

1 MEETING OF THE PLANNING COMMISSION

2 Minutes

3 Wednesday, June 21, 2017

4
5 The Planning Commission held a meeting on
6 Wednesday, June 21, 2017, at 1:30 p.m., at the Mission
7 Memorial Conference Room, Mission Memorial Building, 550
8 South King Street, Honolulu, Hawaii. Chair Dean Hazama
9 presided.

10
11 COMMISSIONERS PRESENT: Dean I. Hazama, Chair
12 Theresia C. McMurdo, Vice Chair
13 Kaiulani K. Sodaro
14 Arthur B. Tolentino
15 Steven S. C. Lim [recused from
16 Kawaiiloa Solar, LLC - prior
17 notice given]
18 Ken K. Hayashida

19
20 COMMISSIONERS EXCUSED: Cord D. Anderson [prior notice
21 given]
22 Wilfred A. Chang, Jr. [prior
23 notice given]
24 Gifford K. F. Chang [prior
25 notice given]

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COMMISSION STAFF: Gloria Takara,
Secretary-Hearings Reporter

DEPUTY CORPORATION COUNSEL: Don S. Kitaoka
[Advisory to the Commission]

DPP REPRESENTATIVE: Raymond Young, Staff
Planner, Community Planning
Branch

P R O C E E D I N G S

1
2
3 Chairman: Okay. Good afternoon everyone and at
4 this time I call to order the June 21st, 2017 meeting of the
5 Honolulu Planning Commission. [bangs gavel] This time on
6 our agenda is approval minutes for April 12th meeting as
7 previously circulated. Commissioners, are there any
8 changes, revisions or comments regarding the April 12th,
9 2017 minutes? [no response] Seeing none, any objections to
10 adopting the minutes?

11 Sodaro: None.

12 Chairman: No objections. Any abstentions? [no
13 response] Okay. Seeing none, the minutes have been
14 adopted.

15 [The minutes of the April 12, 2017 meeting, as
16 previously circulated, be approved by the Commission.
17 Motion was unanimously carried, 5:0.] _

18 Chairman: Moving on to our agenda. Before we do
19 that, Commissioner Lim.

20 Lim: Thank you, Mr. Chair. Regarding the agenda
21 item for State Special Use Permit for Waipio PV, LLC,
22 formerly Waiawa PV, LLC. I have a disclosure to make that
23 previously when the project originally came through the
24 Commission and then to the Land Use Commission, my wife
25 Jennifer Lim represented the prior developer. And so we no

1 longer represent--obviously, the prior developer has gone
2 bankrupt. And, so we don't feel that there's any conflict
3 of interest. I will participate in this proceeding but not
4 the next proceeding because I do have a conflict on the next
5 proceeding.

6 Chairman: All right. Moving on to our next item
7 on the agenda, Central Oahu, State Special Use Permit,
8 2014/SUP-3, Waipio PV, LLC, formerly Waiawa PV, LLC. At this
9 time Department.

10 Mr. Young: Good afternoon, Chair--

11 Chairman: Good afternoon.

12 Mr. Young: Members of the Planning Commission,
13 good afternoon. My name is Raymond Young. I'm the staff
14 planner assigned to process this two special permit
15 amendments, but we will begin with your first item which is
16 again the formerly Waiawa, now known as Waipio PV, LLC. I
17 think you have a copy of the Director's report before you.

18 Chairman: The first item on the agenda is the
19 request withdraw.

20 **REQUEST:**

21 CENTRAL OAHU - STATE SPECIAL USE PERMIT -
22 2014/SUP-3 (RY) WAIPIO PV, LLC (FORMERLY WAIAWA
23 PV, LLC)

24 Applicant: Waipio PV, LLC (formerly Waiawa PV, LLC)

25 Owner: NRG Energy LLC

1 Location: East of H-2 Interstate Highway and
2 approximately 1,000 feet north of Mililani
3 Cemetery
4 Tax Map Key: 9-5-003: Portion of Parcel 004
5 Existing Use: Agriculture (pasture)
6 Existing Zoning: AG-1 Restricted Agricultural District
7 Land Area: Approximately 313 acres
8 Request: To withdraw its approval of the extension
9 of time from consideration by the Land Use
10 Commission.

11
12 [Request approved on February 15, 2017]
13

14 Mr. Young: Oh, okay. So, both those items, the
15 amendment and the withdraw is covered in our planning
16 Director's report. So, essentially in order to act on the
17 amendment, the Planning Director is recommending that the
18 Planning Commission withdraw its previous approval granted
19 back earlier part of this year after the Land Use Commission
20 notified the Planning Department that the process that was
21 used to grant that original amendment was incorrect. So,
22 that is why we are back before you going through the whole
23 full blown process to amend the SUP as if it was an original
24 SUP filing, which is what the Planning Commission rules call
25 for. So, of course, we are in agreement with the petitioner

1 and the LUC that the process is as if to amend, I mean to
2 process a new SUP and we have to, we of course agree with
3 the withdraw and recommend that be done first.

4 Chairman: Okay. So, we're withdrawing both?

5 Mr. Young: Withdrawing the approval you granted,
6 the Waipio SUP extension.

7 Chairman: Oh, okay.

8 Mr. Young: Yes.

9 Chairman: Okay. Commissioners, any questions
10 regarding just the withdrawal at this time?

11 Sodaro: Just point of clarification, Chair. So,
12 the action would be separate, though, from taking action on
13 the application?

14 Mr. Young: Yes, correct. That's why, I think
15 it's a separate agenda item.

16 Chairman: Okay. Any other questions,
17 Commissioners? [no response] Okay. So, do we have a motion
18 regarding the request to withdraw regarding the Waipio
19 project.

20 Sodaro: Motion to follow the Department's
21 recommendation to withdraw our prior approval dated February
22 17th--February 15th, 2017, Chair.

23 Chairman: Okay. So moved. Do we have a second?

24 Lim: Second.

25 Chairman: Moved and seconded. Any discussions,

1 Commissioners, at this time?

2 [colloquy between Chairman Hazama and Deputy Corp
3 Counsel Don S. Kitaoka].

4 [It was moved by Sodaro and seconded by Lim that
5 the request to withdraw prior approval of the extension of
6 time dated February 15, 2017 be approved. Motion was
7 unanimously carried, 5:0.]_

8 Chairman: So, for the record and procedural--Is
9 there anyone wishing to testify before the Commission
10 regarding this matter, only regarding the withdrawal of the
11 original petition? [no response] Okay. Seeing none, then
12 need a motion to close public testimony.

13 Lim: Move to close public testimony.

14 Tolentino: Second.

15 Chairman: Moved and seconded. Any objections? [no
16 response] Any abstentions? [no response] Okay. Public
17 testimony is closed.

18 [It was moved by Lim and seconded by Tolentino
19 that the public testimony portion for the above request be
20 closed. Motion was unanimously carried, 5:0.] _

21 Chairman: So, original motion is back on the
22 floor regarding the request to support Department's
23 recommendation for granting of the withdrawal. Any
24 discussions? [no response] Seeing none, Commissioners, all
25 those in favor, say aye.

