Authorization George I. Atta
Advertisement Nov. 17, 2014
Public Hearing Dec. 17, 2014

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honoluludpp.org • CITY WEB SITE: www.honolulu.gov

LAND USE COMMISSION
STATE OF HAWAII

2014 DEC 31 P 12:48

KIRK CALDWELL
MAYOR

GEORGE I. ATTA, FAICP
DIRECTOR DESIGNATE

ARTHUR D. CHALLACOMBE
DEPUTY DIRECTOR

2014/SUP-3 (ry)

December 30, 2014

2014 DEC 30 PM 3 22
DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

MEMORANDUM

TO: Dean I. Hazama, Chair
and Members of the Planning Commission

FROM: George I. Atta
George I. Atta, FAICP, Director
Department of Planning and Permitting

SUBJECT: Request for a Special Use Permit (SUP) to Establish a Solar Energy Facility
Waiawa, Central Oahu
Tax Map Key: 9-5-003: Portion 4

Transmitted for appropriate action is my report and recommendation for approval of the SUP application for a solar energy facility (SEF), subject to conditions relating to the provision of compatible agriculture use, proof of financial security for decomissioning, protection of endangered species, and other standard conditions.

The Applicant, Waiawa PV, LLC, proposes to establish a 47 megawatt SEF and accessory uses and structures on Class B lands as rated by the Land Study Bureau. The 313-acre project exceeds the maximum area permitted by Act 55, and therefore requires a SUP.

As the Project exceeds the 15-acre threshold, a favorable decision by the Planning Commission will require State Land Use Commission review.

We apologize for the late transmittal. The Department of Planning and Permitting requested additional time to establish its policies on how to address Act 55, 2014 Session Laws Hawaii, which is the enabling legislation for processing utility scale solar energy facilities in the State Land Use Agricultural District.

GIA:kh

Enclosure

cc: CH2MHILL
Castle & Cooke Homes, Inc.
State Land Use Commission

DEPARTMENT OF PLANNING AND PERMITTING
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION OF)
)
WAIAWA PV, LLC)
)
FOR A)
)
SPECIAL USE PERMIT)
)

FILE NO. 2014/SUP-3

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

I. APPLICATION

A. Basic Information

APPLICANT	:	Waiawa PV, LLC
OWNER	:	Castle & Cooke Homes Hawaii, Inc.
LOCATION	:	East of H-2 Interstate Highway and Approximately 1,000 Feet North of Mililani Memorial Park (Exhibit 1)
TAX MAP KEY	:	9-5-003: Portion of Parcel 004
AREA OF SPECIAL USE AND SITE PLAN	:	Approximately 313 Acres[1] (Exhibit 2)
RECORDATION	:	Land Court
STATE LAND USE DISTRICT	:	Agricultural (Exhibit 3)
CENTRAL OAHU SUSTAINABLE COMMUNITIES PLAN	:	Agricultural and Preservation
EXISTING ZONING	:	AG-1 Restricted Agricultural District (Exhibit 4)

[1] On December 29, 2014, the Applicant submitted a map (Exhibit No. 24) which shows a revised Special Use Permit request area resulting from the removal of an area reserved for a future reservoir. A revised acreage for the Special Use Permit area requested was not provided.

LAND STUDY BUREAU RATING	:	Overall Master Productivity Rating of Class "B" (Exhibit 5)
EXISTING USE	:	Agriculture (Pasture)
SURROUNDING LAND USE	:	Agriculture, Open Space, Highway, Cemetery

B. Proposal. Waiawa PV, LLC (Applicant) proposes to construct a 47-megawatt photovoltaic (PV) energy generation facility (Project) on a 313-acre portion (Petition Area) of a 525-acre parcel. The Project will consist of south-facing, ground-mounted PV panels mounted on fixed-tilt blocks. The panels are mounted generally about 4 ½ feet to 9 ½ feet above existing grade, with each panel generating power at 1,000 volts (V). The PV system will include other electrical equipment such as combiner boxes, below surface collector lines, inverters, transformers, weather monitoring stations, and switch gear. The Project will also include a switchyard and a substation within the Petition Area to be operated by Hawaiian Electric Company (HECO).

The on-site substation would allow energy generated by the PV facility to be transmitted into the existing HECO electrical transmission system. The proposed substation and switchyard, known as the Akau Substation, would be located next to the existing Kahe-Wahiawa 138 kilovolt (kV) transmission line, which traverses the Project site. The substation would be an open switch-rack design, with free-standing steel structures.

The substation and switchyard may each include an enclosed and unmanned control building (up to 20 feet in height) to house electrical equipment for controls, metering, and communication. Communications with the facility may be via underground fiber optic cable or a point-to-point microwave antenna mounted to a new communication tower within HECO's switchyard. In total, the substation and switchyard would occupy an area approximately 291 feet by 463 feet in area and be enclosed by an 8-foot high perimeter fence.

In addition, the Applicant proposes to construct internal gravel roadways and security fencing encompassing the Petition Area. Landscaping will be planted along certain sections of the H-2 Interstate Highway (H-2) to mitigate visual impacts. A new reservoir is proposed in the Petition Area by Castle & Cooke Homes Hawaii, Inc., but is not part of the Project. The reservoir is a permitted use within the State Land Use (SLU) Agricultural District.

In accordance with Act 55, 2014 Session Laws of Hawaii, which creates a new Subsection 205-4.5(a)(21), of the Hawaii Revised Statutes (HRS), the Applicant, through its parent company First Wind[2], intends to lease portions of the subject parcel to a local ranch to raise sheep. The Applicant submitted, as part of the Special Use Permit (SUP) application, a Letter of Intent to lease the property to a local ranching business to pasture sheep on the site. The lease would commence after the Project is operational and would be at a lease rent rate of no more than 50 percent of the fair market rate for

[2] Waiawa PV, LLC is a wholly owned subsidiary of Waiawa PV Holdings, LLC, which is a wholly owned subsidiary of First Wind Portfolio, LLC, which is a wholly owned subsidiary of First Wind Holdings, LLC. The application references First Wind (d.b.a. Waiawa PV, LLC) as the entity proposing the Project.

similar agricultural properties. The lease would also provide the rancher with use of the fencing and roadways and other infrastructure at the project site.

The Project, also referred to as a solar energy facility (SEF), will not be manned on a regular basis. On occasion, maintenance staff will be onsite to clean the panels, effect repairs as needed, and supplement grass and brush removal to maintain clear access to sunlight. No parking areas will be required for maintenance of the Project. However, a portable restroom unit(s) may be needed for use during operations and maintenance.

The Applicant anticipates that upon receiving all land use and building permit approvals, construction, operation, and decommissioning of the SEF would be completed in 35 years.

Energy generated by the PV panels will be sold to HECO.

C. Environmental Impact Statement. The instant application to establish the Project is not subject to environmental disclosure requirements of Chapter 343, HRS.

II. FINDINGS OF FACT

A. Site Description and Surrounding Uses. The Petition Area is situated on the east side of H-2, north of the Ka Uka Boulevard interchange. The irregular shaped parcel has an elevation ranging from approximately 720 feet above sea level near H-2, to approximately 940 feet at the east end of the site. The topography of the parcel is gently sloping where the proposed PV panels are to be located and transitions to steep gulches along the northern and southern edges of the property (Kipapa Gulch and Panakauahi Gulch, respectively).

This area is comprised of former agricultural fields that were previously cultivated with pineapple. Currently, the Petition Area is used for cattle grazing. There are no structures within the site. Mililani Memorial Park lies approximately one-fourth mile south of the Petition Area, across Panakauahi Gulch. The southernmost extent of the Mililani Mauka residential subdivision lies across Kipapa Gulch, approximately one-half mile to the north. A new 768-acre, mixed-use development known as Koa Ridge Makai, is planned along the west side of H-2.

Access to the site is via Pineapple Road, which connects to Ka Uka Boulevard. Pineapple Road crosses H-2 via an overpass and leads to the Petition Area's eastern boundary. There is no public access to the site. First Wind has an option to purchase the Petition Area and associated access across Pineapple Road.

B. Climate and Wind Patterns. There is no current climate data for the Petition Area. The closest community where there is current data is Wahiawa located about 3 miles to the northwest. According to data provided by the National Oceanic & Atmospheric Administration, the climate in Wahiawa is warm during summer with temperatures averaging in the mid 70's and mild during winter with temperatures averaging in the mid 60's. The warmest month of the year is September with an average high of 89, while the coldest month of the year is February with an average low of 66. Average annual rainfall ranges from about 42 to 60 inches.

C. Soil Type and Quality of Agricultural Land

1. United States Department of Agriculture. According to the U. S. Department of Agriculture Soil Conservation Service, the following soil types are found in the Petition Area:

Wahiawa silty clay, 0 to 3 percent slopes (WaA) and Wahiawa silty clay, 3 to 8 percent slopes (WaB). Soils in this series are well-drained and found on uplands. In a representative profile, the surface layer is very dusky red silty clay, about 12 inches thick; the subsoil is about 48 inches thick and is dark reddish-brown with a subangular blocky structure. Permeability is moderately rapid. Runoff is slow, and the erosion hazard is no more than slight. WaA and WaB have a Capability Classification I (few limitations restricting use) if irrigated, and IIc (moderate limitations because of climate) if non-irrigated. This soil is used for pineapple, sugarcane, pasture, and home sites.

In addition to the Wahiawa series, a smaller area adjacent to Kipapa Gulch is classified in the Manana series: Manana silty clay, 3 to 8 percent slopes (MpB) and Manana silty clay, 8 to 15 percent slopes (MpC). This series consists of well-drained soils on uplands. The Capability Classification of MpB is IIe (soils subject to moderate erosion if cultivated and not protected), irrigated or non-irrigated. These two soil types are used for pineapple, sugarcane, and pasture. The site also contains Manana Silty Clay Loam, 12 to 25 percent slopes (MpD2), eroded. This soil is similar to Manana silty clay loam except that it is moderately steep, eroded, and with a silty clay texture. Runoff is rapid and erosion hazard is severe. This soil is used for pineapple, sugarcane, and homesites.

The site also contains small amounts of Helemano Silty Clay, 30 to 90 percent slopes on adjacent gullies that surround portions of the site.

2. Agricultural Lands of Importance to the State of Hawaii. The Agricultural Lands of Importance in the State of Hawaii (ALISH) Map, prepared by the State Department of Agriculture (DOA), classify lands into three categories: 1) Prime Agricultural Land, 2) Unique Agricultural Land, and 3) Other Important Agricultural Land. About 40 percent of the site located on the western portion is comprised of Prime Agricultural Lands and the balance located on the eastern portion of the site is comprised of Unique Agricultural Lands. Prime Agricultural Lands are best suited for the production of food, feed, forage, and fiber crops. The land has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when properly managed (including water management). Unique Agricultural Lands are those other than Prime Agricultural Lands with qualities that favor production of high-value food crops when properly managed.

3. Land Study Bureau Classification. The Petition Area comprises of Class B soils, according to the Land Study Bureau (LSB) overall master productivity rating system. The LSB rating system is based on the agricultural productivity of soils throughout the State, accounting for characteristics such as texture, slope, salinity, erodibility, and rainfall. The productivity ratings are used to designate each area as Class A, B, C, D, or E, with Class A representing the most productive soils and Class E representing the least productive soils.

D. Agency Comments. The following government agencies provided significant substantive comments on the SUP application. A summary of their comments are as follows:

Table 1 – Summary of Agency Comments

Source	Comments Summary
U. S. Fish & Wildlife Service	The federally endangered Hawaii hoary bat may forage and roost in the Project area. Young bats may be left unattended in trees while parents forage during the breeding season and clearing the site for the Project may lead to inadvertent bat kills. Trees over 15 feet high should not be disturbed during birthing and pup rearing season (June 1 through September 15) and land clearing should be timed accordingly. Barbed wire should not be used on fencing due to the potential snagging of these bats. Birds have been known to be attracted to PV panels due to their resemblance as water bodies. Bird injuries and mortalities have been recorded at California PV projects and the State has many federally endangered bird species including Hawaiian coot, Hawaiian stilt, Hawaiian gallinule, Hawaiian duck, and the Hawaiian goose. Bird activity at the site should be monitored and personnel educated about potential for inadvertent harm to important bird species.
State Department of Agriculture	Supports existing farming operations and those seeking to start new farming enterprises. Also supports solar energy operations in combination with compatible local food production pursuant to Act 55. The site may qualify as Important Agricultural Lands pursuant to Chapter 205, HRS. Recommends a condition that the property include an established sheep operation or other agricultural enterprise in compliance with Act 55 for the duration of the solar generation facility.
State Land Use Commission	Recommends conditions of SUP approval to reflect requirements of Section 205-4.5(a)(21)(A), (B), and (C), HRS; submittal of an archaeological assessment with mitigation measures approved by the State Historic Preservation Division (SHPD) prior to SUP approval; provide a date by which the Project begins construction, duration of the Project, conditions of cessation, and annual reports to track progress and adherence to conditions of approval, as conditions of the SUP.
State Office of Planning	No objections but statewide concerns remain with regards to seeking a balance in maintaining the availability of high quality agricultural lands while promoting renewable energy resources on agricultural lands. The site was previously proposed for reclassification to the Urban District for the Koa Ridge Mauka development but was denied by the Land Use Commission. Requirements of Section 205-4.5(a)(21)(A), (B), and (C), HRS should be included as conditions of the permit should it be approved. The archaeological assessment should be approved by the SHPD, prior to commencement of construction of the Project. No major glare, noise, or nuisance is anticipated by the Project. Long-term adverse impacts on the surrounding area are not anticipated. The temporal nature of solar energy facilities provide the opportunity to restore the site for agricultural uses following decommissioning.

Source	Comments Summary
State Department of Transportation	Airports Division – Project site subject to overflights from aircraft flying between north and south portions of Oahu and from circling in hold patterns for air traffic reasons; PV systems can create a hazardous condition for a pilot due to possible glint and glare reflected from PV array; acknowledges glint and glare analysis for aircraft approaching Wheeler Army Airfield but glint and glare could occur for other aircraft flights in the vicinity of the Project area. If PV array creates hazardous conditions for pilots, the Applicant must be prepared to immediately mitigate hazard upon notification by the Airports Division or the Federal Aviation Administration. Highways Division – Still conducting its review and the Statewide Transportation Office will notify DPP of further comments.
Honolulu Fire Department	Provide a Fire Department access road to within 150 feet of any building and a water supply system capable of supplying the required fire flow protection to all premises upon which facilities or buildings are constructed; on-site hydrants and mains capable of supplying the required fire flow shall be provided where facilities are located beyond 150 feet of a water supply.

