

CITY AND COUNTY OF HONOLULU  
PLANNING COMMISSION

NOTICE IS HEREBY GIVEN of a public hearing to be held by the Planning Commission of the City and County of Honolulu:

PLACE: Mission Memorial Conference Room, Mission Memorial Building,  
550 South King Street, Honolulu, Hawaii  
DATE: Wednesday, June 21, 2017  
TIME: 1:30 p.m.

PUBLIC HEARING

Public hearing notice published in the Honolulu Star-Advertiser on May 22, 2017.

NORTH SHORE – STATE SPECIAL USE PERMIT – 2014/SUP-6 (RY)  
KAWAILOA SOLAR, LLC

Applicant: Kawaihoa Solar, LLC  
Landowner: Trustees of the Estate of Bernice Pauahi Bishop, dba Kamehameha Schools  
Location: Kawaihoa, North Shore, Oahu  
Tax Map Key: 6-1-005: Portion of 1 and 6-1-006: Portion of 1  
Existing Use: Agriculture (pasture)  
Existing Zoning: AG-1 Restricted Agricultural District  
Land Area: Approximately 382.2 acres  
Request: To amend the Special Use Permit (SUP) which allows the establishment of a 50-megawatt photovoltaic (PV) energy generation facility and accessory uses and structures by modifying Condition of Approval Number 6 to extend the deadline to establish the proposed solar energy facility and to extend the SUP's validity period and by modifying Condition of Approval Number 8 to redefine what constitutes a major modification.

This hearing is to be held under the provisions of Chapters 46, 92, and 205, Hawaii Revised Statutes, as amended, Articles VI and XIII, Revised Charter of the City and County of Honolulu, 1973, as amended, Sections 2-40, 2-43, 2-44 and 2-46(e) of the Rules of the Planning Commission, City and County of Honolulu, and Chapter 15-15 of the Hawaii Administrative Rules.

The particular sections of statutes and rules involved include Sections 205-2(d)(6)(B), 205-4.5(a)(20), and 205-4.5(a)(21) of the Hawaii Revised Statutes, as amended, and Subchapter 4 of Chapter 2 and Section 2-45 of the Rules of the Planning Commission. The issue involved relates to whether to grant an amendment of the Special Use Permit pursuant to Section 205-6, Hawaii Revised Statutes, for solar energy facilities on land with soil classified by the Land Study Bureau as overall master productivity rating Class A, B, and C.

Any party may retain counsel if the party so desires, and an individual may appear on his own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust, or association.

Any person or agency wishing to intervene as a party in the proceeding shall file a petition with the Commission within fourteen (14) days after this notice is published in the Honolulu Star-Advertiser. The petition must conform to the requirements of Subchapter 5, Chapter 2 of the Rules of the Planning Commission, which are available at the Department of Planning and Permitting. A contested case hearing may be held on the matter pursuant to action by the Planning Commission to grant the petition.

Public testimony is to be taken at the hearing. Fifteen (15) copies of written testimony should be filed with the Planning Commission at least two business days before the date of the public hearing. One copy may be faxed to 768-6743.

Information regarding the public hearing can be obtained by contacting the Planning Commission, 7<sup>th</sup> Floor, Frank F. Fasi Municipal Building, 650 South King Street, Honolulu, Hawaii 96813, telephone 768-8007. Special services for people with disabilities will be provided upon prior request.

If you require special assistance, auxiliary aid and/or service to participate in this event (i.e., sign language interpreter, interpreter for language other than English, or wheelchair accessibility), please call 768-8000, or email your request to [info@honoluluodpp.org](mailto:info@honoluluodpp.org) at least three business days prior to the event.