1 All Commissioners: Aye.

2 Chairman: Any opposed? [no response] Any
3 abstentions? [no response] Okay. Motion to withdraw has
4 been approved.

5 Mr. Young: All right, thank you, Chair. Thank
6 you, Commissioners. Okay. We're going to proceed with the
7 request to amend the Special Use Permit for the Waipio,
8 formerly known as Waiawa. Essentially the reason why they
9 came in still stands that the project was formerly by
10 SunEdison, which ended up having financial difficulties and
11 subsequently was acquired by the petitioner, NRG which, of
12 course, they acquired the special permit and the lands, but
13 the petitioner's name is still essentially the same. So, we
14 sent this out as if it's a new SUP application as required
15 by the Planning Commission rules. We did get some comments
16 from several agencies, and there was no objections from the
17 Neighborhood Board or any other organizations that we
18 notified. So, the report has the comments by, I believe was
19 Office of Planning and the Department of Agriculture. The
20 Land Use Commission's comments came to you after-the-fact, I
21 believe because it was a little late when we got them. So,
22 essentially due to unforeseen circumstances, the petitioner
23 did not have control over meeting that deadline, the 2-year
24 deadline to establish the projects, so that's why they're
25 back in to request for a 2-year extension, I believe, end of

1 2019 or two years or 30 months after the Land Use Commission
2 grants the approval of the extension providing the Planning
3 Commission also recommends approval. So, that will be the
4 amendment of Condition 5.

5 The other request that came in was to--part of
6 this request was to amend the number of panels that the
7 project had originally proposed. I believe the intent why
8 that condition was established in the first place was to
9 prevent panels from continually being replaced and renewed.
10 So, the project never ends. It just continues on by
11 replacing panels. So, that was the reason why we suggested
12 that there be a limit on the number of panels to be
13 replaced, so it doesn't become a renewed project
14 year-after-year. But, unfortunately, we didn't foresee that
15 when there is a new petitioner and they're proposing using a
16 different form of panels that would result in different
17 sizes and, of course, significantly resulting in more
18 panels. So, because that now has an unforeseen circumstance
19 we are okay with amending that condition to just go with the
20 area covered and not necessarily the number of panels
21 specifically.

22 And, of course, the Office of Planning had
23 recommended that Condition 11 which pertain to the
24 archaeological assessment since it was already satisfied be
25 deleted.

1 Now, getting back to the concerns that was raised
2 by the Department of Ag having to do with whether or not
3 these amendments would affect the feasibility of the ag use
4 that is required to be established there. I believe the
5 petitioner has brought in some information to address that,
6 so I'll leave that up to the petitioner to deal with those
7 proposed changes that the Director had. I think if the
8 Commission feels that they have adequately addressed that,
9 then we have no objections to removing that as a proposed
10 condition to Condition No. 1, amendment to Condition No. 1.
11 Other than that, I have no more comments to add on this and
12 recommend that the Planning Commission move ahead and
13 approve this amendment.

14 Chairman: Okay. Thank you. Commissioners, any
15 questions of Department at this time or any questions of the
16 Department?

17 Sodaro: Thank you. Could you clarify your
18 comment or the understanding about the project being
19 perpetual with the replacement of PV panels. I thought it
20 was all tied to the 35-year validity of the PV.

21 Mr. Young: That's correct. There was back end
22 35-year time limit, but we were concerned that if those
23 panels continually be replaced throughout the 35-year period
24 that would justify extending that 35-year period. So, we
25 wanted to make sure that wouldn't happen.

1 Sodaro: I understand that part, but I don't
2 understand the trigger for it to happen. I understand
3 protecting against that happening, but I don't see how it
4 could happen because it's tied to the date.

5 Mr. Young: Yes. It just gives the petitioner
6 added argument that we have new panel here, why not extend
7 the 35 years

8 Sodaro: Okay.

9 Chairman: Any other questions?

10 Tolentino: I just want a little clarification.
11 And, I think there was some comment made the last time they
12 petitioned the approval that panels, as the years go by
13 reduces its sufficiency and that's why the 35 years was put
14 in place. They felt that the energy or the energy that they
15 put out is going to go like this and like this and would
16 cross somewhere along the 35 years, or it wouldn't be, I
17 guess sufficient enough to keep it going. Is that--

18 Mr. Young: That's my understanding too. The drop
19 off is, I think about 2% every year but after a while it
20 plateaus.

21 Tolentino: Right.

22 Mr. Young: Yes, yes.

23 Tolentino: Okay. So, you're preventing them from
24 replacing it with panels that might be more efficient?

25 Mr. Young: Well, that would be no longer the case

1 because now that we are only concerned about the area
2 covered rather than the number of panels. So, that would be
3 a non-issue.

4 Tolentino: Okay. Thank you.

5 Chairman: Okay. Any other questions?

6 [no response] I had a question regarding Director's report
7 in the conclusion section for Condition 3. You guys are not
8 basically agreeing with them in regards of decommissioning
9 of their system?

10 Mr. Young: Yes. I failed to mention that. They
11 had proposed in their application that the \$4M credit or
12 some kind of a statement showing they have that money to
13 decommission be modified to become approximately \$4M. So,
14 we're concerned that might substantially be reduced and
15 still be considered close to \$4M, may be \$3.5M still be
16 rounded up to \$4M. So, rather than have that confusion
17 later or may be some argument over that later, we prefer to
18 have it at the minimum of \$4M, which I believe what the
19 petition had agreed to in getting this SUP approved.

20 Chairman: Initially?

21 Mr. Young: Yes.

22 Chairman: Okay. So, you're basically--The
23 Department stands by that they want a minimum of \$4M for
24 protection cost?

25 Mr. Young: That's correct.

1 Chairman: Okay. Any other questions of Department
2 at this time? [no response] Okay. Thank you, Raymond.

3 Mr. Young: Thank you.

4 Chairman: Okay. Applicant.

5 Mr. Kudo: Good afternoon, I'm Ben Kudo. I
6 represent NRG Energy, Inc., the Applicant in both of these
7 PV panel projects. Before I start I wanted to introduce the
8 people that are with me. Sarah Simmons from my office. We
9 have Wren Wescoatt, who is a project manager, consultant
10 with NRG. We have Aarty Joshi from San Francisco, NRG's
11 environmental planner and Jeff Overton from Group 70, who is
12 our planner. I wanted to just invite Aarty up just to give
13 you a brief description of the company itself, because I
14 know there's some sensitivity about the changes in ownership
15 and the bankruptcy of SunEdison, and I wanted her to discuss
16 the background and depth of experience that NRG has in a
17 brief way. Ardi.

18 Ms. Joshi: Good afternoon. My name is Aarty Joshi.
19 I'm the senior manager, environmental permitting for NRG.
20 NRG, in case some of you don't know, we are a very large
21 Fortune 200 company. We're headquartered in Princeton, New
22 Jersey. We own and operate a diverse portfolio of energy
23 projects including coal fire plants, natural gas power
24 plants, hydro, as well as renewable projects including wind
25 and solar. We have a presence in all 50 states in the

1 mainland, and our renewable projects we own about 150 wind
2 and solar projects. We are, as mentioned, we are owner and
3 operator of all of our projects and that is our intent with
4 these projects as well. We are very excited to be entering
5 our 51st state.

6 Chairman: Okay. Thank you.

7 Mr. Kudo: By way of background, and I again I
8 apologize to all of you in my meetings with the State Land
9 Use Commission they wanted to make sure that they had a
10 complete record so they could make their own Findings of
11 Fact and Conclusions of Law because they have to also issue
12 a Decision and Order like you on this particular case. So,
13 I normally don't try to go through some of the minutia, but
14 I need to cover some of the corrections in the record and in
15 the application just because of that. So, I ask for
16 indulgence on that.

17 By way of background, I know we're talking about
18 the Waipio SUP right now, but for convenience, this is kind
19 of a consolidated double application, and I want to go by
20 way of background to talk about both projects so it's more
21 efficient and then I'll stop there and then we can go into
22 Waipio. The Kawaiiloa project which is Exhibit 7 is provided
23 to locate the project. It's between Pupukea and Haleiwa on
24 the North Shore. And, as you recall in 2005 First Wind came
25 to Hawaii to start up solar and renewable energy projects.