Other government agencies contacted included the following, but did not provide comments as of the date of this Report:

City: Department of Transportation Services (DTS)

State: Department of Business, Economic Development & Tourism (DBEDT)
Department of Land and Natural Resources (DLNR)

Federal: Federal Aviation Administration (FAA)
Department of the Army
U. S. Department of Agriculture Soil Conservation Service

All comments are included in Attachment 1.

Note: Additional information submitted on December 15, 2014, by the Applicant relating to Federal Aviation Administration requirements, Ka Paakai discussion, civil considerations, magnetic fields and audible noise, and construction traffic assessment, was accepted into the record by the Planning Commission at its hearing of December 17, 2014.

E. Community Concerns. Copies of the SUP application were transmitted to the Pearl City Neighborhood Board (NB) No. 21, the Mililani/Waipio/Melemanu NB No. 25, and the Mililani Mauka/LaunaniValley NB No. 35. The Pearl City NB No. 21 issued a resolution in support of the Project. Neighborhood Boards Nos. 25 and 35 did not provide written comments on the SUP application. However, the Applicant obtained support for the Project from NB No. 25 on January 22, 2014. The Project was also presented to NB No. 35 on January 21, 2014.

Tin Roof Ranch, Blue Planet Foundation, Pacific Resource Partnership, Castle & Cooke, Hawaii, and Hawaii Renewable Energy Alliance also provided comments in support of the Project.

All of the above community comments are attached in Attachment 1.

III. ANALYSIS

A. Laws and Public Policies

1. Land Use Law, Chapter 205, HRS. The Petition Area is within the SLU Agricultural District.

Section 205-6, HRS, allows the "county planning commission to permit certain unusual and reasonable uses within the agricultural and rural districts other than those for which the district is classified... The county planning commission may, under such protective restrictions as may be deemed necessary, permit the desired use, but only when the use would promote the effectiveness and objective of this chapter."

In determining whether a proposed use is deemed "unusual and reasonable," Section 2-45 of the Planning Commission Rules established five guidelines (five tests) to be applied. These guidelines are also found in Title 15-15, of the Hawaii Administrative Rules for the SLU Commission.

The Director finds that the proposal to allow the SEF meets the requirements of Chapter 205. The five guidelines of Section 2-45 of the Planning Commission Rules are as follows:

Guideline 1: Such use shall not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

Pursuant to Section 205-4.5(a)(21), HRS, solar energy facilities proposed on SLU Agricultural District lands rated Class B or C by the LSB are permitted to exceed the maximum land of 10 percent of the area of a parcel, or 20 acres, whichever is the lesser, if granted a SUP, provided that the Project is made subject to three conditions:

a. The area occupied by the solar energy facilities is also made available for compatible agricultural activities at a lease rate that is at least 50 percent below the fair market rent for comparable properties;

b. Proof of financial security to decommission the facility is provided to the satisfaction of the appropriate county Planning Commission prior to date of commencement of commercial generation; and

c. Solar energy facilities shall be decommissioned at the owner's expense according to the following requirements:

(i) Removal of all equipment related to the solar energy facility within twelve months of the conclusion of operation or useful life; and

(ii) Restoration of the disturbed earth to substantially the same physical condition as existed prior to the development of the solar energy facility.

The Project and its accessory uses and structures occupy approximately 313 acres, which is about 60 percent of the parcel's land area, which is almost wholly rated as Class B lands by the LSB. Thus, a SUP is required.

The Applicant submitted, as part of its application materials, information relating to the provision of land area occupied by PV panels for compatible agricultural use at a lease rent of 50 percent below market value, a preliminary description of its plan for decommissioning estimated at $4 million.

The proposed Project is not contrary to the objectives sought to be accomplished by the SLU Law and regulations. The proposal may be considered an unusual but reasonable use of agricultural lands. Under current technology, utility scale PV facilities utilize solar panels to collect and distribute generated energy require large amounts of relatively gentle terrain, sited in close proximity to an existing electrical grid. The site was formally used for pineapple cultivation and is currently in pasture use. The Applicant proposes to continue agricultural use of the site by making available the area under the PV panels for sheep pasturage and the Applicant submitted a Letter of Intent between the Applicant and Tin Roof Ranch to pasture sheep on the property. The sheep will be beneficial to the Project for vegetation control and provide a food source in compliance with the intent of Act 55.

Currently, the Planning Commission and the SLU Commission have no rules to implement the provisions of Act 55. Such rules would better define and implement the intent of Act 55 and perhaps clarify what lands are to be made available for compatible agricultural use. On its face value, the statutory provision requiring that lands occupied by the SEF be made available for compatible agriculture, cannot be fully met as the substation, switchyard, communications building, and other accessory structures, cannot be used for compatible agriculture because the lands occupied by these structures would be completely built upon. Thus, compatible agricultural activities on these portions of the Petition Area are not possible or practical. To address this, the Director of the Department of Planning and Permitting (DPP) recommends that the Applicant submit an agricultural site plan showing the area set aside for compatible agricultural use, as a condition of SUP approval.

With respect to the Applicant's proof of financial security to fund the decommissioning of the Project after its useful life, the Applicant did not provide evidence of financial security. The Applicant suggested decommissioning efforts could be funded by its parent company and the required proof of financial security could be in the form of a Letter of Credit.

Assuming that the parent company providing the Letter of Credit is associated with the Project during its entire useful life, the Letter of Credit could be an

acceptable method to show proof of financial security. However, in many instances, the owner of the Project or the entity backing the Letter of Credit, or any other form of proof of financial security, may change ownership multiple times given the length of the development's useful life. With each change in ownership, a new Letter of Credit or other form of proof of financial security, should be provided, to be in compliance with Act 55. Any one of these companies, including the Applicant, may become insolvent and it's possible that no other company is willing to acquire the Project leading to abandonment. Thus, compliance with decommissioning requirements, may ultimately be the responsibility of the landowner, should the Project, in the future, be abandoned. And, the landowner, or future landowners and assignors of the Petition Area, may also be financially unable to fund decommissioning should there be unforeseen extenuating circumstances.

The City and County of Honolulu (City) is charged with enforcing statutory requirements of Chapter 205, HRS. Therefore, the Director of Planning and Permitting would place the "burden of proof" upon the Applicant to provide documentation which shows that it has the financial ability to decommission the Project and return the Petition Area to a condition prior to establishment of the Project, as a condition of SUP approval.

According to Act 55, proof of financial security is to be "provided to the satisfaction of the appropriate county planning commission prior to date of commencement of commercial generation". Therefore, the Planning Commission is being required to determine whether the proof of financial security submitted by the Applicant, and each subsequent owner, satisfies the intent of Act 55. As there are no rules to implement this provision of Act 55, for each and every change of ownership, a new proof of financial security should be submitted before the Planning Commission for determination. In addition, the Director of Planning and Permitting would be requested to provide a recommendation on the acceptability of the proof of financial security.

The Office of Planning (OP) and SLU Commission recommend conditions of SUP approval relating to removal of all equipment within 12 months of cessation and restoration of the site to substantially the same physical condition as existed prior to development of the Project. The removal of the Project and restoration of the Petition Area are statutory requirements and a condition of SUP approval to address statutory requirements is not necessary.

Based on the information submitted and materials to be submitted in compliance with the recommended conditions of approval, the Project is deemed consistent with the SLU Law which seeks to encourage the use of lands for uses best suited for the site.

With respect to protection of endangered species and their habitats, the U. S. Fish & Wildlife Service (USFWS) raised concerns that the Project may adversely impact breeding Hawaiian hoary bats and endangered or migratory birds. The USFWS indicated that bats and their young may forage in the site and surrounding area and recommends suspending any disturbance of trees over 15 feet in height until after breeding and pup-rearing season which runs from June 1 through September 15. The USFWS stated that barbed wire fencing may

snag avifauna and recommends avoiding barbed wire fencing. The USFWS also indicates that birds have been known to mistake PV panels from bodies of water and flying into the panels could result in unintended bird kills, injuries, or predation of injured birds. USFWS recommends an on-site monitoring of bird activity and coordination with the USFWS to assist in minimizing impacts.

To protect endangered species and migratory birds, the Applicant should consult with the USFWS.

Guideline 2: The desired use would not adversely affect surrounding property.

The Project site is surrounded by vacant agricultural land and overgrown terrain. Small farms occupy certain parcels north and south of the site. The DOA did not indicate the Project would have an adverse impact on surrounding agricultural uses.

The nearest residential areas to the Project are the southernmost portion of Mililani Mauka (approximately 0.5 mile to the north, across Kipapa Gulch) and the eastern most portion of Mililani Town (approximately 0.6 mile to the west, across the H-2 Freeway). Other than private views of a portion of the panels, which is not protected under government regulations, adverse impacts are not anticipated on nearby homes.

The Waiahole Ditch, an open ditch that transports irrigation water from Windward to Central Oahu, runs along the Project's southern boundary. Waiahole Ditch could serve as a source of irrigation water for on-site agricultural operations. No impacts are anticipated on this water source as a result of the Project.

Noise or odors are not anticipated to adversely affect surrounding properties. Short-term noise impacts may result from supplemental grass trimming by mechanical means.

A portion of the Project at the mauka-most end lies above the 50-inch rainfall isohyet. Consistent with the recommendations of the 2007 Central Oahu Watershed Study, the evaluation of the 2002 Central Oahu Sustainable Communities Plan, and its ongoing five-year comprehensive review, Best Management Practices (BMP) will maintain or improve rainfall retention and ground water infiltration at the Project site, protect against stream erosion, and sedimentation. BMP are standards of the City's grading ordinance and a condition of the SUP approval regarding the implementation of BMP is not necessary.

The Applicant submitted a view study with simulations showing minimal impacts on public roadways, parks, or other public spaces. The switchyard and substation, which is located about a mile from the H-2, contain vertical structures including 20- to 30-foot high electrical racks and structures, communications and electrical equipment buildings, fencing, and an 80-foot high communications tower, were not shown on the simulations. At this distance, the switchyard and substation would have a minimal impact on views from H-2. Naupaka and Kou plants will be planted along the property's western boundary to screen any views

of the Project not already screened by existing vegetation. Undesirable views of the switchyard and substation may be addressed during the Conditional Use Permit Minor (CUP) review. A condition of SUP approval is not required.

Guideline 3: The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, police, and fire protection.

The Project would not unreasonably burden public agencies to provide roads, sewers, drainage, schools, police, and fire protection based on the following:

Traffic - Access to the Petition Area is via a private access road known as Pineapple Road with ingress/egress off Ka Uka Boulevard across from the Costco Waipio complex. This dirt road leads through an existing farm and crosses H-2 Freeway about 1.4 miles north of the Ka Uka Boulevard/H-2 Freeway Interchange before leading into the Project site.

Periodic maintenance and inspection of the solar facilities (including supplemental mowing, landscaping, panel cleaning, and electrical maintenance) would occur irregularly where employees would drive to various locations throughout the site on a network of internal gravel roads. No centralized parking facilities are planned.

The DTS and the State Department of Transportation (DOT) Highways Division did not provide any comments. Therefore, a condition of approval relating to roadway infrastructure is not required.

Wastewater - Normal operation of the facility would not require onsite personnel. Therefore, the site would not be permanently manned and no permanent wastewater facilities would be required.

Water Supply - The Project site is not serviced by the Honolulu Board of Water Supply. A future reservoir is being proposed by the landowner. The Applicant indicates that the reservoir is not part of their Project even though it is located in the Petition Area. Reservoirs are a permitted use and there is no impact on the SUP if included in the Petition Area.

Small amounts of water would be required for occasional irrigation of landscaping, as well as occasional cleaning of the solar panels. Water would be available either from rainwater catchment equipment or transported in via truck. No hook-up to the municipal water system is planned.

Drainage, School Improvements, Fire, and Police Protection - The Project is being proposed on gently sloping, former pineapple cultivation lands which are currently overgrown with tall non-native grasses, fiddlewood, and albizia trees. Staff observed 10- to 15-foot high koa trees on the Petition Area. The area appears well drained and the development of a SEF is not anticipated to change existing drainage patterns which generally sheet flow into the surrounding gullies. No residential use is being proposed and the SEF will be completely fenced on its perimeter. As the Petition Area is only accessible via a private and gated agricultural road, additional police protection services are not anticipated.

The Honolulu Fire Department (HFD) provided standard comments with respect to the provision of fire protection infrastructure. In a telephone conversation between the DPP and the HFD Fire Prevention Bureau, the HFD staff recognized that the Project did not contain buildings or facilities that would normally be subject to the provision of fire fighting infrastructure. Building permits for the Project would be circulated to the HFD for review. Any fire fighting infrastructure required by the HFD may be imposed at that time. Therefore, recommendations of the HFD need not be included as conditions of SUP approval.

The Applicant did not provide information on the potential for brush fires. Sheep pasturing and other compatible agricultural areas in the Petition Area should minimize brush fire potential. However, surrounding lands may be susceptible to brush fires and the Project could sustain damage from off-site fires. The Applicant plans to establish roadways or setbacks between the PV panels and the Project's fence line to minimize impacts from wildfires beyond the Petition Area. A condition of SUP approval is not necessary.

Guideline 4: Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.

Large-scale solar energy facility development on Oahu is a recent phenomena as tax incentives and the increasing cost for traditional fuels have contributed to a growing industry for large- and small-scale PV installations, in addition to other alternative and renewable energy solutions such as wind, geothermal, hydroelectric, biofuels, and natural gas. As of December 2013, HECO reports that there are no utility scale PV projects in the Central Oahu to North Shore areas where most of the high quality agricultural lands are located. The DPP is aware of several large-scale (over 10 megawatts) projects under review for approval in the Central Oahu and other areas, as follows:

Table 2 – Proposed Utility-Scale PV Projects in Agricultural Land per Hawaii State Energy Office (SEO) Webpage

Project Name	Capacity Megawatts	Location	Approx. Acreage	Land Rating*
Waiawa Solar Farm (SunEdison)**	115	Waiawa, Central Oahu	655	Primarily A & B
Hoohana Solar LLC**	46	Royal Kunia, Central Oahu	124	Primarily A
Mililani South Solar Park	35	South of Mililani, Central Oahu	72	D
Kawailoa Solar, LLC	50	Kawailoa, North Shore	304	Primarily B & C
Ka La Nui Solar Project	15	Waianae at Mountain View Dairy, Waianae	76	E
Eurus Waianae Solar	30	Waianae, mauka of Uluwehi	195	E
Totals	291		1,426	

*LSB types A, B, C, D, or E
** SLU Urban District

Due to the reduction in panel costs and government subsidies, large-scale PV has become a viable economic alternative to plantation agriculture. These solar

energy projects typically have long-term leases commensurate to the hardware's expected life. Thereafter, the panels may be removed and recycled or replaced by newer panels, subject to a modification of the SUP, should the Project owner exercise its options to extend energy production beyond the projected life of the Project. The trend to use large areas of land for energy generation was not anticipated at the time the SLU Law was being established. And, the local cost for energy from fossil fuels continue to rise and is presently two to four times the cost for energy as the U. S. mainland[3].