PLANNING COMMISSION  
DEAN I. HAZAMA, Chair  
By

KATHY K. SOKUGAWA, Acting Director  
Department of Planning and Permitting

(Honolulu Star-Advertiser: Monday, May 22, 2017)

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

FORD N. FUCHIGAMI  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

IN REPLY REFER TO:  
DIR 177  
2017-PS-2.4938  
JUN 21 AM 10:59  
DEPT OF PLANNING  
AND PERMITTING  
CITY OF HONOLULU

June 20, 2017

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

Dear Ms. Sokugawa:

Subject: Kawailoa Solar Project – Information Addendum  
Modification to Special Use Permit (2014/ SUP-6; SP 15-406)  
Various undeveloped agricultural lands in Kawailoa – Waimea Waialua  
TMK: (1) 6-1-005:001 (por) and (1) 6-1-006:001 (por)

The Department of Transportation, Highways Division (HDOT), Planning Branch reviewed the Modification of Special Use Permit (2014/ SUP-6; SP 15-406) Application that includes the following changes:

1. Change of Property Owner – SunEdison filed for bankruptcy and NRG Renew LLC purchased three of the subsidiary companies that were developing solar projects on Oahu.
2. Extension of Time to Establish Project – modification to establish the Solar Energy Facility from July 31, 2015 to December 31, 2019.
3. Change in the number of solar panels (-27,000 to +329,000) depending on the modules the new owner selects.
4. Change in the perimeter fencing from 4 ft high “hog wire” mesh to 6 ft high chain-link fence.

Overall, we do not expect the above changes to have a major impact on our State Highway facilities, Kamehameha Highway (Route 83). We understand that access to the site is via Ashley Road, a private agricultural roadway that is maintained for the existing wind farm and connects to Kamehameha Highway.

Kamehameha Highway is a 2-lane rural highway functionally classified as a “Principal Arterial” because it is the principal roadway used for mobility between surrounding urban areas. Although principal arterials typically have limited access, there are a number of local roads (such as Ashley Road), residential driveways, and informal parking areas along the highway in the project area.

Ms. Kathy K. Sokogawa  
June 20, 2017  
Page 2

HWY-PS 2.4938

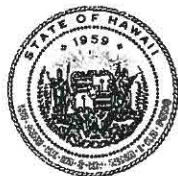
The HDOT Planning Branch is currently working on three realignment possibilities to Kamehameha Highway in the vicinity of Laniakea Beach and Ashley Road. The aim of this project is to reduce Kamehameha Highway's vulnerability to erosion and coastal inundation, improve roadway reliability, relieve congestion, and improve safety for all modes of transportation. A Draft Environmental Assessment for this realignment project is anticipated to be published by the end of this year (2017). As the future realignment planned may impact the solar farm access way (Ashley Road) and the impacts will vary depending on the realignment option that is chosen; the new property owner is required to coordinate the construction schedule of the solar farm project with our Highways Division to minimize possible conflicts with our scheduled highway and maintenance projects in the area.

If you have any questions, please contact Ken Tatsuguchi, Engineering Program Manager, Highways Division, Planning Branch, at (808) 587-1830, referencing file review number PS 2015-012.

Sincerely,

  
FORD N. FUCHIGAMI  
Director of Transportation

c: Jeff Overton, G70



DAVID Y. IGE  
Governor

DANIEL E. ORODENKER  
Executive Officer

LUIS P. SALAVERIA

Director

MARY ALICE EVANS

Deputy Director

**LAND USE COMMISSION**

Department of Business, Economic Development & Tourism  
State of Hawai'i

June 5, 2017

2017 JUN -9 PM 3:47  
DEPT OF PLANNING  
AND PERMITTING  
CITY & COUNTY OF HONOLULU

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>

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<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.

