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Michael A. Dahilig
Clerk of the Commission

PLANNING COMMISSION
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DEC 07 2015

Daniel E. Orodener
State of Hawaii, Land Use Commission
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359

Subject: Special Permit SP-2016-2
Tax Map Key: (4) 3-8-002:002
Kapaia, Hanamalu, Lihue, Kauai
SOLARCITY COPORATION, Applicant

2015 DEC -9 A 8:15
LAND USE COMMISSION
STATE OF HAWAII

Dear Mr. Orodener,

This letter memorializes the action taken by the Kauai Planning Commission effective OCTOBER 27, 2015 concerning Special Permit SP-2016-2. The Planning Commission took action to recommend approval for Special Permit SP-2016-2 to the State Land Use Commission subject to the following conditions:

1. The solar utility facility shall be constructed and operated as represented. Any changes to the facility and/or operation shall be reviewed by the Department to determine whether Planning Commission review and approval is required.
2. Pursuant to HRS 205-4.5, the area occupied by the solar energy facility shall also be made available for compatible agricultural activities at a lease rate that is at least fifty percent (50 %) below the fair market rent for comparable properties.
3. Pursuant to HRS 205-4.5, the solar energy facility shall be decommissioned at the owner's expense according to the following requirements:

An Equal Opportunity Employer

- a. Removal of all equipment related to the solar energy facility within twelve months of the conclusion of operation or useful life; and
- b. Restoration of the disturbed earth to substantially the same physical condition as existed prior to the development of the solar energy facility.

The Applicant shall incorporate this condition in the license and/or lease agreement with the land owner, and said license and/or lease agreement shall be reviewed for approval by the Planning Department.

4. The Applicant shall comply with the requirements of the State Department of Health, the County's Fire Department, the Department of Water, and the Department of Public Works, as well as any other applicable government agencies.
5. The Applicant shall develop and utilize Best Management Practices (B.M.P.'s) during all phases of development in order to minimize erosion, dust, and sedimentation impacts of the project to abutting properties.
6. The applicant is advised the should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division and the Planning Department to determine mitigation measures.
7. In order to minimize adverse impacts on the Federally Listed Threatened Species, Newell's Shearwater and other seabirds, all external lighting shall be only of the following types: shielded lights, cut-off luminaries, or indirect lighting. Spotlights aimed upward or spotlighting of structures, landscaping, or the ocean shall be prohibited.
8. To the extent possible within the confines of union requirements and applicable legal prohibitions against discrimination in employment, the Applicant shall seek to hire Kauai contractors as long as they are qualified and reasonably competitive with other contractors, and shall seek to employ residents of Kauai in temporary construction and permanent jobs. It is recognized that the applicant may have to employ non- Kauai residents for particular skilled jobs where no qualified Kauai resident possesses such skills. For the purposes of this condition, the Commission shall relieve the applicant of this requirement if the applicant is subjected to anti-competitive restraints on trade or other monopolistic practices.
9. The Applicant shall implement to the extent possible sustainable building techniques and operational methods for the project, such as Leadership in Energy and Environmental Design (L.E.E.D.) standards or another comparable state-

approved, nationally recognized, and consensus-based guideline, standard, or system, and strategies, which may include but is not limited to recycling, natural lighting, extensive landscaping, solar panels, low-energy fixtures, low energy lighting and other similar methods and techniques. All such proposals shall be reflected on the plans submitted for building permit review.

10. The Planning Commission reserves the right to revise, add, or delete conditions of approval in order to address or mitigate unforeseen impacts the project may create, or to revoke the permits through the proper procedures should conditions of approval not be complied with or be violated.
11. The Applicant is advised that additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Dahilig". The signature is stylized with a large initial "M" and a horizontal line across the middle.

FOR MICHAEL A. DAHILIG
Clerk, Kaua'i Planning Commission

Cc: County- Public Works, Fire, Water, Finance-Real Property Division, Housing,
Transportation
State- Health