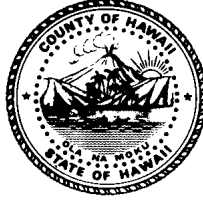


Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

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County of Hawai'i

PLANNING DEPARTMENT

Zendo Kern
Director

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Deputy Director

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April 29, 2022

Leanne Sim
c/o Neighborhood Power Corp.
415 Dairy Rd., #E-216
Kahului, HI 96732

Dear Ms. Sim:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2021-000034)
Special Management Area (SMA) Minor Use Permit
(PL-SMM-2022-000017)
Applicant(s): Waiakea Villas
Landowner(s): Waiakea Villas
Project: Rooftop Photovoltaic Power System and New Carport
Tax Map Key: (3) 2-2-030:003, South Hilo District, Hawai'i**

We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2021-000034), submitted to this office on December 20, 2021. Additional information was received on January 25, 2022, March 2, 2022, and April 18, 2022.

The subject 7.6822-acre parcel is zoned both Resort-Hotel-7500 square feet (V-.75) and General-Commercial (GC-7.5) by the County and designated Urban by the State Land Use Commission (LUC). The subject parcel is designated as "High Density Urban" (hdu) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. The project parcel is located within the Special Management Area (SMA), however, no portion of the parcel is located within the "shoreline area" as defined by section 205A-41, Hawai'i Revised Statutes (HRS). Therefore, as the project is not located in a "shoreline area" there is no requirement to submit a current certified shoreline survey.

Proposed project:

A review of our files indicates that the subject property includes an existing apartment building (Waiakea Villas) and related development such as parking area and landscaping. The project site is a portion of the Waiakea Villas condominium complex.

Leanne Sim
c/o Neighborhood Power Corp.
April 29, 2022
Page 2

Currently, the applicant is proposing the following activities:

- The construction of a new 49-foot 5-inch by 179-foot 5-inch steel carport structure with new concrete footers installed below grade in order to support 378 PV panels. All work will be done on the existing carpark in support of the Waiakea Villas.
- No change to existing outdoor lighting, landscaping, or drainage is proposed. The existing parking lot next to the project area will be utilized for the staging and stockpiling of building materials and will house the dumpster for construction debris.

The objective of the proposed project is to promote energy independence for the Waiakea Villas. No additional land disturbance or construction is proposed other than what was previously conducted.

Special Management Area Determination:

Pursuant to Hawai‘i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(2) 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 definition of “Development” can be applied to the proposed use:

- *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste, and*
- *Construction, reconstruction, or alteration of the size of any structure.*

We find that the proposed activity (construction of a new steel carport to support 378 PV modules) is not exempt from the definition of “development”, however, the project will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA. Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. PL-SMM-2022-000017, is hereby issued for the project as described above. It is the applicant’s responsibility to read and comply with the conditions listed in the enclosed permit.

While further review of the proposed project against the Special Management Area rules and regulations will not be required, all other applicable Zoning Code and Building Code requirements must be satisfied. Additionally, any future development or activities not included in this approval shall require further review and approval as provided under Chapter 205A, HRS and Rule 9, Planning Commission Rules of Practice and Procedure.

Leanne Sim
c/o Neighborhood Power Corp.
April 29, 2022
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If you have any questions, please contact Alex J. Roy of this office at (808) 961-8140 or via email at alex.roy@hawaiiicounty.gov

Sincerely,

DocuSigned by:

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ZENDO KERN
Planning Director

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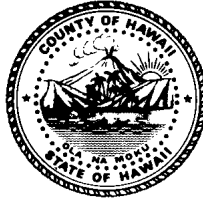
Enclosures: PL-SMM-2022-000017

CC (email): Director, Office of Planning, DBEDT
Shichao Li; shichao.li@hawaii.gov

Mitchell D. Roth
Mayor

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Special Management Area Minor Permit No. PL-SMM-2022-000017

Project: Rooftop Photovoltaic Power System and New Carport
Applicant(s): Waiakea Villas
Landowner(s): Waiakea Villas
TMK(s): (3) 2-2-030:003
Location: Waiakea Villas, South Hilo District, Island of Hawai'i
Land Area: 11,700 Square Feet