Guideline 5: The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

The parcel is rated good quality agricultural land and is suitable for uses permitted within the district. The subject land is presently used for a small scale cattle ranch. Section 205-4.5(a)(21), HRS, allows the granting of a SUP for the proposed SEF provided that certain conditions are met. One of these conditions require that the same lands be made available for compatible agriculture should an SUP be granted for a SEF. Thus, the statutory requirement to retain lands subsequently approved for a SEF, for the dual purpose of energy and agricultural production, results in little loss of high quality agricultural land. Therefore, the Petition Area is essentially available to the uses permitted in Section 204-4.5(a)(1), (2), and (3), HRS, and thus suitable for the establishment of the Project.

The Applicant proposes to establish a sheep farm and has explored alternative agriculture operations should the sheep farm prove infeasible. In addition, the Applicant states it will comply with decommissioning requirements of Section 205-4.5(a)(21)(C), HRS.

The DOA supports solar energy operations in combination with compatible local food production. The DOA, along with the OP, commented that the Applicant should comply with the intent of Act 55, SLH 2014, and recommends that a condition of approval be imposed to require that the Applicant, and its successors/assignors establishes a compatible agricultural enterprise on the site for the duration of the SEF operation. This is recommended as a condition of SUP approval.

2. Hawaii State Plan. The Hawaii State Plan (Chapter 226, HRS, as amended) provides the overall theme, goals, objectives, policies, and priority guidelines for statewide planning. The proposal is consistent with the following objectives and policies of the Hawaii State Plan:

Section 226-7: ***Objectives and policies for the economy--agriculture.***

(a) Planning for the State's economy with regard to agriculture shall be directed towards achievement of the following objectives:

(2) Growth and development of diversified agriculture throughout the State.

[3] Source: U. S. Energy Information Administration.

(3) *An agriculture industry that continues to constitute a dynamic and essential component of Hawaii's strategic, economic, and social well-being.*

(b) To achieve the agriculture objectives, it shall be the policy of this State to:

(2) *Encourage agriculture by making best use of natural resources.*

The Project proposes to incorporate compatible agricultural uses within the same site as the PV panels by pasturing sheep around and under the panels which has the dual purpose of providing food in the form of lamb meat, and by limiting vegetation growth from pasturing sheep. The dual use of the Project site would contribute to the growth of diversified agriculture and make best use of the underlying natural resource.

Section 226-18: ***Objectives and policies for facility systems--energy.***

(a) Planning for the State's facility systems with regard to energy shall be directed toward the achievement of the following objectives, giving due consideration to all:

(1) *Dependable, efficient, and economical statewide energy systems capable of supporting the needs of the people;*
(2) *Increased energy self-sufficiency where the ratio of indigenous to imported energy use is increased;*
(3) *Greater energy security and diversification in the face of threats to Hawaii's energy supplies and systems; and*
(4) *Reduction, avoidance, or sequestration of greenhouse gas emissions from energy supply and use.*

(b) To achieve the energy objectives, it shall be the policy of this State to ensure the short- and long-term provision of adequate, reasonably priced, and dependable energy services to accommodate demand.

(c) To further achieve the energy objectives, it shall be the policy of this State to:

(1) *Support research and development as well as promote the use of renewable energy sources.*

The proposal supports the energy goals of the State Planning Act, Chapter 226, HRS by providing alternative fuel-sourced energy, that is capable of contributing to the needs of the people and support energy self-sufficiency. Operation of the Project also contributes to the reduction of greenhouse gases by offering a "clean" energy alternative to fossil fuel based energy production.

3. City General Plan. The General Plan consists of comprehensive objectives and policies that outline the City's long-range development goals. The proposed Project conforms to the following objectives and policies of the City's General Plan as cited below:

Energy

Objective A – To maintain an adequate, dependable, and economical supply of energy for Oahu residents

Policy 3 – Support programs and projects which contribute to the attainment of energy self-sufficiency on Oahu.

The Project would contribute toward energy self-sufficiency by converting solar energy to electricity and reduce the amount of fossil fuels needed to provide Oahu's energy needs.

4. Central Oahu Sustainable Communities Plan (COSCP).

a. Urban Community Boundary (UCB). The site is located outside the COSCP's UCB that was established to provide long-term protection from urbanization of Prime and Unique Agricultural Lands and for preservation of open space while providing adequate land for residential, commercial, and industrial uses needed in Central Oahu for the foreseeable future. The intent is to prevent urban zoning beyond this boundary.

The Applicant does not propose to establish urban type zoning in order to develop the Project. The proposal is to establish the use via a SUP that is best suited for SEFs on large open spaces in the Agricultural District, and does not result in an urban type zone change. An urban zone change would designate the site from an agricultural use to permit the proposal in an urban setting. In the instant case, the Project could be removed and the land returned to agriculture after its useful life. In addition, a majority of the site is being made available for compatible agricultural use as a sheep pasturing operation. Thus, the Project is consistent with the intent of the UCB.

b. Agriculture Designation. The Project site is located within areas designated by the COSCP as Agriculture and Preservation. The agriculture policies and guidelines protect Prime and Unique Agricultural Lands designated under ALISH, from urban development as they are among the best in the State. These lands are supported by an extensive, well-developed agricultural infrastructure, and are near the major transportation hub for export markets. The Applicant's plans for sheep pasturing addresses both the need to retain these lands in agricultural use and the maintenance of undergrowth by establishing a compatible agricultural use in the area of the PV panels, in accordance with Section 205-4.5(a)(21), HRS.

The Project site is currently used for cattle pasture. The cattle ranching will be replaced by a new tenant (presently in negotiations with Tin Roof Ranch) who proposes to raise hair sheep on the site. The Project will also be designed to protect the surrounding environment through appropriate design measures and the adherence to relevant health and safety requirements of the Department of Health and the Environmental Protection Agency.

c. Scenic Resources and Scenic Views. Portions of the site are visible from the H-2 Freeway and views of the site and the background Koolau Mountains are shown on the Open Space Map as protected panoramic views.

The Applicant proposes landscaping along H-2 to screen any views of the Project from passing motorists. Therefore, with appropriate landscaping as represented by the Applicant, the Project is consistent with relevant provisions of the COSCP. A condition of SUP approval addressing landscaping is not required and any unanticipated view impacts will be further reviewed under the CUP.

5. Land Use Ordinance. The Project is located within the AG-1 Restricted Agricultural District. It is considered a "Utility Installation, Type 2" facility and is subject to obtaining a CUP.

6. Special Management Area (SMA). The Project site is located outside of the SMA and a Special Management Permit is not required.

7. Coastal Zone Management (CZM). All lands of the State, including the area extending seaward of the shoreline to the seaward limits of the State's jurisdiction, are included in the CZM Area.

The proposal is consistent with the CZM objectives and policies as follows:

(3) Scenic and open space resources

(A) Identify valued scenic resources in the CZM area;

(B) Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;

(C) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and

(D) Encourage those developments that are not coastal dependent to locate in inland areas.

The site is located on Oahu's central plain, far away from the shoreline. Landscaping will screen the Project from views along the H-2.

(8) Public participation

(A) Promote public involvement in CZM processes;

(B) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and

(C) *Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.*

The Applicant made presentations about its proposal to the area's neighborhood boards. In addition, the SUP application is available online at the DPP's webpage. Based on the above analysis, the Director finds that the proposed Project is in compliance with the objectives and policies of the CZM Program.

B. Archaeological Resources. The Applicant's consultant prepared a draft archaeological assessment in August 2014. The assessment involved research of historical and archaeological resources and documents. Pedestrian inspection of the Project area by the DPP confirmed the findings of the background research. Because the site was used for pineapple production from the 1900s to the 1970s, subsurface testing was not performed. The archaeological consultant concluded that no historic properties, cultural deposits, or cultural material were identified within the proposed Project area and that the Project will not have a significant impact on any known historic properties.

The SHPD did not provide comments as of the date of this Report. The SLU Commission recommended that an approved archaeological assessment and mitigation measures be provided prior to SUP approval so that appropriate conditions of SUP approval can be determined. The OP recommended that an archaeological assessment be approved by SHPD before commencement of construction of the Project. A CUP and ministerial permits for the Project will be needed before the start of construction. The Applicant's archaeological assessment shows that no historic properties, cultural deposits, or cultural material were identified within the Petition Area, and an archaeological assessment and mitigation measures, approved by SHPD, is not necessary at this time. Therefore, a condition of SUP approval to require a SHPD approved archaeological assessment is not recommended.

An approved archaeological assessment could be required during review of the CUP, should SHPD provide comments that are contrary to the assessment's conclusions. Should cultural resources be uncovered during site work, the Applicant is required to comply with Section 106 of the National Historic Preservation Act and with Section 6E, HRS.

C. Social Impacts. The Project will have minimal impact on population increases or decreases in the area and minimal adverse impact, if any, on the area's farming community. Positive impacts of the Project would result in an increase in energy produced by a renewable source for use by the Island's businesses and residences. The establishment on a sheep pasturing operation, should it be successful, would add to the supply of lamb meat for consumption.

D. Decommissioning and Restoration. According to Section 205-4.5(a)(21)(C), HRS the Applicant is required to remove all equipment related to the solar energy facility within 12 months of the conclusion of operations or useful life, and restore the disturbed earth to substantially the same physical condition as existed prior to the development of the SEF[4].

[4] Act 55 provides no timeframe for the restoration of the disturbed earth to substantially the same physical condition as existed prior to development of the SEF.

The Applicant indicates that the Project is expected to have an operational life of approximately 35 years. Thereafter, the facility may be re-powered with new equipment or decommissioned, and the site reclaimed. Should the Applicant decide to renew the SEF with a modern system, the Applicant must obtain a new SUP or modify the existing approvals to extend its deadline to decommission, and reclaim the site.

Decommissioning would involve removal of all above ground structures, including the panels, transformers, and substation equipment, as well as removal of all below-ground structures and foundations to a depth of 36 inches below grade. It is anticipated that most of the materials would be either salvaged or recycled, with the majority of this material likely being shipped to a recycling facility on the mainland. The remaining materials would be disposed of by the contractor at authorized sites in accordance with applicable laws. Site restoration would be based on site-specific requirements and techniques commonly employed at the time of decommissioning. It is expected to include grading, spot replacement of topsoil, removal of gravel, and revegetation of all disturbed areas with an appropriate hydroseed mix, such that the physical conditions of the Project site would be comparable to the existing conditions prior to construction of the Project.

The Applicant is required to comply with Section 205-4.5(a)(21)(C), HRS, and a condition of SUP approval is not required.

E. Glint and Glare. The Applicant's consultant prepared a glint and glare study in accordance with the FAA's recommendations. PV panels are typically designed with anti-reflective glass front surfaces to capture and retain as much of the solar spectrum as possible. In general, solar module glass has less reflectivity than water or window glass. The consultant study indicates that some adjacent areas may experience some degree of glare, but this would only occur during a portion of the year and for very short durations (e.g., 15 to 45 minutes per day). The study concludes that while glare may be visible during these short periods, the effects would be mitigated by the distance of the Project from publically accessible areas, intervening structures, and vegetation (including the proposed landscaping that would be installed as part of the Project). Potential effects on aircraft approaching Wheeler Army Airfield are expected to be barely perceptible.

The DOT indicates in their comments that glint and glare may affect other aircraft within the vicinity of the Petition Area beyond the typical flight paths used by aircraft approaching Wheeler Army Airfield. DOT also added that the Applicant should be prepared to immediately mitigate hazardous conditions due to glint and glare upon notification by the DOT Airports Division or the FAA.

IV. CONCLUSION

The proposal addresses the energy goals of the State and City.

Approval of the SEF, along with the integration of compatible agricultural uses, addresses the requirements of Section 205-4.5(a)(21)(A), HRS relating to the provision of the Project site for compatible agriculture.

The proposal is also in compliance with relevant State and City policies and no adverse infrastructure impacts are anticipated. Thus, the proposed Project to allow a SEF on high quality agricultural land is "unusual and reasonable" as set forth in Chapter 205-6, HRS, and the five guidelines established by the Planning Commission, pursuant to Section 2-45 of the "Rules of the Planning Commission."

V. RECOMMENDATION

The Director of the Department of Planning and Permitting recommends that Special Use Permit (SUP) Application File No. 2014/SUP-3, for a solar energy facility on approximately 313 acres, Portion of Parcel 4 (Tax Map Key 9-5-003: 004), be approved, subject to the following conditions:

1. Usable lands of the Petition Area, including areas under PV panels, shall be made available for compatible agricultural use at a lease rate that is at least 50 percent below the fair market rent for comparable properties, as long as the Project is in operation. Compatible agricultural operations shall be established within one year of the start of power generation. Extensions to this deadline may be granted by the Director of the DPP for unforeseen extenuating circumstances.

2. The Applicant shall submit for review and obtain the approval of the following from the Director of the DPP, prior to the issuance of a grading or building permit:

    a. A survey map accompanied by a metes and bounds description of the approved Petition Area.

    b. A site plan showing the area required under Condition 1, above, relating to the minimum land area to be made available for compatible agricultural use.

3. The Applicant shall submit to the DPP, proof of financial security to decommission the Project and restore the Petition Area to substantially the same physical condition as existed prior to the development of the solar energy facility. Planning Commission approval of the proof of financial security shall be obtained prior to the issuance of grading or building permits, whichever occurs the sooner.

    A change in Project ownership or its affiliates, which warrants a new proof of financial security to decommission the Project, shall be submitted to the DPP for processing through the Planning Commission, within three months of the ownership change.

4. As needed, the Applicant shall work with the U. S. Fish & Wildlife Service regarding the protection of endangered or migratory bird activity at the Petition Area.

5. The Applicant shall establish the Project within two years of the date of the State Land Use Commission's Decision and Order approving the SUP. Requests for extension of this deadline shall be submitted to the Director of the DPP prior to the expiration of the deadline. The Planning Commission may grant an extension to the deadline to establish the Project due to unforeseen circumstances that were beyond the control of the Applicant.

6. On or before December 31 of each year that the SUP is in effect, the Applicant or its successor shall file an annual report to the DPP that demonstrates the Applicant's compliance with conditions of the SUP.

