

11-11-2025 10:05 AM

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OF COUNSEL

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MICHAEL J. BELLES
DAVID W. PROUDFOOT



M E M O R A N D U M

TO: Mr. Ka'aina S. Hull
Director of Planning
Planning Department
4444 Rice Street, Suite A473
Lihue, Kauai, Hawaii 96766

VIA EMAIL & REGULAR MAIL

Attention: Mr. Kenneth Estes

FROM: Max W. J. Graham, Jr.

DATE: February 6, 2026

RE: **In the Matter of the Application of Kaawanui Solar, LLC
for Use Permit U-2026-9, Class IV Zoning Permit Z-IV-2026-12,
and Special Permit SP-2026-4**

Applicant: Kaawanui Solar, LLC,
a Delaware limited liability company
Project: Ka'awanui Solar Project (269.195 acres)
Property: Parcel 10 (158.75 acres)
Makaweli, Kauai, Hawaii
Kauai TMK No. (4) 1-7-006:010 (por.)
Parcel 6 (4,847.99 acres)
Makaweli, Kauai, Hawaii
Kauai TMK No. (4) 1-7-006:006 (por.)
Property Owner: Robinson Family Partners

I am transmitting to you an original and five (5) copies of the Affidavit As To Mailing Of Notice; Exhibits "A" And "B" notarized on February 6, 2026, regarding the above-identified Application.

Thank you very much.

MWJG:jgm
Enclosure

BELLES GRAHAM LLP

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Attorneys for Applicant,
KAAWANUI SOLAR, LLC,
a Delaware limited liability company

BEFORE THE PLANNING COMMISSION

OF THE

COUNTY OF KAUAI

In The Matter Of The Application)	USE PERMIT NO. U-2026-9
)	CLASS IV ZONING PERMIT
Of)	NO. Z-IV-2026-12
)	SPECIAL PERMIT NO. SP-2026-4
KAAWANUI SOLAR, LLC, a Delaware)	
limited liability company, for a Use Permit,)	
a Class IV Zoning Permit, and a Special)	AFFIDAVIT AS TO MAILING OF
Permit for real property situated at Makaweli,)	NOTICE; EXHIBITS "A" – "B"
Waimea, Kaua'i, Hawai'i, identified by)	
Kaua'i Tax Map Key Nos. (4) 1-7-006:006)	
(por.) and 010 (por.).)	(KAAWANUI PROJECT)
_____)	

AFFIDAVIT AS TO MAILING OF NOTICE

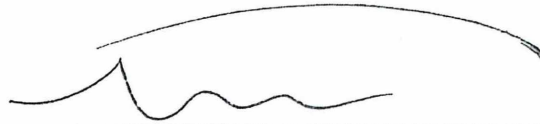
STATE OF HAWAII)
) SS:
COUNTY OF KAUAI)

MAX W. J. GRAHAM, JR., having been duly sworn on oath, deposes and says:

1. I am a resident of the County of Kauai, State of Hawaii.
2. I am an attorney licensed to practice law in the State of Hawaii, and am one of the attorneys representing the Applicant, KAAWANUI SOLAR, LLC, a Delaware limited liability company, in the above-entitled matter.
3. On February 6, 2026, in fulfillment of Sections 8-3.1(f) of the Comprehensive Zoning Ordinance, as codified in the Kauai County Code, 1987, as amended, and Section 1-13-5(d) of the Rules Of Practice And Procedure Of The Planning Commission of the County of Kauai, I caused a Notice Of Public Hearing Before The Planning Commission Of The County Of Kauai (a copy of which is attached hereto and incorporated herein as *Exhibit "A"*) to be mailed to at least eighty-five percent (85%) of the persons or owners listed in the current Notice of Property Assessment Card File, located at the Real Property Division of the Department of Finance of the County of Kauai, of all parcels of real property within three hundred feet (300') from the nearest point of the tax map parcel involved in the Application, to the nearest point of the affected tax map parcel. A listing of those persons or owners who received a copy of the Notice, their Tax Map Key Numbers and their mailing addresses are attached hereto as *Exhibit "B"* and incorporated herein by reference.

4. All of the Notices were mailed by certified or registered mail from the Lihue Post Office, Lihue, Kauai, Hawaii, postage prepaid, and copies of the receipts for such certified or registered mailings are available for inspection upon request.