1 They proposed this project in 2012 when they entered into a
2 PPA with HECO. And then in 2014, First Wind filed a Special
3 Use Permit application with the Planning Commission.

4 Shortly thereafter in the following year First Wind was
5 acquired by SunEdison and that's how SunEdison came into the
6 picture. The State Land Use Commission approved the special
7 use permit that you had also approved in June of 2015.

8 However, the SUP had a completion deadline of June 29th,
9 2017, that's eight days from now. SunEdison was unable to

10 finance this particular project and others and so HECO
11 cancelled their Purchase Power Agreement in February 2016.

12 So, in April SunEdison filed for bankruptcy. In October a
13 few months later, during the bankruptcy proceedings, NRG
14 Energy purchased five of the projects that SunEdison had.

15 And these are two of the five projects that were purchased
16 through the bankruptcy court. By April of this year, we

17 were able to renegotiate the purchase power agreement with

18 HECO. And, so in April of this year we finalized a PPA with

19 HECO. And, in early May of this year we submitted this
20 application to modify the previous special use permit.

21 The Waipio project began similar in a similar
22 circumstance and Waipio is shown on this particular Exhibit
23 7 and is close to Pineapple Road and Mililani. I don't know
24 if any of you know where that is, but it is right on to the
25 right of the highway. First Wind started this particular

1 project in 2014. SunEdison acquired this project which was
2 formerly known as Waiawa in January of 2015. The LUC
3 approved the special use permit that had been approved by
4 this Planning Commission on March 2015.

5 Again, SunEdison was also unable to finance this
6 project and HECO terminated its purchase power agreement in
7 February 2016. SunEdison, thereafter filed bankruptcy, and
8 we purchased it in October of 2016. In December of 2016, we
9 filed an annual report, which first requested an extension
10 of time to complete the construction of the project for
11 Waipio. Because the deadline on Waipio was March of this
12 year. In February another request was made for extension and
13 time and this Planning Commission approved that extension as
14 a minor change. However, by letter dated March 14, 2017,
15 the State Land Use Commission notified Department of
16 Planning and Permitting that the minor change was actually
17 deemed to be a modification of the SUP and the Decision and
18 Order of the State Land Use Commission and, therefore,
19 needed to comply with a 2-stage approval process under the
20 LUC rules. This is a PC approval and also LUC approval.

21 We met with both DPP, staff and the LUC staff to
22 agree to one process to redo the SUP modification,
23 application for Waipio and include other modifications both
24 in Waipio and Kawaihoa that we are doing involving the use
25 of different types of PV panels from the ones the SunEdison

1 had originally proposed. Both the Kawaiiloa SUP and the
2 Waipio SUP are being heard by you today in a consolidated
3 process. However, we will present each respective project
4 separately since they are agendaed that way.

5 Essentially the modifications involve three basic
6 changes. First, a request to extend the time to complete
7 the construction of these respective projects. Second, a
8 change in the number of panels used because we will be
9 selecting a different vendor or manufacturer of the panels
10 with different dimensions. SunEdison was going to use their
11 panels. Those are no longer available so we're using other
12 vendor panels which have different dimensions. And, the
13 third reason is that in the Waipio PV project, this project
14 was originally designed to be a static PV that is
15 stationary. We are going to use an automatic tracking
16 system so it tracks the sun and is more efficient, which is
17 a similar system that was permitted and approved for
18 Kawaiiloa. So, both projects now will be similar with
19 tracking systems on it.

20 Since this application is for a modification
21 of an existing SUP which was approved in 2015, I will not
22 repeat arguments that were already made on whether the
23 projects are unusual reasonable use of agricultural lands
24 under Chapter 205, Section 205-6, as nothing has changed in
25 that regard. For your information Waipio is situated on ag

1 lands that are rated as B lands under the Land Study Bureau
2 and Kawaihoa is located on ag land, rated B, C and E, a
3 majority of which are B. We plan on having Tin Roof Ranch
4 conduct its ranching operations on the Waipio PV project
5 lands and Kuoloa Ranch will be operating on the Kawaihoa PV
6 project. And, you can see the letters of intent from both
7 of these ranches attached to our Exhibit 12. We plan on
8 pasturing sheep on both projects through these ranchers or
9 other ranchers that may also be added. There are no changes
10 to the already filed agricultural plan considered by this
11 Commission in 2015. The PV facilities are permitted use on
12 these agricultural lands under Section 205-4.5(21) and City
13 and County, Land Use Ordinance, Chapter 21-3.50-4, provided
14 that proper permits are obtained. At this time I will
15 address the Waipio project in particular.

16 First of all some housekeeping comments. The
17 Applicant filed a first list of witness and exhibits on June
18 19th of this year and a first supplemental list of exhibits
19 on the following day. If I note Exhibit 12 of our exhibit
20 list, page 3, includes a corrected table that was originally
21 included in our application. It corrects and makes
22 consistent the amount of acreage and power, etc. that was
23 originally approved by you for the SunEdison project. In
24 the table the word net should be changed to gross and in the
25 permitted area should be changed from 308.5 to 308.8. These

1 small discrepancies were an oversight, but the Applicant
2 would like to clarify these items for the record.

3 In regard to the deadline for the Waipio project,
4 I turn your attention to Condition No. 5 of the Planning
5 Commission's order. It imposes a project deadline of March
6 25th, 2017, which is already passed. Again, we obviously
7 need more time to comply with this condition since we only
8 acquired these in October of last year. Therefore, Waipio
9 PV, LLC, is requesting that the deadline be extended to
10 December 31st, 2019, consistent with the Kawaihoa PV project
11 as well. We have both same deadlines. And although there
12 has been some reference to a 30-month extension, we think
13 for ease it is simpler just to request a specific date. So,
14 we're requesting December 31st, 2019. This date is also
15 consistent with our purchase power agreement that we entered
16 into with HECO recently. We also agree with the Office of
17 Planning and the Department of Planning and Permitting that
18 Condition 7 should be amended rather than triggering its
19 need to modify by the number of panels to actually switch
20 that to area covered by the panels.

21 Exhibit 8 is a blow up on the large board here.
22 It shows the current proposed configuration which is subject
23 to slight adjustments to grade, topography and sunlight. An
24 overlay of the previous panel configuration and the current
25 preliminary configuration is shown in the next exhibit,

1 which is Exhibit 9. The dark blue is the preliminary
2 proposed plan that we have now. And, I say preliminary
3 because when you get in the field and you do the actual
4 engineering there may be differences in grade, topography,
5 sunlight patterns, etc. So, there will be slight adjustments
6 as to the placement. But this is our preliminary
7 engineering plan right now is in the dark blue. The shaded
8 gray area was the old SunEdison. And what you see is that
9 the blue has actually shrunk. And the reason for that is,
10 what Commissioner Tolentino says is that these solar cells
11 get more efficient every year so you don't need as many.
12 However, the panels get smaller so you need more panels.
13 So, instead of three panels we have four panels now. So,
14 they're getting smaller in size, but more efficient. And
15 each year it gets better and better in terms of the energy
16 efficiency. And that's why the differential. But we
17 believe that the difference in the gray and the blue is not
18 significant.

19 The other changes that in Waipio, as I mentioned
20 before, we're changing from a fixed framework to a single
21 axis tracking rack which will track the sun identical to the
22 racks approved for the Kawaiiloa project by this Commission.
23 This will increase our efficiency and energy gains as it
24 will expose the cell to more sunlight and produce more
25 energy. To support this change, the Applicant had submitted

1 an update reflectivity study showing no increase in
2 reflection from various points. This is attached as Exhibit
3 12 of our exhibits.

