avenue situated at the northwest corner of the Paniolo Drive and Pu'u-Nui Street intersection, Waikoloa, South Kohala, 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 'monopalm' telecommunication facility 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. The plans submitted for Final Plan Approval shall depict the areas of inundation found in the 1993 Reid and Associates flood study referenced in the DPW memo dated February 28, 2017. Prior to issuance of Final Plan Approval, if directed by DPW, the applicant shall conduct a flood study to show whether ground alterations for the proposed development will increase base flood elevations, aggravate flooding or otherwise alter drainage patterns with respect to abutting properties. Recommendations of the flood study shall be implemented as approved by DPW.
4. 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.
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 without first conducting surveys for hawk nests and coordinating with US Fish and Wildlife Service if nests are found. Surveys shall be conducted by a qualified ornithologist.
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 protect the endangered yellow-faced bee and Blackburn's sphinx moth, the applicant shall provide a faunal survey, conducted by a qualified biologist, to the Planning Department for review and approval in consultation with the U.S. Fish and Wildlife Service prior to cutting or removal of vegetation from the property. The survey shall attempt to locate yellow-faced bee nests, plants in the *Sida* genus (ilima) that may occur in the general area. In addition, the survey shall attempt to

locate the Blackburn's sphinx moth and larval host plants including beach morning glory, 'ilie'e, maiapilo, tree tobacco, and 'aiea. The survey shall include the disturbed area and extend 200 feet beyond the area of vegetation disturbance and shall be conducted as recommended by the US Fish and Wildlife Service in their memo dated March 6, 2017. The Planning Department shall determine appropriate mitigation measures, if warranted, to minimize impacts on listed species based on the outcome of the survey.

9. 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.
10. 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.
11. 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.
12. 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 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 Christian Kay of the Planning Department at (808) 961-8136.

Sincerely,



Keith F. Unger, Chairman
Leeward Planning Commission

L:\Verizonwireless\USE17-068\lpc
Enclosure: PC Findings Report

cc: Verizon Wireless
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Department of Land & Natural Resources - HPD
US Fish and Wildlife Service
GIS Section

COUNTY OF HAWAI‘I
PLANNING COMMISSION FINDINGS

VERIZON WIRELESS
USE PERMIT APPLICATION NO. 17-000068 (USE 17-68)

Based on the following, Use Permit No. 17-68 is approved and hereby issued by the Planning Commission to allow the construction of a new, non-manned telecommunication facility, consisting of a 60-foot tall steel ‘monopalm’ telecommunication tower and related facilities within a 750-square foot portion of a 11.325-acre parcel of land in the County’s Single-Family Residential (RS-10) zoning district. The property is located within Waikoloa Village at 68-3670 Paniolo Avenue situated at the northwest corner of the Paniolo Drive and Pu‘u-Nui Street intersection, Waikoloa, South Kohala, Hawai‘i, TMK: 6-8-002:031.

VERIZON WIRELESS is requesting a Use Permit to allow the construction of a new, non-manned telecommunication facility, including a 60-foot tall steel ‘monopalm’ tower telecommunication tower with twelve (12) 8-foot tall panel antennas, twelve (12) remote radio head units. The ‘monopalm’ tower will emulate the appearance of a palm tree with the pole made to look like the trunk of a palm tree (painted brown) and imitation palm fronds on top of the pole. Additionally, the antennae will be painted green to match the frond color. In addition to the tower, the 750-square foot (25’x 30’) leased area will be used for accessory ground facilities, which include radio and battery equipment cabinets, an outdoor emergency generator on a concrete slab, one (1) surge protector, and one (1) GPS antenna, which will be ground mounted. The leased area will be surrounded with 8-foot high CMU wall with an entry gate. 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, the proposed 60-foot ‘monopalm’ telecommunications tower will allow Verizon to provide adequate wireless telephone service to the center area of Waikoloa Village, to the school, nearby churches, and surrounding neighborhoods, as well as travelers along Paniolo Avenue. The height will allow sufficient handoff of signals to existing telecommunications towers at the southern part of Waikoloa Village and Huehue Ranch.