Further, affiant sayeth naught.



MAX W. J. GRAHAM, JR.

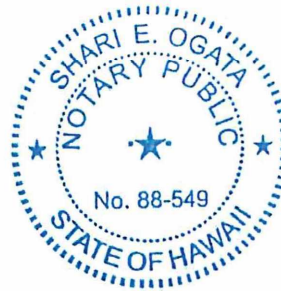
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Doc. Description: AFFIDAVIT AS TO MAILING OF NOTICE; EXHIBITS "A" AND "B" (KAAWANUI PROJECT)

Notary Name: SHARI E. OGATA Fifth Circuit

Subscribed and sworn to before me this 10th day of February, 2026.


Notary Public, State of Hawai'i



My commission expires: 10/05/2028

In The Matter Of The Application Of KAAWANUI SOLAR, LLC, a Delaware limited liability company, for a Use Permit, a Class IV Zoning Permit, and a Special Permit for real property situated at Makaweli, Waimea, Kaua'i, Hawai'i, identified by Kaua'i Tax Map Key Nos. (4) 1-7-006:006 (por.) and 010 (por.); *AFFIDAVIT AS TO MAILING OF NOTICE; EXHIBITS "A" AND "B" (KAAWANUI PROJECT)*

NOTICE OF PUBLIC HEARING
BEFORE THE PLANNING COMMISSION OF THE COUNTY OF KAUAI

A public hearing before the Planning Commission of the County of Kauai has been scheduled in this matter to allow the Planning Commission to take testimony from the Applicant and public witnesses. The schedule for, and subject matter of, the hearing is as follows:

I. PUBLIC HEARING.

1. Date: Tuesday, March 10, 2026
2. Time: 9:00 a.m. or as soon thereafter as the matter can be heard.
3. Place of Hearing: Lihue Civic Center
Mo'ikeha Building
Meeting Room 2A-2B
4444 Rice Street
Lihue, Kauai, Hawaii 96766
4. Purpose: To allow the Planning Commission to take testimony from the Applicants and interested members of the public concerning the Application in this matter.
5. Permits under consideration: Use Permit No. U-2026-9, Class IV Zoning Permit No. Z-IV-2026-12, and Special Permit No. SP-2026-4
6. Applicant: KAAWANUI SOLAR LLC, a Delaware limited liability company

II. APPLICATION.

The Applicant, KAAWANUI SOLAR LLC, a Delaware limited liability company, has filed an Application requesting the Planning Commission to approve Use Permit U-2026-9, Class IV Zoning Permit Z-IV-2026-12, and Special Permit SP-2026-4 ("Permits"). The property which is the subject matter of the Application ("Project Site") is located on the mauka side of Kaunualii Highway directly across of the Makaweli Post Office in Makaweli, Waimea, Kauai, Hawaii, as shown outlined in yellow on *Exhibit "1"*, attached hereto.

If approved, the Permits will allow the Applicant to construct and operate a solar energy facility on the Project Site (the "Project"). The Applicant proposes to develop a photovoltaic solar energy facility on an approximately 269.195 acre portion of Parcels 6 and 10 that will include the following improvements: a solar photovoltaic (PV) system with solar panels and racking system; power conversion stations; a Battery Energy Storage System; a network of

electrical collector lines; communications equipment; an Operations & Maintenance Shed; an AES Hawai'i Substation (which will collect the electric power generated by the PV system); a Kaawanui Substation and interconnection lines (which will be owned by Kauai Island Utility Cooperative ("KIUC") and will transfer the collected electric power into the KIUC operated electrical grid); fencing; and access roads.

A complete copy of the Application filed in this matter, together with maps, studies, reports, photographs, plans, and other supporting materials (collectively, the "Plans"), is available for inspection at the Planning Department, Lihue Civic Center, Mo'ikeha Building, Suite A473, 4444 Rice Street, Lihue, Kauai, Hawaii 96766.

III. DESCRIPTION OF SUBJECT PROPERTY.

The Project Site consists of an approximately 269.195 acre portion of land located on the mauka side of Kaunualii Highway directly across of the Makaweli Post Office in Makaweli, Waimea, Kauai, Hawaii, identified by Kauai Tax Map Key Nos. (4) 1-7-006:006 (por.) and 010 (por.). The Project Site is owned by Robinson Family Partners and managed by Gay & Robinson, Inc. Robinson Family Partners has granted the Applicant with an option to acquire easements to operate the Project on the Project Site.

