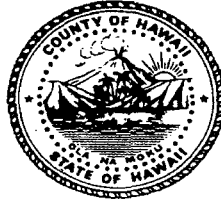


Harry Kim
Mayor



Joseph Clarkson, Chair
Donald Ikeda, Vice Chair
Gilbert Aguinaldo
Donn Dela Cruz
Thomas Raffipiy
John Replogle

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

DEC 6 2018

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

Dear Ms. Martin:

SUBJECT: Use Permit No. USE 18-000076
Applicant: Cellco Partnership dba Verizon Wireless
Permitted Use: Allowed the Establishment of a 198-Foot Tall, Self-Supporting Telecommunications Tower and Related Equipment
Tax Map Key: 1-6-047: portion 062

The Windward Planning Commission, at its duly held public hearing on November 7, 2018, voted to approve the above-referenced request to allow the construction of a new, non-manned telecommunication facility, consisting of a 198-foot tall self-supporting tower and related facilities within a 1,600-square foot lease area on a 3-acre parcel of land situated in the County's Agricultural 3-acre (A-3a) zoning district. The project site is located on 16-1806 Moho Road, approximately 920 feet south of the Kio'ele and Moho Road intersection, Hawaiian Acres 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. The construction and operation of telecommunication facility shall be conducted in a manner that is substantially representative of plans and details as contained within the Use Permit application received May 3, 2018.
3. Construction of the 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

Hawai'i County is an Equal Opportunity Provider and Employer

DEC - 7 2018

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, proposed access driveways and any fencing associated with the use. The antenna plans shall be stamped by a structural engineer. Color swatches shall be provided that will blend the tower with the surrounding landscape (i.e. green on the tower below the tree line, sky blue above the tree line), and the paint color of the tower and antennas shall be selected by the Planning Director at Final Plan Approval.

4. The applicant shall secure and finalize any building permits for the proposed use 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 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 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.
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. The applicant shall implement the avoidance and minimization measures described at the website <https://cms.ctahr.hawaii.edu/rod>, related to the spread of Rapid 'Ōhi'a Death.
9. 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.

10. 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.
11. 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 demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651.
12. 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.
13. 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.

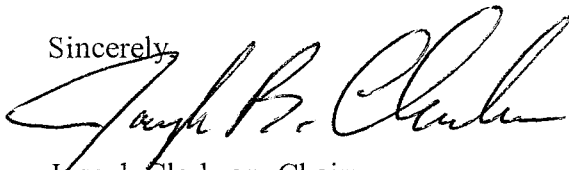
Ms. Danette Martin
General Dynamics
Page 4

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 Maija Jackson of the Planning Department at 961-8159.

Sincerely,



Joseph Clarkson, Chairman
Windward Planning Commission

LCellcopartnershipdbaverizonwirelessUSE18-076wpc
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
 US Fish and Wildlife Service
 Plan Approval Section
 GIS Section

COUNTY OF HAWAI'I
PLANNING COMMISSION FINDINGS

CELLCO PARTNERSHIP DBA VERIZON WIRELESS
USE PERMIT APPLICATION NO. 18-000076 (USE 18-76)

Based on the following findings, Use Permit No. 18-76 is hereby issued to allow the construction of a new, non-manned telecommunication facility, consisting of a 198-foot tall self-supporting tower and related facilities within a 1,600-square foot lease area on a 3-acre parcel of land situated in the County's Agricultural 3-acre (A-3a) zoning district. The location of the subject property is 16-1806 Moho Road, approximately 920 feet south of the Kio'ele and Moho Road intersection, Hawaiian Acres Subdivision, Kea'au, Puna, Hawai'i, TMK: (3) 1-6-047:062.

