BEFORE THE WINDWARD PLANNING COMMISSION

OF THE COUNTY OF HAWAI'I, STATE OF HAWAI'I

In the Matter of the Use Permit Application of CELLCO PARTNERSHIP dba VERIZON WIRELESS (TMK (3) 1-6-102:56)	USE PERMIT APPL. NO. 14-046 FINDINGS OF FACT AND CONCLUSIONS OF LAW AND APPROVAL OF USE PERMIT APPLICATION NO. 14-046 Hearing: Date: June 5, 2014 Time: 10:00 a.m.

FINDINGS OF FACT AND CONCLUSIONS OF LAW AND APPROVAL OF USE PERMIT APPLICATION NO. 14-046

APPLICANT CELLCO PARTNERSHIP dba VERIZON WIRELESS ("**Verizon**"), is seeking a Use Permit under Planning Commission Rule 7 for a proposed non-manned 105-foot tall monopine telecommunication tower and antennas, equipment cabinets, an emergency diesel generator, and a 6-foot high security fence on a lot located in the Tiki Gardens subdivision near the northwest corner of Ainaloa Boulevard and Silversword Court, District of Puna (the "**Project**"). The Project will be designed to accommodate the placement of two (2) other carriers (co-location).

At its meeting held on March 6, 2014, the Windward Planning Commission of the County of Hawai'i ("**Commission**") granted standing to intervene to Daryl Inaba ("**Mr. Inaba**") in the contested case hearing regarding the Project.

On June 5, 2014, the Commission heard testimony in the contested case hearing in the Aupuni Center Conference Room, Hilo, Hawai'i, with Chairman Myles Miyasato presiding. Trisha L. Nishimoto appeared for Verizon; Deputy Corporation Counsel Jennifer Ng appeared

for the Hawai'i County Planning Department ("**Department**"); and Mr. Inaba appeared pro se. Only one person from the public, Ms. Toni Thomson, appeared and testified at the hearing.

This Commission, having reviewed the respective Statement of Issues and Exhibits filed by Verizon, the Department, and Mr. Inaba (collectively, the "**Parties**") by the submitted deadlines, and the Written Testimonies filed by Verizon on May 23, 2014, of which all of the exhibits were entered into evidence; having heard and considered the testimony provided by the public and the Parties' witnesses at the hearing on June 5, 2014; having considered the entire record and file herein; and having heard and considered the arguments of the Parties, makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The land that is the subject of this application consists of approximately 8,100 square feet (the "**Property**"). The Property is identified by tax map key number (3) 1-6-102:056 and is located within the State Land Use Agricultural District, zoned Agriculture 1-acre (A-1a).

2. Because the Project is situated in the County's Agricultural (A-1a) zoned district, a Use Permit is required.

3. The Property is centrally located between two (2) existing Verizon Wireless sites that provide 4G Long Term Evolution ("**LTE**") broadband wireless coverage, one being located at Bryson's Cinders in Pahoa Village and the other located on Pohaku Circle in Orchidland Estates.

4. The owner of the Property, Frank Crabtree, was willing to reach an option agreement with Verizon to purchase the land for the Project, provided that Verizon purchased three additional adjacent lots that he owned.

5. Verizon has indicated that it is in the process of purchasing parcels 54, 55, and 57, as well as parcel 56 on which the proposed tower will be located.

6. The telephone is an essential means of voice communication for the majority of residents in Hawai'i County. Over the last decade, however, the County has seen acceleration in the development of the telecommunications industry. In addition to communication via land lines transmitted through wires on telephone poles, the telecommunications industry now includes technologies such as wireless cellular and digital mobile phones that provide access to the internet/World Wide Web.

7. During the last decade, wireless telecommunications has experienced a dramatic decrease in cost and an increase in availability. Changes in technology and competition in the industry have made wireless communication more affordable to the general public.

8. The Project is an integral part of the infrastructure necessary for wireless coverage to the residents and guests of the Ainaloa Subdivision and the surrounding neighborhoods.

