

COUNCIL OF THE COUNTY OF MAUI
**HUMAN SERVICES AND
ECONOMIC DEVELOPMENT COMMITTEE**

December 6, 2002

Committee

Report No. 02-183

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Human Services and Economic Development Committee, having met on November 14, 2002, makes reference to County Communication No. 00-245, from Councilmembers G. Riki Hokama and J. Kalani English, proposing that a Subcommittee on Communications Infrastructure be created.

Your Committee notes that it previously reported on this matter in Committee Report No. 02-152. In that report, your Committee recommended that a proposed resolution entitled "URGING THE ADMINISTRATION TO ADOPT A VISION STATEMENT AND POLICY GOALS FOR THE COUNTY OF MAUI RELATING TO COMMUNICATIONS INFRASTRUCTURE" be adopted. At its meeting of November 1, 2002, the Council adopted Committee Report No. 02-152 (Resolution No. 02-147).

Your Committee further notes that it is continuing its review of the Subcommittee on Communications Infrastructure's report dated September 12, 2002. The report referred a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.26 AND TITLE 19, MAUI COUNTY CODE, RELATING TO TELECOMMUNICATIONS FACILITIES", and requested consideration of various issues relating to the draft bill.

The purpose of the bill is to amend Chapter 16.26 and Title 19 of the Maui County Code to: (1) minimize the number of transmission towers throughout the County; (2) encourage the collocation of telecommunication facilities; (3) encourage the use of existing buildings, light or utility poles or water towers as opposed to construction of new telecommunication towers; (4) recognize the need of telecommunication providers to build out their systems over time; and (5) ensure that all telecommunication facilities, including towers, antennas, and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the County, and minimize public inconvenience and disruption.

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Your Committee further notes that the proposed bill was separated into two draft bills, one to amend Chapter 16.26 and the other to amend Title 19 because only the bill amending Title 19 must be referred to the planning commissions pursuant to Section 8-8.6 of the Charter. The proposed bills are as follows:

1. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.26, MAUI COUNTY CODE, RELATING TO TELECOMMUNICATIONS FACILITIES".

The purpose of the draft bill is to amend Section 16.26.106 of the Maui County Code to delete Section 106.6, relating to wireless telecommunication towers and related facilities in Interim zoning districts.

2. "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO TELECOMMUNICATIONS FACILITIES".

The purpose of the draft bill is to amend Title 19 of the Maui County Code to add a new chapter relating to telecommunication facilities siting requirements and procedures.

By correspondence dated October 24, 2002, your Committee Chair requested that the Department of Planning provide: (1) written comments and suggested revisions to the draft legislation relating to Title 19; (2) a list of view planes that should be protected in Maui County; and (3) an inventory listing and a map of interim-zoned areas in Maui County.

By correspondence dated October 24 2002, your Committee Chair requested that the Department of Public Works and Waste Management provide written comments and suggested revisions to the draft legislation relating to Title 19.

By correspondence dated November 7, 2002, the Department of the Corporation Counsel transmitted a proposed bill entitled "A BILL FOR AN

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ORDINANCE AMENDING CHAPTER 16.26, MAUI COUNTY CODE, RELATING TO TELECOMMUNICATIONS FACILITIES IN THE INTERIM ZONING DISTRICT". The purpose of the proposed bill is to amend Subsection 16.26.106.6 to establish procedures for the issuance of building permits for wireless telecommunications towers located within the Interim zoning district.

At its meeting, your Committee met with the Director of Public Works and Waste Management, a Staff Planner from the Department of Planning, a Police Captain from the Department of Police, and a Deputy Corporation Counsel.

Your Committee received the following documents:

1. Correspondence dated November 13, 2002 from the Planning Director, providing preliminary comments on the draft legislation, comments on view planes, and a listing of interim-zoned areas in Maui County.
2. Correspondence dated November 13, 2002, from the Director of Public Works and Waste Management, providing comments on the draft legislation and view planes.

The Deputy Corporation Counsel provided an overview of the proposed bill relating to telecommunications facilities in the Interim zoning district, which was submitted at your Committee's request. He informed your Committee that he deleted the reference in Section 16.26.106.6 relating to a moratorium and the sunset date and added the site plan approval process for wireless communications towers. He further stated that this section can be deleted once the draft bill relating to Title 19 is finalized.

The Staff Planner provided an overview of his Department's comments on the draft bill relating to Title 19. He stated that pristine vistas affect all areas of the County and that mitigating the obstructions to the view planes should be required. He recommended that the telecommunications industry participate in establishing standards for the towers and antennas, which are required by the 1996 Telecommunications Act to be "technically feasible".

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The Director of Public Works and Waste Management provided an overview of his Department's comments on the draft bill relating to Title 19. He stated that the Department agreed with the draft bill's approach which encourages collocation and requires additional documentation and public review for freestanding transmission towers. He further stated that an acceptable tower height and number of towers may vary between different locations in the County even though the zoning may be the same. The Director provided comments regarding performance bonds and collocation of additional antennas on existing transmission towers.

After further discussion, your Committee voted to recommend that the proposed bill amending Chapter 16.26 of the Maui County Code, relating to telecommunications facilities in the Interim zoning district be passed on first reading and be ordered to print, and that the county communication be referred to the Council Chair for the 2003-2005 Council term.

Your Human Services and Economic Development Committee **RECOMMENDS** the following:

1. That Bill No. _____ (2002), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.26, MAUI COUNTY CODE, RELATING TO TELECOMMUNICATIONS FACILITIES IN THE INTERIM ZONING DISTRICT", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 00-245 be REFERRED to the Council Chair for the term beginning January 2, 2003.

Adoption of this report is respectfully requested.

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ROBERT CARROLL Chair

DANNY A. MATEO Member

JO ANNE JOHNSON Vice-Chair

MICHAEL J. MOLINA Member

G. RIKI HOKAMA Member