IV. PROCESS.

After completion of the public hearing process in this case, at the originally scheduled hearing date or at such subsequent hearing dates as may be held, the Planning Commission will decide whether to approve, approve with conditions, or deny the Application. The Planning Commission's decision in this matter regarding the Use Permit and Zoning Permit will be final, subject to any party's or aggrieved person's right to file an appeal in the Fifth Circuit Court, State of Hawaii. The Planning Commission's decision concerning the Special Permit will be advisory to the State Land Use Commission, which will make the final decision on the approval or denial of the Special Permit at a later date.

All interested persons may present testimony for or against the Application as public witnesses. Such testimony may be made in writing and may be presented to the Planning Commission at or prior to the public hearing. Late written testimony may be submitted up to seven (7) days after the close of the public hearing in cases where the Planning Commission does not take action on the same day the hearing was held.

Any party may be represented by counsel if he or she so desires. In addition, individuals may appear on their own behalf, a member of a partnership or limited liability company may represent the partnership or limited liability company, and an officer or authorized employee of a corporation or trust or association may represent the corporation, trust or association.

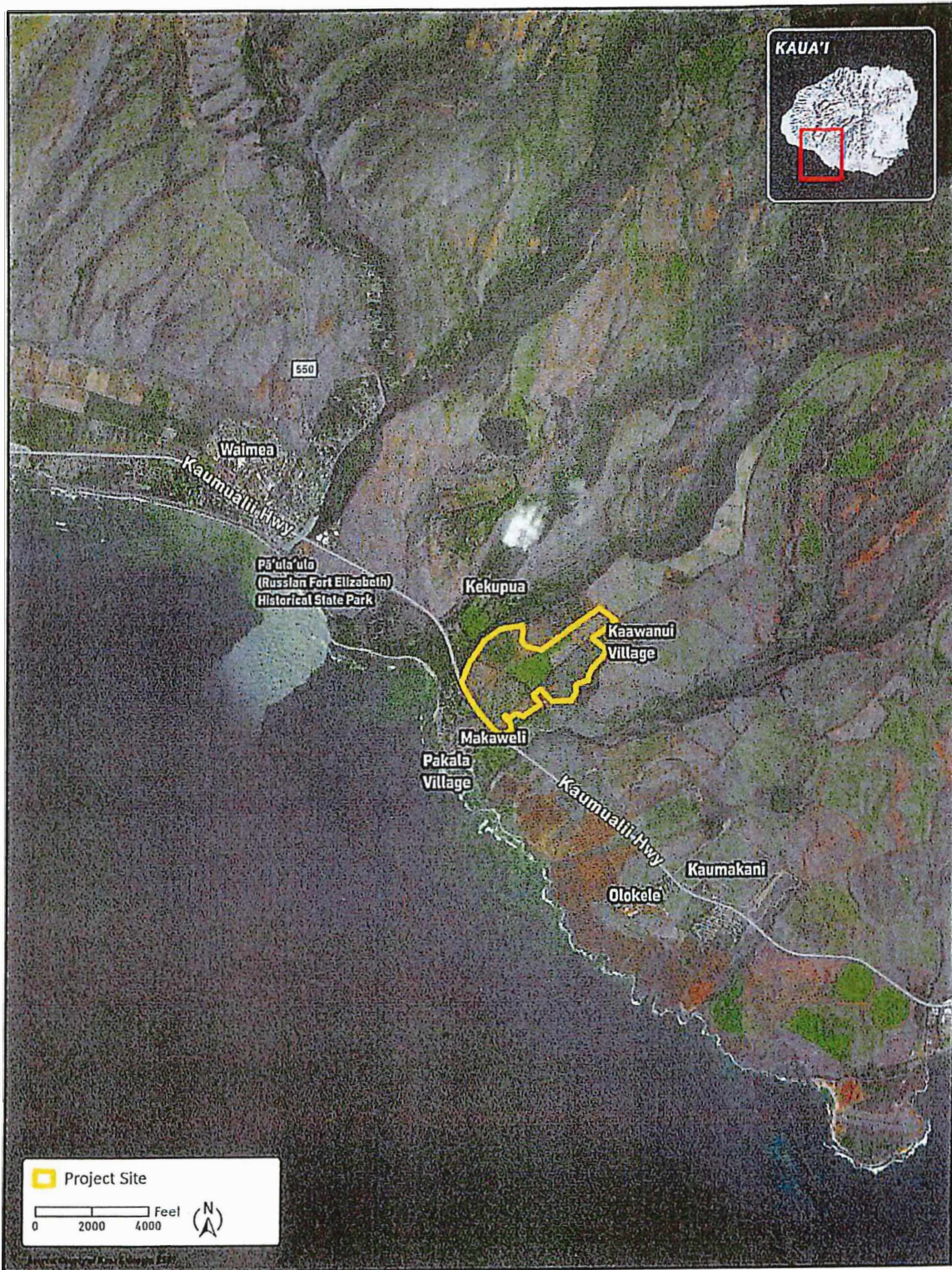
Petitions for intervenor status must be submitted to the Planning Commission at least seven (7) days prior to the date of the hearing and shall be in conformance with Chapter 4 of the Rules of Practice and Procedure of the Planning Commission.