The applicant is requesting a Use Permit to construct a new, non-manned telecommunication facility, consisting of a 198-foot tall self-supporting tower with twelve (12) panel antennas, twelve (12) remote radio units and their twelve (12) A2 modules, three (3) wireless fiber distribution boxes, and two microwave antennas. The tower, including antennas, will be 190 feet in height and an 8-foot tall lightning rod will be mounted on top, for a total height of 198 feet. It should be noted that the proposed tower height of 198 feet does not allow the use of a tree pole or other stealth design because the faux branches on a tower this height are too heavy and would not meet the County's wind load standard of 105 miles per hour. However, the tower and antennas will be painted to blend in with the surrounding landscape. In addition to the tower and antennas, the 1,600-square foot (40'x 40') leased area would 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 enclosed with a 6-foot high brown vinyl fence and a locked gate. The proposed facility will be unmanned, and maintenance and repair activities will be performed by a technician on a periodic basis. The facility would be designed to accommodate co-location of equipment at least two other wireless service providers. The applicant will comply with all Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) rules. Additionally, the facility will not interfere with the County's public safety radio system.

According to the applicant, a small portion of the Hawaiian Acres subdivision is currently served by the applicant and the majority of the subdivision has little or no wireless coverage. The objective of this project is to allow Verizon to expand wireless telephone and E911 services to the subdivision by adding several cell sites strategically placed to provide coverage to the majority of the residences in the area.

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) 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, which includes lands not classified as important agricultural land because they 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, 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. The applicant evaluated the difference in coverage between a 150-foot tall tower and the proposed 198-foot tall tower and determined that the proposed tower height provides a significant gain in coverage to the southwest and south compared to the 150-foot tall tower.

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. Action 3.4.3(e) of the Puna Community Development Plan (CDP) encourages the enhancement of cell phone service to expand coverage to more remote areas. The telecommunication facility will be located on a small portion of a 3-acre property in the Hawaiian Acres Subdivision, which is forested with scattered farm dwellings throughout. The General Plan identifies views of Mauna Kea and Mauna Loa from various Puna subdivisions as an example of natural beauty in the Puna district. The surrounding properties within the subdivision are heavily vegetated with medium to tall 'ōhi'a and non-native trees which blocks views of these mountains. Additionally, the proposed telecommunication tower will be painted to blend in with the surrounding landscape which will lessen any adverse visual impacts on surrounding properties.

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. In their memo dated July 6, 2018, the State Department of Land and Natural Resources Division of Forestry and Wildlife (DFW) recommended several measures to avoid or minimize project impacts to threatened, listed and endangered species that may roost, nest or flyover the area. The Planning Director agrees these measures should be implemented. Thus, to avoid possible impacts on these species that are protected under the Endangered Species Act which is administered by the U.S. Fish and Wildlife Service (USFWS), the applicant will be required to implement mitigation measures, as recommended by the DFW, 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 proposed facility will be located on a 1,600-square foot portion in the northwest corner of the three-acre property. The parcel is currently vacant of any structures, except for rock walls, and has mostly been cleared of vegetation. The landowner intends to build a house in the middle section of the property and the front 200 feet is partially forested with 'ōhi'a and non-native trees. The surrounding properties are long and narrow and most farm dwellings are situated near the front of the properties and the rear of the properties are forested. Due to the location of the facility towards the rear of the property and the closest dwelling being located about 375 feet north of the lease area, it is unlikely any noise from the ground equipment would adversely affect neighbors. To reduce visual impacts on surrounding properties, the ground equipment will be surrounded by a 6-inch high brown vinyl fence and the proposed telecommunication tower will be painted to blend in with the surrounding landscape. With implementation of these measures, it is unlikely that there will be a significant adverse impact to the community's character or to surrounding properties.

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. Only electrical and telephone services are required for the proposed use and those utilities will be supplied via overhead lines into the lease area. Access to the subject property from Moho Road is sufficient since this is a non-manned facility that will generate very little traffic. Water and wastewater disposal are not required for the proposed use and fire and police services are available from stations in Kea'au. 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 7 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. In a letter dated May 19, 2016, the Department of Land and Natural Resources-State Historic Preservation Division (SHPD) determined that no historic properties will be affected by the proposed use. 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.