9. Advances in telecommunications are not without cost or concerns. One such concern is the construction and location of telecommunication towers.

10. Telecommunication towers are physical structures to which antennas are attached to facilitate wireless communication.

11. Line-of-sight refers to the imaginary line between a mobile phone antenna and a telecommunication tower. If there are impediments between mobile phone antenna and the telecommunication tower, there may be signal degradation or signal loss. For example, the line-of-sight occurs when a person uses a mobile phone while driving through a tunnel. Most often, communication is lost or unclear.

12. 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.

13. The line-of-sight requirement often necessitates the conspicuous location of many telecommunication towers. As a result, the telecommunications tower is usually much taller than the surrounding structures or vegetation and may negatively impact the scenic nature of a given area.

14. The Project consists of a monopine, which is an antenna monopole disguised as a pine tree, which will help blend in with the surrounding foliage.

15. The proposed tower will have a low power radio frequency ("**RF**") transmitter that provides wireless voice and 4G LTE broadband service within its coverage area.

16. The only noise emitted from the Project is from an air conditioner necessary to maintain correct temperature and humidity in the equipment cabinets and an emergency generator. The noise output of the air conditioning unit is substantially less than any number of uses permitted in this zone (i.e., generators, farm equipment, vehicles, or farm animals).

17. The Property is not located in the Special Management Area.

18. There are no identified coastal recreational resources, coastal scenic and open space resources, coastal ecosystems, and beach or marine resources in the area of the Property.

19. There is no record of a designated public access to the shoreline or mountain areas that traverses the Property.

20. There are already numerous telephone poles and a substantial number of electrical and other utility transmission lines in the vicinity of the Property.

21. In searching for an optimal location for the Project, Verizon's primary design criterion is locating antennas where their RF signals will adequately cover a specified area that lacks coverage.

22. Verizon's practice in site selection is to first search for existing tall buildings or existing towers in areas that would provide the required coverage. If none exist, Verizon looks for suitable land to erect a tower for antennas. Land may not be suitable for a tower if its location will not provide the required coverage, the topography renders it unbuildable, or the subsurface is insufficient for the tower's foundation.

23. The Property for the Project is level and thus buildable. Access to the property already exists from Silversword Court, which is a private gravel road within a 40-foot right-of-way. Only electrical and telephone services are required for the proposed use and are already available to the Property. Fire and police services are also already available. Construction of the Project on the Property therefore minimizes disruption to the environment.

24. In a letter dated January 8, 2014, the County of Hawai'i Police Department recommended that the surrounding landowners' input be obtained and considered before the decision is made to grant Verizon's Application for a Use Permit.

25. Verizon provided notice of its Use Permit application to surrounding landowners as required by Section 25-2-4 of Chapter 25 of the Hawai'i County Code ("**Zoning Code**") in order to allow surrounding landowners the opportunity to timely raise any concerns for consideration by the Commission.

26. Verizon also initially attempted to meet with adjacent landowners to the Property in December 2013, but its agent was unable to make personal contact with any residents when she visited the subdivision. The Tiki Gardens subdivision in which the Property is located also

has no community association for Verizon to provide additional information or to receive any feedback regarding the Project.

27. After Verizon submitted its application, its agent spoke with several residents in the vicinity of the Property requesting more information regarding the monopine. Many of these neighbors responded favorably as the proposed tower will provide better coverage in the area.

28. The Department received three letters of opposition to the Use Permit application from surrounding property owners that own property within the subdivision but do not reside there: Mr. Inaba, Mr. Inaba's wife, and another non-resident couple who live on Oahu. The concerns are that the tower is to be constructed on a small lot with other small lots surrounding it, and there is no protection from possible tower fail.

29. Mr. Inaba, the Intervenor in these proceedings, owns, but does not reside on, two parcels across the street from the Property. There are no residences constructed on Mr. Inaba's properties.

