

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

MINUTES
OCTOBER 3, 2024

(Continuance of Meeting Originally Convened on September 5, 2024, at 1:00 p.m.)

A video recording is made part of these minutes, which can be viewed on the YouTube County of Hawai‘i Planning Department channel at

https://www.youtube.com/live/YN4kgDtQYH0?si=fQcb9mF0_ZQAPRZJ

Timestamps are provided for reference in accordance with the provisions of Chapter 92, Hawai‘i Revised Statutes. In the event the video recording becomes unavailable at the abovementioned URL address, the public can contact the Planning Department for assistance.

The Windward Planning Commission met in a continued meeting which originally convened on Thursday, September 5, 2024, at 1:00 p.m., on October 3, 2024, at 1:54 p.m. in the County of Hawai‘i, Council Chambers, 25 Aupuni Street, Hilo, Hawai‘i, with Chairman Dennis Lin presiding. This meeting was streamed live on YouTube.

COMMISSIONERS PRESENT: Dennis Lin (Chairman), Louis Daniele III (Vice Chairman), Lauren Balog, and Wayne De Luz.

COMMISSIONER ABSENT AND EXCUSED: Chantel Perrin

ALSO PRESENT: Suzanna Tiapula, Esq. (Counsel to the Commission), Jean Campbell, Esq. (Counsel to the Planning Department), and Zendo Kern (Planning Director), and Planning Department staff.

Approximately three members of the public were in the audience.

CONTINUED NEW BUSINESS

8. INITIATOR: PLANNING DIRECTOR (PL-PDI-2024-000008)

The Planning Director has initiated an ordinance to amend Chapter 25 (Zoning), Article 2, Article 4, Article 5, and Article 7 of the Hawai‘i County Code 1983 (2016 Edition, as amended) relating to telecommunication antennas and towers. The purpose is to remove the requirement for a use permit to establish telecommunication antennas and towers in certain zoning districts, add application requirements, and amend standards for the establishment of telecommunication antennas and towers.

The Commission took up this item at 1:54 p.m. with three public members in the audience. [SEE YOUTUBE TIMESTAMP 0:01]

Chairman Dennis Lin stated this is a continued hearing for this agenda item and public testimony was concluded at the last hearing on September 4, 2024, and no further testimony will be

allowed on this item. He mentioned the Commission will continue to discuss, deliberate, decide and/or act upon this item. *[SEE YOUTUBE TIMESTAMP 0:58]*

Chairman Dennis Lin gave an overview of where the Commission left off at the last meeting on September 5, 2024. He stated at the last meeting, a motion was made for the Commission to forward a favorable recommendation on PL-PDI-2024-000008 and the Commission voted to continue the item to today's meeting to allow for further discussion with emergency services personnel regarding how they consider siting a radio or telecommunications tower. *[SEE YOUTUBE TIMESTAMP 1:11]*

Tracie-Lee Camero provided an update on the Planning Department's revisions to the ordinance since the last Windward Planning Commission meeting on September 5, 2024, as shown in Exhibit 2A. The revisions included the highlighted sections on Pages 3 and 4, which pertain to a report on collocation. Specifically, the revisions require a map showing the coverage areas of existing towers and telecommunication facilities developed by government agencies, which will be exempt from the requirements outlined in this Chapter, to prioritize public health, safety, and welfare. *[SEE YOUTUBE TIMESTAMP 1:43]*

County of Hawai'i Emergency Services personnel Major Jeremy Evangelista, Technical Services Division from the Police Department and Administrator Talmadge Magno from Civil Defense Agency were present. Chairman Dennis Lin requested clarification on how the emergency agencies use radio and telecommunication towers, as well as how they identify and choose locations, given that the proposed amendment exempts emergency agencies from the existing rule. *[SEE YOUTUBE TIMESTAMP 3:25]* In response to siting towers Major Jeremy Evangelista responded that assistance is asked from Civil Defense as they manage the County's land, mobile, radio network and input is given to Civil Defense identifying gaps in within the communications for land, mobile, radio use and that helps determine which sites needs new towers. *[SEE YOUTUBE TIMESTAMP 4:19]* Administrator Talmadge Magno provided comments stating that the County's infrastructure remains intact, except for the need to rebuild the Puna Geothermal Venture (PGV) site, which was impacted by the 2018 lava flow. He also mentioned that there are no current plans to add new towers to the County's site. Administrator Talmadge Magno explained that, due to the mountainous terrain on the Big Island, over twenty (20) repeater sites are needed to route signals around the mountains. *[SEE YOUTUBE TIMESTAMP 4:48]*

