

CERTIFIED MAIL

February 1, 1982

Mr. James Morelock
P. O. Box 544
Paahoa, HI 96778

Dear Mr. Morelock:

Variance Application V81-42
Supplementary Height Regulations
TMK: 1-4-28:130

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your variance request to construct an eighty (80) foot high wind energy conversion system tower in lieu of the maximum allowable fifty-five (55) foot height in an Agricultural zone.

The approval is based on the following:

1. A special and unusual circumstance applies to the proposed use of the land, the property's location and topography in conjunction with the request for a height exception.

Wind Energy Conversion systems (WECS), to operate at a cost effective optimum, require a calculated tower height in order for their blades to "catch" the necessary wind velocities in a particular area. Wind speeds vary for different sectors of the island. The winds over the subject location have been measured and categorized, and scientifically acceptable calculations indicate that an 80 foot tower height is the minimum height to provide the windmill with enough wind to produce the average residential consumption of 500 kilowatts per month. The particular WECS product, according to the applicant comes in 60, 80, and 100 foot heights.

2. The circumstance is enhanced in degree both by the fact that it is national and local policy to seek and utilize

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renewable (rather than fossil-fueled) energy sources wherever practical and feasible, and the fact that the subject property is not served by conventional electric power. This set of circumstances (plus localized wind patterns) exist to a degree which would not permit the establishing of a wind energy system on the subject property without exceeding the district height limit of 55 feet. Denial of this request would thus interfere with the most efficient manner of developing the subject property.

3. Due to the special circumstances involved with this request, approval of the Variance will not constitute a grant of special privilege inconsistent with limitations upon other properties under identical district classifications.
4. Approval of the Variance request would be consistent with the County General Plan and with local and national goals which encourage the development and use of alternate energy sources. Its approval will also be consistent with the district purposes which allow for agricultural and very low height request would not unreasonably infringe upon existing or potential development rights of surrounding properties, which are currently agricultural uses.

This Variance request is approved, subject to the following conditions:

1. Placement of the windmill towers shall be consistent with the site plan submitted with the Variance application.
2. Plans and construction of each total structure must be approved by a structural engineer or architect registered in the State of Hawaii.
3. The applicant shall comply with Part 77 of the Federal Aviation Regulations pursuant to Section 1101 of the Federal Aviation Act of 1958 as amended, and obtain clearance from the Airports Division, State Department of Transportation prior to obtaining a building permit.
4. The applicant shall submit plans for the proposed development and obtain a building permit for the structure within one year of the date of this letter.
5. Granting of this Variance request does not construe or imply the County's preserving for the applicant any upwind easement by restricting in whole or in part, future development on other properties in the vicinity.

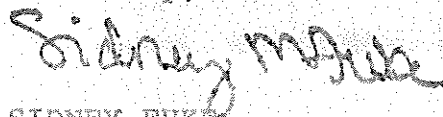
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6. The applicant shall comply with all other applicable Federal, State and County rules, regulations and requirements.

Should any of the foregoing conditions not be met, the Variance Approval may be deemed null and void.

If you have any questions on this matter, please feel free to contact us at 961-3288.

Sincerely,



SIDNEY FUKU
Planning Director

MO:lrp

cc: Dept. of Public Works

bcc: Masa Onuma
Andrea Gill Beck