

**REQUEST FOR VARIANCES (MAJOR)
KAL 17-017: ALOHA SOLAR ENERGY FUND II**

January 19, 2018

I. REQUEST

Aloha Solar Energy Fund II, LLC (Applicant) is proposing to construct a 5-megawatt photovoltaic utility installation on Tax Map Key (TMK): 9-1-013:070 and an approximate 1.78-mile long 12 kV interim electrical distribution line located on a 30-foot-wide portion of right-of-way along the eastern edge of Coral Sea Road that borders TMKs: 9-1-013:039, 040, 043, 044, 072, 099, and 100 (Project). The Project site is 44.28 acres in size.

In conjunction with a Development Permit Application for the Project, the Applicant is requesting the following three variances pursuant to Hawaii Administrative Rules (HAR) §15-215-81 of the Kalaeloa Community Development District Rules (Kalaeloa Rules).

- HAR §15-215-43, Architectural Standards (c): Increase the height of the fence along Coral Sea Road from 3 feet to 6 feet.
- HAR §15-215, Development Standards Summary, Figure 1.3: Place the fence on the property line without the required setback.
- HAR §15-215-44, Landscape: Eliminate the requirements for landscaping and automatic irrigation within the required front yard area.

The Hawaii Community Development Authority (HCDA) is the landowner and has provided authorization for the Project.

II. COMPLETENESS REVIEW, AUTOMATIC APPROVAL AND FILING FEES

Pursuant to Hawaii Administrative Rules (HAR) §15-215-83 Completeness Review, the Development Permit Application and Request for Variances was deemed complete on December 13, 2017. Pursuant to HAR §15-215-84, Automatic Approvals, the Request for Variances will be deemed automatically approved if no decisions are made by the HCDA granting or denying approval within 160 days from the date of the public hearing notice. The public hearing notice was published on December 13, 2017 making the automatic approval date May 22, 2018.

Records indicate that all filing fees have been paid in accordance with the provisions of HAR §15-215-91, Fee Schedule.

The Application for the Request for Variances is provided as Exhibit A.

III. PUBLIC HEARING NOTICE AND COMMUNITY OUTREACH

In accordance with Hawaii Revised Statutes (HRS) §206E-5.6, the public hearing notice for the Project was published in the Honolulu Star-Advertiser, The Garden Island, West Hawaii Today, Hawaii Tribune-Herald and Maui News on December 13, 2017. In accordance with HRS §206E-5.6, the President of the Senate and the Speaker of the House of Representatives were notified upon posting of the public hearing notice. In addition, various elected officials; State and County agencies; the Ewa, Nanakuli-Maili and Makakilo/Kapolei/Honokai Hale Neighborhood Boards; the U.S. Coast Guard Air Station Barbers Point; Commander Navy Region Hawaii; U.S. Veterans Cloudbreak; and the State of Hawaii Department of Education were also notified of the public hearing. The public hearing notice was provided to approximately 120 individuals and organizations that have requested that they be kept informed of development activities in the districts under the HCDA jurisdiction. A copy of the Notice of Public Hearing is provided as Exhibit C. In accordance with the provisions of HRS §206E-5.5, the Applicant has also notified both owners and lessees of record of real property within a three hundred-foot radius of the Project perimeter.

The deadline for filing for intervention was January 2, 2018, and the HCDA did not receive any request for intervention by the filing deadline.

IV. PROJECT DESCRIPTION

The Applicant is proposing to develop a 5 megawatt renewable energy photovoltaic (PV) system with an approximately 1.78 mile-long 12 kilovolt interim electrical distribution line that will connect to the main Hawaiian Electric Company's (HECO) grid. The Project will utilize 22 acres of the 44.28-acre site, with the remainder of the parcel to remain as open space with a designated portion to become a permanent archaeological preserve.

The Project proposes the installation of approximately 23,500 72-cell PV modules mounted on elevated galvanized steel racks, which will be mounted to posts or piers. Pending favorable results from a future geotechnical investigation, the piers are expected to be driven or screwed directly into the soil to a depth ranging between 6 and 9 feet. If soils are not favorable for direct driven piers, it is expected that the piers will be mounted by a method involving drilling holes, placing back the native soil and compacting it and then driving the piles. The PV modules will be bolted to the racking at a fixed tilt of 10 degrees facing south. Once mounted, the lowest end of the racked modules will be approximately 4 feet 10 inches above ground level with the highest end not exceeding 7 feet above ground level. For all subsurface work, the Archaeological Monitoring Plan will govern how the work will be carried out in consideration of protecting known and possibly unknown historic resources.

Other structures include a sub-station that will collect the combined power from the inverter/transformers stations and transfer it to HECO distribution line. The sub-station will be located in a gravel area approximately 75 feet wide by 75 feet deep.

Access to the parcel will be from a driveway off Coral Sea Road. The gravel driveway will lead to an internal gravel maintenance road that varies between 12 feet to 16 feet wide.

V. VARIANCE REQUEST

Section HAR §15-215-81, Variances, provides for a mechanism for relief from the strict application of the Kalaeloa Rules. The Applicant is requesting the following three variances pursuant to HAR §15-215-81 of the Kalaeloa Community Development District Rules:

- **HAR §15-215-43, Architectural Standards (c): Increase the height of the fence from 3 feet to 6 feet.**

HAR §15-215-43, Architectural Standards (c), requires fences, walls and hedges may be constructed or installed to a height of 6 feet in any side yard or rear yard and to a height of 3 feet in any portion of a front yard or side yard that faces a thoroughfare. The Applicant is requesting a variance that will allow a 6-foot tall fence along Coral Sea Road for public safety and protection of historic properties.

- **HAR §15-215, Development Standards Summary, Figure 1.3: Place the fence on the property line without the required setback.**

HAR §15-215, Development Standards Summary, Figure 1.3 requires a Front Yard Setback of 5 feet to 15 feet. The Applicant is requesting a variance that will allow the fence to be placed on the property line without the required Front Yard Setback to eliminate the possibility of unwarranted and illegal parking or occupation in the frontage area along Coral Sea Road by trespassers.

- **HAR §15-215-44, Landscape: Eliminate the requirements for landscaping and automatic irrigation within the front yard area.**

HAR §15-215-44, Landscape, requires all required yards be landscaped. Landscaping shall have an automatic irrigation system with rain or moisture sensor, or with a system that eliminates water waste. The Applicant is requesting a variance that eliminates the requirement for landscaping and automatic irrigation within the front yard area. If a variance is granted to allow the fence to be placed on the property line, then there will be no front yard setback area to landscape and irrigate.

VI. PUBLIC TESTIMONIES

At the time of submitting this report, HCDA staff has not received any public testimony on the Project.

Attachments:

Exhibit A: Application for Request for Variances - KAL 17-017