

CERTIFIED MAIL

March 9, 1982

Waikoloa Water Co., Inc.
P. O. Box 3028
Waikoloa, Hawaii 96743

Gentlemen:

Variance Application V81-43
Supplementary Height Regulations
TMK: 6-8-02:19

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 two (2) eighty (80) foot wind energy conversion systems towers in lieu of the maximum allowable fifty-five (55) foot height in an Open zone requested by the adjoining Agriculture zone.

The approval is based on the following:

1. Special circumstances exist on the subject property to a degree which would deprive the owner of substantial property rights that would otherwise be available. The circumstances consist of the topographical, atmospherical and locational conditions of the specific area with respect to its intended use as a site to enplace a wind energy conversion system (WECS).

These systems are primarily dependent on the wind velocity at the site. The wind pattern itself is affected by terrain, slopes and contours, size and composition of the vegetation, temperatures and climatic conditions. On-site wind data studies by the applicant's consultant have determined that the optimum height for effective wind generated power by the experimental system would be 80 feet, due to the physical aspects of the location. Furthermore, the site for the towers are limited because they require proximity to both the existing power lines (to feed back any excess electricity) and to the existing well pumps.

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2. There are no reasonable alternatives that would resolve the difficulty; the necessary wind velocity does not prevail within the present height limitation of 55 feet, thus, the alternative would be not to have the WECS.
3. It is a fact that seeking and utilizing alternate, especially renewable, energy sources is a national, State and County policy. The proposal is deemed consistent with the intent of the Zoning Code as well as the General Plan, as the WECS facility being proposed would contribute to the well being of the community and would not be a detriment to the area.

The Variance request is further approved, subject to the following conditions:

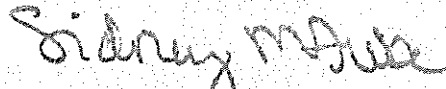
1. Placement of the windmill towers shall be consistent with the site plans submitted with the Variance application.
2. Plans and construction of each total structure must be approved by a structural engineer or architect registered in the State of Hawaii.
3. The applicant shall comply with Part 77 of 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.
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 shall be deemed void.

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If you have any questions on this matter, please feel free to contact us at 961-8288.

Sincerely,



SIDNEY FUKU
Planning Director

DT:lrp

cc: Public Works
Planning Commission
bcc: Masa Onuma