



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

JUL 22 2014

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

Dear Ms. Hughes:

Use Permit Application (USE 14-000048)

Applicant: AT & T Mobility

Request: To Allow the Establishment of a 185-Foot Telecommunication Monopole and Related Equipment on a Portion of a 2-Acre Property

Tax Map Key: 1-1-038:002

The Windward Planning Commission, at its duly held public hearing on July 3, 2014, voted to approve the above-referenced request for a Use Permit to allow the construction of a new telecommunication facility, including a 185-foot tall steel monopole with 8-foot tall panel antennas and related facilities within a 5,625 square-foot portion of a 2-acre parcel situated in the State Land Use Agricultural district and the County's Agricultural 3-acre (A-3a) zoned district. The project site is situated on the northeast corner of Rose Street and Hibiscus Street intersection, Crescent (Fern) Acres, Kea'au, Puna Hawai'i.

Approval of this request is based on the following:

AT&T Mobility is requesting a Use Permit to construct a 185-foot tall steel monopole with twelve (12) 8-foot panel antennas mounted on top of the monopole. The monopole would be designed to also accommodate the placement other carriers (co-location). In addition to the monopole, the 5,625 square-foot (75' x 75') leased area would be used for accessory ground facilities, which includes radio and battery equipment cabinets and an outdoor emergency generator within a 11.5-foot by 20-foot shelter. The leased area would be fenced with 8-foot high chain link security fencing. The proposed facility would be unmanned, and maintenance and repair activities will be performed by a technician on a periodic basis. The pole will be constructed of structural galvanized steel

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and built to withstand 105 mph wind. The applicant will comply with all Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) rules. Additionally, the monopole will not interfere with the County's public safety radio system.

The objective of this tower site is to improve coverage in a one-mile radius in the Mountain View residential area. Coverage will be improved to provide better call quality within the homes as customers depend more on cellular service over land-line telephone services in Hawai'i. Lastly, the proposed project will increase data speeds for internet connection, video services and phone applications.

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-3a) zoned 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 Rural, which includes existing subdivisions in the State Land Use Agricultural and Rural districts that have a significant residential component. Typical lot sizes vary from 9,000-square feet to two acres. These subdivisions may contain small farms, wooded areas, and open fields as well as residences. Allowable uses within these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities. The Rural designation does not necessarily mean that these areas should be further subdivided to smaller lots. Most lack the infrastructure necessary to allow further subdivision. 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, the internet and World Wide Web.

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 telecommunication 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 a 2-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.

Lastly, the Puna Community Development Plan (CDP) was adopted by the Hawai'i County Council on September 10, 2008. The request is consistent with Action 3.4.3.(e) under the Public Safety and Sanitation Services section in the plan, which states "Encourage enhancement of cell phone service to expand coverage to more remote areas."

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 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 project site is a 5,625 square-foot (75' x 75') portion of a 2-acre property. There is an existing dwelling that was constructed in 1998 on the

eastern portion of the property. The remainder of the property is undeveloped. The surrounding properties are similarly zoned A-3a and consist of scattered dwellings, agricultural uses and vacant land. There are several dwellings just north and one just south of the subject property. There are no dwellings within 200 feet from the tower site.

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. 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 Hibiscus Street and then onto Rose Street, which is a private road that has an approximately 20-foot gravel road within a 50-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 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 approximately ten (10) miles to 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. 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.

Based on the above, the request to construct an unmanned, 185-foot monopole, antennas and related improvements is hereby approved by the Planning Commission. Approval of this request 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 monopine/monopalm, as proposed by the applicant, 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 750 square-foot project site 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. 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.
4. Prior to the issuance of Final Plan Approval, the applicant shall secure and finalize any building permits for the subject property required by the Department of Public Works Building Division.

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. 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.
7. 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.
8. 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.

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.

Ms. Rebecca Hughes
Cascadia PM
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Approval of this permit is based on the reasons given in the attached Findings Report.

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

Sincerely,



Myles Miyasato, Chairman
Windward Planning Commission

LA&tMobilityuse14-048wpc
Enclosure: PC Findings Report

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

**COUNTY OF HAWAI'I
PLANNING DEPARTMENT FINDINGS**

**AT&T MOBILITY
USE PERMIT APPLICATION (USE 14-000048)**

AT&T Mobility is requesting a Use Permit to construct a 185-foot tall steel monopole with twelve (12) 8-foot panel antennas mounted on top of the monopole within the Fern Acres Subdivision on TMK: 1-1-038:002. The monopole would be designed to also accommodate the placement other carriers (co-location). In addition to the monopole, the 5,625 square-foot (75' x 75') leased area would be used for accessory ground facilities, which includes radio and battery equipment cabinets and an outdoor emergency generator within a 11.5-foot by 20-foot shelter. The leased area would be fenced with 8-foot high chain link security fencing. The proposed facility would be unmanned, and maintenance and repair activities will be performed by a technician on a periodic basis. The pole will be constructed of structural galvanized steel and built to withstand 105 mph wind. The applicant will comply with all Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) rules. Additionally, the monopole will not interfere with the County's public safety radio system.

The objective of this tower site is to improve coverage in a one-mile radius in the Mountain View residential area. Coverage will be improved to provide better call quality within the homes as customers depend more on cellular service over land-line telephone services in Hawai'i. Lastly, the proposed project will increase data speeds for internet connection, video services and phone applications.

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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 a 2-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.

Lastly, the Puna Community Development Plan (CDP) was adopted by the Hawai'i County Council on September 10, 2008. The request is consistent with Action 3.4.3.(e) under the Public Safety and Sanitation Services section in the plan, which states "Encourage enhancement of cell phone service to expand coverage to more remote areas."

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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 ten (10) miles to 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. 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.

Based on the above, Use Permit No. 14-000048 is approved to allow an unmanned, 185-foot monopole, antennas and related improvements on Tax Map Key: 1-1-038:002.