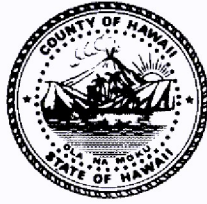


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County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

September 21, 2022

Danette Martin
General Dynamics
76-6357 Kololia Street
Kailua-Kona, HI 96740
VIA EMAIL

Dear Ms. Martin:

SUBJECT: Use Permit Application (PL-USE-2022-000004)
Applicant: Renegade Towers, LLC
Request: To Establish a Telecommunication Facility with a 180-Foot-Tall Monopole and Related Equipment
Tax Map Key: (3) 2-5-002:023, South Hilo, Hawai'i

The Windward Planning Commission, at its duly held public hearing on September 1 2022, voted to approve the above-referenced request to allow the establishment of a telecommunication facility with a 180-foot-tall monopole tower and related equipment and improvements. The project site is located at 3331 Kaūmana Drive, to the south of the Nolemana Street/Kaūmana Drive intersection, Kaūmana and Ponahawai Homesteads, South Hilo, Hawai'i .

Approval of this permit is subject to the following conditions:

1. The applicant, its successors, or assigns (Applicant) shall be responsible for complying with all stated conditions of approval.
2. Construction and operation of the telecommunication facility shall be conducted in a manner that is substantially representative of plans and details as contained within the Use Permit application dated June 23, 2022 and representations made to the Windward Planning Commission.

3. The telecommunication tower and antennas shall be designed to appear as a pine tree in order to reduce visual impacts of the project on the surrounding properties.
4. 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 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 tower/antenna plans shall be stamped by a licensed structural engineer.
5. Prior to commencement of operation of the facility, the Applicant shall secure and finalize any building permits for the proposed use required by the Department of Public Works - Building Division.
6. The Applicant shall install a driveway access apron in conformance with Chapter 22, County Streets, of the Hawai'i County Code. Project access to Kaumana Drive, including the provision of adequate sight distances, shall meet with the approval of the Department of Public Works.
7. Co-location of antennas upon the existing tower and the addition of related support and ground equipment is allowed and encouraged within the parameters of the tower height and ground lease area as approved by the Planning Commission without amendment of this permit or further Plan Approval. Co-location beyond the parameters approved by this permit but that results in less than a 'substantial change' to the tower height and ground lease area, as defined by the Federal Communication Commission, is allowed without amendment of this permit, provided Plan Approval has been issued by the Planning Director for the co-location. Co-location that results in a 'substantial change' to the tower height and ground lease area, as defined by the Federal Communication Commission, requires an amendment of this permit.
8. 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 fifteen (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.

9. 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.
10. 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 the USFWS if nests are found. Surveys shall be conducted by a qualified biologist.
11. 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 determined by the USFWS.
12. In the 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, the Applicant shall 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. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
13. The Applicant shall 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.
14. 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.
15. An initial extension of time for the performance of conditions of the permit may be granted by the Planning Director upon the following circumstances:

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- A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the Applicant 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).
16. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this 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.

Should you have any questions regarding the above, please contact Clinton Mercado of the Planning Department at (808) 961-8038 or by email at clinton.mercado@hawaiicounty.gov.

Sincerely,



Dennis Lin, Chairman
Windward Planning Commission

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Enclosure: PC Findings Report

cc w/out enclosure via email: Michael Miller, Renegade Towers, LLC
Department of Public Works
Department of Water Supply
County Real Property Tax Division
US Fish and Wildlife
GIS Section