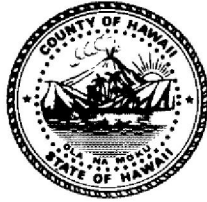


Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

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County of Hawai'i

PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

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Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

April 18, 2023

Daniel Johnson
c/o Hawaii Unified Industries, LLC
84-1170 Farrington Hwy., Unit C-1
Waianae, HI 96792

Dear Mr. Johnson:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2023-000157)**
Applicant: Hawaii Unified Industries, LLC
Landowners: Association of Unit Owners of Waikoloa Beach Hotel and Resort
Project: Rooftop Photovoltaic Power System
TMK: (3) 6-9-007:008, Waikoloa, South Kohala District, Hawai'i

We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2023-000157), submitted to this office on April 5, 2023.

The 15.73-acres parcel is zoned Resort-Hotel-1,250 square feet (V-1.25) by the County and designated Urban by the State Land Use Commission (LUC). The subject parcel is designated as Resort Node (ren) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map.

The project parcels are located within the Special Management Area (SMA); however, the subject parcel is not considered a shoreline parcel as defined by section 205A-41, Hawai'i Revised Statutes (HRS). Therefore no shoreline certification is required for the proposed project. The applicant has stated that the valuation of the proposed rooftop photovoltaic project is \$1,433,493.

Proposed Project:

A review of our files indicates that the subject property contains the existing Marriot Waikoloa Beach Hotel and Resort building and related development such as landscaping, pools, trails, etc.

Currently, the applicant is proposing the following activities:

- Installation of 802 PV modules on the “Ballroom Building”.
- Installation of 622 PV modules on the “North Building”.
- Installation of 548 PV modules on the “West Building”.

All solar panels will be installed to the existing rooftop of the building and will be concealed from sight below the existing roof parapet walls that are 30” high. All work will be conducted on the roof of the building and no ground disturbance is proposed (**Exhibit 1**).

The objective of the proposed project is to promote energy independence for the Waikoloa Hotel and Resort.

Special Management Area Determination:

1. Pursuant to Hawai‘i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(1), relating to the Special Management Area, *“Development means any of the [listed] uses, activities, or operations on land or in or under water within the special management area.* According to the application, the following definitions of “Development” can be applied to the proposed use:
 - *Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste.*
 - *Construction, reconstruction, or alteration of the size of any structure.*
2. Pursuant to Planning Commission Rule 9-4(e)(3), *“any proposed use, activity, or operation listed in Section 9-4(e)(2) shall be deemed to be “Development” until the Director has determined it to be exempted from the definition of “development.”* According to 9-4(e)(2), “Development” does not include the following uses, activities, or operations, and therefore is determined to be exempt from the definition of “Development.”
 - *Non-structural improvements to existing commercial structure.*
3. Pursuant to Planning Commission Rule 9-4(e)(4), *“whenever the Director finds that any excluded use, activity, or operation may have a cumulative impact, or a significant adverse environmental or ecological effect on the Special Management Area, that use, activity or operation shall be defined as “development” for the purposes of this rule.”*

Based on the information provided, the Director finds that the proposed installation of PV panels on an existing building roof is exempt from the definition of “development” and will not have a cumulative impact, or significant adverse environmental or ecological effect on the Special Management Area.

However, please note that any substantive changes to the improvements listed in the current application may require further review by this office and possibly the submittal of another SMA Use Permit Assessment Application.

While further review of the proposed activities against the Special Management Area rules and regulations will not be required at this time, all other applicable Zoning and Building Code requirements must be satisfied. Additionally, pursuant to Planning Commission Rule 9-10(g), *“the Director may impose certain conditions with the exemption determination to assure that the proposed use, activity or operation does not have a substantial adverse effect on the Special Management Area.”*

The Director has added the following conditions for the proposed project:

Director’s Conditions:

1. The applicant(s), its successor(s), or assign(s) (Applicant) shall be responsible for complying with all stated conditions of approval.
2. The Applicant shall secure building permits for the proposed project within two (2) years from the date of this determination. If building permits have not been secured within that two (2) year period, this determination is automatically null and void, and a new Special Management Area Assessment Application must be submitted for review and approval.
3. Any substantive changes or further development, including but not limited to, the design and size of the improvements not included in this determination shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
4. That in issuing this determination, the Department has relied on the information and data that the Applicant has provided in connection with this determination. If, subsequent to issuance of this determination such information and data prove to be false, incomplete, or inaccurate, this determination may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.

Daniel Johnson
c/o Hawaii Unified Industries, LLC
April 18, 2023
Page 4

5. The Planning Director shall initiate procedures to revoke this determination should any of the conditions not be met or substantially complied with in a timely fashion.

If you have questions regarding this document, please feel free to contact Alex J. Roy of this office at (808) 961-8140 or via email at Alex.Roy@hawaiicounty.gov.

