

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN of public hearings to be held by the Hawaii Community Development Authority (HCDA), a body corporate and a public instrumentality of the State of Hawaii, pursuant to the provisions of Chapters 15-215 (Kalaheo Community Development District Rules) and 15-219 (Rules of Practice and Procedure), Hawaii Administrative Rules (HAR), and Section 206E-5.6, Hawaii Revised Statutes (HRS).

DATES: September 1, 2021 (Presentation Hearing)
9:00 a.m.

September 2, 2021 (Presentation of Request for Major Variances)
9:00 a.m.

November 3, 2021 (Decision-Making Hearing)
9:00 a.m.

PLACE: Hearings will be convened virtually*

*In accordance with the Governor's June 7, 2021 Twenty-First Proclamation Related to the COVID-19 Emergency ("Twenty-First Emergency Proclamation"), specifically Section VI (B), ordering the suspension of specific provisions of certain laws including HRS Chapter 92, "public agency meetings and records" and social distancing guidelines issued by state and federal public health agencies in an effort to contain community spread of the ongoing COVID-19 Virus, the above-referenced public hearings will be convened virtually via Zoom:

Zoom Meeting:

<https://zoom.us/j/7025694770?pwd=OVozQjNiTUw5ajhrNmFBdzc3U213UT09>

Meeting ID: 702 569 4770

Passcode: 434019

The public may also view the above-referenced public hearings which will be live-streamed (simultaneously recorded and broadcast live) via the following internet "YouTube" link provided below:

YouTube:

<https://www.youtube.com/channel/UCGsHPkE4O4goO5EdeMVAfcA>

In the event that the temporary suspension of specific provisions of the Sunshine Law provided for in the Governor's Twenty-First Emergency Proclamation is lifted or otherwise no longer in effect, and therefore allowing the Authority to convene any of the above-referenced public hearings in person, those hearings will be held at the above-referenced times, at the following location:

HCDA Board Meeting Room
547 Queen Street, 2nd Floor
Honolulu, Hawaii 96813

or as soon thereafter as those interested may be heard to consider the following item:

DEVELOPMENT PERMIT APPLICATION

Application Date: July 22, 2021
Permit Number: KAL 21-004
Applicant: Kalaeloa Home Lands Solar, LLC
Landowner: State of Hawaii Department of Hawaiian Home Lands
Tax Map Key: (1) 9-1-013: 029
Project Location: North of Navy Bio-solids parcel, South of Midway Road, East of Perimeter Road and West of the Kalaeloa Airport crosswind runway 11-29.

Description: The Applicant is proposing to build a 10 mega-watt photovoltaic electrical generation solar farm (“proposed Project”) on a 29.84-acre parcel owned by the State of Hawaii Department of Hawaiian Home Lands. The Applicant is proposing to install 5440 flat panels on ground-mounted tracking stands, control cabinet enclosures, and transformers.

In accordance with HAR § 15-219-49, interested persons may petition to intervene to participate as a party in this hearing by filing a timely written motion and providing 30 copies of such written motion to the HCDA office at 547 Queen Street, Honolulu, Hawaii 96813, no later than 4:30 p.m. on Thursday, August 19, 2021, and serving copies to the Applicant at 500 Ala Moana Boulevard, Building #7, #400, Honolulu Hawaii 96813. The Authority will act on any motions to intervene on September 1, 2021, at which time all parties to the proceedings will be established.

September 1, 2021 – Presentation Hearing

The purpose of the Presentation Hearing is to allow the Applicant to present the proposed Project, to allow any other party the opportunity to present its position, and to provide the general public with the opportunity to present oral and/or written testimony.

September 2, 2021 – Request for Major Variances

The purpose of this hearing is to allow the Applicant to present its request for the following three major variances that deviate from the following provisions of the Kalaeloa Community Development District rules:

1. HAR §15-215-43 (c) Architectural standards – Fences, walls, and hedges – Deviate from the maximum fence height allowed and increase the height of the proposed Project perimeter fence to be constructed/installed, from three feet to six feet.
2. HAR § 15-215-44 (1) and (4) Landscape – Deviate from all landscaping requirements for required yards; Deviate from required automatic irrigation system requirements relating to rain or moisture sensors and a water waste elimination system.

3. HAR §15-215-46 (c) Open space – Deviate from the minimum of 20 percent open space requirement to provide 10 percent (129,808 square feet) of open space.

November 3, 2021 – Decision-Making Hearing

The purpose of the Decision-Making Hearing is to allow for additional oral and/or written testimony from the general public on the Application prior to decision-making by the Authority.

If the Authority adopts a proposed decision and order which is adverse to a party at the November 3, 2021, Decision-Making Hearing, the party adversely affected will be allowed to file written comments and/or exceptions to the Authority's proposed Decision and Order. Thereafter, the Authority will engage in final decision-making, if necessary, at a further hearing on November 17, 2021.

Any party may retain counsel or appear on his/her own behalf or send a representative if the party is a partnership, corporation, trust, or association.

The Development Permit Application is posted online at www.dbedt.hawaii.gov/hcda. A hard copy of the Development Permit Application may also be obtained via regular mail upon payment of photocopying and postage handling fees. To request a hard copy, you may contact the HCDA by telephone at (808) 594-0300 or by e-mail at dbedt.hcda.contact@hawaii.gov during regular business hours (Monday through Friday, 7:45 a.m. to 4:30 p.m.), excluding State and Federal holidays.

Written public testimony regarding the Development Permit Application will be accepted through the HCDA website at www.dbedt.hawaii.gov/hcda until 12:00 p.m. on the day before the respective public hearing dates ("Written Testimony Deadline"). Persons wishing to present public testimony after the Written Testimony Deadline are encouraged to attend the public hearing via Zoom to present oral testimony. Persons who intend to present oral testimony may sign up at the beginning of each public hearing. Persons who intend to submit written testimony are requested to submit 30 copies of their testimony by 12:00 p.m. before the date of the public hearing. Please be advised that any written public testimony submitted to the HCDA will be treated as a public record and, as such, any contact information contained therein may be available for public inspection and copying. Pursuant to HAR § 15-219-71, public comment or testimony may be limited to three minutes per speaker and speakers may be subject to questioning by the members of the HCDA board or by any other representative of the HCDA. For any questions or concerns regarding the above, please call the HCDA office at 594-0300.

Individuals who need auxiliary aids for effective communication are invited to contact Ms. Francine Murray, HCDA's ADA Compliance Coordinator via phone at 594-0300, or facsimile at 587-0299 at least five working days prior to the date required.

HAWAII COMMUNITY DEVELOPMENT AUTHORITY
JASON OKUHAMA, CHAIRPERSON