Applicant's Request

- 1. Project Description:** This Special Management Area (SMA) Minor Use Permit is being pursued for the following activities:
 - The construction of a new 49-foot 5-inch by 179-foot 5-inch steel carport structure with new concrete footers installed below grade in order to support 378 PV panels (modules).
 - All work will be done on the existing carpark in support of the Waiakea Villas.
 - No change to existing outdoor lighting, landscaping, or drainage is proposed. The existing parking lot next to the project area will be utilized for the staging and stockpiling of building materials and will house the dumpster for construction debris.
- 2. Purpose of Project:** The objective of the proposed project is to promote energy independence for the Waiakea Villas.
- 3. Project Valuation:** \$442,260
- 4. Determination:** According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(1) relating to Special Management Area (SMA): "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*" and "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is defined as "development." Therefore, the proposed construction of a

Waiakea Villas PV
 April 29, 2022
 Page 2

new steel carport to support 378 PV modules is considered “development” and requires a SMA Minor Permit.

State and County Plans

5. **State Land Use District:** The subject parcel is within The State Land Use Urban, District.
6. **General Plan:** The parcel is designated as High Density Urban (hdu) by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
7. **County Zoning:** The parcel is currently zoned as both General-Commercial (CG-7.5) and Resort-Hotel (V-.75).
8. **Special Management Area:** The project parcel is located within the Special Management Area (SMA), however, no portion of the parcel is located within the “shoreline area” as defined by section 205A-41, Hawai‘i Revised Statutes (HRS).
9. **Flood Zone:** Zone X

Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes (HRS), Regarding the Special Management Area

Check all objectives and policies found to be consistent with proposed development. Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- ☒ Development will not have any significant adverse environmental or ecological effect, except as any adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Those adverse effect shall include but not be limited to the potential cumulative impact of individual developments, each of which taken by itself might not have a significant adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawai‘i County General Plan, community plan, and zoning; provided that a finding of consistency shall not preclude concurrent processing where a general plan, community plan, or zoning amendment may also be required.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS (as amended), to:

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- ☒ Provide coastal recreational opportunities accessible to the public.
- ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
- ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
- ☒ Protect valuable coastal ecosystems, including reefs, beaches, and coastal dunes, from disruption and minimize adverse impacts on all coastal ecosystems.
- ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
- ☒ Reduce hazard to life and property from coastal hazards.
- ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- ☒ Stimulate public awareness, education, and participation in coastal management.
- ☒ Protect beaches and coastal dunes for: Public use and recreation; The benefit of coastal ecosystems; Use as natural buffers against coastal hazards; and coordinate and fund beach management and protection.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
 - ☒ Recreational Resources
 - ☒ Historic Resources
 - ☒ Scenic and Open Space Resources
 - ☒ Coastal Ecosystems
 - ☒ Economic Uses
 - ☒ Coastal Hazards

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April 29, 2022
Page 4

- ☒ Managing Development
- ☒ Public Participation
- ☒ Beach and Coastal Dune Protection
- ☒ Marine and Coastal Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

Findings

1. As discussed above, the conducted activities will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.
2. The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The estimated project cost of \$442,260 for the construction of a new car port to support PV modules of a storage structure, and placement of gates and fencing is not in excess of \$500,000.

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. PL-SMM-2022-000017** is hereby approved to:

1. A new 49-foot 5-inch by 179-foot 5-inch steel carport structure with new concrete footers installed below grade in order to support 378 PV panels (modules).

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. PL-SMM-2022-000017**, subject to the following 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 all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.

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April 29, 2022
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3. Other than the proposed project as described in this permit, no further work is permitted under this approval.
4. A Building Permit for the Waiakea Villas PV Project shall be issued within two (2) years from the date of this permit.
5. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
6. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, up-lights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), Hawai'i Revised Statutes.
7. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
8. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:
 - a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns, and that are not the result of their fault or negligence.
 - b) Granting of the time extension would not be contrary to the original reasons for the granting of the permit; and
 - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
9. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

Waiakea Villas PV
April 29, 2022
Page 6

If you have any questions, please feel free to contact Alex J. Roy at (808) 961-8140 or via email at alex.roy@hawaiiicounty.gov

APPROVED:

DocuSigned by:

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5/2/2022

ZENDO KERN
Planning Director

Date