The Application, Plans, and the Rules of Practice and Procedure of the Planning Commission are available for inspection at the Planning Department, which is located at 4444 Rice Street, Suite A473, Lihue, Kauai, Hawaii 96766.

V. CONTACTS.

County of Kauai: Kenneth Estes, Planner
Planning Department
County of Kauai
Phone: (808) 241-4050
Email: kestes@kauai.gov

Applicant's
Representatives: Max W. J. Graham, Jr., Esq.
Michael J. Belles, Esq.
Belles Graham LLP
Phone: (808) 246-6962
Email: mwg@kauai-law.com
mjb@kauai-law.com



Project Location

ADJACENT PROPERTY INDEX

TMK	OWNER/ADDRESS
(4) 1-7-005:005	ESTATE OF ALICE ROBINSON P O BOX 690088 MAKAWELI HI 96769
(4) 1-7-006:011	HELEN ROBINSON DECEASED P O BOX 690106 MAKAWELI HI 96769
(4) 1-7-006:012 CPR No. 0001	RANDALL S WEIR REVOCABLE TRUST 6332 MAKANA ROAD KAPAA HI 96746
(4) 1-7-006:012 CPR No. 0002	KENNETH & JUDITH COOK 1996 TRUST 1600 TROUSDALE DRIVE BURLINGAME CA 94010
(4) 1-7-006:012 CPR No. 0003	MELISSA J WEIR-KELEKOMA REVOCABLE TRUST P O BOX 690116 MAKAWELI HI 96769
(4) 1-7-006:013 CPR Nos. 0001 & 0002	GROSSMAN/LYONS REVOCABLE TRUST 2011 CUMMINGS DRIVE LOS ANGELES CA 90027
(4) 1-7-006:014	PAKALA LLC P O BOX 25993 HONOLULU HI 96825
(4) 1-7-006:015	DAVID & PAM MCDOWELL REVOCABLE TRUST P O BOX 690113 MAKAWELI HI 96769
(4) 1-7-006:018	FOXcroft FAMILY TRUST 4212 HENNING COURT CONCORD CA 94521

TMK	OWNER/ADDRESS
(4) 1-8-016:026	JAMES H KNAPP P O BOX 319 HANAPEPE HI 96716
(4) 1-8-016:027	ISAAC LAGMAY C/O ISAAC LAGMAY & TEAL LAGMAY P O BOX 684 KALAHEO HI 96741
(4) 1-8-016:028	SIRMON WRIGHT P O BOX 972 HANAPEPE HI 96716
(4) 1-8-016:029	ARTHUR & SARAH STYAN FAMILY TRUST P O BOX 402 HANAPEPE HI 96716
(4) 1-8-016:030	MYRIAN A BARINO P O BOX 968 HANAPEPE HI 96716
(4) 1-8-016:031	GEORGE L SWAIN P O BOX 51006 ELEELE HI 96705
(4) 1-8-016:032	JOHNNIE J SIMBRE P O BOX 304 HANAPEPE HI 96716
(4) 1-8-016:033	GERALD R HURD P O BOX 50978 ELEELE HI 96705
(4) 1-8-016:034	JONATHAN HURD REVOCABLE LIVING TRUST P O BOX 104 HANAPEPE HI 96716