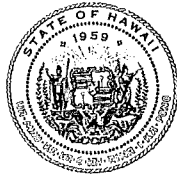


DAVID Y. IGE  
Governor

LUIS P. SALAVERIA  
Director  
MARY ALICE EVANS  
Deputy Director



DANIEL E. ORODENKER  
Executive Officer

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

---

June 5, 2017

Ms. Kathy K. Sokugawa, Acting Director  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawaii 96813

Dear Ms. Sokugawa:

Subject: Petition to Amend Special Use Permit File No. 2014/SUP-6  
Kawailoa Solar, Kawailoa, North Shore, Oahu  
Tax Map Key: 6-1-005: 001 (por.) and 6-1-006: 001 (por.)

We have reviewed the subject petition transmitted by your letter dated May 12, 2017. We understand that Kawailoa Solar, LLC, the Applicant herein, is requesting to amend Condition No. 6 to extend the deadline in which to establish the solar energy facility ("SEF") and Condition No. 8 to redefine what constitutes a major modification. With this understanding, we have the following comments:

- 1) By Findings of Fact, Conclusions of Law, and Decision and Order Approving the Recommendation of the City and County of Honolulu Planning Commission to Approve the State Special Use Permit Petition With Modifications filed June 29, 2015, in Docket No. SP15-406, the Land Use Commission ("LUC") granted a special use permit to establish an SEF on approximately 382.2 acres of land within the State Land Use Agricultural District at Kawailoa, North Shore, Hawai'i. The approval was subject to 14 conditions, including Condition Nos. 6 and 8, which the Applicant currently seeks to amend.
- 2) Condition No. 6 required the Applicant to establish the SEF within two years of the date of the Decision and Order approving the special use permit. Under this condition, the SEF would need to be established by June 29, 2017. Based on the petition, we understand that the Applicant requests that this

Ms. Kathy K. Sokugawa, Acting Director

June 5, 2017

Page 2

- deadline be extended two additional years to 2019. The proposed amended language to the Planning Commission's Decision and Order indicates that the Applicant proposes to establish the SEF within 30 months of the date of the Decision and Order modifying the special use permit, or December 31, 2019. We note that the annual report filed on February 13, 2017, on this matter had requested that the date to establish the SEF be extended to September 30, 2019. Condition No. 8 identified major modifications to the SEF that would require review and approval from the Planning Commission and the LUC. We understand that the Applicant proposes to amend the condition to replace the current reference to the number of PV panels to the area covered by PV panels to reflect the change in the type of solar module that will be used for the SEF.
- 3) We acknowledge that the Applicant also proposes other changes, including increasing the SEF from 50 megawatts ("MW") to 51 MW. If this is indeed the case, clarification should be provided as to why the Applicant's May 5, 2017, request letter identifies the 2017 net capacity of the SEF as 49 MW. Among the other changes is the addition of chain-link perimeter fencing as an accessory structure to the SEF. We understand that this change in fencing material is being done to conform to industry safety standards.
- 4) We note that the Summary Description identifies the land area of the special use permit as approximately 382.2 acres. While this represents the acreage referenced in the LUC's Decision and Order, please be advised that the land area has since been surveyed to be approximately 299.809 acres (see enclosed survey map). We believe that this acreage represents a significant departure from what was represented to the LUC. Review of the maps submitted with the original application indicates one area, previously identified as Site 7, which is excluded from the recent survey map. We have enclosed the aforementioned survey map and Exhibit "A" that was attached to the LUC's Decision and Order for your reference. We request that the Applicant clarify the reason for this omission in the current plan for the SEF, especially since reference to Site 7 in the Planning Commission's D&O is proposed to be retained.<sup>1</sup>

---

<sup>1</sup> It is noted that reference to Site 6 is also retained, but unlike Site 7, it is included on the survey map albeit labeled as Site 4. It is further noted that instead of seven sites, the survey map depicts only five sites as it combines previously labeled Sites 3, 4, and 5 into Site 3.

Ms. Kathy K. Sokugawa, Acting Director

June 5, 2017

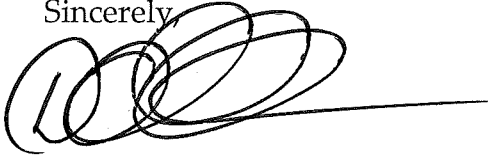
Page 3

- 5) In the event the Planning Commission recommends approval of the petition, we acknowledge that the decision and the complete record of its proceedings will be transmitted to the LUC in accordance with Hawai'i Revised Statutes §205-6(e).

We have no further comments to offer at this time.