7. Major modifications to: (1) the Project plans, including but not limited to significant increases in the number of PV panels; (2) amendments to the conditions of approval; (3) significant expansions of the approved area; or (4) change in uses stated herein, shall be subject to the review and approval of the Planning Commission and the State Land Use Commission. Minor modifications including minor additions to accessory uses and structures, and new incidental uses and structures in the approved area are subject to review and approval by the Director of the DPP.

8. The Applicant and/or landowner shall notify the Director of the DPP of:

   a. Any change or transfer of licensee on the property;

   b. Any change in uses on the property;

   c. Termination of any uses on the property; and/or

   d. Transfer in ownership of the property.

   The Planning Commission, in consultation with the Director of the DPP, shall determine the disposition of this Special Use Permit, and the facilities permitted herein.

9. Enforcement of the conditions of the SUP shall be pursuant to the Rules of the Planning Commission, including the issuance of an order to show cause as to the reason the SUP should not be revoked if the Planning Commission has reason to believe that there has been a failure to perform the conditions imposed herein.

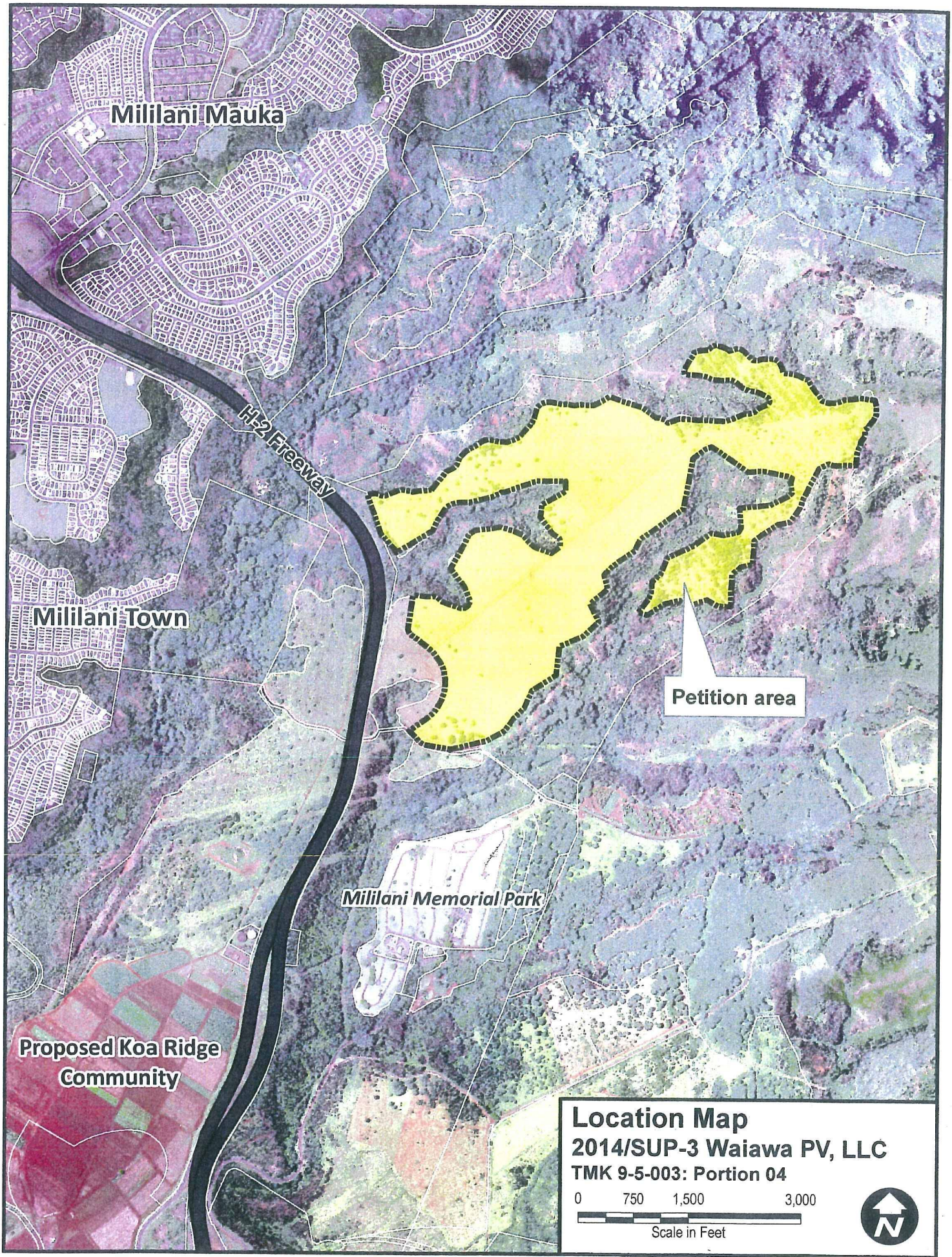
Dated at Honolulu, Hawaii this 30th day of December 2014.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

By George I. Atta
George I. Atta, FAICP
Director

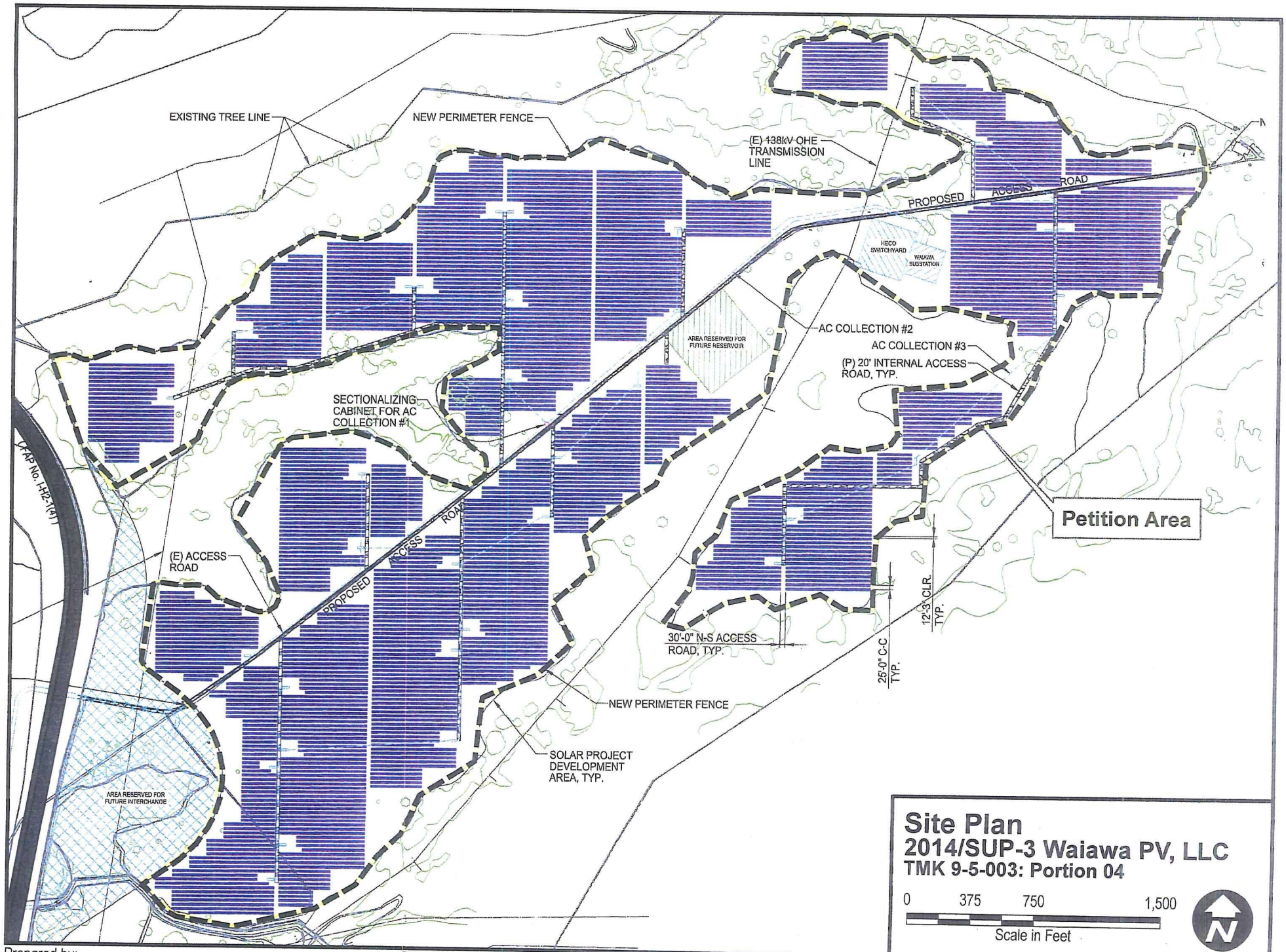
Attachment

Attachment 1



Date Prepared: Dec 4, 2014

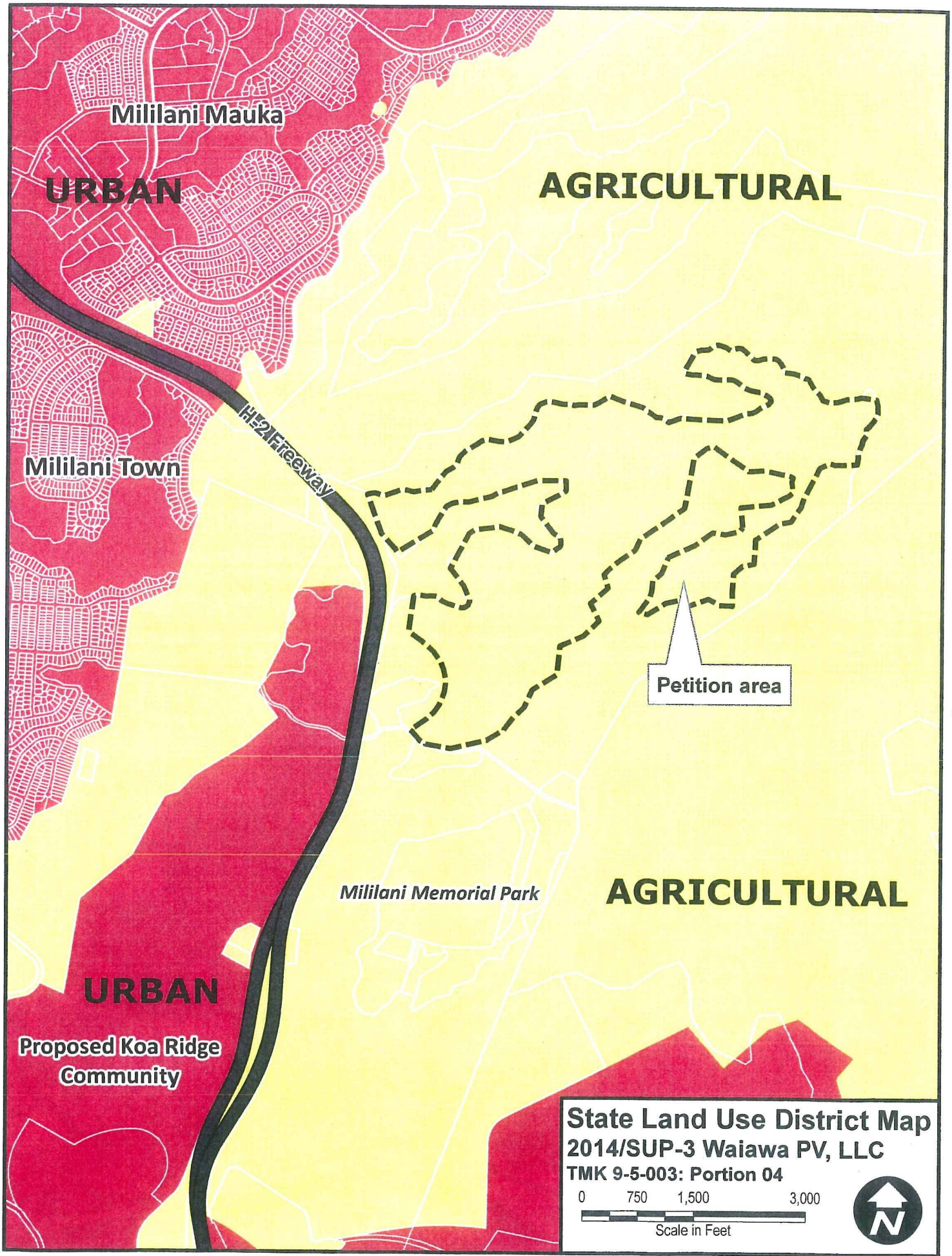
EXHIBIT 1



Prepared by:

