

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)
by)
HAWAII HOUSING AUTHORITY)
from)
MAXIMUM ALLOWABLE HEIGHT LIMIT)
in)
Haina, Hamakua, Hawaii)

VARIANCE NO. 604

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on November 29, 1979, considered the application of HAWAII HOUSING AUTHORITY for a variance from Article 26, Section 5-C, Chapter 8 (Zoning Code), of the Hawaii County Code, as amended, more specifically, to allow the construction of a 60-foot high wind energy generating tower in lieu of the maximum allowable height limit of 55 feet as stipulated in Supplementary Height Regulations, at Haina, Hamakua, Hawaii, Tax Map Key 4-5-10:78.

The Commission has found:

1. That the granting of the variance will not be inconsistent with the general purpose of the district or the intent and purpose of the Zoning Code. Supplementary height regulations in the Zoning Code pertaining to extraordinary tall structures, including chimneys, steeples, antennae, flag poles, water tanks, and other similar features permits structures which exceed the district height limits. These structures may "exceed the district height limits by no more than ten feet and upon securing a 'variance' therefore may exceed the district height limits by an additional number of feet necessary as permitted by the planning department..." Therefore, the Zoning Code recognizes that these types of structures may require additional height and provides allowances for additional height to be obtained.
2. That there are special circumstances applying to the proposed use of the structure which generally do not apply to surrounding property or improvements in the same district. A windmill at this particular site requires a tower approximately 60 feet high. Having a shorter tower would diminish the wind available for the generator thus reducing the amount of power generated. A tower height of 60 feet would allow the applicant

to evaluate the site's potential for windpower at optimum operating conditions. Therefore, the special circumstances of the proposed use is the reason why the height variance is required. Denying the variance request would interfere with the testing and development of an alternate energy source.

3. That the granting of the variance will not be materially detrimental to the public welfare or injurious to improvements or property rights related to property in the near vicinity. The proposed use is not a noxious activity and the primary impact will be of a visual nature. However the visual impact will be minimized because the tower structure is not a solid mass and does not have a major horizontal impact. No view will be blocked although there will be a vertical intrusion into the viewplane. Given these particular circumstances the impacts to be created from a 60-foot tower will not be significantly greater than impacts from a 55-foot tower. Therefore, granting the variance will not significantly alter the impacts to surrounding properties.
4. That the proposed development is in concert with the goals and policies of the General Plan. The proposed use will further the goals and policies of the Energy Element of the General Plan. The goals of the Energy Element are "to attain energy self-sufficiency, to minimize the shortage of energy resources, and to develop the island of Hawaii as a demonstration community for alternative energy resources." The following policies apply to the proposed development:

"The County shall support and assist in the development of alternative energy resources such as geothermal, ocean thermal energy conversion, biomass conversion, etc.

"Accelerate the use of new energy resources in order that the dependence on imported petroleum may be lessened.

"Expedite the necessary governmental approval processes for the research and development of alternative energy resources."

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a 60-foot high wind energy generating tower in lieu of the maximum allowable height limit of 55 feet as stipulated in Supplementary Height Regulations, pursuant to the authority vested in it by Article 1, Section 7 of Chapter 8 (Zoning Code), of the Hawaii County Code, as amended, subject to the following conditions:

1. That plans for Plan Approval shall be submitted to the Planning Department within one (1) year from the effective date of the Variance Permit and that Final Plan Approval shall be obtained within one (1) year from the date of submittal.
2. That construction of the proposed facilities shall commence within one (1) year from the date of receipt of Final Plan Approval and be completed within two (2) years thereafter.
3. That all other applicable rules, regulations, and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void by the County Planning Commission.

The effective date of this permit shall be from November 29, 1979.

Dated at Hilo, Hawaii, this 28th day of February, 1980.

for, William F. Mielcke Jr.

WILLIAM F. MIELCKE, CHAIRMAN
PLANNING COMMISSION

APPROVED AS TO FORM
AND LEGALITY:

Mr. Ben Kubaazali

DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: FEB 22 1980