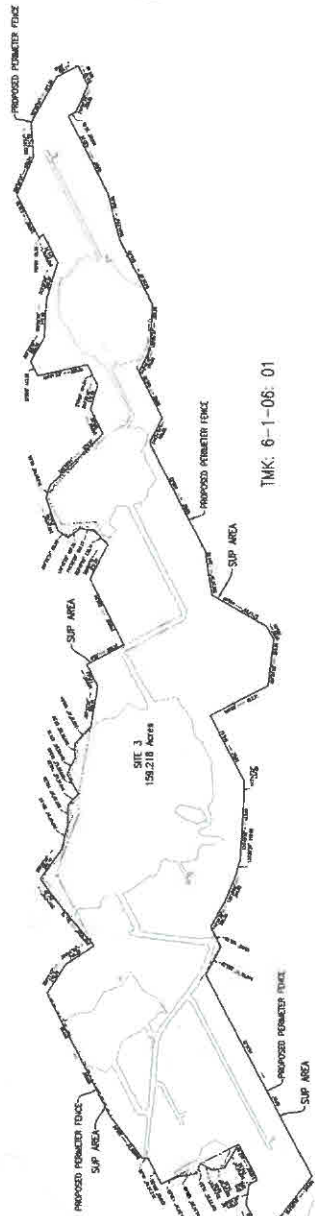
Sincerely,

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

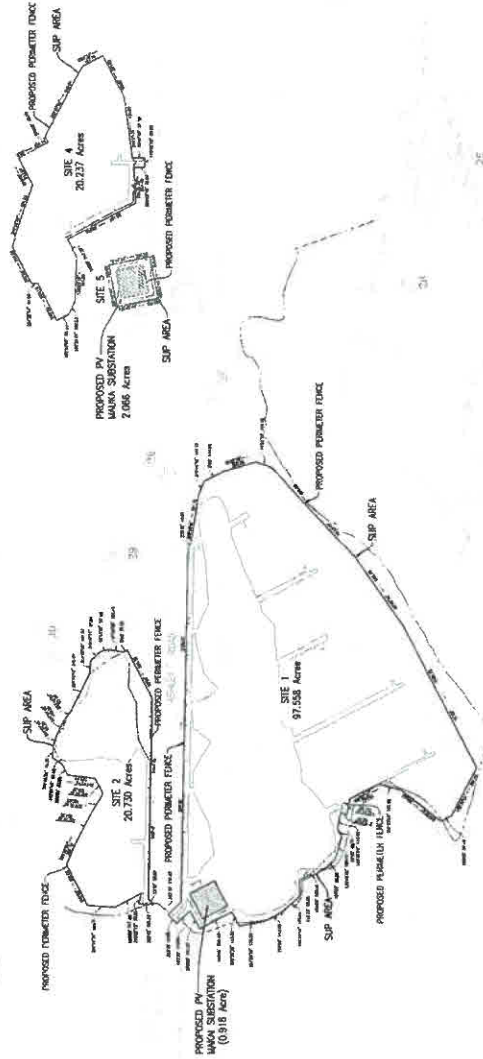
Daniel E. Orodener  
Executive Officer

enclosures

181 88-1 P 255



TMK: 6-1-05: 01



TMK: 6-1-06: 01

**LEGEND**

- DENOTES LIMITS OF PROPOSED SUB-STATION SITES
- DENOTES LIMITS OF PROPOSED FENCE LINE

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

TRUE NORTH  
Scale: 1" = 200' ±

**EXHIBIT MAP**  
SHOWING SUP AREAS  
FOR KAWAIIOLA SOLAR PROJECT  
TMK: 6-1-05: 01 and TMK: 6-1-06: 01  
Honolulu, Waialua, Oahu, Hawaii