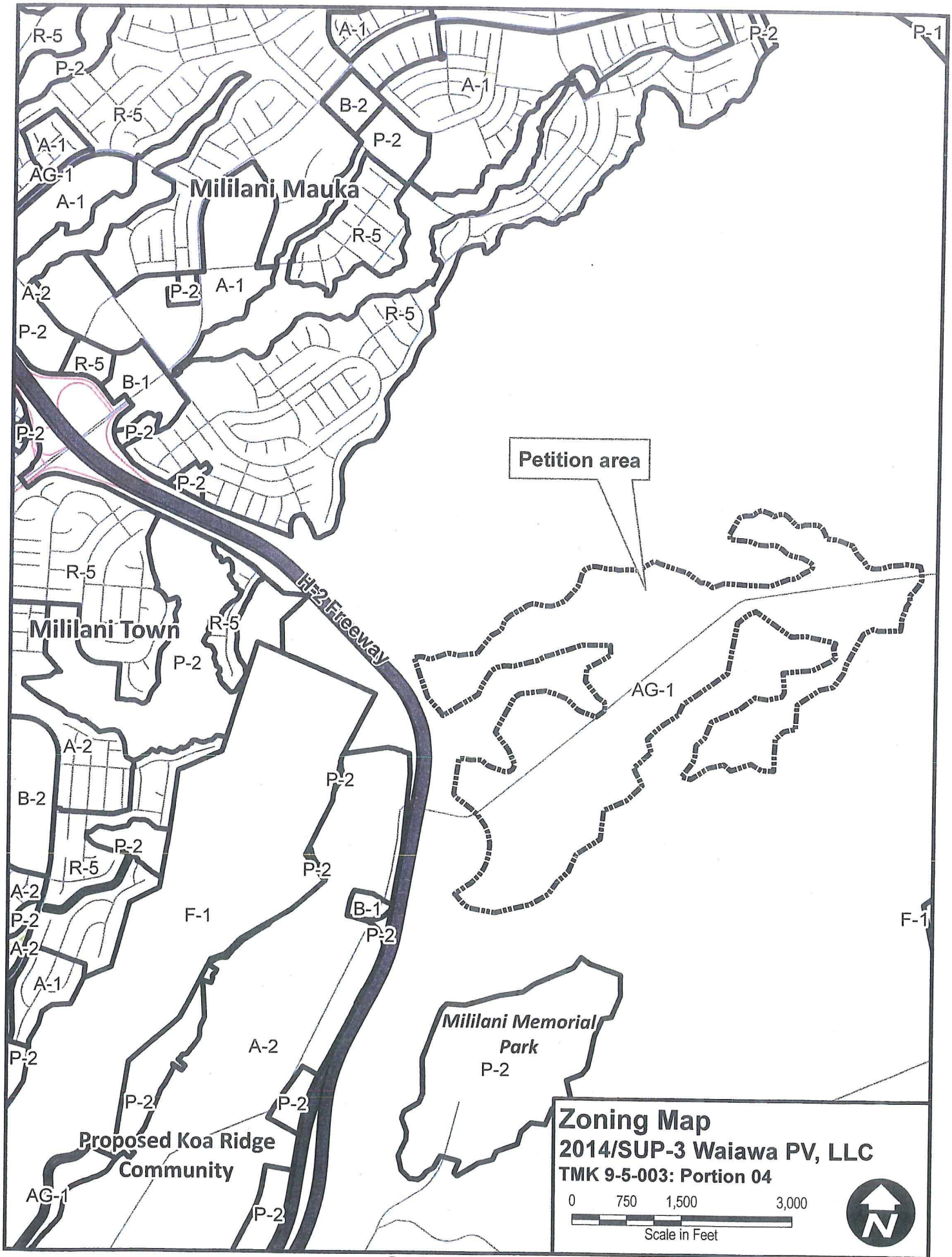
Date Prepared: Dec 4, 2014

EXHIBIT 2



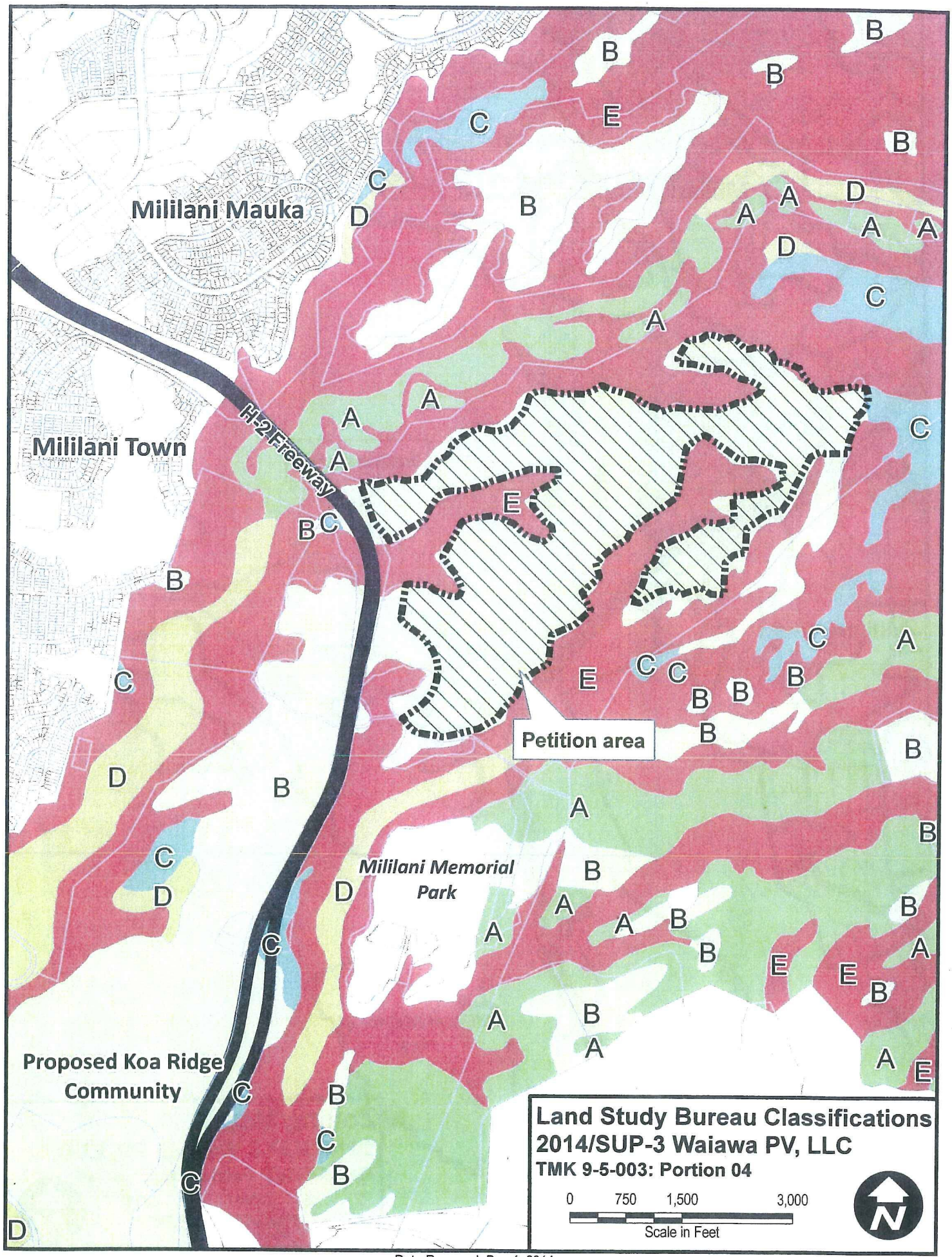
Date Prepared: Dec 4, 2014

EXHIBIT 3



Date Prepared: Dec 4, 2014

EXHIBIT 4



Date Prepared: Dec 4, 2014

EXHIBIT 5

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU
801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org

KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

'14 OCT 13

OUR REFERENCE MT-DK

October 10, 2014

MEMORANDUM

TO: George I. Atta, FAICP, Director
Department of Planning and Permitting

ATTENTION: Raymond Young, Planner VI

FROM: Louis M. Kealoha, Chief of Police

SUBJECT: Application for a Special Use Permit
Solar Energy Facility, Waipio, Central Oahu
Tax Map Key: 9-5-003:004 (por.)
Project Number 2014/SUP-3

Thank you for the opportunity to review the subject application.

The Honolulu Police Department has no concerns regarding the project at this time.

If there are any questions, please contact Major Clayton Saito of District 3 (Pearl City) at 723-8803 or via email at csaito1@honolulu.gov.

Sincerely,

Louis M. Kealoha
Chief of Police

By Mark Tsuyemura
Mark Tsuyemura
Management Analyst VI
Office of the Chief

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU
1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: http://envhonolulu.org

KIRK CALDWELL
MAYOR

LORI M.K. KAHIKINA, P.E.
DIRECTOR

TIMOTHY A. HOUGHTON
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO
PRO 14-148

October 13, 2014

MEMORANDUM

TO: George I. Atta, FAICP, LEED AP, CEI, Director
Department of Planning and Permitting

FROM: Ross S. Tanimoto for Lori M.K. Kahikina, P.E., Director

SUBJECT: Application for a Special Use Permit
Solar Energy Facility, Waipio, Central Oahu, Oahu
TAX MAP KEY: 9-5-003: 004 (portion)

We have reviewed the subject document as transmitted to us by your memo dated October 2, 2014, reference number 2014/SUP-3 (RY), and we do not believe the proposed project will impact our services or facilities.

Should you have any questions, please call Marisol Olaes, Civil Engineer, at 768-3467.

HONOLULU FIRE DEPARTMENT

CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

KIRK CALDWELL
MAYOR

MANUEL P. NEVES
FIRE CHIEF

LIONEL CAMARA JR.
DEPUTY FIRE CHIEF

'14 OCT 23

October 21, 2014

TO: GEORGE ATTA, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: SOCRATES D. BRATAKOS, ASSISTANT CHIEF

SUBJECT: SPECIAL USE PERMIT APPLICATION NO. 2014/SUP-3
SOLAR ENERGY FACILITY
CENTRAL OAHU, HAWAII
TAX MAP KEY: 9-5-003: 004 (PORTION)

In response to your memorandum dated October 2, 2014, regarding the above-mentioned subject, the Honolulu Fire Department (HFD) requires that the following be complied with:

1. Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 feet (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility. (National Fire Protection Association [NFPA] 1, Uniform Fire Code [UFC]™, 2006 Edition, Section 18.2.3.2.2.)

   A fire department access road shall extend to within 50 feet (15 m) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building. (NFPA 1, UFC™, 2006 Edition, Section 18.2.3.2.1.)

2. A water supply approved by the county, capable of supplying the required fire flow for fire protection, shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed, or moved into or within the county. When any portion of the facility or building is in excess of 150 feet (45 720 mm) from a water supply on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire

hydrants and mains capable of supplying the required fire flow shall be provided when required by the AHJ [Authority Having Jurisdiction]. (NFPA 1, UFC™, 2006 Edition, Section 18.3.1, as amended.)

3. Submit civil drawings to the HFD for review and approval.

Should you have questions, please contact Battalion Chief Terry Seelig of our Fire Prevention Bureau at 723-7151 or tseelig@honolulu.gov.

Socrates Bratakos

SOCRATES BRATAKOS
Assistant Chief

SDB/CN:bh

NEIL ABERCROMBIE
GOVERNOR

HERMINA MORITA
CHAIR

MICHAEL E. CHAMPLEY
COMMISSIONER

LORRAINE H. AKIBA
COMMISSIONER

STATE OF HAWAII
PUBLIC UTILITIES COMMISSION
465 S. KING STREET, #103
HONOLULU, HAWAII 96813

Telephone: (808) 586-2020
Facsimile: (808) 586-2066

e-mail: Hawaii.PUC@hawaii.gov

'14 OCT 24 P1

October 23, 2014

George I. Atta, FAICP, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Atta:

Thank you for your October 2, 2014 inquiry regarding the application of First Wind (d.b.a. Waiawa PV, LLC) ("First Wind") to the City and County of Honolulu for a Special Use Permit to build a 47 megawatt solar photovoltaic system on a 313 acre portion of property contained within Tax Map Key 9-5-003:004. In your memorandum to the Public Utilities Commission ("Commission"), you specifically request that all receiving agencies:

> [E]valuate the impact of the project on the public facilities and services which are planned or provided by your Department and indicate whether they are adequate to serve the project. If public facilities and services are not adequate, indicate what improvements would be necessary to support the project.

The Commission's role and authority is limited in this matter to the review of a negotiated power purchase agreement between First Wind and Hawaiian Electric Company, Inc.

I hope the information provided above is helpful for your review and for understanding the role of the Commission in this process. Please feel free to contact me at (808) 586-2020 in the event you have additional questions.

Sincerely,

Hermina Morita
Chair, Public Utilities Commission

HM:sm:ljk

2014/E109-205

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843

October 29, 2014

TO: GEORGE I. ATTA, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: FOR ERNEST Y. W. LAU, P.E., MANAGER AND CHIEF ENGINEER

SUBJECT: YOUR MEMORANDUM DATED OCTOBER 2, 2014 ON THE APPLICATION FOR A SPECIAL USE PERMIT, SOLAR ENERGY FACILITY, WAIPIO – TAX MAP KEY: 9-5-003: 004

We do not have comments on the proposed solar energy facility.

We do not have a water system in this area.

If you have any questions, please contact Robert Chun, Project Review Branch of our Water Resources Division at 748-5443.

NEIL ABERCROMBIE
Governor

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

KEN H. KAKESAKO
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

October 31, 2014

Mr. George I. Atta, FAICP
Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Atta:

Subject: Application for Special Use Permit (2014/SUP-3)
Solar Energy Facility
Waiawa PV, LLC
TMK: 9-5-03: portion 4 (Waipio, Oahu)
Area: 313 of 524 total acres

The Department of Agriculture has reviewed the subject application and offers the following comments and recommendations.

Background

The 313-acre project site is within the State Agricultural District, is outside of the City's Urban Community Boundary (Central Oahu Sustainable Communities Plan, December 2002, Map A-2), and has "B" rated soils according to the Detailed Land Classification – Island of Oahu (Land Study Bureau, December 1972). As such, solar energy facilities with a compatible agricultural activity may be permitted by special use permit, pursuant to Act 55, Session Laws of Hawaii 2014). At the end of the solar energy facility's operational life, the facility may be re-powered with new equipment, subject to permitting, or decommissioned and the land area returned to its pre-solar energy facility state. (Application, page 12)

Recommendation

The Department of Agriculture strongly supports existing farming operations and those seeking to start new farming enterprises. The Department also supports solar energy operations in combination with compatible local food production on "B" and "C" rated agricultural land as provided for in Act 55, 2014 Session Laws of Hawaii. "B" rated agricultural lands are a scarce and valuable resource with good capacity to contribute substantially to food self-sufficiency. The project site also possesses some of the characteristics that may qualify it as potential Important Agricultural Lands, pursuant to Part III of Chapter 205, Hawaii Revised Statutes (HRS).

We believe this large-scale project which is the first to seek approval via Act 55 should comply fully with the Act's purpose and intent which is to "...enable the complementary uses of utility scale solar energy generation and local food production..." on "B" and "C" rated agricultural land (Act 55, SLH 2014, Section 1) (emphasis added). We recommend the City impose a condition to the effect that the applicant and its successors and/or assigns shall have established a sheep pasture operation or other agricultural enterprise on the property in compliance with Act 55, 2014 Session Laws of Hawaii for the duration of the operation of the solar energy generation facility.

Demand for sheep and lambs

The DOA reviewed the statewide sheep and lamb statistics as found in the 2012 Census of Agriculture. From 2007 to 2012, there were decreases in the total number of farms, the total number of sheep and lambs, the total number of sheep and lambs sold, and the number of small (1-24 head) sheep farms. The number of farms selling sheep and lambs was stable.

The 2007 to 2012 statistics for sheep and lamb farms on Oahu show that the island represents a very small fraction of the statewide numbers. However, there have been increases in nearly every category. The total number of sheep and lambs sold is an indication of demand, and sales increased from 13 in 2007 to 75 in 2012. However, this represents less than 2 percent of the total statewide sales of sheep and lamb. This small number of sales is surprising as 67 percent of Hawaii's de facto population (residents and visitors) in 2013 are on Oahu.

We also note there have been no sheep farms on Oahu with more than 100 sheep since 2007. There were 5 farms with a total of 266 sheep in 2012, or an average of 53 sheep per farm.