4 Now, the Department of Transportation has not
5 submitted official comments, but they have submitted
6 informal comments to us, particularly from the Airports
7 Division. The Highways Division doesn't seem to have too
8 much problems at all. And this is only in regard to Waipio.

9 The Applicant had a chance to review some email
10 comments from the Department of Transportation, Airports
11 Division. And they had--their basic comment was, did you do
12 a reflectivity study so that it doesn't cause a hazard to
13 flying aircraft? And, we did. And our studies attached as
14 Exhibit 12, and addressed to the fact that there will be no
15 impact from the panels even if it is tracking to cause any
16 kind of concern with regard to the FAA or DOT.

17 They also mentioned that there was concern about
18 radio frequency interference emanating from the PV farm that
19 would impact communication from aircraft to the towers and
20 whatever. RFI or the radio frequency interference was a
21 problem in older systems, but since then the industry both
22 IEEE as well as the United Laboratories has issued standards
23 that we must comply with, that are being complied with at
24 Waipio where EMF filters are installed at the inverters. And
25 the inverters are located at strategic locations. And what

1 those inverters do is they collect the energy from several
2 panels, they filter it and then put it through a transformer
3 to either increase it or decrease the power. The power from
4 the PV panels is DC or direct current. It has to be
5 inverted to AC and that's what the inverter does, but before
6 it does that it's filtering it so there's no RFI, radio
7 frequency interference or blocks that. And the second thing
8 is that it goes through a transformer to step up the voltage
9 or step down the voltage.

10 In regard to the \$4M decommissioning security
11 we're in total agreement with the Office of Planning. We
12 think it should be no less than \$4M rather than
13 approximately \$4M. This keeps it at a minimum. In regard to
14 some comments by the Department of Ag on the hog wire. Right
15 now we have hog wire fence the surrounds the PV farm. We're
16 going to be replacing that with chain-linked fence. NRG
17 does projects--you heard Ms. Joshi mentioned that we have
18 about 150 renewable energy projects throughout the country.
19 We use chain-linked fence because we believe that it is
20 safer alternative to hog wire. And, particularly because
21 although the hog wire prevents hogs from entering it may be
22 a hazard for sheep who have long noses that stick into them.
23 Because the hog wires, as I understand it, are in squares.
24 So, the chain-link prevents that. And, so we believe that
25 the use of the chain-link fence is not going to pose a

1 problem. So, Department of Agriculture ask that we have the
2 farmers, the operators send a letter in that they're not
3 going to have any problems. And, we did get those letters,
4 and they are attached as Applicant's Exhibit 10 and 11.

5 And we also recommend DPP's recommended language
6 suggesting an additional study be deleted. In wrap up, in
7 closing, we hope you will be able to support this particular
8 SUP project. We believe that the changes are insignificant
9 and minor and don't cause any significant difference in
10 impact to the environment or anything else. So, for that
11 reason we would respectfully request that you support this
12 particular request to amend the SUP. Thank you.

13 Chairman: Okay. Thank you. Before we go on, I
14 guess in fairness, and I don't know what the reason is
15 regarding these two applications, but we have received
16 several late comments. So, in regards to the Department of
17 Transportation, Highways, the Commission is in receipt of
18 their comments and findings. So, in fairness to the
19 Applicant, would you like to take a short recess to review
20 the document?

21 Mr. Kudo: Sure, sure.

22 Chairman: Okay. That being said, any objections
23 to taking a 10-minute recess? Commissioners.

24 Sodaro: None.

25 Chairman: Okay. Any abstentions? [no response]

1 Okay. At this time we will take a 10-minute recess. [bangs
2 gavel]

3 [Commissioner Hazama calls for a recess from 1:50
4 p.m. and resumes at 1:58 p.m.]

5 Chairman: Okay. Thank you. Call this meeting
6 back to order. [bangs gavel]

7 Mr. Kudo: Thank you, Chair Hazama. We've had a
8 chance to review both letters for Waipio and Kawaihoa sent
9 by the Department of Transportation, State of Hawaii. I
10 have Wren Wescoatt here, and he'll comment on the
11 requirements that they're asking us to comply with.

12 Mr. Wescoatt: Thank you. Wren Wescoatt,
13 consultant for NRG and long-time project advocate. Good
14 afternoon, Chair, members of the Commission. After
15 reviewing both letters, we believe, in both cases, they ask,
16 NRG or the projects to communicate with to coordinate with
17 the future construction in both of these areas. We
18 anticipate that we will be completed long before either
19 starts construction, but we we're happy to coordinate in
20 both cases.

21 Chairman: You have no objections with that?

22 Mr. Wescoatt: No.

23 Chairman: Okay. Thank you. So, any questions,
24 Commissioners, regarding Waipio?

25 Sodaro: Could you clarify the fencing plan. Are

1 you going to pen the panels and put a perimeter property
2 fence or you're just doing one fence and the sheep are
3 behind that?

4 Mr. Wescoatt: So, in general there will be one
5 fence. There's a few different areas you can see. So,
6 probably for the Waipio project, there will be fence along
7 both sides of the main road. We'll have fencing along both
8 sides of the main roadway and then each of these large areas
9 will be surrounded by a chain-linked fence. Within that
10 area after the PV project is constructed the ranchers
11 typically will move sheep from one area to other using a
12 short electric fence. It's a low voltage electric fence.
13 It's real easy to move. You just pick it up and move it.
14 So, by moving that area they're able to keep the right
15 number of sheep in an area temporary to eat the grass down
16 to 6 inches or lower, not too much lower and then they move
17 them to another area. So, that's how they keep to manage
18 the grass and NRG has several other solar projects that have
19 sheeps. So, they're familiar with this practice. And that's
20 what the ranchers will be doing. So, there will be a large
21 chain-linked fence around the exterior and then temporary
22 fence to move them within.

23 Sodaro: One additional question. Last time
24 through there were ancillary support buildings needed. Is
25 there any change to that with this plan, no additional

1 buildings?

2 Mr. Wescoatt: No, no buildings; no.

3 McMurdo: I had a question with regard to your
4 tracking of solar panels. Is there noise related to that?

5 Mr. Wescoatt: There's a small motor attached to
6 each. If you imagine it's sort of like a long table top and
7 it sort of tracks very slowly. So, there's a small motor
8 that turns it, but it's very low level, not something you
9 would hear, a hundred feet away you wouldn't hear anything.

10 Tolentino: I have a few questions. My question is
11 also in regards to the rack system. I think the original
12 was a pig system, and we a certain time to allow the animals
13 to free roam the property and not restrict them to certain
14 areas. Is that still the case with this?

15 Mr. Wescoatt: It is still the case. If we can,
16 just to use this as a demonstration. Typically in a
17 fixed-tilt system a panel will mounted on racks above the
18 ground where the lower edge of the panel. This is sort of
19 facing south slightly like that. The lower edge of the panel
20 may be two or three feet off the ground, and the upper edge
21 may be seven or eight feet. In a tracking system what they
22 do is they orient a bunch of panels on a pivot rod, like
23 this, and what the panels will do, is they will turn
24 throughout the day, so they'll face, you know, slightly
25 tilting to the east and then slightly tilting to the west

1 throughout the day. Essentially, though, the dimensions
2 bottom to top are the same, but it's just going to change
3 whichever end is higher throughout the day. And it moves
4 really slowly.

5 Tolentino: Okay. I have may be one or two
6 additional questions. You said you did a glare study, was
7 it on the fixed system or did you do a glare system on the
8 moving system?