The Commission and Director Zendo Kern had asked questions of the emergency services personnel. Chairman Dennis Lin asked about the process the agency follows when searching for a new tower location. Specifically, how the location is determined and whether there is any public process to notify surrounding property owners, regardless of whether the site is on State or private land. In response, Administrator Talmadge Magno provided an example of the new emergency communication center on Mohouli, which had to undergo the permitting process. The community had the opportunity to provide comments, and the Federal Aviation Administration (FAA) was involved since the site was in a flight path. Director Zendo Kern asked whether an Environmental Assessment (EA) is required for a tower if it is to be developed in a remote area or on private land. In response, Administrator Talmadge Magno stated that he would think an Environmental Assessment (EA) is required, but it also depends on the scope of the work. *[SEE YOUTUBE TIMESTAMP 6:57]*

Chairman Dennis Lin expressed concern that the public may not be informed when new government projects are implemented. He noted recent cases where the public lacked notification and information about developments. He also asked whether new projects would be on private, State, or County land, and if property owners near private land projects would be notified. Administrator Talmadge Magno responded that there are existing stations on private land and co-locations on County and State sites. He added that any new private projects would need to go through the building compliance permit process. *[SEE YOUTUBE TIMESTAMP 8:58]*

Chairman Dennis Lin asked Director Zendo Kern whether there would be a public process that the agency would still have to go through under the proposed ordinance. Director Zendo Kern responded, “No.” The agency would be exempt from the public process, and the procedure would be like the Plan Approval process. There was also some discussion about eminent domain. *[SEE YOUTUBE TIMESTAMP 10:26]*

Vice Chairman Louis Chair Daniele asked if the towers are separate, co-located on existing ones, or a mix of both. Administrator Talmadge Magno explained that the County has its own towers on County and private property, and they also co-locate on State sites. Vice Chairman Louis Daniele then asked if the towers are only for emergency services or shared with other carriers like AT&T. Administrator Talmadge Magno replied that some towers are co-located with other agencies, such as State and Federal, but likely don’t include cellular carriers. Director Zendo Kern added that the language specifies government-built telecommunication facilities are for their own use. *[SEE YOUTUBE TIMESTAMP 13:17]*

Chairman Dennis Lin stated that at the September 5, 2024, meeting, there was a motion on the floor to forward a favorable recommendation to the County Council regarding this agenda item. The motion was made by Commissioner Matthias Kusch, who has since resigned to become the Representative for District 1 of Hawai‘i Island. Chairman Dennis Lin noted that he himself seconded the motion. *[SEE YOUTUBE TIMESTAMP 6:33:39, YouTube September 5, 2024, video https://www.youtube.com/live/l6bnX_u9q2w?si=-He-lvS6HXmxOzbc]* A roll call vote was taken on the original motion, which included the changes made by the Planning Director as shown in Exhibit 2A. The motion passed with four ayes (Balog, Daniele, De Luz, and Lin), no noes, and one excused (Perrin). *[SEE YOUTUBE TIMESTAMP 16:39]*

This hearing item ended at 2:11 p.m.

Chairman Dennis Lin asked the Planning Department staff when Councilmember Evans’ proposed telecommunications bill would be heard by the Commission. Planning Program Manager Maija Jackson responded that it will be on your November 1, 2024, agenda.

ADJOURNMENT *[SEE YOUTUBE TIMESTAMP 18:00]*

There being no further business, it was moved by Vice Chairman Louis Daniele and seconded by Commissioner Lauren Balog that the meeting be adjourned. A voice vote was taken, and the motion carried with all in favor.

Chairman Dennis Lin adjourned the meeting at 2:12 p.m.

Respectfully submitted,

Melissa Dacayanan-Salvador

Melissa Dacayanan-Salvador (Nov 2, 2024 13:45 HST)

Melissa Dacayanan-Salvador
Secretary

ATTEST:



November 03, 2024 07:11 PM

Dennis Lin, Chairman

Windward Planning Commission