GRAPHIC SCALE  
1" = 200' ±

SUP AREA	ACRES
SITE 1	97,526
SITE 2	20,730
SITE 3	159,218
SITE 4	20,727
SITE 5	20,727
TOTAL	299,928

**CONTROLPOINT SURVEYING, INC.**  
1111 KALANANĀ'OHU BLVD., SUITE 100  
HONOLULU, HAWAII 96813

February 15, 2017



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

Approved SUP Areas

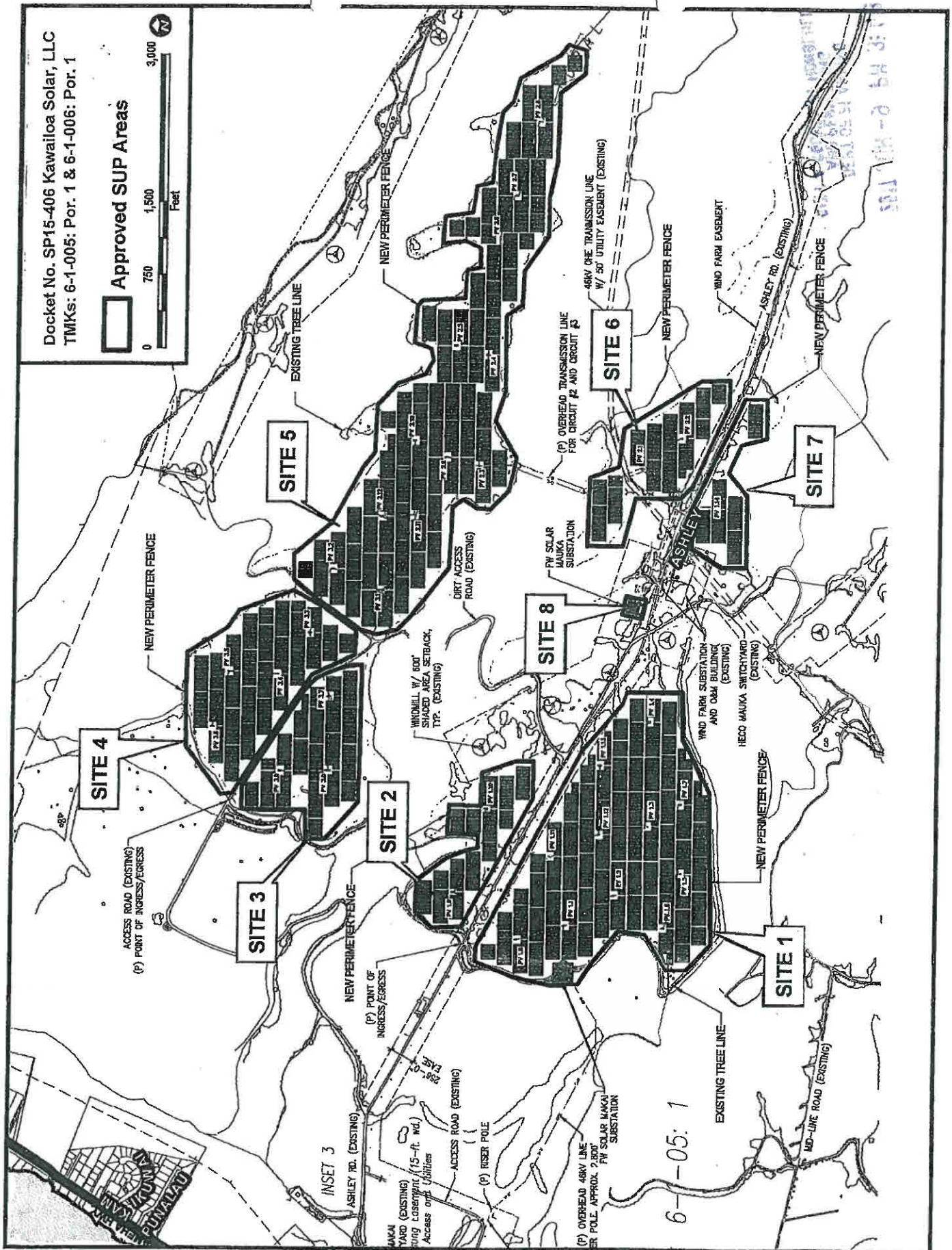


EXHIBIT "A"