9 Mr. Wescoatt: We did--Initially, we did a glare
10 study on both to determine what's the impacts. Then since
11 we changed the system at Waipio, we redid it and said now
12 this is a tracking system, redid it with the same
13 consultant, same parameters but now shifting to a tracking
14 system. So, we did it both ways. And actually the glare is
15 less with the tracking system. Because it's just not--You
16 don't get that. One time during the morning when there was
17 some glare that could be experienced kind of on the freeway
18 side, but now it's almost (inaudible).

19 Tolentino: I'm just kind of guessing that if you
20 have a fixed system and the sun moves you'll probably get
21 the glare for half an hour of the day.

22 Mr. Wescoatt: Exactly.

23 Tolentino: But as it tracks the sun there's an
24 area that may be exposed a little bit longer, you know to
25 the glare. And the other thing is, you know, there's

1 development that's already started happening, and it's very
2 close in proximity to where your project is going to be. At
3 this time there's no neighborhood board that represents that
4 project. And it looks like it's going to be really--It's
5 just that it's going to be close. Has there been studies on
6 being that close to a subdivision?

7 Mr. Wescoatt: Yes. So, the Koa Ridge. You're
8 talking about Koa Ridge, yeah?

9 Tolentino: Yes.

10 Mr. Wescoatt: It's going to be right across the
11 freeway from Waipio. We did in our initial application, we
12 did visual simulations, looking from the Koa Ridge side
13 where the homes will be, the closest ones. And that's why
14 we made the decision to--Because the property is a little
15 higher in elevation, there's not a really good view of the
16 project, but we thought they may be able to see the edge.
17 So, we developed a landscaping plan to put up a sort of
18 visual screening with plants, naupaka and other plants along
19 the edge of the fence, outside the fence. If there is
20 some--people may be don't want to look at the edge if
21 they're living right nearby, so we did some visual screening
22 based on the landscaping.

23 Tolentino: I see that you're going to planting
24 trees along that west bound.

25 Mr. Wescoatt: Yes.

1 Tolentino: Good job. Thank you.

2 McMurdo: Another follow-up question. You
3 mentioned that the level of the noise for the tracking is
4 low, are you talking about say just one panel, but if you
5 multiply it over--How many panels were you planning to put
6 in, a hundred thousand of these?

7 Mr. Wescoatt: Yes. There will be a few hundred
8 thousand.

9 McMurdo: So, in total will they be all moving
10 together and will this combined sound--what is the combined
11 sound?

12 Mr. Wescoatt: Yes. In each case. The noise
13 that's created on a solar project comes from three places.
14 One, is the tracking motor that you identified it, which is
15 very, very quiet. I'd say a hundred feet. I'm sure you
16 couldn't hear anything by that distance. Each long rack of
17 about may be 150 feet or so has one motor that turns the
18 whole thing. So, it's not like every panel is making noise.
19 And those are very quiet. The inverters that stand, there
20 are several inverters throughout the project. I don't
21 recall the number, but may be 20, 25 inverters. There is
22 some hum associated with those, but again not something
23 anyone--There's nobody nearby. Even when Koa Ridge is
24 built, they won't hear--They'll be too far away to hear
25 anything from the project.

1 McMurdo: How far away is Koa Ridge?

2 Mr. Wescoatt: It will be across the freeway here.
3 So, here would be the closest houses, and they will also be
4 too far to hear anything. And the last source I said the
5 substation. That has the larger transformers. That's the
6 HECO substation. Some of you have driven by. There's
7 substations. There's one by Costco fence substation which
8 has HECO equipment. That has a hum to it also. The
9 substation here is way mauka so that's really far away as
10 well. We've done EMF studies which, I think included audio
11 in the initial report. Looking specifically at the
12 substation, because that's really where more of the noise
13 comes from. There isn't anyone close enough to hear
14 noticeable sound.

15 McMurdo: But no noise study on the new panels?

16 Mr. Wescoatt: No, no.

17 Chairman: Okay. Commissioners, any other
18 questions? So, you had to renegotiate a new PPA, right?
19 So, the length of the PPA is still the same, 35 years?

20 Mr. Wescoatt: The PPA we did. So, for each of
21 the projects we went back to HECO, negotiated a new PPA and
22 that's now before the public utilities Commission for review
23 and approval. The length of time, initial duration of the
24 PPA is 22 years for the initial term, then there is a time
25 where what's called a bank curtailment term, where any

1 curtailed energy we deliver to HECO at a lower reduced rate,
2 and then we're allowed to operate by mutual agreement sort
3 of year-to-year. So, we are hoping that project
4 operates--We're hoping that the PPA will be sort of
5 year-to-year extended throughout the useful life of the
6 equipment. It's a long way from now, but typically the
7 useful life of a solar farm is 35 years. That's where that
8 came from.

9 Chairman: Okay.

10 Mr. Wescoatt: After that, as Commissioner
11 mentioned they degrade a little bit over time about 1/2
12 percent a year, though not all the same. So, around the 35
13 year timeframe, it's just not worth continuing to operate
14 the project. It's just not producing enough for all the
15 maintenance if you have to do. So, the typical useful life
16 of a solar project is 35 years. The PPA--We hope that it
17 will continue for that long. But no guarantees, but it's at
18 least 22 years.

19 Chairman: And the inverters require electrical
20 power, correct? So, you have battery back ups in case. Say
21 you lose power to that area, will the inverters still be
22 able to function or will it shut down?

23 Mr. Wescoatt: The inverters are driven off of the
24 power from the PV panels, but they do draw in energy when
25 they start up, so that's why our connection is to the HECO

1 transmission line. So, if that main HECO transmission line
2 goes down the whole project is down. However, there is
3 battery back up for some critical systems, the communication
4 system. So, there's small batteries like 24-volt type
5 batteries that support that equipment. There won't be
6 utility scale batteries.

7 Sodaro: On the battery, if you were to add a
8 battery storage component, that would be considered
9 modification to the SUP. May be for your counsel. I'm
10 asking because just to be clear there is no battery storage
11 component.

12 Mr. Kudo: Yes. I would think that would
13 constitute some type of modification to the SUP because it's
14 different from the original proposal.

15 Sodaro: Okay. Thanks.

16 Chairman: Okay. Commissioners, any other
17 questions at this time? [no response] Okay. Thank you very
18 much. At this time, is there anyone wishing to testify in
19 front of the Commission regarding the Waipio project? [no
20 response] Okay. Seeing none, Commissioners, can I get a
21 motion to close public testimony.

22 Tolentino: Motion approved.

23 Chairman: So moved.

24 Sodaro: Second.

25 Chairman: Moved and seconded. Any objections?

1 [no response] Any abstentions? [no response] Okay. The
2 public testimony portion of the Waipio PV project has been
3 closed.

4 [It was moved by Tolentino and seconded by Sodaro
5 to close public testimony for Central Oahu - Amendment of
6 State Special Use Permit - 2014/SUP-3 (RY) Waipio PV, LLC.
7 Motion was unanimously carried, 5:0.]_

8 Chairman: Commissioners, are there any motion or
9 further questions of anybody?

10 Sodaro: I just got a point of clarity for you,
11 Chair. So, in the Director's report the only Applicant
12 modification I heard would be to change the 30 months to 36
13 months? Because our Director's report has 30 months. Is
14 that correct?

15 Mr. Kudo: What we have suggested is that we
16 rather than use months we just pick a date, which is that of
17 December. I think for both projects it makes it simpler.