Proposed sheep operation

The lease rent to be charged to a local ranching business will be about $12.00 per acre/year, or about 50 percent below the fair market rent for similar agricultural properties (Application, page 6). This would be in compliance with Act 55, 2014 SLH. The 5-year lease would commence after the solar farm is operational and will allow the tenant the use of the property's perimeter fencing, roadways, and other infrastructure (Application, page 4). The applicant will work with the rancher, as needed, to facilitate watering systems, electrified fencing, pens, and loading facilities (Application, page 7). We believe the applicant's assistance in establishing the aforementioned infrastructure is very important for the sheep ranching operation to succeed.

The project site is said to possess adequate forage to support 100-200 head of sheep (Application, page 5). If the envisioned sheep pasture operation takes full advantage of the carrying capacity of the property, this would result in a 50 percent increase over Oahu's 2012 sheep population (2012 Census of Agriculture, Sheep and Lambs, Oahu).

Tin Roof Ranch which has signed a letter of intent with the applicant to pasture sheep on the property (Application, Attachment 5) has a diversified agricultural operation on 7 acres on the North Shore which includes a herd of 20 sheep and sells lambs to local restaurants and a butcher shop (Application, page 6). The key to selling local lamb meat is quality and supply (Application, Attachment 8, pages 3-4). It appears that a large sheep pasture operation would be more likely to provide a consistent quality and supply that retailers and restaurants prefer. We agree with the summary in Attachment 5 (page 10) that "Careful planning in advance, establishing goals for the entire enterprise as well as those that will be keeping the sheep, a clear understanding what inputs are available, the costs of the infrastructure and inputs in the expected outcomes are all necessary for this enterprise to succeed."

Other agricultural operations

If the sheep operation is not successful, other agricultural activities compatible with a solar farm will be considered such as beekeeping, aquaponics, aquaculture, or other livestock (Application, page 7). With the exception of beekeeping, the other agricultural options will require a reliable and sufficient supply of clean water.

Water supply

The water supply for the project site will be by rainwater catchment or delivered by water truck (Application, page 7). Water delivery may become costly during dry periods. Adult sheep require up to 4 gallons of fresh water per day, so a 200-head sheep operation may require up to 800 gallons per day and distributed throughout the grazing

area. Larger livestock may require more water. Aquaponic systems appear to require the least amount of water for operation as it recycles water. An aquaculture pond requires a million gallons per acre to fill and another million gallons per year to replace water lost due to evaporation and seepage (Model Aquaculture Recirculation System, Engineering and Operations Manual; National Council for Agricultural Education; Alexandria, Virginia; 1995, page 5). One possible source of water for agricultural purposes is the Waiahole Ditch, a major source of irrigation water for central Oahu agricultural lands. The ditch appears to abut the southwestern edge of the project site. The ditch is owned and operated by the Agribusiness Development Corporation, an agency administratively attached to the Department of Agriculture.

Thank you for the opportunity to provide our input. Should you have any questions, please contact Earl Yamamoto at 973-9466 or email at earl.j.yamamoto@hawaii.gov.

Sincerely,

Scott E. Enright
Chairperson, Board of Agriculture

c: Office of Planning

OFFICE OF PLANNING
STATE OF HAWAII

NEIL ABERCROMBIE
GOVERNOR

LEO R. ASUNCION
ACTING DIRECTOR
OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: http://planning.hawaii.gov/

Ref. No. P-14557

November 3, 2014

Mr. George I. Atta, Director
Department of Planning and Permitting
City and County of Honolulu
650 S. King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Atta:

Subject: Waiawa Solar Energy Facility
Special Permit No. 2014/SUP-3
Tax Map Key: (1) 9-5-003:004 (portion), Waipio, Oahu

Thank you for the opportunity to review the subject application for a Special Use Permit to establish a 47-megawatt solar photovoltaic farm, in Waipio, Oahu. The facility will include a substation, control building, transformers, weather monitoring stations and switch gear. The proposed project will occupy an approximately 313-acre portion of a 524-acre parcel. This site was previously proposed for the Koa Ridge Mauka development in the early 2000s, but which reclassification to the Urban District was denied by the State Land Use Commission in Docket No. A00-734 on June 27, 2002. The property remains within the State Land Use Agricultural District and is zoned by the City and County of Honolulu asAG-1 Restricted Agricultural Zoning District.

Based on our review of the subject project relative to the Special Permit guidelines in Hawaii Administrative Rules § 15-15-95, we offer the following comments:

1. **The use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, HRS, and the rules of the Commission.**

   Hawaii Revised Statutes (HRS) Chapter 205 provides that the Agricultural District shall include lands with a high capacity for agricultural production, grazing, or other agricultural uses. It also recognizes that some lands may not be suitable for the uses permitted in the Agricultural District and therefore other uses may be allowed with a special permit.

   In accordance with HRS §§ 205-2 and 205-4.5, as amended by Act 55, Session Laws of Hawaii 2014 (see attachment), solar energy facilities are permitted

on lands greater than 20 acres with a soil productivity rating of "B" or "C" rating if a Special Permit is obtained. The applicable HRS sections relating to lands in the State Agricultural District are as follows:

- HRS § 205-2(6) (B): Solar energy facilities are not allowed to occupy more than 10 percent of a parcel's acreage, or 20 acres, whichever is less, unless a special use permit is granted. As such, the proposed 313-acre solar farm would be permissible with the granting of a Special Permit.

- HRS § 205-4.5 (a) 1 and 3: We find that the dual uses of the "agri-voltaic" method proposed: pasture cultivation (sheep, low-line cattle ranching or aquaponic system) in conjunction with the solar farm will fit within the definition of agricultural activities listed (cultivation of crops and raising of livestock, respectively).

- HRS § 205-4.5a (21)(A),(B) and (C): The Applicant discusses conformance with this section on pages 12 and 13 of the application, including having the site be made available for agricultural activities with sheep/cattle grazing or aquaponic system with a lease rate that is at least 50% below the fair market rent for comparable properties. OP recommends that the requirements of this HRS section relating to 1) compatible agricultural activities, 2) proof of financial security for decommissioning, and 3) decommissioning requirements, be included as specific conditions of approval.

The project is also subject to the objectives and policies of HRS Chapter 205A. The Applicant has addressed the project's compliance with applicable CZM objectives and policies through an assessment of impacts provided on the application. Also, an archaeological assessment is provided, but there is no determination of its acceptability from the State Historic Preservation Division (SHPD) at this time.
Therefore, OP recommends that the archaeological assessment be approved by SHPD prior to the commencement of construction of the solar farm.

2. **The desired use would not adversely affect surrounding property.**

The project site is largely surrounded by undeveloped or inactive agricultural lands with nearby Mililani communities stretching along the northwestern vicinity, as well as the future Koa Ridge development southwest of the site. No major glare, noise or nuisance is anticipated by the proposed use.

The Applicant states that any visual impacts to the nearby residential areas will be minimal and will be mitigated by the existing trees, natural landforms, and proposed landscape vegetations to be planted along the northern and western boundaries of the project area. Glare and reflectivity impacts have been assessed by the Applicant.

As indicated on pages 10 thru 13 of the application, long-term impacts by the proposed solar farm are expected to be very minimal. We concur that the proposed use does not appear to have any major or long term adverse effects on the surrounding area.

3. **The use would not unreasonably burden public agencies to provide streets, sewers, water, drainage, schools, fire and police resources.**

   The proposed use does not require sewer, drainage, fire or police resources with only private water source to be delivered for the purpose of irrigation and panel cleaning. Access to the site will be via a private road off Ka Uka Boulevard by the H-2 Freeway.

4. **Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established.**

   We acknowledge that the Applicant seeks to balance the renewable energy with compatible agricultural uses based on the justification provided on pages 14 and 20 of the application. While previous sugarcane and pineapple cultivation in the Waipio area are no longer economically viable, the generation of renewable energy as proposed will help to reduce the State's need and reliance on imported fossil fuels.

5. **The land upon which the proposed use is sought is unsuited for the uses permitted within the district.**

   The parcel contains soils that are classified as "B" under the Land Study Bureau (LSB) overall master productivity rating, and as "Prime", "Unique" and "Other" under the Agricultural Lands of Importance to the State of Hawaii (ALISH) system. While soils on the site are suitable for crop cultivation, solar energy facilities are also permissible uses in the Agricultural District and for which the applicant has proposed complementary agricultural uses. The temporal nature of solar facilities further provides the opportunity to restore the site for other agricultural uses following future decommissioning.

The Office of Planning (OP) does not have objections to the solar farm operation as proposed at this location. However, statewide concerns remain with regards to seeking a balance in maintaining the availability of high quality agricultural lands while promoting renewable energy resources on lands within the Agricultural District.

If you have any questions, please contact Jenny Lee of our Land Use Division at (808) 587-2805.

Sincerely,

Leo R. Asuncion
Acting Director

Attachment

c: Land Use Commission

GOV. MSG. NO. 1155

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 30, 2014

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 30, 2014, the following bill was signed into law:

SB2658 SD3 HD2

RELATING TO SOLAR ENERGY
ACT 055 (14)

Sincerely,

Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

RECEIVED
THE SENATE
CLERK'S OFFICE
STATE OF HAWAII

'14 APR 30 P2:12

RECEIVED
SENATE
OFFICE OF THE PRESIDENT

'14 APR 30 A10:45

Approved by the Governor
on APR 3 0 2014

THE SENATE
TWENTY-SEVENTH LEGISLATURE, 2014
STATE OF HAWAII

ACT 055
S.B. NO. 2658 S.D. 3 H.D. 2

A BILL FOR AN ACT

RELATING TO SOLAR ENERGY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to enable the complementary uses of utility scale solar energy generation and local food production on agricultural land with an overall productivity rating of class B or C.

SECTION 2. Section 205-2, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Agricultural districts shall include:

(1) Activities or uses as characterized by the cultivation of crops, crops for bioenergy, orchards, forage, and forestry;

(2) Farming activities or uses related to animal husbandry and game and fish propagation;

(3) Aquaculture, which means the production of aquatic plant and animal life within ponds and other bodies of water;

(4) Wind generated energy production for public, private, and commercial use;

(5) Biofuel production, as described in section 205-4.5(a)(16), for public, private, and commercial use;

(6) Solar energy facilities; provided that:

(A) This paragraph shall apply only to land with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class B, C, D, or E; and

(B) Solar energy facilities placed within land with soil classified as overall productivity rating class B or C shall not occupy more than ten per cent of the acreage of the parcel, or twenty acres of land, whichever is lesser[~~.~~], unless a special use permit is granted pursuant to section 205-6;

(7) Bona fide agricultural services and uses that support the agricultural activities of the fee or leasehold owner of the property and accessory to any of the above activities, regardless of whether conducted on the same premises as the agricultural activities to which they are accessory, including farm dwellings as defined in section 205-4.5(a)(4), employee housing,

farm buildings, mills, storage facilities, processing facilities, photovoltaic, biogas, and other small-scale renewable energy systems producing energy solely for use in the agricultural activities of the fee or leasehold owner of the property, agricultural-energy facilities as defined in section 205-4.5(a)(17), vehicle and equipment storage areas, and plantation community subdivisions as defined in section 205-4.5(a)(12);

(8) Wind machines and wind farms;

(9) Small-scale meteorological, air quality, noise, and other scientific and environmental data collection and monitoring facilities occupying less than one-half acre of land; provided that these facilities shall not be used as or equipped for use as living quarters or dwellings;

(10) Agricultural parks;

(11) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural

use and does not interfere with surrounding farm operations; and provided further that this paragraph shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5;

(12) Agricultural tourism activities, including overnight accommodations of twenty-one days or less, for any one stay within a county; provided that this paragraph shall apply only to a county that includes at least three islands and has adopted ordinances regulating agricultural tourism activities pursuant to section 205-5; provided further that the agricultural tourism activities coexist with a bona fide agricultural activity. For the purposes of this paragraph, "bona fide agricultural activity" means a farming operation as defined in section 165-2;

(13) Open area recreational facilities;

[+] (14) [+] Geothermal resources exploration and geothermal resources development, as defined under section 182-1; and

[+] (15) [+] Agricultural-based commercial operations, including:

(A) A roadside stand that is not an enclosed structure, owned and operated by a producer for the display and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii;

(B) Retail activities in an enclosed structure owned and operated by a producer for the display and sale of agricultural products grown in Hawaii, value-added products that were produced using agricultural products grown in Hawaii, logo items related to the producer's agricultural operations, and other food items; and

(C) A retail food establishment owned and operated by a producer and permitted under [~~,~~]title 11, [~~,~~] chapter 12 of the rules of the department of health that prepares and serves food at retail using products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii.

The owner of an agricultural-based commercial operation shall certify, upon request of an officer or

agent charged with enforcement of this chapter under section 205-12, that the agricultural products displayed or sold by the operation meet the requirements of this paragraph.

Agricultural districts shall not include golf courses and golf driving ranges, except as provided in section 205-4.5(d). Agricultural districts include areas that are not used for, or that are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics."

SECTION 3. Section 205-4.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Within the agricultural district, all lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B and for solar energy facilities, class B or C, shall be restricted to the following permitted uses:

(1) Cultivation of crops, including crops for bioenergy, flowers, vegetables, foliage, fruits, forage, and timber;

(2) Game and fish propagation;

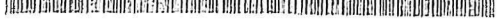
(3) Raising of livestock, including poultry, bees, fish, or other animal or aquatic life that are propagated for economic or personal use;

(4) Farm dwellings, employee housing, farm buildings, or activities or uses related to farming and animal husbandry. "Farm dwelling", as used in this paragraph, means a single-family dwelling located on and used in connection with a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling;

(5) Public institutions and buildings that are necessary for agricultural practices;

(6) Public and private open area types of recreational uses, including day camps, picnic grounds, parks, and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps;

(7) Public, private, and quasi-public utility lines and roadways, transformer stations, communications equipment buildings, solid waste transfer stations,



major water storage tanks, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, treatment plants, corporation yards, or other similar structures;

(8) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest;

(9) Agricultural-based commercial operations as described in section [205-2(d)(15)];

(10) Buildings and uses, including mills, storage, and processing facilities, maintenance facilities, photovoltaic, biogas, and other small-scale renewable energy systems producing energy solely for use in the agricultural activities of the fee or leasehold owner of the property, and vehicle and equipment storage areas that are normally considered directly accessory to the above-mentioned uses and are permitted under section 205-2(d);

(11) Agricultural parks;

(12) Plantation community subdivisions, which as used in this chapter means an established subdivision or

cluster of employee housing, community buildings, and agricultural support buildings on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation; provided that the existing structures may be used or rehabilitated for use, and new employee housing and agricultural support buildings may be allowed on land within the subdivision as follows:

(A) The employee housing is occupied by employees or former employees of the plantation who have a property interest in the land;

(B) The employee housing units not owned by their occupants shall be rented or leased at affordable rates for agricultural workers; or

(C) The agricultural support buildings shall be rented or leased to agricultural business operators or agricultural support services;

(13) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural

use and does not interfere with surrounding farm operations; and provided further that this paragraph shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5;

(14) Agricultural tourism activities, including overnight accommodations of twenty-one days or less, for any one stay within a county; provided that this paragraph shall apply only to a county that includes at least three islands and has adopted ordinances regulating agricultural tourism activities pursuant to section 205-5; provided further that the agricultural tourism activities coexist with a bona fide agricultural activity. For the purposes of this paragraph, "bona fide agricultural activity" means a farming operation as defined in section 165-2;

(15) Wind energy facilities, including the appurtenances associated with the production and transmission of wind generated energy; provided that the wind energy facilities and appurtenances are compatible with agriculture uses and cause minimal adverse impact on agricultural land;

(16) Biofuel processing facilities, including the appurtenances associated with the production and refining of biofuels that is normally considered directly accessory and secondary to the growing of the energy feedstock; provided that biofuel processing facilities and appurtenances do not adversely impact agricultural land and other agricultural uses in the vicinity.

