



## OFFICE OF PLANNING STATE OF HAWAII

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June 9, 2015

### MEMORANDUM

To: Daniel Orodener, Executive Officer  
Land Use Commission

From: Leo Asuncion, Acting Director 

Subject: Special Use Permit Application No. 2014/SUP-6  
Kawailoa Solar, LLC  
Applicant's Proposed Order Adopting the City and County of Honolulu Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order



The Office of Planning (OP) offers the following comments on the above subject Proposed Order Adopting the City and County of Honolulu Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order (D&O) which was received by OP on June 5, 2015.

1. OP supports the Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order dated May 8, 2015. The conditions listed therein adequately address the potential issues identified by our office. As such, we prefer that the Applicant's Proposed D&O include the same conditions as the Planning Commission's D&O.
2. Specifically, Condition No. 1 of the Applicant's Proposed D&O should be amended to read as follows:

Compatible agricultural operations shall be established, or Applicant shall be actively seeking to have such operations established, within ~~one year~~ six months of the start of commercial power generation.

3. Additionally, the Applicant's Proposed D&O should include Condition No. 2 of the Planning Commission's D&O which reads as follows:

If at any time during the term of the SUP no compatible agricultural operations exist on the usable lands of the Petition Area for 6 months, the Applicant shall notify the Commission and the Director of the DPP in writing within 30 days of the end of the 6-month period. If requested by the Commission, the Applicant shall attend a meeting of

the Commission and submit a report to the Commission detailing the Applicant's actual and reasonable efforts to actively seek the establishment of compatible agricultural operations on the usable lands of the Petition Area. The Commission shall determine whether probable cause exists to re-evaluate the SUP and to hold a hearing pursuant to Section 2-49 of the Rules of the Commission. Extensions to the 6-month deadline may be granted by the Commission for unforeseen extenuating circumstances.

4. Condition No. 3 includes language which would allow the HECO switchyard to remain after termination of the SUP. We recommend deletion of this additional allowance. A separate SUP should be obtained if this facility is to be allowed to remain.
5. Condition No. 4 should be revised to reflect the PC language that the Applicant "...shall comply with the recommendations" of the FWS.
6. COL No. 12 (p. 23) states that "the Petition Area is not classified as Important Agricultural Land under Part III of HRS Chapter 205." As indicated in FOF No. 17, however, the Petition Area *was* recently designated as Important Agricultural Land by the LUC on February 18, 2015. As such, COL No. 12 should be revised to delete "not" in the second sentence, and add reference to DR14-52 with regard to the LUC's designation of the subject lands as IAL effective March 5, 2015.