Sincerely,

Zendo Kern

Zendo Kern (Apr 18, 2023 13:10 HST)

ZENDO KERN
Planning Director

AJR:jaa

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Attached: Exhibit 1 – Site Plan

Cc (via email): GIS Section
commenergy@hawaiiunified.com

MODULE TYPE, DIMENSIONS & WEIGHT

NORTH BUILDING

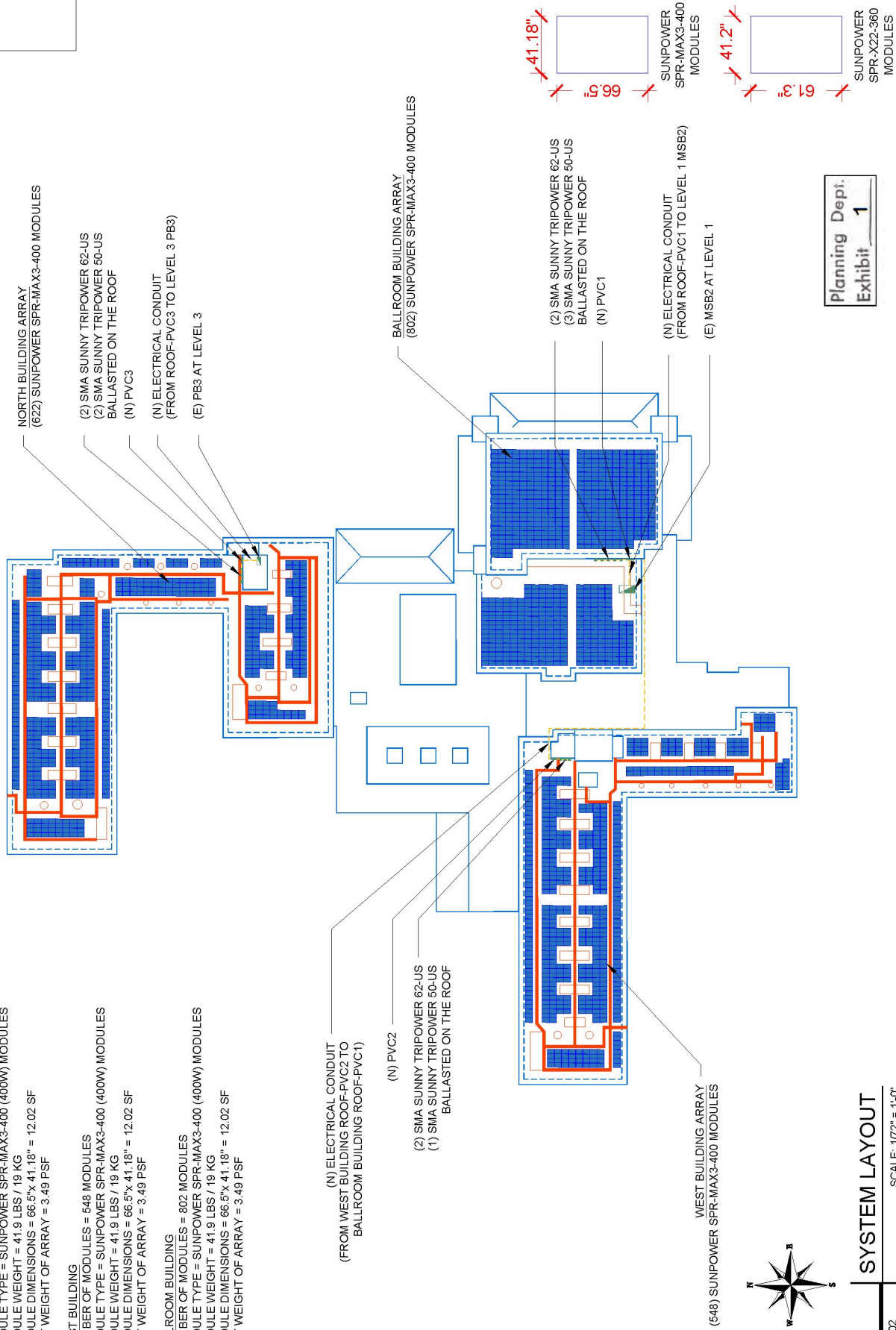
NUMBER OF MODULES = 622 MODULES
MODULE TYPE = SUNPOWER SPR-MAX3-400 (400W) MODULES
MODULE WEIGHT = 41.9 LBS / 19 KG
MODULE DIMENSIONS = 66.5" x 41.18" = 12.02 SF
UNIT WEIGHT OF ARRAY = 3.49 PSF

WEST BUILDING

NUMBER OF MODULES = 548 MODULES
MODULE TYPE = SUNPOWER SPR-MAX3-400 (400W) MODULES
MODULE WEIGHT = 41.9 LBS / 19 KG
MODULE DIMENSIONS = 66.5" x 41.18" = 12.02 SF
UNIT WEIGHT OF ARRAY = 3.49 PSF

BALLROOM BUILDING

NUMBER OF MODULES = 802 MODULES
MODULE TYPE = SUNPOWER SPR-MAX3-400 (400W) MODULES
MODULE WEIGHT = 41.9 LBS / 19 KG
MODULE DIMENSIONS = 66.5" x 41.18" = 12.02 SF
UNIT WEIGHT OF ARRAY = 3.49 PSF



**HAWAII
UNIFIED**



HAWAII UNIFIED INDUSTRIES, LLC
84-1770 FARRINGTON HWY., C-1,
WAIKOLOA, HI 96791
CONTACT: (808) 965-8004
ENERGY@HAWAIIUNIFIED.COM

ENGINEERS STAMP:

DATE: 3/30/2023

PROJECT NAME & ADDRESS

WAIKOLOA BEACH MARRIOTT

WAIKOLOA, HAWAII

TAX MAP KEY: #6-9-078
PHONE: (1) 4-2-098:030

SHEET NAME

SYSTEM LAYOUT

SHEET SIZE

ANSI B

11" X 17"

SHEET NUMBER

SUNPOWER
SPR-X22-360
MODULES

E002

Planning Dept.
Exhibit 1

1 SYSTEM LAYOUT

SCALE: 1/72" = 1'-0"

E002