18 Sodaro: Thank you.

19 Chairman: Department, can you come up.

20 Do you have any objections to the establishment of a date
21 versus a time period that you stated in the report?

22 Mr. Young: Raymond Young, Department of Planning.
23 No, not if the petitioner is okay with that clarification to
24 December 31st, 2019. We're fine with that.

25 Chairman: Okay. Commissioners, any other

1 questions of anybody, anyone? [no response] Okay. Seeing
2 none, can we have a motion.

3 Sodaro: Yes, Chair, I'd like to offer the--on
4 Central Oahu Amendment of State Special Use Permit 2014/
5 SUP-3, Waipio PV LLC to approve the Director's report with
6 the modification of the date expiration being December 31st
7 2019.

8 Chairman: Okay. So moved.

9 McMurdo: Second.

10 Chairman: Moved and seconded. Commissioners, any
11 further discussions regarding the motion on the floor? [no
12 response] Seeing none, all those in favor say aye.

13 All Commissioners: Aye.

14 Chairman: Any opposed? [no response] Any
15 objections? [no response] Okay. The motion is passed
16 regarding Waipio.

17 [It was moved by Sodaro and seconded by McMurdo
18 that Central Oahu - Amendment of State Special Use Permit -
19 2014/SUP-3 (RY), Waipio PV, LLC be approved. Motion was
20 unanimously carried, 5:0.] _

21 Mr. Young [from the audience]: Chair, I have a
22 question--

23 Chairman: You got to come up.

24 Mr. Young: I might have miss heard it, was
25 Condition 1 being modified or is that modification being

1 proposed not part of the motion?

2 Chairman: Condition 1?

3 Mr. Young: Yes.

4 Chairman: No. The only condition was changed was
5 the 30 months to the actual statement of a date.

6 Mr. Young: Okay. So, the Commission's motion
7 was to accept the proposed condition by the Planning
8 Department for Condition 1?

9 Sodaro: Yes.

10 Chairman: Yes. Okay. Commissioner Lim, you want
11 to be recused.

12 [At 2:30 p.m., Commissioner Lim departs. Recused
13 from Kawaiiloa Solar, LLC. Prior notice was given and
14 disclosed on the record at the beginning of the meeting. See
15 pages 3-4 for prior dialog.]

16 Mr. Kudo: Excuse me. There's one condition that is
17 in the original order that talks about a study by the--DOA
18 wanted us to do a study, but since--To determine whether
19 there's going to be any adverse impact from tilting of the
20 panels and such and that's why we had to get the letters. I
21 think the Department is okay with the letters, and we don't
22 need to do an actual study about whether it causes impact to
23 the sheep. You know the tilting of the--So, if we could
24 eliminate that from the requirement that would be--

25 McMurdo: Where it says other competent means.

1 Mr. Kudo: Yes. So--

2 Mr. Young: If the Planning Commission felt that
3 those two letters, one from the ranch and one from the
4 petitioner met those concerns, would be okay, we're not
5 requiring that as part of Condition 1.

6 Chairman: Was that in the original SUP, though,
7 the requirement?

8 Mr. Young: Yes. The Director--No, no, not in the
9 original approval. It was added in response to the DOA's
10 comments in the amendment. But now that the petitioner has
11 provided those two letters, we're okay with not including
12 that part of--I'm not amending Condition 1 at all.

13 McMurdo: So, you want us to amend--

14 Chairman: But it's not referenced in your report,
15 so--

16 McMurdo: It is, it's--

17 Mr. Young: Yes, it is.

18 McMurdo: Page 8. That's what you're talking
19 about, right, page 8?

20 Mr. Young: Yes.

21 McMurdo: So, you're saying you don't need that?

22 Mr. Young: We don't need it anymore.

23 Sodaro: But they satisfy it we don't need to open
24 the action.

25 Chairman: Yeah.

1 Sodaro: It's moot.

2 Mr. young: True too.

3 Chairman: Yeah. So, it's not--

4 Mr. Young: My only concern was if later there was
5 another change to the ranch and, you know, perhaps another
6 modification to the design of the project, that condition
7 might require them to come back again. And, they didn't
8 want that to be another impediment to this project moving
9 forward.

10 Chairman: Well, I mean there's no modification to
11 the agricultural plan part of it. So--Well, the original
12 plan--doesn't the original plan state that--But any change
13 the way it's written, any change by the Applicant the
14 Director has discretion to review, right?

15 Mr. Young: Except the Director doesn't have the
16 authority to make a change without the Planning Commission
17 and further the Land Use Commission's consent. I'm trying
18 to prevent that from causing further processing in the
19 future if, in fact, there is some proposed changes to the
20 ranch or further changes to the project design that might
21 again invoke this part of the condition.

22 Chairman: I don't think we make a ruling that
23 covers everything. At this point I don't think--I mean, we
24 cannot make a ruling today that's going to cover every
25 possible situation that can happen in the future. I would

1 leave it up to the Director to determine whether that
 2 particular change in condition would be considered a minor
 3 modification or something that which he or she would
 4 consider major that would have to again come before the
 5 Commission. But for us to issue a ruling to say that we
 6 blanketly will cover any possible future change with the
 7 project. I don't think we're in a position to do that.

8 In regards to your specific, Applicant's specific
 9 question before the Commission we've already accepted it, so
 10 that point is moot. We've already covered it.

11 Mr. Young: Okay. That's fine.

12 Mr. Kudo: Thank you.

13 Chairman: Okay. Moving on to our next item on
 14 the agenda, North Shore, amendment of Special Use Permit,
 15 2014/SUP-6, Kawaiiloa Solar, LLC. Department.

16

17 NORTH SHORE - AMENDMENT OF STATE SPECIAL USE PERMIT -

18 2014/SUP-6 (RY), KAWAIILOA SOLAR, LLC

19 Applicant: Kawaiiloa Solar, LLC

20 Landowner: Trustees of the Estate of Bernice Pauahi
 21 Bishop, dba Kamehameha Schools

22 Location: Kawaiiloa, North Shore, Oahu

23 Tax Map Key: 6-1-005: Portion of 1 and 6-1-006: Portion
 24 of 1

25 Existing Zoning: AG-1Restricted Agricultural District

1 Land Area: Approximately 382.2 acres
2 Request: To amend the Special Use Permit which
3 allows the establishment of a 50-megawatt
4 photovoltaic (PV) energy generation
5 facility and accessory uses and structures
6 by modifying Condition of Approval
7 Number 6 to extend the deadline to
8 establish the proposed solar energy
9 facility and by modifying Condition of
10 Approval Number 8 to redefine what
11 constitutes a major modification.
12

13 Mr. Young: Thank you, Mr. Chair. Mr. Chair,
14 Planning Commission members, my name is Raymond Young for
15 the record. I'm the staff planner assigned to process this
16 proposal for a modification to the Land Use Commission's
17 Decision and Order for the Kawaiiloa PV project.

18 Similar to the last project that was before you,
19 again, as was explained by the Applicant's counsel, this
20 project was also acquired by NRG because of the bankruptcy
21 of the previous project owner. So, we don't have any
22 problems with recommending the extension because, of course,
23 it was an unforeseen circumstance and they need the
24 additional time to construct and establish the project. So,
25 in this report it is similar in terms of the time extension

1 to December 19th. I mean, sorry, December 31st, 2019 and,
2 of course, the amendment of the number of panels to area
3 covered and then the change to the \$4M be actually no less,
4 and there is no deletion of the condition of archeological
5 compliance since that wasn't an issue with this particular
6 project.

7 And, of course, we had no objections from the
8 Neighborhood Board, and we did receive comments from DOA,
9 the Land Use Commission, the Office of Planning, and we
10 believe they're being addressed in the report and the
11 Applicant's submittals today. So, we're open to questions.