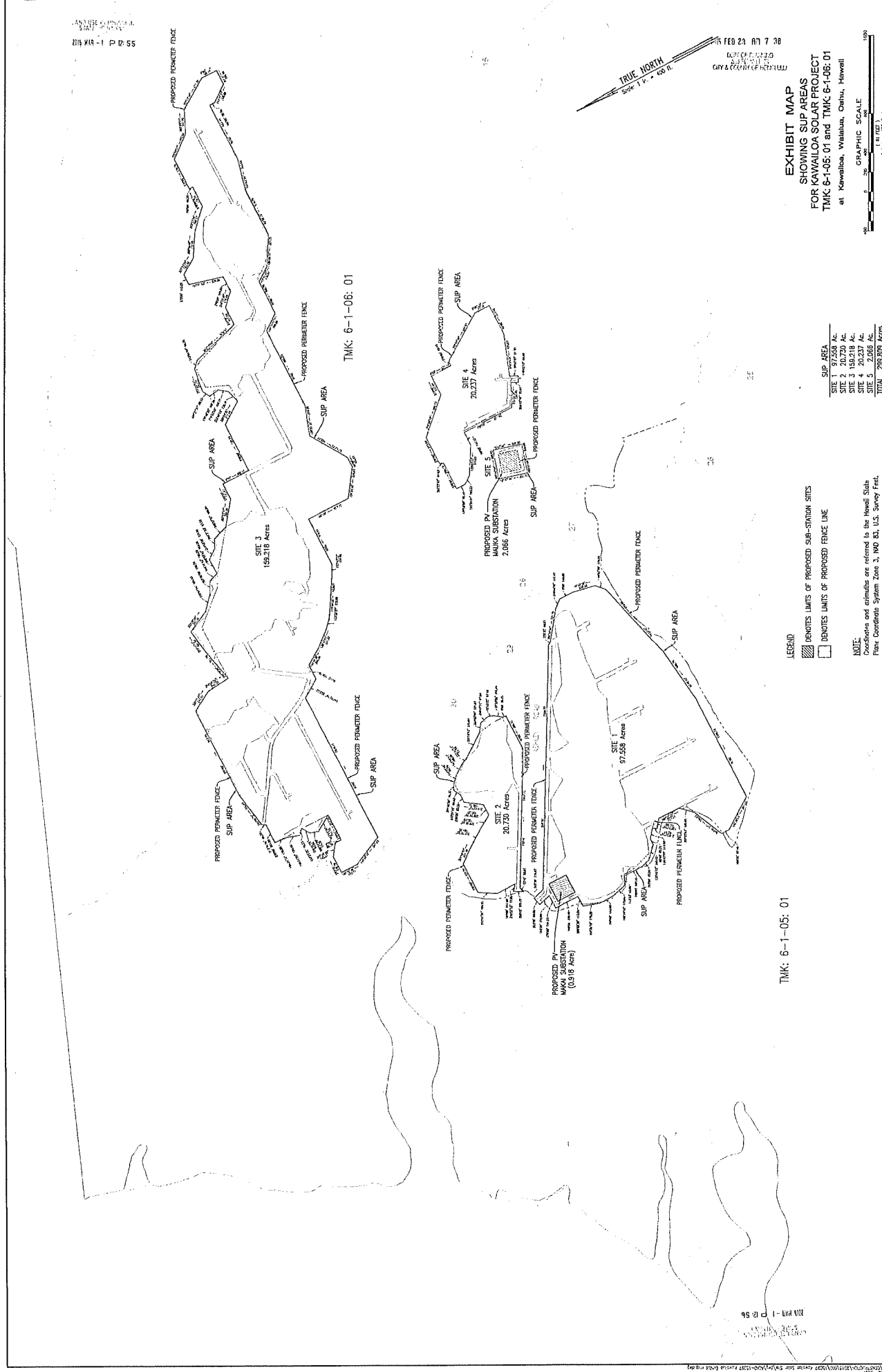
We appreciate the opportunity to comment on this matter. Should you have any questions, please call our office at 587-3822.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

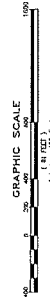
Daniel E. Orodener  
Executive Officer

enclosures



TRUE NORTH  
Scale 1" = 100 ft.

**EXHIBIT MAP**  
SHOWING SIP AREAS  
FOR KAWAIILOA SOLAR PROJECT  
TMK: 6-1-05: 01 and TMK: 6-1-06: 01  
at Kawaiiloa, Waialua, Oahu, Hawaii



SIP AREA	ACRES
SITE 1	97,558
SITE 2	20,720
SITE 3	159,218
SITE 4	20,237
SITE 5	2,056
<b>TOTAL</b>	<b>299,889</b>

- LEGEND**
- ▨ PERIMETER LIMITS OF PROPOSED SUB-STATION SITES
  - PERIMETER LIMITS OF PROPOSED FENCE LINE

**NOTE:**  
Coordinates and azimuths are referred to the Hawaii State Plane Coordinate System Zone 3, NAD 83, U.S. Survey Feet.