For the purposes of this paragraph:

"Appurtenances" means operational infrastructure of the appropriate type and scale for economic commercial storage and distribution, and other similar handling of feedstock, fuels, and other products of biofuel processing facilities.

"Biofuel processing facility" means a facility that produces liquid or gaseous fuels from organic sources such as biomass crops, agricultural residues, and oil crops, including palm, canola, soybean, and waste cooking oils; grease; food wastes; and animal residues and wastes that can be used to generate energy;

(17) Agricultural-energy facilities, including appurtenances necessary for an agricultural-energy enterprise; provided that the primary activity of the agricultural-energy enterprise is agricultural activity. To be considered the primary activity of an agricultural-energy enterprise, the total acreage devoted to agricultural activity shall be not less than ninety per cent of the total acreage of the agricultural-energy enterprise. The agricultural-energy facility shall be limited to lands owned, leased, licensed, or operated by the entity conducting the agricultural activity.

As used in this paragraph:

"Agricultural activity" means any activity described in paragraphs (1) to (3) of this subsection.

"Agricultural-energy enterprise" means an enterprise that integrally incorporates an agricultural activity with an agricultural-energy facility.

"Agricultural-energy facility" means a facility that generates, stores, or distributes renewable energy as defined in section 269-91 or renewable fuel

including electrical or thermal energy or liquid or gaseous fuels from products of agricultural activities from agricultural lands located in the State.

"Appurtenances" means operational infrastructure of the appropriate type and scale for the economic commercial generation, storage, distribution, and other similar handling of energy, including equipment, feedstock, fuels, and other products of agricultural-energy facilities;

(18) Construction and operation of wireless communication antennas; provided that, for the purposes of this paragraph, "wireless communication antenna" means communications equipment that is either freestanding or placed upon or attached to an already existing structure and that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services; provided further that nothing in this paragraph shall be construed to permit the construction of any new structure that is not deemed a permitted use under this subsection;

(19) Agricultural education programs conducted on a farming operation as defined in section 165-2, for the education and participation of the general public; provided that the agricultural education programs are accessory and secondary to the principal agricultural use of the parcels or lots on which the agricultural education programs are to occur and do not interfere with surrounding farm operations. For the purposes of this section, "agricultural education programs" means activities or events designed to promote knowledge and understanding of agricultural activities and practices conducted on a farming operation as defined in section 165-2;

(20) Solar energy facilities that do not occupy more than ten per cent of the acreage of the parcel, or twenty acres of land, whichever is lesser[~~,~~] or for which a special use permit is granted pursuant to section 205-6; provided that this use shall not be permitted on lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A; [~~or~~]

(21) Solar energy facilities on lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating B or C for which a special use permit is granted pursuant to section 205-6; provided that:

(A) The area occupied by the solar energy facilities is also made available for compatible agricultural activities at a lease rate that is at least fifty per cent below the fair market rent for comparable properties;

(B) Proof of financial security to decommission the facility is provided to the satisfaction of the appropriate county planning commission prior to date of commencement of commercial generation; and

(C) Solar energy facilities shall be decommissioned at the owner's expense according to the following requirements:

(i) Removal of all equipment related to the solar energy facility within twelve months of the conclusion of operation or useful life; and

(ii) Restoration of the disturbed earth to substantially the same physical condition as existed prior to the development of the solar energy facility.

For the purposes of this paragraph, "agricultural activities" means the activities described in paragraphs (1) to (3); or

[~~(21)~~] (22) Geothermal resources exploration and geothermal resources development, as defined under section 182-1."

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

APPROVED this 30 day of APR , 2014

GOVERNOR OF THE STATE OF HAWAII

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawaii 96850

In Reply Refer To:
2015-TA-0005

NOV 0 5 2014

Mr. George I. Atta
FAICP, Director
Department of Planning and Permitting
City and County of Hawai'i
650 South King Street, 7th Floor
Honolulu, Hawai'i 96813

Subject: Technical Assistance for the Application for a Special Use Permit for the Development of Waiawa Solar Farm Project, O'ahu

Dear Mr. Atta:

The U.S. Fish and Wildlife Service received your letter on October 3, 2014, requesting our comments on the Application for a Special Use Permit for First Wind's (d.b.a. Waiawa PV, LLC) proposed development of the Waiawa Solar Farm Project, a 47 megawatt (MW) solar energy facility on approximately 313 acres on O'ahu's central plain [TMK: (1) 9-5-003:004 (por.)]. The proposed project would provide clean, renewable power to Hawaiian Electric Company for integration into their electrical distribution system using a ground-mounted photovoltaic system with 47 1.0 MW AC fixed-tilt blocks. The panels are expected to extend approximately 4 feet 6 inches to 9 feet 6 inches off the ground. Each panel would generate power at 1,000 volts; electrical equipment including container boxes, collector lines, inverters, transformers, weather monitoring stations, and switchgear would be installed in the vicinity of the panels, as needed to increase the electrical voltage and aggregate the generated electricity for transmittal via the collector system. The project would interconnect with an existing 138 kilovolt (kV) transmission line that traverses the property.

The proposed project site would be located on a portion of the TMK that is east of the H-2 Freeway, north of the Ka Uka Boulevard interchange, within a contiguous area that is irregular in shape. Elevation of the project site ranges from approximately 720 feet above sea level to approximately 940 feet. The topography is gently sloping, transitioning to steep gulches along the northern and southern edges of the property (Kīpapa Gulch and Pānakauahi Gulch, respectively).

The proposed project would be located on approximately 313 acres of Class B soils, based on the Land Study Bureau productivity rating system. The area is comprised of former agricultural

fields that were previously cultivated with pineapple and sugarcane and is currently used for cattle grazing. There are no structures within the proposed project site. First Wind intends to

lease the proposed site for sheep ranching. Except for the transformers and switchyards, most of the fenced area would be available to support 100-200 head of sheep on a year-round basis.

This response is in accordance with section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). We offer the following comments to assist the Planning Commission and First Wind: We understand a biological survey conducted by SWCA Environmental Consultants indicated no threatened or endangered species found on the proposed project site. However, the federally endangered Hawaii hoary bat (*Lasiurus cinereus semotus*) may forage and roost in the project area. There is no proposed or designated critical habitat located in the area.

The Hawaiian hoary bat roosts in both exotic and native woody vegetation and, while foraging, will leave young unattended in "nursery" trees and shrubs when they forage. If trees or shrubs suitable for bat roosting are cleared during the breeding season, there is a risk that young bats could inadvertently be harmed or killed. To minimize impacts to the endangered Hawaiian hoary bat, woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). Site clearing should be timed to avoid disturbance to Hawaiian hoary bats in the project area. Additionally, Hawaiian hoary bats have been snagged on barbed wire fencing while flying. We recommend that the solar facility fence design be designed to avoid the use of barbed wire.

Please note that some photovoltaic systems on the continental United States are resulting in impacts to migratory waterfowl and shorebirds. This source of mortality has been described previously (McCrary et. al. 1986), and recent impacts are being observed at solar facilities in California, including the Desert Sunlight Solar Farm and Genesis Solar Energy Project. Birds have been inadvertently attracted to these sites due to solar panels' resemblance to water and their proximity to important migratory flyways (Donnelly-Shores 2013 and Clarke 2013). Once attracted, collisions with the solar arrays have resulted in injuries and mortalities; once grounded, birds are also subject to predation (Kagan et. al. 2014). While attraction to solar arrays has not yet been documented in Hawai'i, the State harbors a significant diversity of waterbird and shorebird species, including the federally endangered Hawaiian coot (*Fulica alai*), Hawaiian stilt (*Himantopus mexicanus knudseni*), Hawaiian gallinule (*Gallinula chloropus*), Hawaiian duck (*Anas wyvilliana*), and Hawaiian goose (*Branta sandvicensis*). We recommend that personnel at the solar site be educated about the potential for birds to be attracted and inadvertently harmed. If monitoring indicates that species are occurring at the photovoltaic system, or additional information about the facility's impacts to native Hawaiian species becomes available, please contact us so we may assist you in avoiding and minimizing impacts.

We hope this information assists the Planning Commission with their approval process. We appreciate your efforts to conserve listed species. If you have questions about our comments, please contact Aaron Nadig, Assistant Field Supervisor; O'ahu, Kaua'i, North Western Hawaiian Islands, and American Samoa (phone: 808-792-9400, fax: 808-792-9581).

Sincerely,

Aaron Nadig
Island Team Manager
O'ahu, Kaua'i, North Western Hawaiian Islands,
and American Samoa

LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai`i

November 6, 2014

Mr. George I. Atta, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawai`i 96813

Dear Mr. Atta:

Re: Waiawa Solar Energy Facility
Special Permit No. 2014/SUP-3
Tax Map Key No.: (1) 9-5-003:004 (portion)
Waipi`o, island of O`ahu, Hawai`i

We have reviewed the subject application for a State Special Use Permit (SP) for a 47-Megawatt solar photovoltaic farm in Waipi`o. The facility proposes a substation, control building, transformers, weather monitoring stations, and switch gear. The proposed Project will occupy approximately 313-acres of the 524-acre parcel. This site was part of a proposed State Land Use District boundary reclassification for the Koa Ridge Mauka development in 2002 (Docket No. A00-734). That docket was dismissed without prejudice by the State Land Use Commission in 2007. The property is currently within the State Land Use Agricultural District.

In 2014, the State Legislature amended Sections 205-2 and 205-4.5, Hawai`i Revised Statutes (HRS) to allow solar energy facilities on lands greater than 20 acres with soil productivity ratings of "B" or "C" if a State Special Permit is obtained (Act 55, Session Laws of Hawai`i, 2014). These sections require that the site be made available for agricultural activities and that the lease rate for these activities should be 50% or less of the fair market rent for comparable properties. We suggest the placement of appropriate conditions to reflect these requirements.

The archaeological assessment provided did not include any supplements or attachments to show that the State Historic Preservation Division (SHPD) had reviewed and determined its acceptability. An approved archaeological assessment with any necessary mitigation

235 SOUTH BERETANIA STREET ❁ SUITE 406 ❁ HONOLULU, HAWAI`I 96813 ❁ TEL (808) 587-3822 ❁ FAX (808) 587-3827 ❁ EMAIL: luc@dbedt.hawaii.gov
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

measures identified must be provided prior to approval in order that appropriate conditions can be determined.

Further, because this is the first Special Permit under the recent changes to Chapter 205, HRS, the County should provide for a date by which the Project should begin, specify the duration of the activity along with any conditions for cessation of the activity. And, finally the County should require annual reporting in order that the planning and regulatory bodies can track the progress and adherence to conditions over the Project's lifetime.

If you have any questions, please contact Scott A.K. Derrickson AICP, at 587-3921.

Sincerely,

Daniel Orodenker
Executive Officer

Cc: OP

NEIL ABERCROMBIE
GOVERNOR

ROSS M. HIGASHI
INTERIM DIRECTOR

Deputy Directors
JEFFREY CHANG
RANDY GRUNE
AUDREY HIDANO
JADINE URASAKI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

STP 8.1715

November 13, 2014

Mr. George Atta, FAICP
Director
City and County of Honolulu
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Atta:

Subject: Solar Energy Facility
Special Use Permit Application (2014/SUP-3)
Waipio, Central Oahu
TMK: 9-5-003:004 (por.)

Our Department of Transportation's (DOT) comments on the subject project are as follows:

Airports Division (AIR)

The proposed project site is subject to overflights from aircraft flying between the north and south portion of the island of Oahu and aircraft circling in hold patterns for air traffic reasons. Photovoltaic (PV) systems can create a hazardous condition for a pilot due to possible glint and glare reflected from the PV array. We acknowledge a glint and glare analysis was conducted for typical flight paths used by aircraft approaching Wheeler Army Airfield. However, glint or glare could occur for other aircraft flights within the vicinity of the project area.

If glint or glare from the PV array creates a hazardous condition for pilots, the company must be prepared to immediately mitigate the hazard, upon notification by the Department of Transportation, Airports Division (AIR) or the Federal Aviation Administration (FAA).

Highways Division (HWY)

The DOT Highways Division is still conducting its review and has not yet provided comments. The Statewide Transportation Planning Office will inform you of any further DOT comments once received.

If there are any questions, please contact Mr. Norren Kato of the DOT Statewide Transportation Planning Office at telephone number (808) 831-7976.

Sincerely,

ROSS M. HIGASHI
Interim Director of Transportation

PEARL CITY NEIGHBORHOOD BOARD NO. 21

C/o NEIGHBORHOOD COMMISSION OFFICE • 530 SO. KING STREET, RM. 406 • HONOLULU, HAWAII 96813
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: http://www.honolulu.gov

RESOLUTION IN SUPPORT OF FIRST WIND GROUP'S APPLICATIONF FOR SPECIAL USE PERMIT FOR A PLANNED SOLAR ENERGY FACILITY IN PEARL CITY AND WAIAWA

WHEREAS, increasing local renewable energy productions greatly benefits Hawaii's economy, energy sustainability, and the environment; and

WHEREAS, utility-scale solar energy facilities can generate clean energy at significantly lower cost and with less environmental impact that conventional generation; and

WHEREAS, First Wind Solar Group has executed a purchase power agreement with Hawaiian electric to develop a 20-megawatt utility-scale solar energy generation facility known as "Mililani South Solar I: and

WHEREAS, First Wind Solar Group has also been selected by HECO to develop two (2) other solar energy projects near Mililani, including the 15-megawatt "Mililani South Solar II" and the 47-megawatt "Waiawa Solar.:, and

WHEREAS, these three (3) solar energy projects will save O`ahu residents approximately $200 million on electricity over 20 years through federal tax credits if the projects are completed by 2016; now therefore,

BE IT RESOLVED, that Pearl City Neighborhood Board No. 21 supports First Wind's Mililani I, Mililani II and Waiawa Special Use Permit for solar energy projects, providing that the property is used for energy generation and remain in agricultural zoning, that the projects support compatible agriculture uses, and that the solar energy equipment is decommission and removed within 12 months of the conclusion of operation; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the Governor of the State of Hawaii; members of the Hawaii State Legislature; the Director of the Department of Agriculture; the Director of the Department of Business, Economic Development and Tourism; the Mayor of the City and County of Honolulu; all City Council members; the City and County of Honolulu Departments of Planning and Permitting; First Wind Solar Group; Castle & Cooke; all members of the Pearl City Neighborhood Board No. 21; and all neighborhood board chairs.