12 Chairman: Okay. Commissioners, any questions of
13 Department at this time? [no response] The only difference
14 between this project and the Waipio one is that this one is
15 the lands designate IAL, right?

16 Mr. Young: That's correct, it is.

17 Chairman: Okay.

18 Mr. Young: And, of course, it's in the process of
19 being acquired. I think it's still owned by Bishop Estate.
20 One thing I wanted to pointed out, the Land Use Commission
21 and mentioned that there's acreage clarification that they
22 wanted to specify exactly what the acreage was approved. But
23 we felt that the Land Use Commission in their Order had
24 specifically put down an acreage that was approved and as
25 part of the requirement that they submit a metes-and-bounds

1 to kind of refine the area that's actually going to be used.
2 We don't see a problem there because they can always come
3 back again and submit another metes-and-bounds map to refine
4 the area, set aside for PV usage and also the area intended
5 for the sheep cultivation. So, as long as they don't go
6 above the total amount that was approved, we don't have any
7 problem making adjustments as necessary, underground
8 engineering. Actually areas that are developable versus may
9 be gullies. As long as they don't go over total acreage
10 specified in the Land Use Commission's Decision and Order,
11 we have no problem.

12 Chairman: Okay. Any other questions for the
13 Department at this time?

14 Tolentino: I have a relevant question in regards
15 to the other project also. So, you have the PV panels, and
16 you're saying there's radioactive or energy waves that are
17 hovering and you have a device that extracts that.

18 Now, and I'm assuming that the sheep are sold for
19 consumption. Does that have any effect on the wildlife that
20 they're raising there?

21 Mr. Young: I'll defer to the Applicant who may
22 know those answers better than I.

23 Mr. Wescoatt: Wren Wescoatt consultant for NRG.
24 No. The electricity, anything electric, hair dryer, this,
25 degenerates some electromagnetic, you know, it's just part

1 of the features of anything that's electric. So, it's too
2 low enough level that it's not going to have any negative
3 effect on the livestock or the people that are working the
4 system or anything.

5 Tolentino: Okay. Thank you.

6 Chairman: Are we done with Department? Okay.
7 Thank you, Raymond.

8 Mr. Young: Thank you.

9 Chairman: Okay. Applicant.

10 Mr. Kudo: Thank you. The Kawaihoa SUP is
11 different from the Waipio SUP in that it only has two
12 amendments, not three. First, the extension of the deadline
13 which is the December 2019 date, and the second is the
14 number of panels because we are using a different vendor.
15 It's already a tilting, and it was approved as a tilting
16 type of project. For the record, I wanted to address some
17 of the corrections to our application. We filed a first list
18 of witness and exhibits and a supplemental list recently and
19 on Exhibit 12, page 3, there is a corrected table that was
20 originally included in the application to modify the SUP.
21 So, what we've submitted in our exhibit list, Exhibit 12,
22 page 3, should be substituted for the original table that
23 was in our application. Exhibit 12 also includes a
24 correctly labeled Exhibit C to the Applicant's letter. In
25 the table, the word net should be changed to gross and the

1 49-megawatt should be changed to 50-megawatts. And this is
2 again to bring it consistent with the original SUP. The
3 permitted area should be changed from 384 to 382.2 to be
4 precise. So that it's again consistent with the previous
5 SUP. The discrepancies in the description of the project
6 capacity, the ability to generate power are due to the
7 differences between what we call gross and net capacity.
8 When solar power is sent through a substation about
9 1-megawatt of energy is lost. And that figure is called a
10 net figure. The gross is what is actually coming off the
11 panels. The permitted area was a rounding error and the
12 Applicant is making no changes to the permitted area 382.2,
13 so it stays as was previously approved. And the Applicant's
14 letter entitled Exhibit C, that was incorrectly Waipio
15 instead of Kawaiiloa. I won't go through the changes again,
16 but just to summarize. The deadline has been changed to
17 December 31st, 2019 for the completion of the project. The
18 second again is Condition No. 8 is to change the phrase
19 "significant increases in the number of PV panels to
20 "significant increases in the area covered by the PV
21 panels." Again, to address the change in technology and the
22 use of different manufactured panels.

23 Again, let me show you the Applicant's Exhibit 9,
24 which is a similar exhibit to what we showed for Kawaiiloa
25 [sic]. This shows a preliminary configuration overlay in

1 comparison to the previous configuration. The dark blue is
2 the present configuration of the panels, and it's a
3 preliminary engineering design, and the gray areas are where
4 the original one is. And, as you can see, it's very minimal
5 as far as the number of coverage or difference between the
6 dark blues and the gray areas. As far as the \$4M
7 decommissioning security, again we reiterate our support of
8 OP's comment to say that it is no less than \$4M rather than
9 approximately. In regards to the fencing, again we've
10 explained why we're using chain-linked fence.

11 I want to respond a comment received by the Land
12 Use Commission which points out a discrepancy between the
13 permitted area of 382.2 and the exhibit map labeled Exhibit
14 B in Applicant's letter dated May 5th, 2017, which I will
15 call the overall sight plan, which is Exhibit 8 on our
16 board. And the reason I address it is because I need to
17 explain this to the LUC that we're addressing their
18 particular issue when it reaches them. The overall sight
19 plan lists a figure of 299.809 acres as the SUP area.
20 However, this is actually not correct. The fenced project
21 area. It's not the SUP area. The SUP area is larger, the
22 actual project area is narrower, but we want the SUP area to
23 be larger because we might have to move because of the
24 topography and other things. The configuration of the
25 project itself within it. And it also gives flexibility to

1 the sheep ranchers to work with us to see where the
2 pasturing should occur within the particular sight. So,
3 we're requesting that the permitted area 382.2 acres remain
4 the same and unchanged.

5 In closing, the changes proposed for, actually
6 both SUPs and its conditions are relatively minor and do not
7 change the impacts of the project. We would respectfully
8 ask for your support of the Kawaihoa modifications which are
9 similar to the Waipio modifications. For your information,
10 the Land Use Commission has tentatively scheduled August 9th
11 and 10th as hearing dates on this matter assuming you
12 approve both SUPs. But they must receive your complete
13 records including your adopted minutes no later than July
14 24th for us to make the August 9th and 10th hearing. So, we
15 would ask for your indulgence. If you approve this permit
16 to have your adopted minutes ready to be sent to the State
17 Land Use Commission no later than July 24th, otherwise we're
18 off schedule and will be postponed by the LUC to the next
19 available hearing date. With date, I thank you very much
20 for your attention and for the approval of Waipio, and I ask
21 for your support on this particular application. Thank you.

22 Chairman: Okay. Commissioners, any questions of
23 Applicant at this time?

24 Tolentino: I have a question that just kind of
25 popped into my head. You also have the same amount for

1 decommissioning at the end. Could you explain how you
2 properly dispose of a single panel? I'm not thinking you
3 could just throw it away in the rubbish can.

4 Mr. Wescoatt: I haven't been through the process
5 myself and so the decommissioning--we receive an estimate
6 from the construction company for decommissioning of the
7 project before they even start. That estimate may be higher
8 than \$4M which is why we were looking for this change. As
9 for the PV panels, I don't know exactly where they are
10 processed, recycled, disposed of, except that I know it
11 cannot be in a local landfill. So, I think, I believe these
12 panels--And now we have like 350-megawatts of just on
13 residential, right. So, eventually we're going to have to
14 come up with this situation. I don't know whether a
15 processing facility might be set up here at some point, so
16 they can properly recycle the materials but, you know, right
17 now we're required to decommission them not--cannot be on an
18 island landfill.