30. Currently, there are no homes constructed within the 105-foot radius from the base of the proposed 105-foot high tower, but homes could be constructed within this radius on surrounding properties in the future.

31. The Project's proposed tower and antennas will be designed to satisfy the requirement for hard survivability for sustained winds of 100 miles per hour pursuant to Zoning Code § 25-2-74, and will also be designed to meet the wind loading standards of 105 miles per hour as specified in the 2006 International Building Code, adopted by the County of Hawai'i as its current building code.

32. Another concern raised by surrounding property owners was the negative visual impact of the tower. This concern is minimized by the proposed construction of a monopine

tower, which serves to minimize any visual impact of the tower by helping it blend with the surrounding foliage.

33. Other issues raised by the surrounding property owners were that the tower would adversely affect the value of their property, and that Verizon could have more diligently researched and pursued more sensible alternatives.

34. Verizon explored many different alternative sites before choosing the Property as the optimal site for the Project, but these alternative sites were either not available for use by Verizon or failed to meet the design criteria for the broadband coverage sought to be provided for this area in Ainaloa.

35. Despite these concerns of certain surrounding property owners, the Project meets the minimum setbacks within the Zoning Code for freestanding towers on the Property, and the proposed construction of the monopine will help minimize any negative visual impacts.

36. The Project will be required to meet all applicable agency requirements, including the Federal Communications Commission, the Federal Aviation Administration, and the Building Division of the County of Hawai'i Department of Public Works.

37. A letter from the President of the Ainaloa Community Association, Mr. Alfred Yadao, was submitted to the Commission in support of Verizon's Use Permit, which stated in relevant part:

> This area has long experienced lack of options or poor-to-nonexistent service from cellular carriers and broadband service providers. The Ainaloa Community Association supports this application to provide improved cellular telephone and wireless internet service for the residents and guests of Ainaloa.

38. Ms. Thomson, a resident of Ainaloa, testified in support of the Project because of the benefits it would provide to the residents and guests of Ainaloa.

39. No resident of Ainaloa nor any resident in the surrounding Tiki Gardens subdivision testified in opposition to the proposed use.

40. The Project will provide Enhanced 911 (E911) service to the surrounding area, which will assist in providing call locations for emergencies.

41. The Project will benefit the community because it will provide increased cell phone and wireless broadband coverage in the area and will be a significant resource for emergency services.

42. To the extent that any of these findings of fact constitute conclusions of law, they shall be so considered and construed.

CONCLUSIONS OF LAW

1. Telecommunication towers and antennas previously required a Special permit to operate within the State Land Use Agricultural District.

2. 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.

3. 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.

4. In considering a Use Permit for any proposed use such as the Project, Rule 7 of the Commission's Rules of Practice and Procedure requires that the granting of the proposed use: (A) shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan; (B) 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) shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

5. The proposed use is consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan.

(a) The Use is Consistent with the General Purpose of the Zoning District

The Property is located in the State Land Use Agricultural District. Haw. Rev. Stat. ("**HRS**") § 205-4.5 governs permissible uses in the State Land Use Agricultural District, and the "[c]onstruction and operation of wireless communication antennas" is an expressly permitted use. See HRS § 205-4.5(18) (2013). The site of the Project's proposed tower, antennas, and appurtenant structures consists of a single lot that is only 8,100 square feet, of which only a small portion will be fenced. The Project will provide a valuable and essential wireless 4G communication service to a large geographical area that is otherwise without such service. Accordingly, the Project's utilization of the Property's resources is a reasonable and cost-effective one and does not result in unnecessary urbanization.

Verizon's island-wide 4G communication network, of which the Project is a part, is an orderly plan to meet actual needs that minimizes the cost of providing the utility of wireless telecommunications through rational development. As an expressly permitted use in the agricultural district under HRS chapter 205, the Project is consistent with, and not contrary to, the general purpose of that zoning district.