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 Single-Family Residential 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 Low Density Urban, which are defined as, "Residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to six units per acre." 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, and the internet.

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 tower site is located on a small portion of an 11.325-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 permit area is a 750-square foot (25' x 30') portion of a larger 11.325-acre in subject parcel. There is a church and daycare facility that has been constructed on the subject parcel, although the facility is only being utilized for daycare. The surrounding lands are similarly zoned RS-10. To the north of the subject property is the Waikoloa Elementary School and single-family dwellings. To the south and east of the subject property are single-family dwellings. To help mitigate possible visual impacts in the immediate area, the 'monopalm' facility will emulate the appearance of a palm tree with the pole made to look like the trunk of a palm tree (painted brown) and imitation palm fronds on top of the pole. Additionally, the antennae will be painted green to match the frond color. In addition, the project area will be surrounded with an 8-foot tall CMU wall and a locked entry gate to obscure the ground facilities.

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. According to the Department of Public Works (DPW), a flood study (hydrology and hydraulic analysis by consulting engineers Reid and Associates dated May 26, 1993) was conducted as a condition of the Use Permit No. 92-00001 which approved the church use on the property. The study determined the potential inundation areas of a one percent chance rainfall event on the subject and adjacent properties from storm drains discharging to them. The report's recommendations include encumbering the identified inundation areas with drainage easements. The area of inundation may affect the access road and utility trench area shown on the Enlarged Site Plan Sheet A-1 (attached to the current Use Permit application). According to current available information, the inundation areas will be considered "flood prone areas" as defined by Hawai'i County Code Chapter 27 and shall be shown on any site plan submitted for permit applications (grading and building permits). Additionally, a flood study may be required to show that ground alterations for the proposed development will not increase base flood elevations, aggravate flooding or otherwise alter drainage patterns with respect to abutting properties. These will be added as a condition of approval for this permit. Electrical and phone services are available from HELCO and Hawaiian Telcom via underground lines from Paniolo Avenue. Access to the subject parcel is from Paniolo Avenue, which is a County-maintained roadway having an 80-foot wide right of way with a pavement width of 64 feet. Access to the project site will be along the northern boundary of the subject parcel via a new, approximately

320-foot long, 12-foot wide dirt road from Paniolo Drive. 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 Waikoloa. 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 4.2 miles from the nearest shoreline and is not situated within 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 T.S. Dye and Associates. A copy of the Final report was submitted to SHPD for review. The Department of Land and Natural Resources-State Historic Preservation Division (SHPD) issued a "no effect" letter on August 7, 2015.

There was no formal flora or fauna survey submitted with the application, however, according to the applicant, the parcel is sparsely vegetated with grass and dirt in the project vicinity. Additionally, the applicant indicated that there appears to be no rare or endangered species of flora and fauna at the location of the proposed tower site. According to the US Fish and Wildlife Service (USFWS) the federally endangered Hawaiian hoary bat, Hawaiian hawk, the Hawaiian petrel, band-rumped storm-petrel, and the threatened Newell's shearwater, may transit the project area flying to upland breeding colonies. There are also two endangered insects, the yellow-faced bee and the Blackburn's sphinx moth found in the area. There is no federally designated critical habitat in the proposed project area. In their memo dated March 6, 2017, the USFWS recommended several measures to avoid or minimize project impact to these species that the Planning Director agrees should be implemented. Additionally, the State Department of Land and Natural Resources - Division of Forestry and Wildlife (DOFAW) commented that the State listed Hawaiian Hoary Bat has the potential to occur in the vicinity of the project area and recommended measures to mitigate impact on the species. To avoid possible impacts on the identified species, the applicant will be required to implement mitigation measures, as recommended by the USFWS and DOFAW, 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.