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Ref. No. P-14664

February 26, 2015

To: Daniel Orodener, Executive Officer
Land Use Commission

From: Leo R. Asuncion, Acting Director 

Subject: SP15-405 Waiawa Solar Energy Facility
Petitioner: Waiawa PV, LLC
Owner: Castle & Cooke
Location: Waiawa, Waipio, Oahu
Tax Map Key No.: (1) 9-5-003: 004 (portion)

The Petitioner is requesting approval for a State Special Use Permit (SUP) 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, which reclassification was denied by the State Land Use Commission (LUC) in Docket No. A00-734 on June 27, 2002. The property remains within the State Land Use Agricultural District and is zoned AG-1 Restricted Agricultural District. The Office of Planning (OP) would like to offer the following comments and recommendations to the LUC.

Substantial Compliance with Representations

In other Special Use Permits, the LUC has generally required by condition that applicants substantially comply with the representations made to the county and to the LUC. OP recommends that this condition be imposed in this case as well.

Compliance with Representations

The Petitioner shall develop the property in substantial compliance with the representations made to the Commission in obtaining the State Land Use Commission Special Use Permit and the City and County of Honolulu Planning Commission in obtaining the SUP. Failure to so develop the property may result in revocation of the permit.

Archaeological Assessment

In OP's letter dated November 3, 2014 to the City and County of Honolulu (City), OP recommended that the City impose a requirement that the Archaeological Assessment be approved by the State Historic Preservation Division (SHPD) prior to the commencement of construction. We understand that the LUC staff proposed that the Archaeological Assessment be approved prior to the issuance of the SUP. Consistent with its letter, OP recommends that the LUC impose a condition requiring that the Archaeological Assessment be approved prior to commencement of construction. OP also recommends that a condition be imposed regarding finding previously unidentified archaeological resources during project construction.

Archaeological and Historic Preservation

Petitioner shall obtain approval of the draft archaeological assessment, dated August 2014, from the SHPD prior to commencement of construction of the solar farm.

Previously Unidentified Burials and Archaeological/Historic Sites

In the event that historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes, are identified during demolition and/or construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the SHPD, Oahu Island Section, shall be contacted immediately. Without any limitation to any other condition found herein, if any burials or archaeological or historic sites are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigation measures have been implemented to its satisfaction.

OP has discussed this issue with Petitioner who indicated no objections to the imposition of these conditions.

Thank you for the opportunity to provide comments and recommendations.