(b) The Use is Consistent with the Zoning Code

Pursuant to Zoning Code § 25-2-61(a)(10), telecommunication antennas and towers are permitted uses within the County's Agricultural zoned district so long as a Use Permit is

approved by the Commission. As noted above, the Project will only be on a portion of a single 8,100 square foot lot. This Project will not alter or change any existing uses in the subdivision. The Use is consistent with the Zoning Code.

(c) The Use is Consistent with the County General Plan

The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan, a representation of the document's goals and policies to guide the coordinated growth and development of the County, reflects a graphic depiction of the physical relationship among various land uses. The General Plan designation for the Property is Rural, which allows Telecommunication facilities with the approval of a Use Permit from the Commission.

The General Plan states that in the development and placement of telephone facilities such as telecommunications and cellular towers, the design of the facilities shall consider the existing environment, and scenic view and vistas shall be considered and preserved where possible. The Project is located on a small portion of the Property, and there is a significant public benefit to be gained by the installation of the proposed telecommunication tower for the residents in this area. Thus, the Project is consistent with the goals, policies, and standards of the General Plan.

The Project furthers the following objectives and goals of the General Plan:

¶ 2. **ECONOMIC**

¶ 2.2 GOALS:

(a) Provide residents with opportunities to improve their quality of life through economic development that enhances the County's . . . social environments.

(b) Economic development and improvement shall be in balance with the . . . social . . . environments of the island of Hawaii.

(c) Strive for diversity and stability in the economic system.

(d) Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's . . . social environment.

(e) Strive for an economic climate that provides its residents an opportunity for choice of occupation.

(f) Strive for diversification of the economy by strengthening existing industries and attracting new endeavors.

. . .

¶ 2.3 POLICIES:

. . . .

(f) Support all levels of educational, employment, and training opportunities . . . .

. . . .

(i) Continue to encourage the . . . development and implementation of advanced technologies and processes.

(j) Support the development of high technology industries.

. . . .

(p) Identify the needs of the business community and take actions that are necessary to improve the business climate.

. . . .

¶ 11. <u>PUBLIC UTILITIES</u>

¶ 11.1.2 GOALS:

(a) Ensure that properly regulated, adequate, efficient and dependable public and private utility services are available to users.

(b) Maximize efficiency and economy in the provision of public utility services.

(c) Design public utility facilities to fit into their surroundings or concealed from public view.

¶ 11.1.3 POLICIES:

(a) Public utility facilities should be designed to complement adjacent land uses and shall be operated so as to minimize pollution or disturbance.

(b) Provide utilities and service facilities that minimize total cost to the public and effectively service the needs of the community.

(c) Utility facilities should be designed to minimize conflict with the natural environment and natural resources.

(d) Improvement of existing utility services shall be encouraged to meet the needs of users.

. . . .

¶ 11.3 TELECOMMUNICATIONS

¶ 11.3.2 POLICIES:

. . .

(b) Work with the telecommunications industry to increase the availability of emergency telephones throughout the island.

. . .

(d) Work closely with the telephone company to provide all users with efficient service.

¶ 11.3.3 STANDARD:

(a) 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.

. . . .

¶ 14.1 LAND USE

¶ 14.1.2 GOALS:

(a) Designate and allocate land uses in appropriate proportions and mix in keeping with the social, cultural, and physical environments of the County.

¶ 14.1.3 POLICIES:

. . . .

(c) Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region, and County.

6. The proposed use is not materially detrimental to the public welfare and does not cause substantial, adverse impact to the community's character or to surrounding properties.

(a) The Project Enhances the Public Welfare

The Hawai'i County Council adopted the Puna Community Development Plan ("**CDP**") on September 10, 2008. The Project is consistent with paragraph 3.4.3(e) of the Public Safety section of the CDP, which encourages, "enhancement of cell phone service to expand coverage to more remote areas." In times of an emergency, the Project will provide an alternate source of obtaining real-time information to prepare for or respond to a natural disaster, such as an earthquake or hurricane.

