County of Hawai'i

LEEWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720

Phone (808) 961-8288 • Fax (808) 961-8742

APR - 4 2016

Mr. Steven Sung
Wireless Resources
758 Kapahulu Avenue, Suite 100-1062
Honolulu, HI 96816

Dear Mr. Sung:

SUBJECT: Use Permit No. 15-000060 (USE 15-000060)
Applicant: Cellco Partnership dba Verizon Wireless
Approved Use: Construction of a 60-Foot Steel Monopalm and Related Improvements
Tax Map Key: 7-9-003:008 (por.)

The Leeward Planning Commission, at its duly held public hearing on March 17, 2016, voted to approve the above-referenced request to allow the construction of a new telecommunication facility, including a 60-foot tall steel monopalm and related facilities within a 750-square foot portion of a 13.859-acre parcel situated in the County's Agricultural 5-acre (A-5a) zoning district. The project site is situated on Hooper Road, approximately 700 feet south of the Kao Road-Hooper Road intersection, Portion of Honalo-Kawanui 1st, North Kona, 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. Construction of the monopalm 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 antenna plans shall be stamped by a structural engineer.

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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. 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 removed during bat breeding season of June 1st to September 15th without first conducting surveys for bat nests and coordinating with US Fish and Wildlife Service if nests are found. Surveys shall be conducted by a qualified biologist.

7. To protect any Hawaiian hawk in the vicinity of the property, clearing and grubbing activities shall not occur in the permit area during hawk breeding season of March to September without first conducting surveys for hawk and coordinating with US Fish and Wildlife Service if nests are found. Surveys shall be conducted by a qualified biologist.

8. To protect any endangered seabirds (Hawaiian petrels and Newell's shearwaters) in the vicinity of the property, all outdoor lights shall be shielded outdoor to direct light downwards.

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. All exterior lighting shall be shielded.

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 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 Report.

Should you have any questions, please contact Christian Kay of the Planning Department at 961-8136.

Sincerely,

Brandi K. Beaudet, Chairman
Leeward Planning Commission

LCellcopartnershipUSE15-060lpc
Enclosure: PC Findings Report

cc: Mr. John Johnson, Landowner
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 & Wildlife Service
Mr. Gilbert Bailado

COUNTY OF HAWAI'I
PLANNING COMMISSION FINDINGS

CELLCO PARTNERSHIP DBA VERIZON WIRELESS
USE PERMIT APPLICATION (USE 15-000060)

Based on the following, Use Permit No. 15-000060 is hereby issued to allow the construction of a new telecommunication facility, including a 60-foot tall steel monopalm and related facilities within a 750 square-foot portion of a 13.859 acre parcel is approved by the Planning Commission.

CELLCO PARTNERSHIP DBA VERIZON WIRELESS is requesting a Use Permit to allow the construction of a new telecommunication facility, including a 60-foot tall steel monopalm and related facilities within a 750 square-foot portion of a 13.859 acre parcel situated in the County's Agricultural 5-acre (A-5a) zoning district. The property is located on Hooper Road, approximately 700 feet south of the Kao Road-Hooper Road intersection, Por. Honalo-Kawanui 1st, North Kona, Hawai'i, TMK: 7-9-003:008 (por.).

The applicant, Cellco Partnership DBA Verizon Wireless is requesting a Use Permit to construct a 60-foot tall steel monopalm with twelve (12), 8-foot panel antennas mounted on top of the monopalm, which will emulate the appearance of a palm tree with the pole made to look like the trunk of a palm tree (painted brown) and imitation palm fronds on top of the pole. Additionally, the antennae will be painted green to match the frond color. The facility would be designed to also accommodate at least one other carrier (co-location). In addition to the monopalm, the 750-square foot (25' x 30') leased area would be used for accessory ground facilities, which includes electronic radio and battery equipment cabinets and an outdoor emergency generator on a concrete slab. The leased area would be surrounded with a 6-foot tall CMU wall with a lava rock finish and a locked entry gate. 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 load. The applicant will comply with all Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) rules. Given the monopalm's shorter height and distance from the airport, lighting is not required. Additionally, the monopalm facility will not interfere with the County's public safety radio system.