HONOLULU FIRE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

636 South Street  
Honolulu, Hawaii 96813-5007  
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

KIRK CALDWELL  
MAYOR



MANUEL P. NEVES  
FIRE CHIEF

RONEL CAMARA JR.  
DEPUTY FIRE CHIEF

MAY 25 AM 11:18  
DEPT OF PLANNING  
CITY & COUNTY OF HONOLULU

May 24, 2017

TO: KATHY SOKUGAWA, ACTING DIRECTOR  
DEPARTMENT OF PLANNING AND PERMITTING

FROM: SOCRATES D. BRATAKOS, ASSISTANT CHIEF

SUBJECT: PETITION TO AMEND SPECIAL USE PERMIT FILE NO. 2014/SUP-6  
KAWAILOA SOLAR  
KAWAILOA, NORTH SHORE, OAHU  
TAX MAP KEYS: 6-1-005: PORTION OF 1  
6-1-006: PORTION OF 1

In response to your memorandum dated May 12, 2017, regarding the above-mentioned subject, the Honolulu Fire Department will apply the requirements of the City and County of Honolulu Fire Code for the Ground Mounted Photovoltaic System installations.

Should you have questions, please contact Battalion Chief Wayne Masuda of our Fire Prevention Bureau at 723-7151 or wmasuda@honolulu.gov.

Sincerely,

  
for SOCRATES D. BRATAKOS  
Assistant Chief

SDB/SY:bh

DAVID Y. IGE  
Governor

SHAN S. TSUTSUI  
Lt. Governor



SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER  
Deputy to the Chairperson

2017 JUN -8 AM 11:34

DEPT OF PLANNING  
AND PERMITTING  
CITY & COUNTY OF HONOLULU

State of Hawaii  
DEPARTMENT OF AGRICULTURE  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

June 1, 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 (SUP) (2014/SUP-6)  
Solar Energy Facility  
Kawaiiloa Solar  
TMK: 6-1-005: portion 1 and 6-1-006 portion 1 (North Shore, Oahu)  
Area: 382.2 acres

The Department of Agriculture (DOA) has reviewed the subject petition and offers the following comments and recommendations.

### Background

On May 8, 2015, the City Planning Commission approved Kawaiiloa Solar, LLC (Petitioner)'s application for a State SUP (2014/SUP-6) to develop and operate a solar energy facility. Subsequent to the Planning Commission's approval, the Land Use Commission (LUC) approved the petition for Special Permit (SP15-406) on June 29, 2015 for the same project. Petitioner's ultimate parent company, SunEdison, filed for bankruptcy in March, 2015. NRG Renew LLC (NRG) purchased Kawaiiloa Solar from SunEdison in October 2016, and now seeks to continue the development of the solar energy facility.

The Petitioner wishes to amend SUP (2014/SUP-6) with the following changes:

1. Change of ownership of property owner of Kawaiiloa Solar from SunEdison to NRG.



2. Extension of time to establish project and term of permit.

The SUP (2014/SUP-6) required that the solar energy facility be established no later than July 29, 2017. Petitioner seeks to amend this deadline to December 31, 2019, and to modify when the 35 year term of the SUP starts from the original start date of June 29, 2015, to the date of when the LUC approves this petition to amend the SUP.

3. Project technical changes.

Petitioner wishes to: modify the number of solar panels that will be used for the project from 196,160 modules to 169,000 modules or 525,000 modules (depending on the size of modules); and, change the perimeter fencing material from 4-foot high hog-wire fence to a 6-foot high chain link fence.

**Comments/Recommendations**

We believe this large-scale project must comply fully with the LUC's Decision & Order (SP15-406, dated June 29, 2015), requiring that: "Usable lands of the Petition Area, including areas under PV panels, shall be made available for compatible agricultural use . . . as long as the Project is in operation." (Page 33).

The DOA recommends that the Petitioner affirm that the proposed change from hog-wire fencing to chain link fencing, will not restrict or impede compatible agricultural uses within the Petition Area in any way, or reduce the acreage within the Petition Area available for compatible agricultural uses.

The DOA also recommends that the Petitioner provide a letter from Kualoa Ranch stating that the proposed amendments to the SUP will not have any adverse effect on its planned ranching operation within the Project Area.