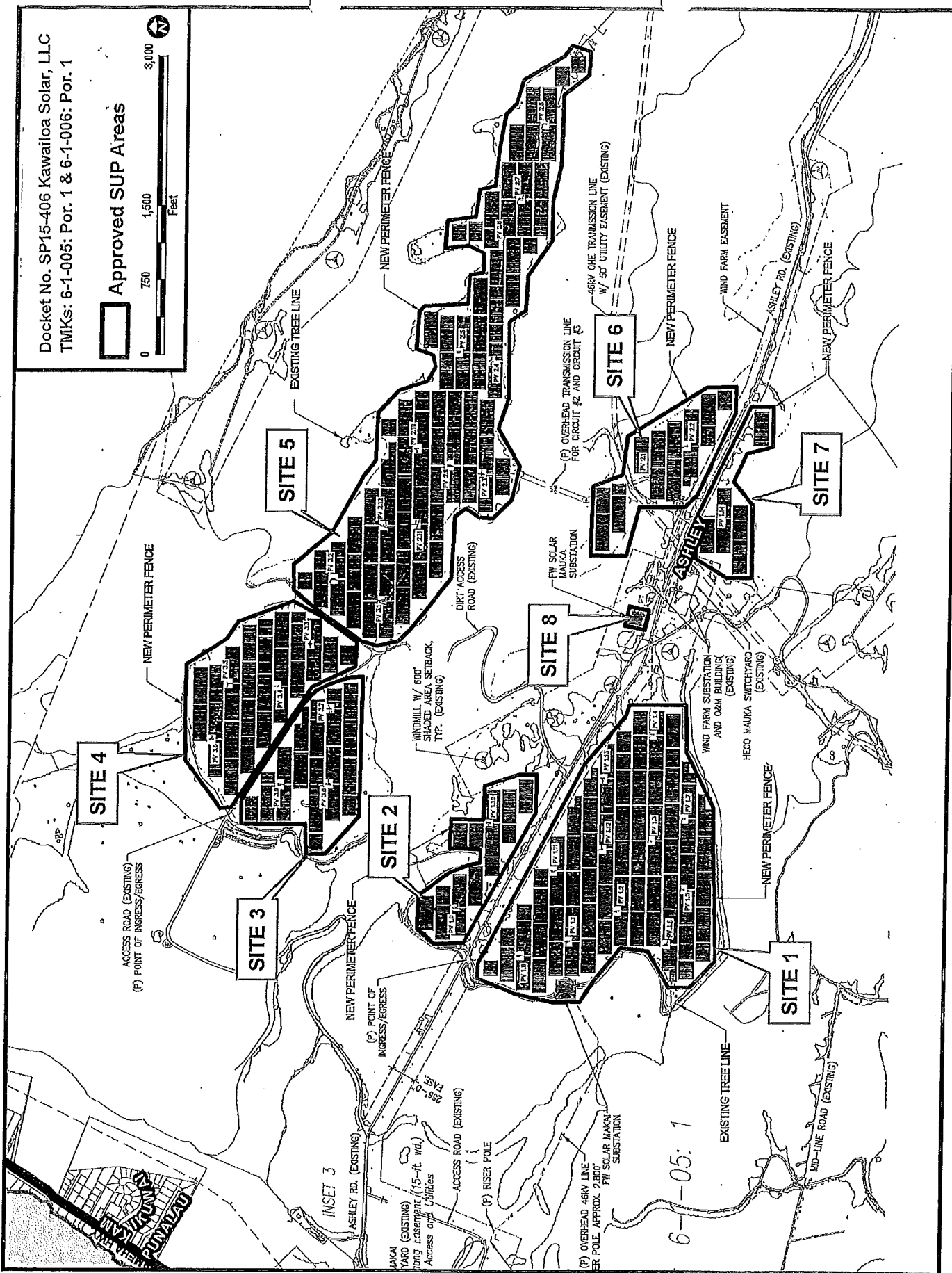
**CONTROLPOINT SURVEYING, INC.**  
1505 South King Street, Suite 100  
Honolulu, Hawaii 96814

TMK: 6-1-05: 01

TMK: 6-1-06: 01

Docket No. SP15-406 Kawaiiloa Solar, LLC  
TMKs: 6-1-005: Por. 1 & 6-1-006: Por. 1

Approved SUP Areas



6-1-05: 1

EXHIBIT "A"