One of the Public Safety objectives of the CDP is to "[i]mprove and broaden communications access for a larger number of residents." The Project helps to achieve this goal by providing 4G wireless services to the residents in the surrounding area. The ability for area residents to have access to the world-wide web will permit children and students of all ages to easily obtain and submit information for educational purposes, and individuals will be provided the opportunity to easily transact business locally, statewide, nationally, and internationally from their homes. This access to enhanced communications enhances the public welfare.

(b) The Project does not Adversely Affect the Surrounding Property

Based on the contested case hearing held on June 5, 2014, considering the submitted exhibits and presented testimonies, and after balancing the various benefits and costs to the surrounding communities resulting from the Project, the Commission concludes that, on the whole, the Project does not adversely affect surrounding property.

RF Emissions: The operation of the antenna does not present health hazards or cause interference with other electronic appliances and equipment. Section 704 of the Telecommunications Act of 1996 (47 U.S.C. 332(c), as amended) recognizes the absence of health hazards from wireless radio wave transmissions and prohibits local authorities from regulating the placement of such towers based on environmental effects, as long as those towers comply with the Federal Communication Commission's guidelines. The Project will be designed to strictly comply with those guidelines.

Noise Impacts: The only source of noise that may be emitted from the Project results from an air conditioner necessary to maintain correct temperature and humidity in the equipment cabinets and a generator to be operated during emergencies and routine maintenance. The resulting noise from the air conditioner is virtually inaudible from farther than 100 feet except

under extraordinarily quiet conditions, and the occasional use of a generator is not a substantial negative impact in this area.

Visual Impacts: Pursuant to the standards set forth in the General Plan, "the design of the facilities shall consider the existing environment, and scenic view[s] and vistas shall be considered and preserved where possible." The existing environment surrounding the Property is a partially developed agricultural subdivision with substantial vegetation, numerous tall trees, overhead utility lines and poles, and no notable *mauka* or *makai* scenic views or vistas.

There are numerous, tall trees on the surrounding properties. The monopine is designed to resemble a pine tree to help blend in with the surrounding foliage and does not represent a significant intrusion into public views. Verizon has offered to mitigate any visual impacts by planting trees on the Property that do not interfere with the antenna signal.

Minimum Setback Requirement: Section 25-4-12(b) of the Zoning Code governs the setback requirement for free-standing antennas and towers and requires a minimum of one foot set back from every property line for every five feet of antenna or tower height. According to this section, the minimum setback for the proposed tower is 21-feet from each property boundary line. The submitted design for the proposed tower demonstrates that the Project meets the minimum setbacks to construct the tower on the Property.

Survivability of Winds: With respect to concerns raised regarding a potential structural failure of the tower in high winds, as noted above, the proposed tower and antennas will be designed to satisfy the requirement for hard survivability for sustained winds of 100 miles per hour pursuant to Zoning Code § 25-2-74, and will also be designed to meet the wind loading standards of 105 miles per hour as specified in the 2006 International Building Code, adopted by the County of Hawai'i as its current building code.

7. The proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection, and other related infrastructure. Only electrical and telephone services are required for the proposed use and each are already available to the Property. No public expenditures for road, street, sewer, water, drainage, or schools or increased police or fire protection are required. The Project enhances police and fire protection by affording wireless voice and data services to remote land areas so that emergency and crime-fighting officials can be contacted in the event of an emergency.

8. The Property is not located in the Special Management Area, and therefore will not be impacted by coastal hazards and beach erosion.

9. The proposed use will not adversely impact coastal resources as there are no identified coastal recreational resources, coastal scenic and open space resources, coastal ecosystems, and beach or marine resources in the area.