Adopted *by Pearl City Neighborhood Board No. 21 at its regular meeting of November 25, 2014, by a unanimously vote of 9-0-0.*

Young, Raymond

From: Luann Casey [luann@tinroofranch.org]
Sent: Tuesday, November 25, 2014 8:43 AM
To: Young, Raymond
Subject: Support of First Wind's Special Use Permit Application

Mr. Raymond Young
Staff Planner, Community Plans Branch
Department of Planning and Program
650 S. King St., 7rh Flr.
Honolulu, Hawaii 96813
Email: rcsyoung@honolulu.gov

RE: Letter in Support of First Wind's Special Use Permit Application

Dear Mr. Young,

We own and operate Tin Roof Ranch, an environmentally-friendly, organic, and sustainable farm located on the North Shore of O 'ahu in beautiful Haleiwa. Tin Roof Ranch produces organic, free range chickens and eggs and other organic produce for purchase at local farmers' market.

We also raise sheep and lambs that we sell to local butchers, stores and restaurants. Demand for lamb and sheep products is so high we cannot keep up with the requests and many times we have to turn down offers to buy our lamb and sheep products.

We support First Wind's Special Use Permit Application because this project will open up more agricultural land for sheep farming and other agricultural activities. The solar energy operation will help to subsidize segments of the sheep farming operation including lease rent and fencing, making farming more cost-effective.

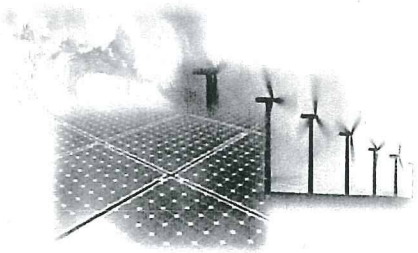
Sheep farming needs large tracts of land to be successful because sheep forage in herds within blocks of pasture and then are moved through cross fencing to other sections of the land to allow for regrowth of grass.

Because we pride ourselves on running a farm that utilizes sustainable practices, we also like the idea that our sheep operations would coexist with renewable energy and our sheep could help with grass maintenance for the solar panels.

We respectfully request that this application be approved as a show of support for renewable energy and farming.

Aloha,
Luann and Gary Gunder
Tin Roof Ranch
Haleiwa, Hawaii

blue planet FOUNDATION



November 24, 2014

Raymond Young
Staff Planner, Community Plans Branch
City and County of Honolulu, Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawai'i 96813
rcsyoung@honolulu.gov

Re: Waiawa Solar Farm

Dear Mr. Young,

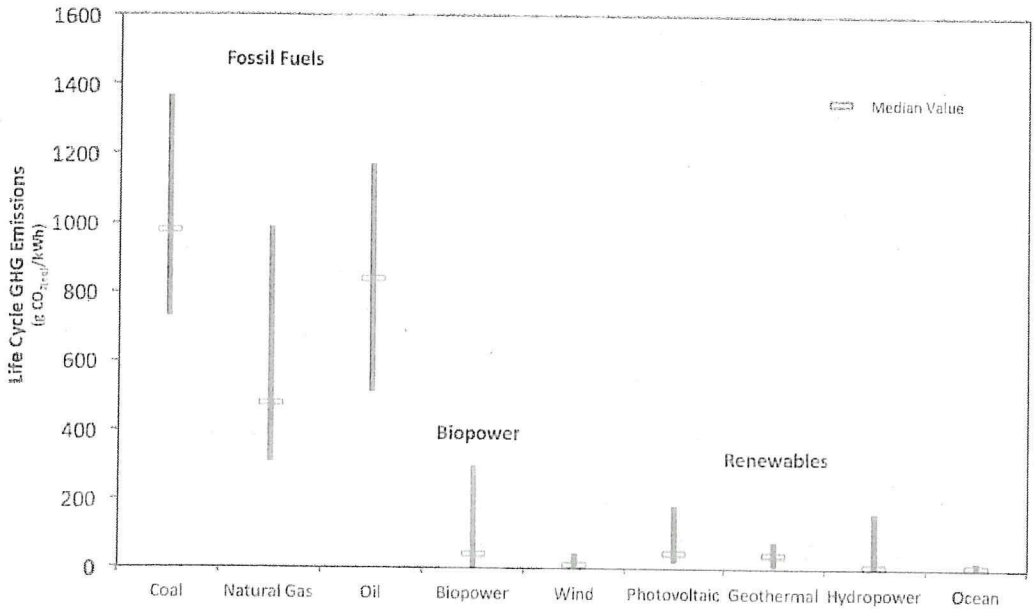
Blue Planet Foundation is Hawai'i-based nonprofit organization. We work to clear the path for local, clean, renewable power. We want to make our communities stronger, our energy more secure, our environment healthier, and our economy more robust.

In the past decade, Hawai'i has sent more than $40 Billion out of the state to pay for imported fossil fuels like oil and coal. Thankfully, cost-effective renewable energy is slowing this drain. Solar projects like the proposed Waiawa solar farm can supply power to Hawai'i's people for less than 16 cents per kWh – substantially better than the 22 cents per kWh we pay for oil in existing power plants. These savings benefit all residents and sectors.

New solar projects are also vital for achieving the state's clean energy goals and mandates. Our analysis indicates that O'ahu will require hundreds more megawatts of cost-effective solar power added to the grid, both as distributed rooftop generation and centralized utility-scale solar farms.

Timing is critical. Federal support for renewable energy projects is currently scheduled to terminate in 2016. If we fail to approve and install the pending renewable energy projects before that deadline, Hawai'i residents and businesses stand to lose hundreds of millions in federal dollars.

In addition to these broad economic benefits, using more solar power will mean cleaner power and a healthier environment. Life cycle emissions analysis, accounting for emissions at each step of production, show that solar photovoltaic power is far cleaner than fossil fuel-fired power:[1]



Solar energy projects enjoy a low profile, silent operation, and lack of significant moving parts. This can render solar projects appropriate for a variety of environments. Solar projects are also by their nature an interim use of land, because unlike large power plant buildings, solar projects can be more readily removed at the end of their useful or contractual life.

The potential for dual-use of land also makes solar power a smart choice, because this strategy can protect the long-term value and possible uses of farmland. In the nearer term, dual-use energy generation can also improve the viability of land for agriculture by providing infrastructure and subsidizing land costs for complementary agricultural uses. Together, these benefits can promote both food and energy sustainability.

---

[1] These data were compiled by the National Renewable Energy Laboratory's (NREL) Life Cycle Assessment (LCA) Harmonization project. NREL experts systematically reviewed thousands of estimates of LCA GHG emissions published between 1970 and 2011. LCA estimates presented consider emissions from all stages in the lifecycle of an energy source, from component manufacturing, to operation of the generation facility to its decommissioning, and including acquisition, processing and transport of any required fuels. Note that for natural gas, the methane leakage rate implied by these estimates is much lower than leakage measured by some scientists. Thus, the total climate impact of natural gas emissions may be even greater than reflected in this chart.

We believe that these characteristics should render solar projects far less objectionable than large, polluting, fossil fuel generating stations. **Indeed, a recent poll of Hawaii residents by the University of Hawaii Center on the Family found overwhelming support solar power. 92% of respondents favored solar power for Hawai'i, with only 4% opposing.**[2]

With aloha,

Richard Wallsgrove
Program Director

[2] *See* http://uhfamily.hawaii.edu/publications/brochures/9314e_14101012_COF_Renewable Energy_Report-FINAL.pdf.

December 3, 2014

Mr. George Atta
Director
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

RE: Central Oahu – State Special Use Permit – 2014/SUP-3 (RY), Waiawa PV, LLC

Dear Director Atta:

Pacific Resource Partnership (PRP) is a not-for-profit organization that represents the Hawaii Regional Council of Carpenters, the largest construction union in the state, and more than 240 of Hawaii's top contractors. Through this unique partnership, PRP has become an influential voice for responsible construction and an advocate for creating a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs and enhances the quality of life for all residents.

We support Waiawa PV, LLC's request to construct a 47-megawatt photovoltaic (PV) energy generation facility and accessory uses and structures that exceed the maximum land area allowed on lands rated Class B by the Land Study Bureau.

Hawaii imports most of our energy and most of our food. The PV energy generation facility has plans for sheep farming, which is a compatible agricultural activity, so the project will be a double win – enhanced energy security from a renewable, sustainable natural resource and increased local agriculture.

The State of Hawaii's goal is to meet 70% of our energy needs by 2030 through energy efficiency and renewable energy. In order to meet this goal, we must be creative in the widespread installation of green energy infrastructure.

Thank you for allowing us to share our comments. We respectfully ask for your support in creating a more sustainable community in Hawaii.

Very best regards,

Cindy McMillan
Advocacy & Communications Director

PRP
PACIFIC RESOURCE PARTNERSHIP

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

ASB TOWER, SUITE 2100
1001 BISHOP STREET
HONOLULU, HAWAII 96813
TELEPHONE 808.523.2500 FAX 808.523.0842
WWW.CARLSMITH.COM

DIRECT DIAL NO.
808.523.2557

JLIM@CARLSMITH.COM

REF. NO. 067337-1

December 10, 2014

VIA HAND DELIVERY

Mr. George Atta
Director
Department of Planning and Permitting
650 South King St., 7th Floor
Honolulu, HI 96813

Re: Waiawa PV LLC - State Special Use Permit No. 2014/SUP-3 (RY) - TMK No. (1) 9-5-003: 004 (por.)

Dear Mr. Atta:

We represent Waiawa PV, LLC, the applicant for the above referenced State Special Use Permit ("SUP"). Waiawa PV, LLC is seeking a SUP in order to develop a 47 megawatt solar farm on approximately 313 acres of land. The land is designated within the State Land Use Agricultural District and has soils rated as Class B by the Land Study Bureau; therefore a State SUP Permit is required.

The Department of Planning and Permitting deemed the SUP application complete on October 2, 2014. This matter is before the Honolulu Planning Commission next week (December 17, 2014), and we hope to be before the State Land Use Commission ("LUC") for final action by March 2015. This letter is to provide some clarification to the information submitted in the application with respect to the needed term of the SUP.

The application described an anticipated timeframe of approximately 27 years of operation. What was not explicitly addressed in the application was the additional time that will be needed to complete the land use entitlements process for the project, do site work and construction, and eventually to decommission the panels. Also not addressed in the application is the fact that the solar equipment, with regular maintenance, can still be operating productively for longer than 30 years. Taking these aspects of the project into consideration, we believe that an appropriate term for the SUP would be 35 years from the date of the LUC's decision and order approving the SUP. A 35 year term is consistent with the terms authorized by the LUC in two recently approved solar farm projects that, similar to the Waiawa PV, LLC project, are also among the low-cost waiver renewable energy solar projects approved by HECO.

We respectfully request that you take into consideration the time needed for permitting, construction and decommissioning, as well as the timeframes utilized in other very similar solar farm projects, when analyzing the SUP application, and suggest that an appropriate term for the SUP is 35 years from the date of the LUC's written decision and order approving the SUP.

Thank you for your consideration. Please do not hesitate to contact me directly if you have any questions or concerns.

Sincerely,

Jennifer A. Lim

JAL/jah
cc: Raymond Young, DPP
Wren Wescoatt, Waiawa PV, LLC

4851-9112-2720.1.067337-00001

Castle & Cooke
Hawai'i

680 Iwilei Road, Suite 510
Honolulu, Hawai'i 96817
(808) 548-481[illegible] • Fax (808) 548-2980

Harry A. Saunders
President

December 15, 2014

Via Facsimile: 808.768.6743

Mr. Dean I. Hazama, Chair,
and Members of the Honolulu Planning Commission
City and County of Honolulu
650 South King Street Seventh Floor
Honolulu, Hawai'i 96813

Dear Chair Hazama and Members of the Honolulu Planning Commission:

Subject: *Central O'ahu – State Special Use Permit – 2014/SUP-3(RY) Waiawa PV, LLC*

Castle & Cooke Hawai'i supports the subject request for a State Special Use Permit to allow the construction of a utility scale solar photovoltaic energy generating facility that will help reduce O'ahu's dependency on electricity generated by imported fossil fuels.

This project proposes to harness the abundant daily solar resources prevalent in this region. A renewable energy generator that would capture clean solar renewable resources to help reduce costly and unsustainable electricity generated by oil burning methods.

In addition to producing clean energy, the eventual landowner and solar operator plan to sublease acreage to pasture sheep on property. Most of the solar area, more than 300 acres, will be used to generate both local energy and local agriculture. And the solar panels are just an interim use, so the land will remain in agriculture during and after the project.

We respectfully request your support for this project.

Sincerely,

Mr. Raymond Young
Staff Planner, Community Plans Branch
Department of Planning and Program
650 S. King St., 7th Floor
Honolulu, Hawaii 96813
Email: rcsyoung@honolulu.gov

RE: First Wind Waiawa PV Application for a Special Use Permit

Dear Mr. Young,

The Hawai'i Renewable Energy Association ("HREA") is an industry-based, nonprofit corporation in Hawai'i established in 1995. Our mission is to support, through education and advocacy, the use of renewables for a sustainable, energy-efficient, environmentally-friendly, economically-sound future for Hawaii.

HREA supports the dual-use of agricultural activities and solar energy facilities on agricultural land as provided in the Hawaii Revised Statutes. We support dual-use as a creative approach to making the best use of available resources to meet Hawaii's clean energy goals while supporting a strong agricultural industry. At the heart of this concept is the goal of increasing Hawaii's Food and Energy Security.

HREA notes that First Wind's proposed Wahiawa PV project meets the criteria stated above. We support First Wind's effort and recommend approval of their application.

Sincerely,

Warren S. Bollmeier II, President
Hawaii Renewable Energy Alliance
46-040 Konane Pl #3816
Kaneohe, HI 96744