



Kamehameha Schools®



May 8, 2024

Daniel E. Orodener, Executive Officer  
Land Use Commission  
235 South Beretania Street, Suite 406  
Honolulu, Hawaii 96813

Subject: **Docket No. A87-610, Trustees of the Estate of Bernice Pauahi Bishop dba Kamehameha Schools, Successor Petitioner to Tom Gentry and Gentry-Pacific, Ltd.**

Dear Mr. Orodener:

On behalf of Successor Petitioner, Trustees of the Estate of Bernice Pauahi Bishop, dba Kamehameha Schools ("KS"), we hereby submit this 2024 Annual Status Report to the State of Hawai'i Land Use Commission ("Commission").

By Findings of Fact, Conclusions of Law and Decision and Order filed May 17, 1988, the Commission reclassified approximately 1,395 acres of land situate at Waiawa, Ewa, Oahu (the "KS Property"), from the State Land Use Agricultural District to the State Land Use Urban District, subject to 10 conditions of approval. By Order dated November 30, 1990, the Commission amended Condition No. 6, and reaffirmed all other conditions to the 1988 Decision and Order (the 1988 D&O, as amended in 1990, shall hereinafter be referred to as the "Waiawa Order").<sup>1</sup> On November 26, 2014, the Commission issued its *Order Granting Motion for Order Amending Findings of Fact, Conclusions of Law and Decision and Order Dated May 17, 1988*, subject to 16 conditions of approval (the "2014 Order") amending the Waiawa Order to: (1) expressly authorize the use of appropriately 655 acres of the KS Property, comprised of approximately 387 acres in the northern/makai portion of the KS Property (the "Phase 1 Site"), and approximately 268 acres in the mauka portion of the KS Property approximately located within the Zone of Contribution (the "Phase 2 Site") for solar farm development for an interim period not to exceed 35 years from the issuance of the 2014 Order, i.e., a period terminating as of November 26, 2049, and (2) recognize KS as the successor Petitioner in this Docket.

KS sought the Commission's approval under the 2014 Order so that it could have time to

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<sup>1</sup> After the Commission approved the Urban District reclassification in 1988, rezoning approvals were sought from the Honolulu City Council. In 1998 the City Council passed Ordinance 98-55, amending a portion of the Development Plan Land Use Map to support the Waiawa project. Next, the City Council approved the rezoning of approximately 1,049 acres within the KS Property. Ordinance Nos. 98-01, effective January 15, 1998 (as amended by Ordinance 98-69, effective December 17, 1998) rezoned 874 acres within the KS Property from Restricted Agriculture (AG-1) to Neighborhood Business District (B1), Community Business District (B2), Low Density Apartment District (A1), Industrial-Commercial Mixed-Use District (IMX1), Residential (RS) and General Preservation (P-2). Ordinance No. 03-01, effective February 12, 2003, rezoned 175.43 acres within the KS Property from AG-1 to R-5, A-1, Medium Density Apartment District (A-2) and P-2. Copies of these zoning ordinances were previously transmitted for your files.

reevaluate the development proposal that had originally been presented to the Commission, while at the same time, for an interim period, pursue a means of obtaining some financial return on the KS Property, in a manner consistent with KS' five values of: (1) culture; (2) environment; (3) education; (4) economics; and (5) community. At that time, KS determined that development of renewable energy on the KS Property would be consistent with the values, vision, mission, guiding principles and strategic goals set forth in KS' Strategic Plan and Strategic Agricultural Plan.

As previously reported, SunEdison, the intended solar developer for the solar farms approved under the 2014 Order, faced difficulty obtaining the necessary approvals from the Hawai'i Public Utilities Commission for its power purchase agreement with Hawaiian Electric Company, Inc. and shortly thereafter went bankrupt. Accordingly, KS cancelled its agreements with SunEdison, but KS remained on the lookout for new renewable energy opportunities to be located in the same areas approved by the Commission under the 2014 Order.

To that end, on July 24, 2019, KS submitted a Motion for Modification and Time Extension, requesting approval of certain amendments to the 2014 Order so that a new renewable energy developer, Waiawa Solar Power LLC, could complete the project approved under the 2014 Order located within the Phase 2 Site. In response to that Motion, on February 11, 2020, the Commission issued its *Findings of Fact, Conclusions of Law, and Decision and Order Granting with Modification Motion for Modification and Time Extension* ("2020 Order"). The 2020 Order granted an amendment to the 2014 Order to permit Waiawa Solar Power LLC to use 200 acres of the original Phase 2 Site for a solar farm to include all related utility and other infrastructure for an interim period not to exceed November 26, 2049. The 2020 Order also stipulated that the use of that site was subject to conditions "which shall replace all other conditions imposed relative to SunEdison's former Phase 2 site in the Order Granting Motion for Order Amending D&O filed on November 26, 2014."

With respect to the Phase 1 Site, on December 10, 2021, KS filed a Motion for Modification, Time Extension, and Release and Modification of Conditions, requesting approval of certain amendments to the 2014 Order for the solar farm as proposed by renewable energy developer Waiawa Phase 2 Solar, LLC ("WP2S"), a subsidiary of The AES Corporation, (the "2021 Motion"). Under the 2021 Motion, KS bifurcated the Phase 1 Site into "Parcel A" and "Parcel B" (collectively, the "Updated Phase 1 Project").

On June 30, 2022, the Commission issued its *Findings of Fact, Conclusions of Law and Decision and Order Granting with Modification Motion for Modification, Time Extension, and Release and Modification of Conditions of Order Dated November 26, 2014* (the "2022 Order"), thereby granting KS' 2021 Motion with modifications and amendments to certain conditions of the 2014 Order relating to the 387-acre Phase 1 Site and imposed new conditions.

A matrix of all of the Commission's conditions of approval in this Docket, and the status of those conditions, is enclosed. Please feel free to contact me at (808) 523-6200 if you have any questions regarding this report.

Very truly yours,

*Michelle Swartman*

Michelle Swartman  
KAMEHAMEHA SCHOOLS  
Planning & Development Manager, Commercial Real Estate

Enclosure

cc:

Mary Alice Evans, Director, Office of Planning and Sustainable Development

Dawn Takeuchi Apuna, Director, Honolulu Department of Planning and Permitting

James K. Tokioka, Director of Business, Economic Development and Tourism (DBEDT)