10. The proposed use will not have a significant adverse impact on traditional and customary Hawaiian Rights.

(a) An Investigation of Valued Resources Was Conducted

Verizon submitted a "Historic Property Assessment" conducted by T.S. Dye & Colleagues, Archaeologist, Inc., which concluded that there are no historic properties within the immediate vicinity of the proposed Project as determined through its archaeological review. The US Fish and Wildlife Service ("**USFWS**") recommended several conservation measures to minimize potential project impacts to listed species during certain times of the year, namely the Hawaiian Hoary bats, Hawaiian hawks and seabirds. Conditions of approval will be added to reflect the recommendations of the USFWS.

(b) Mitigation of Possible Adverse Effect or Impairment of Valued Resources

Conditions of approval will be added to minimize any possible adverse effect or impairment to any valued resources. Additionally, the property does not abut the shoreline and thus, Hawaiian gathering and fishing rights is not an issue.

(c) Protection of Native Hawaiian Rights

The proposed use will not affect traditional Hawaiian rights and no action is necessary to protect such rights.

11. Approval of the Use Permit is made with the understanding that Verizon 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 Property. 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, and the failure to comply with such requirements will be considered a violation that may result in enforcement action by the Department and/or the affected agencies.

12. Based upon the foregoing considerations and the substantial evidence provided in these proceedings, this Commission determines that the Project meets the guidelines for approval of a Use Permit.

13. To the extent that any of these conclusions of law constitute findings of fact, they shall be so considered and construed.

APPROVAL OF USE PERMIT APPLICATION NO. 14-046

In accordance with the foregoing Findings of Fact and Conclusions of Law, the Commission hereby APPROVES Use Permit Application No. 14-046 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 proposed development 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. Landscaping shall also be indicated on the plans along the perimeter of the 1,050 square-foot fenced equipment 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.

3. The tower shall be constructed as represented in the tower design plans as a "monopine" tower as indicated in the Planning Department's Exhibit 1 to its Recommendation to Approve the Application for Use Permit.

4. 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 Commission.

5. 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.

6. To protect the endangered Hawaiian hoary bat during breeding and pup-rearing season, woody vegetation greater than 15 feet in height shall not be removed or trimmed between June 1 and September 15 throughout the construction and ongoing operation of the proposed development.

7. To protect the endangered Hawaiian hawk during breeding season of March to September, prior to clearing vegetation during this period, the applicant shall conduct surveys for nests and coordinate the protection of found nests with the U.S. Fish and Wildlife Service.

8. To minimize impacts to seabirds in Hawai'i, all exterior lighting shall be shielded.

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:

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 Department may initiate procedures to revoke the permit.

DATED: Hilo, Hawai'i, August 14, 2014.

PLANNING COMMISSION, COUNTY OF HAWAI'I

MYLES MIYASATO, Chairman

BEFORE THE WINDWARD PLANNING COMMISSION

OF THE COUNTY OF HAWAI'I, STATE OF HAWAI'I

In the Matter of the Use Permit Application of CELLCO PARTNERSHIP dba VERIZON WIRELESS (TMK (3) 1-6-102:56)	USE PERMIT NO. 14-046 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document was served upon the following in the manner indicated below on AUG 14 2014:

Kelly G. LaPorte, Esq. Trisha Nishimoto, Esq. 1000 Bishop Street, 12th Floor Honolulu, HI 96813-4216	Attorneys for Applicant CELLCO PARTNERSHIP dba VERIZON WIRELESS ***Via U.S. Mail, postage prepaid***
Mr. Daryl Inaba 67-1308 La'ikealoha Street Kamuela, HI 96743	Intervenor, Pro Se ***Via U.S. Mail, postage prepaid***
William Brilhante, Esq. Jennifer Ng, Esq. Office of the Corporation Counsel 101 Aupuni Street, Suite 325 Hilo, HI 96720	Attorneys for Planning Director DUANE KANUHA ***Via hand delivery***
Margaret Masunaga, Esq. Office of the Corporation Counsel 101 Aupuni Street, Suite 325 Hilo, HI 96720	Attorney for the Windward Planning Commission ***Via hand delivery***

DATED: Hilo, Hawai'i, AUG 14 2014.

Myles Miyasato, Chairman
Windward Planning Commission