MEETING OF THE PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU

Minutes
Wednesday, February 15, 2017

The Planning Commission held a meeting on February 15, 2017, at 1:30 p.m. at the Mission Memorial Conference Room, Mission Memorial Building, 550 South King Street, Honolulu, Hawaii. Chair Dean Hazama presided.

COMMISSIONERS PRESENT: Dean I. Hazama, Chair
Theresia C. McMurdy, Vice Chair
Cord D. Anderson
Ka'iuulani K. Sodaro
Wildred A. Chang, Jr.
Ken K. Hayashida

COMMISSIONERS EXCUSED: Daniel S. M. Young
[prior notice given]
Arthur B. Tolentino
[prior notice given]
Steven S. C. Lim
[prior notice given]

COMMISSION STAFF: Gloria Takara, Secretary-Hearings Reporter

DEPUTY CORPORATION COUNSEL: Jennifer D. Waihee-Polk
(Advisory to the Commission)
REQUEST

CENTRAL OAHU – STATE SPECIAL USE PERMIT – 2014/SUP-3 (RY)
WAIPIO PV, LLC (FORMERLY WAIWA PV, LLC)

Applicant: Waipio PV, LLC (formerly Waiawa PV, LLC)
Owner: NRG Energy LLC
Location: East of H-2 Interstate Highway and approximately 1,000 feet north of Mililani Cemetery
Tax Map Key: 9-5-003: Portion of Parcel 004
Existing Use: Agriculture (pasture)
Existing Zoning: AG-1 Restricted Agricultural District
Land Area: Approximately 313 acres
Request: Approval of extension of time in which to establish the Project, pursuant to Chapter 2, Subchapter 4, Section 2-46(e), rules applicable to State Special Use Permits of the rules of the Planning Commission; and Condition No. 5 of Applicant’s January 21, 2015, Decision and Order of the Planning Commission

Administration/Others

Franz Kraintz, Staff Planner, Community Planning Branch, Department of Planning and Permitting
Wren Wescoatt, Director of Development, NRG Energy LLC

[It was moved by Sodaro and seconded by McMurdo that Central Oahu – State Special Use Permit – 2014/SUP-3 (RY), Waipio PV., LLC (formerly Waiawa PC, LLC) request for approval of extension of time in which to establish the Project [June 30, 2019], pursuant to Chapter 2, Subchapter 4, Section 2-46(e), rules applicable to State Special Use Permits of the rules of the Planning Commission; and Condition No. 5 of Applicant’s January 21, 2015, Decision and Order of the Planning Commission be approved. Motion was unanimously carried, 6:0.]

PUBLIC HEARING

A REQUEST FOR AMENDMENTS TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (The Land Use Ordinance), RELATING TO JOINT DEVELOPMENT

The City Council initiated a proposal to amend the Land Use Ordinance (LUA) relating to joint development. The proposal would modify LUA Section 21-5.380 to allow a lot to be developed as part of up to three joint developments. A joint development joins two or more adjacent subdivision lots under a single or unified project concept, pursuant to LUA Section 21-10.1. It is approved through a Conditional Use Permit (CUP) process. When a CUP for a joint development is approved, all the lots included in the CUP can be developed as one zoning lot.
Resolution 16-54, CD-1, FD-1, proposes to amend Section 21-5.380, Revised Ordinances of Honolulu 1990 ("Joint development of two or more adjacent subdivision lots"), to allow a subdivision lot to be developed as part of no more than three joint developments.

Administration/Others

Elizabeth Krueger, Branch Chief, Zoning Regulations & Permits Branch, Department of Planning and Permitting

[It was moved by Anderson and seconded by McMuro that a request for amendments to amend the Land Use Ordinance (LUO), relating to joint development [Resolution 16-54, CD-1, FD-1] not be adopted. Motion was unanimously carried, 6:0.]

EXECUTIVE SESSION

To consult with the Commission's attorney on the authority, duties, privileges, and immunities pertaining to Section 205-6 of the Hawaii Revised Statues, as amended, and Chapter 2, Subchapter 4 of the Rules of the Planning Commission, in accordance with HRS 92-5(a)(4).

[Chair Hazama deferred Executive Session to the next available date.]

ADJOURNMENT

[It was moved by McMuro and seconded by Hayashida that the February 15, 2017 Planning Commission meeting be adjourned. Motion was unanimously carried, 6:0.]

At approximately 2:45 p.m., Chair Hazama declared the meeting adjourned.

Respectfully submitted,

Gloria Takara, Secretary-Hearings Reporter

ATTEST:

Dean I. Hazama, Chairman
Honolulu Planning Commission

ADOPTED ON: March 15, 2017
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CITY AND COUNTY OF HONOLULU

Minutes
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Memorial Conference Room, Mission Memorial Building,
550 South King Street, Honolulu, Hawaii. Chair Hazama
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COMMISSIONERS PRESENT:  Dean I. Hazama, Chair
Cord D. Anderson, Vice Chair
Kaiulani K. Sodaro
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Wilfred A. Chang, Jr.

COMMISSIONERS EXCUSED:  Arthur B. Tolentino
Daniel S. M. Young
Steven S. C. Lim

COMMISSION STAFF:  Gloria Takara,
Secretary-Hearings Reporter
DEPUTY CORPORATION COUNSEL: Jennifer D. Waihee-Polk
(Advisory to the Commission)

DPP REPRESENTATIVE: Franz Kraintz, Staff Planner,
Community Planning Branch
Chairman: Okay. Good afternoon everybody.
Welcome to the February 15th, 2017 meeting of the Planning Commission. I call this meeting to order. [bangs gavel]

Welcome, Commissioners. First order of business on our agenda is approval of our December 7th, 2016 meeting minutes. Any corrections or objections to adopting the minutes? [no response] Okay. Seeing no corrections or objections, any oppose to adopting the minutes? [no response] Any abstentions? [no response] Okay. The minutes for December 7th, 2016 have been adopted.

