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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

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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