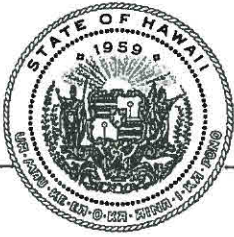
Thank you for the opportunity to provide our input. Should you have any questions, please contact Earl Yamamoto at 973-9466 or email at [earl.j.yamamoto@hawaii.gov](mailto:earl.j.yamamoto@hawaii.gov).

Sincerely,



Scott E. Enright  
Chairperson, Board of Agriculture

c: Office of Planning



**OFFICE OF PLANNING  
STATE OF HAWAII**

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

DAVID Y. IGE  
GOVERNOR

LEO R. ASUNCION  
DIRECTOR  
OFFICE OF PLANNING

2017 JUN -5 PM 3:51

DEPT OF PLANNING  
AND PERMITTING  
CITY & COUNTY OF HONOLULU

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <http://planning.hawaii.gov/>

Ref. No. P-15622

June 02, 2017

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

Dear Ms. Sokugawa:

Subject: Kawailoa Solar Farm  
Project No.: 2014/SUP-6 and SP15-406  
Tax Map Keys: 6-1-006:001 (por.) and 6-1-005:001 (por.)  
Location: Kawailoa, Oahu, Hawaii

Thank you for the opportunity to review the subject application for a modification to the Special Use Permit. The Petitioner is requesting modifications to amend an existing Special Permit to modify the proposal and some of the conditions of the approval dated June 29, 2015.

The Office of Planning (OP) has the following comments.

1. The Special Permit Application was originally filed by Kawailoa Solar LLC, subsidiary of SunEdison. SunEdison had filed for bankruptcy and the project has been obtained by NRG Renew, LLC (NRG).
2. NRG is currently working to reinstate the Power Purchase Agreements with Hawaiian Electric Company, and anticipates that NRG will be able to finance, construct, and connect the project to the electrical grid by December 2019.
3. The Petitioner is requesting to:
  - a. Change the ownership and property owner from SunEdison to NRG;
  - b. Modify Condition 6 requesting an extension of time to establish the project from the original two years from the date of the decision and order (March 25, 2017) to an additional 30 months which would be approximately December 2019;
  - c. Some technical changes with the types of solar panels to be utilized, which will result in a change in the number of solar panels. The area to be covered by the panels would be approximately 100 acres, about 11 acres more than the original area. This would result in the same power output as the originally proposed;

Kathy K. Sokugawa, Acting Director

June xx, 2017

Page 2

- d. The perimeter fence material would be changed from a four (4) -foot high steel mesh to a six (6) –foot high chain-link mesh, but with no barbed wire; and e. Modify other conditions, as explained below.
4. OP has no objection to the change in ownership from SunEdison to NRG.
  5. The following comments are based on Petitioner’s Exhibit F, however, we note that there are some errors in Exhibit F, referring to the conditions as stated in the Land Use Commissions Decision and Order dated June 29, 2015.
    - a. Condition 4. Modification requested to include the word approximately, four million dollars. OP objects to inserting the word approximately into this condition, and suggests the wording could be revised to say, no less than four million dollars.
    - b. Condition 6. Requesting modification of the time to establish the project. OP is in support of this modification to extend the time limit by 30 months or about December 2019.
  6. Condition 8. Change to the major modification from significant increases in the number of panels to the area covered by the panels. OP would support this modification to this condition. OP also concurs that the proposed increase in the area to be covered by the panels is relatively minor since the proposed net capacity of the project will not be increased.
  7. OP notes that there was no update from the original Appendix I Glare Analysis, dated September 2014. However, we note that while the number of PV panels will increase, the proposal for tracking racks is similar to the original proposal. We also note that Condition 11 would mitigate adverse impacts to pilots or motorists from the PV panels.

If you have any questions, please contact Lorene Maki of our Land Use Division at (808) 587-2888.

Sincerely,



Leo R. Asuncion  
Director

Attachment

c: Land Use Commission