County of Hawai'i

WINDWARD PLANNING COMMISSION

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JUN 1 8 2014

Ms. Rebecca Hughes
Cascadia PM
1130 N. Nimitz Hwy, Suite A-200
Honolulu, HI 96817

Dear Ms. Hughes:

Use Permit Application (USE 11-000028)
Applicant: Verizon Wireless/AT&T Mobility
Request: Amend Use Permit No. 11-000028 to Expand Permit Area from 750 to 1,500 Square Feet to Allow Co-Location of Antennas on an Existing 154-Foot Tall Telecommunication Monopole and Related Ground Equipment
Tax Map Key: 1-3-036:040, 041, 042 and 043

The Windward Planning Commission, at its duly held public hearing on June 5, 2014, voted to approve the above-referenced request for an amendment to Use Permit No. 11-000028 to expand the permit area from 750 to 1,500 square feet to accommodate co-location of antennas and ground equipment. Use Permit No. 11-000028 was originally approved to allow the construction of a 154-foot tall steel telecommunication monopole with 8-foot tall panel antennas and related facilities on an approximate 750 square-foot portion of a 1-acre parcel situated in the State Land Use Agricultural District and the County's Agricultural 1-acre (A-1a) zoning District. The property is located at 13-3474 Kupono Street, which is on the west side of Kupono Street, approximately 400 feet north of the intersection of Kupono Street and Leilani Avenue in Leilani Estates Subdivision, Keahialaka, Puna, Hawai'i.

Approval of this amendment is subject to the following conditions:

A. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.

B. Prior to co-location, 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.

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Landscaping shall also be indicated on the plans along the perimeter of the ground lease area for the purpose of mitigating any adverse noise or visual impacts to adjacent properties. The antenna plans shall be stamped by a structural engineer.

C. 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.

D. 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.

E. 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.

F. 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.

G. An initial extension of time for the performance of conditions of the permit may be granted by the Planning Director upon the following circumstances:

1. 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.

2. Granting of the time extension would not be contrary to the General Plan or the Zoning Code.

3. Granting of the extension would not be contrary to the original reasons for the granting of the permit.

4. 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.

Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8142.

Sincerely,

Myles Miyasato, Chairman Pro-tem
Windward Planning Commission

LVerizonat&tmobilityamenduse11-028wpc
Enclosure: PC Findings

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
State DLNR-HPD
Plan Approval Section
Mr. Gilbert Bailado

COUNTY OF HAWAI'I
PLANNING COMMISSION FINDINGS

VERIZON WIRELESS/ AT&T MOBILITY
AMENDMENT TO USE PERMIT NO. 11-28 (USE 11-000028)

In 2011, Verizon Wireless secured Use Permit No. 11-000028 to allow the construction of a 154-foot tall steel monopole and related equipment within a 750-square foot leased area of a 1-acre parcel situated in the State Land Use Agricultural district and the County's Agricultural 1-acre (A-1a) zoned district. The monopole was designed to accommodate the co-location of antennas by three other telecommunication carriers. AT&T Mobility requests to amend Use Permit No. 11-000028 in order to allow the co-location of AT&T equipment on the existing monopole and within a proposed 750-square foot ground lease area. Twelve panel antennas will be placed at the 112-foot level of the existing monopole and will be painted to blend in with the color of the existing monopole. The 750-square foot area that AT&T Mobility proposes to lease will be located west of and adjacent to the existing 750-square foot area leased by Verizon Wireless. A 6-foot high chain link security fence and landscaping will be placed around the perimeter of the proposed lease area to mitigate any adverse noise and visual impacts of the ground equipment. Access to the site will continue to be from an existing gravel driveway from Kupono Street that winds over the subject property and adjacent three properties (TMK's 1-3-036: portions of 40-43). The objective of AT&T Mobility co-locating at this site is to provide infrastructure necessary for wireless coverage in the vicinity of the Leilani Estates community without having to construct an additional new tower. The property is located at 13-3474 Kupono Street, which is on the west side of Kupono Street, approximately 400 feet north of the intersection of Kupono Street and Leilani Avenue in Leilani Estates Subdivision, Keahialaka, Puna, Hawai'i, TMK: 1-3-036: Portions of 40-43. Approval of the request is based on the following findings:

Granting of the amendment request would not be contrary to the original reasons for granting the permit and the request would not be contrary to the General Plan or the Zoning Code. A Special Permit used to be required to establish telecommunication towers and antennas 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. Use Permit 11-000028 was issued to Verizon Wireless on December 12, 2011 to allow construction of the existing 154-foot tall monopole and related ground equipment within a 750-square foot ground lease area.

The Zoning Code encourages wireless companies to co-locate their antennas and equipment on existing towers in order to reduce the number of telecommunication towers around the island, since these towers can often have adverse visual impacts on the surrounding landscape. Section 25-4-12(a) of the zoning code states in part, "Where there is an existing telecommunication tower, co-location of additional antenna or equipment will be permitted provided the director has issued plan approval for such use." Typically a wireless company wanting to co-locate equipment on an existing tower would simply submit plans for approval by the Planning Director. However, in this case an

amendment to the use permit is required because the applicant, AT&T Mobility, is seeking to increase the permit area from 750 square feet to 1,500 square feet, which is contrary to Condition C of the use permit which only allows collocation within the existing "envelope". Condition C states, "Co-location or any expansion of the tower and related facilities within the project site may be allowed within the parameters of the tower height and envelope as approved by the Planning Commission."

Had the original applicant and tower owner, Verizon Wireless, requested a large enough permit area to accommodate ground equipment for themselves and three additional wireless companies, as the tower was designed for, the current applicant, AT&T Mobility would not have needed to amend the use permit. This particular monopole tower was designed to accommodate three additional wireless carriers. In order to encourage other wireless carriers to co-locate on this tower and since the land around the tower has previously been graded and is unlikely to contain historic resources, the Planning Director recommends modifying Condition C to allow co-location without needing to further amend the Use Permit in the future. The amendment request continues to be consistent with the General Plan LUPAG Map designation and Public Utilities element and the Puna Community Development Plan.

The proposed amendment will 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 portion of a 1-acre property. The property is currently vacant of uses and structures. There are larger ohia, albizia and palm trees that are planted to the east of the tower site along Kupono Street. The surrounding properties are similarly zoned A-1a and consist of vacant properties and scattered dwellings. The nearest residence is located to the east directly across Kupono Street. To the east on the adjoining property is the Leilani Estates Community Center.

The Leilani Estates Community Association owns 10 acres in this location. Five (5) acres is located on Moku Street, where the community center is located and five (5) acres is located back to back to the other five acres, which are located on Kupono Street. The majority of the properties owned by the community association has been cleared and landscaped with grass. The proposed antennas will be painted to blend in with the color of the existing monopole tower. Ground equipment will be visually screened by a 6-foot high chain link fence and landscaping.

It is anticipated that the co-location of an additional wireless company 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.

The granting of the proposed amendment 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 use and they are already available to the property. Access to the property will be from Kupono Street, which is a private subdivision road with a 16-foot pavement within a 40-foot right-of-way. 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 Pahoa. Finally, the applicant will meet all applicable agency requirements, including the Federal Communications Commission and the Federal Aviation Administration.

Based on the above, the amendment to Use Permit No. 11-000028 to allow the expansion of the permit area from 750 to 1,500 square feet to accommodate co-location of antennas and ground equipment on a portion of a 1-acre parcel is approved.