Our next item up on the agenda, Central Oahu State Special Use Permit, 2014/SUP-3, Waipio PV, LLC, formerly known as Waiawa PV, LLC.

Is anybody from Department here? You know what, I want the Department and the applicant come up at the same time. Please come up. Good afternoon.

Mr. Kraintz: Good afternoon, Chairman and Commissioners. My name is Franz Kraintz. I'm the planner with DPP in the Community Planning Branch. Raymond Young is the project planner in this particular case stemming several years ago. And, it might be better at this point if the applicant can describe the full conditions as to why they're making this request, this extension.
Chairman: Okay. That's fine.

Mr. Wescoatt: Good afternoon, Wren Wescoatt, Director of project development for NRG Energy. Previously, this project was the Waipio PV, LLC, was a subsidiary of First Wind Energy and then subsequently was acquired by SunEdison Inc., which then promptly went bankrupt. And the Waipio PV project was sold through bankruptcy with to a company called NRG Energy. They are a large power producer in the mainland. They don't have any large projects in Hawaii, but they were interested in purchasing these projects and their intent is to really go forward and build exactly, almost identical project to what was proposed before. So, adhering to all the same permits and conditions, etc.

So, the request that--I'm now retained by Energy, so I'm still with the projects even though the name of the company has changed. The request is to extend--The current permit allows until, I believe it is March of 2017 to complete construction of the project. So, now with under new ownership the project has to go back to Hawaiian Electric Company. We've already executed a power purchase agreement with Hawaiian Electric, have submitted that to the Public Utilities Commission, but that will need to be approved and need to sort of start over in terms of contracting with the contractor to construct the project.
So, financing and all that stuff. So, essentially requesting an additional, a little over two years to complete construction of the project. Essentially it's going to be almost identical to what was proposed before. So, this request is really to extend the time at which, the time by which the project would be established or constructed. So, previously it was March, I believe it was March 31st, not sure of the date. I believe it was March 2017. And now we're requesting June 2019. So, that's the extent of the request. Other than that the project is essentially the same, intending to work with the same ranchers to farm sheep on the project, etc.

Chairman: Okay. Commissioners, any questions of the Department or applicant?

Member Sodaro: I just had a couple. Was there a prior approved PPA or were you just required to go through a new PPA?

Mr. Wescoatt: Yes. The PPA was previously approved. It was signed with HECO and approved by the Public Utilities Commission. All the other permits were obtained. We even had a building permit, grading permits. Everything was all completed, but right at the very end of the financing SunEdison was having financial difficulties and was not able to complete the financing. So, subsequent to that the PPA was eventually terminated in early 2016.
Member Sodaro: So, you pulled the building permit and the grading permits?

Mr. Wescoatt: The grading permit, I believe was pulled and currently the contractor is right in the last stages of getting that closed. And, so we'll be starting that process over again. I think—I can't remember if the building permit had been—Yes, it was pulled for Waipio because they did start some construction on the Waipio site. Apologize, there's a couple of different sites that similar things happened to. So, Waipio there was some initial construction that was started. They put steel post in the ground and started installing some of the racking.

Member Sodaro: Is there any AG use now? I recall we had a lot of conversation about AG use.

Mr. Wescoatt: It's very limited. Right now it's—there's some horse, there's a horse ranch at the top of the site, and there's just a few cows on site now, but once—They'll need to be moved for construction.

Member Sodaro: Is it the same sheep, shepherd?

Mr. Wescoatt: It will be, yes, same shepherd.

Member Sodaro: Okay. Thanks.

Chairman: Okay. Any other questions? [no response] Okay. So, you're requesting an extension that should be enough time for you guys to proceed. So, Franz, the reporting requirements will remain the same as the
original SUP agreement as far as an annual report and all of that? That stays in tact?

Mr. Kraintz: That's correct; yes.

Chairman: Okay. So, is this a strict approval by the Commission to extend the period of time?

Mr. Kraintz: Yes. Until June 30th, 2019.

Chairman: And doesn't require subsequent LUC approval after that or is this a one-step basically?

Mr. Kraintz: One-step, correct.

Chairman: Okay. All right. Commissioners, any other questions? [no response] Okay. Can I have a motion?

Member McMurdo: I'm sorry, what is staff's recommendation? To extend?

Mr. Kraintz: Staff has no objections to the extension request.

Member Sodaro: I can offer--

Chairman: Okay. Go ahead.

Member Sodaro: ...offer a motion for approval of the Central Oahu State Special Use Permit, 2014/SUP-3 Waipio PV, LLC, formerly Waiawa PC, LLC, for two-year extension for completion of construction.

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

Member McMurdo: Second.

Chairman: Moved and seconded. All those in favor, say aye.
All Commissioners: Aye.


Mr. Wescoatt: Thank you all.

Mr. Kraintz: Thank you.

Chairman: Okay. Next on our agenda is a request for amendment to Chapter 21, Revised Ordinance of Honolulu 1990, the LUO, relating to Joint Development. So, Department please come up.

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I certify that the foregoing is a true and correct transcription of the proceedings, prepared to the best of my ability, of the meeting held on Wednesday, February 15, 2017.

Gloria Takara
Secretary-Hearings Reporter

ADOPTED ON MARCH 15, 2017
[NOTE: A separate transcript of this Planning Commission
was prepared for this portion of the meeting regarding the
public hearing on a request for amendment to Chapter 21, ROH
1990 (The Land Use Ordinance), Relating to Joint
Development.