The objective of this project is to allow Verizon to provide adequate wireless telephone service to the residences and businesses of the Honalo as well as travelers passing through along Māmalahoa Highway. The height of the facility will also allow sufficient handoff of signals to existing telecommunication towers at Keauhou and Kealakekua.

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-5a) 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 polices 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 designations for this property are Important Agricultural Lands and Low Density Urban. Important Agricultural Lands are those lands with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors. Low Density Urban lands are primarily residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to six units per acre. Telecommunication facilities may be allowed on lands with these LUPAG designations 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. These 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.

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 750-square foot portion of a larger 13.859-acre property. In order to mitigate possible visual impacts, the monopalm facility will emulate the appearance of a palm tree with the pole made to look like the trunk of a palm tree (painted brown) and imitation palm fronds on top of the pole. Additionally, the antennae will be painted green to match the frond color. 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.

The Kona Community Development Plan, adopted by the Hawai'i County Council by Ordinance No. 08-131 on September 25, 2008. The parcel is partially located within the Rural Town TOD area of Honalo. According to Section 4-2.2, Overall Land Use Strategy indicates that *"outside of the Kona Urban area, the character of the rural towns shall prevail. This means that limited future growth should be directed to the existing rural towns and villages in a way that revitalizes and enhances the existing rural lifestyle and culture of those communities. Outside of these towns and villages, the protection of important agricultural land is a priority objective."* The subject property is located partially inside Honlao Rural TOD where future growth should be directed. In addition, there will be minimal impact to the agricultural use of the land as only a 750-sqare foot portion of the 13.859 acre subject parcel will be used for the proposed telecommunication facility.

Based on the above, the request is consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, County General Plan, and Kona CDP.

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 750 square-foot (25' x 30') portion of a 13.859-acre property which is primarily used as a coffee farm. The property is fronted by a stacked rock wall and contains an agricultural shed.

Properties to the north and east of the subject property are zoned Agricultural (A-20a and A-5a) and consist of farm uses and vacant land. The property adjacent to the south is split-zoned Family-Agricultural and Agricultural (Fa-2a and A-5a) with a single-family residence. The property adjacent to the west is zoned Multiple Family Residential (RM-1.25) and consist of the Kona Coffee Villas townhomes.

To help mitigate possible visual impacts in the immediate area, the monopalm facility will emulate the appearance of a palm tree with the pole made to look like the trunk of a palm tree (painted brown) and imitation palm fronds on top of the pole. Additionally, the antennae will be painted green to match the frond color. In addition, the project area will be surrounded with a 6-foot tall CMU wall with a lava rock finish and a locked entry gate to obscure the ground facilities.

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 project site will be from Hooper Road via a new 63-foot long, 12-foot wide access road to be constructed for the project. According to the Department of Public Works, Hooper road is in poor condition with pavement widths of 16-feet which narrow into approximately 9-feet fronting the subject property. In addition, Hooper Road is not presently maintained by the County of Hawai'i. 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 Honalo. 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. There was no archaeological survey submitted with the application, however the Department of Land and Natural Resources-State Historic Preservation Division (SHPD) issued a "no effect" letter on August 31, 2015. There was no flora or fauna survey submitted with the application. According to the applicant, the parcel is vegetated with coffee trees, a coconut palm, grasses and other various wild vegetation, including 15-40-foot tall trees nearby. According to the United States Fish and Wildlife Service (USFWS), the endangered Hawaiian Hawk and Hawaiian Hoary Bat have been observed in the vicinity of the proposed project. In addition, the endangered Hawaiian Petrel, and the threatened Newell's shearwater may transit the project area. USFWS recommended mitigation measures will be included as conditions of approval of this permit. The subject property is located over 1.8 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.