19 Tolentino: And approximately \$4M the amount of
20 panels that you have today, is that a number that you're
21 comfortable with?

22 Mr. Wescoatt: That's the estimate that we came up
23 when we did this process previously. The estimate may come
24 out lower or higher, but I think the \$4M we're comfortable
25 that if anything the estimate would probably be lower. So,

1 we're hoping that with the \$4M we want to make sure we're
2 covered so whatever happens in the future that amount is
3 posted as security for decommissioning.

4 Tolentino: Thank you.

5 Chairman: Any other questions?

6 Sodaro: Actually on that note, I saw the spec
7 sheets for the panels and like a mock installation, but are
8 these concrete block ballasted? Are you having to excavate?
9 What is the anchoring foundation system for the racks?

10 Mr. Wescoatt: Good question. These panels are
11 ground mounted with driven posts. So, there's a machine
12 that drives in like a steel post. The ones we had before
13 was sort of an I-beam shape. I've seen them in sort of
14 C-shape channels. Basically the steel post is driven into
15 the dirt, about 4 to 5 feet in, with about 5 feet sticking
16 up. And that's the anchoring of the post. That's how the
17 post are anchored, and they're tension tested and the racks
18 are mounted on that.

19 Sodaro: Where's the wind farm relative to where
20 the panels insulations--

21 Mr. Wescoatt: The turbines are here. There's four
22 turbines in row here. We have about a 600-foot buffer from
23 the turbines and the closest panels to avoid shading. So,
24 there's four turbines here. There's another one here.
25 There's some more on this side and then there's none on this

1 ridge here and they are along this ridge here. This is the
2 Waimea Valley ridge. [referring to map] The rest are here,
3 and there is some over on this side.

4 In white, the turbines are along this ridge, and
5 then along here. There's a road here. [referring to map]

6 Sodaro: Thank you.

7 Chairman: Any other questions, Commissioners.

8 Chairman: What is your length of lease agreement
9 with Kamehameha Schools?

10 Mr. Wescoatt: It's 34 years.

11 Chairman: Okay. And the PPA is the same, is
12 identical to the Waipio project?

13 Mr. Wescoatt: That's correct.

14 Chairman: Okay. All right. Any other questions?
15 Seeing none, thank you.

16 Mr. Wescoatt: Thank you.

17 Chairman: Okay. At this time, is there anyone
18 wishing to testify regarding the Kawaihoa Solar, LLC,
19 project in front of the Commission? [no response] Seeing no
20 one, Commissioners do you have a motion to close public
21 testimony?

22 Tolentino: So moved.

23 McMurdo: Second.

24 Chairman: Moved and seconded. Any objections?

25 [no response] Any abstentions? [no response] Okay. Public

1 testimony has been closed.

2 [It was moved by Tolentino and seconded by McMurdo
3 that public testimony be closed for North Shore - Amendment
4 of State Special use Permit - 2014/SUP-6 (RY), Kawaihoa
5 Solar, LLC. Motion was carried, 4:0:1; Commissioner Lim
6 recuse.]

7 Chairman: Commissioners, do we have any further
8 questions of anyone or discussion? [no response] Okay.
9 Seeing none, do we have a motion?

10 Sodaro: Chair, may I offer a motion to approve
11 the amendment of State Special Use Permit 2014/SUP-6,
12 Kawaihoa Solar, LLC, with one modification to the Director's
13 report placing a construction completion date of December
14 31st, 2019.

15 Chairman: Okay. So moved.

16 McMurdo: Second.

17 Chairman: Moved and seconded. Any further
18 discussion, Commissioners? [no response] Okay. Seeing
19 none, all those in favor, say aye.

20 All Commissioners: Aye.

21 Chairman: Any objections? [no response] Any
22 abstentions? [no response] Okay. The amendment for the SUP
23 has been approved.

24 [It was moved by Sodaro and seconded by McMurdo
25 that the North Shore - Amendment of State Special Use Permit

1 - 2014/SUP-6 (RY), Kawaiiloa Solar, LLC, be approved. Motion
2 was carried, 4:0:1; Commissioner Lim recuse.]

3 Mr. Kudo: Thank you very much.

4 Mr. Wescoatt: Thank you.

5 Sodaro: Thank you.

6 Tolentino: Congratulations.

7 Chairman: Okay. At this time, Director of DPP
8 you want to come up?

9 Director Sokugawa: Hi, Kathy Sokugawa. I just
10 want to give a small little update. We do have a Congress
11 of Planning Officials Conference coming up later this year.
12 This is the save-the-date notice. Trying to let you get a
13 little input on the program. We have not a set program,
14 although we have a draft program set up. We are going to
15 have the usual format. Wednesday will be mobile workshops,
16 September 20th, Wednesday, followed by a full day of
17 conference on Thursday, and a half day on a Friday. It will
18 have a preliminary session on Thursday morning followed by
19 afternoon breakout sessions. If there's a particular topic
20 you want to cover or you want to volunteer for a panel, let
21 us know. We are planning, again, everything is tentative,
22 but it is at the so-called former Pacific Beach Hotel. We
23 assume it is, but--So, we're thinking of having an
24 interesting participation by boards and commissions like
25 yourself, and maybe with a board/commission from other

1 neighbor islands. I think for commissioners that might be
2 interesting. So, we haven't really formulated what that
3 format would be, but certainly it would some kind of panel
4 discussion perhaps. So, if you have some ideas and want to
5 volunteer for that. Again, this is in September.

6 Unfortunately, you have to sort of decide whether
7 you're too Revolution in Denver or HCPO in Honolulu because
8 there is a 1-day overlap. Revolution ends that Wednesday.
9 So, unfortunately, it normally is in October, but this year
10 is in September. So, again, some of the topics that we're
11 going to cover--Again, these are not solidified. Historic
12 Hawaiian land use, something about climate change, something
13 about affordable housing, form based codes, military
14 planning, the ahupua'a land use model, and the theme is
15 partnerships. We're trying to make a different spin on it,
16 but that's what the meaning of "my neighbors in paradise"
17 is. So, its about emphasizing public partnership, public,
18 private partnerships. So, that's the highlight. If you
19 have any questions, please let us know, call us, you know
20 where to find us.

21 Chairman: Okay. Thank you, Director.

22 Director Sokugawa: Thank you.

23 Chairman: Okay. Commissioners, any other
24 announcements?

25 Sodaro: I just had a question about hitting the

1 July 24th adopted minutes?

2 Chairman: So, our next scheduled meeting is on
3 the 19th of July. So, if we adopt the minutes there.

4 Sodaro: Oh, Central Oahu.

5 Chairman: I think we should make that deadline

6 Sodaro: Okay.

7 Chairman: Okay. If any other questions? [no
8 response] Okay. If not, we have no further items on our
9 agenda. Can I have a motion to adjourn.

10 Tolentino: So moved.

11 McMurdo: Second.

12 Chairman: Moved and seconded. Any objections?
13 [no response] Any abstentions?

14 Sodaro: None.

15 Chairman: Okay. Thank you very much everyone.
16 This meeting is adjourned. [bangs gavel]

17 [It was moved by Tolentino and seconded by McMurdo
18 that the meeting of June 21, 2017 be adjourned. Motion was
19 carried, 4:0:1, Commissioner Lim recuse.]_

20 [meeting adjourned at approximately 3:00 p.m.]

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1 I certify that the foregoing is
2 a true and correct transcription
3 of the proceedings, prepared to
4 the best of my ability, of the
5 meeting held on Wednesday,
6 June 21, 2017.

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9 Gloria Takara
10 Secretary-Hearings Reporter

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12 Adopted on July 19, 2017

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