

LAND USE COMMISSION
MEETING MINUTES
November 12, 2014- 9:00 a.m.
Airport Conference Center
400 Rodgers Blvd. Suite 700, Room #3
(In Hawaiian Airlines Terminal Building)
Honolulu, HI 96819

COMMISSIONERS PRESENT: Chad McDonald
Arnold Wong
Edmund Aczon
Kent Hiranaga
Brandon Ahakuelo
Jonathan Scheuer
Aaron Mahi

COMMISSIONERS EXCUSED: Sandra Song

LUC STAFF PRESENT: Daniel Orodener, Executive Officer
Russell Suzuki, Deputy Attorney General
Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Holly Hackett

AUDIO TECHNICIAN: Walter Mensching

CALL TO ORDER

Chair McDonald called the meeting to order at 9:05 a.m.

APPROVAL OF MINUTES

Chair McDonald asked if there were any corrections or additions to the October 8, 2014 minutes. Commissioner Ahakuelo commented that there was a correction to be made on page 9, paragraph 4- and that he had made the remarks, not Commissioner Aczon. There were no other corrections or comments. Commissioner Wong moved to approve the minutes as amended. Commissioner Mahi seconded the motion. The minutes were unanimously approved by voice vote (7-0- 1 excused).

TENTATIVE MEETING SCHEDULE

Executive Officer Orodenker provided the following:

- The regular tentative meeting schedule has been distributed in the handout material for the Commissioners.
- November 20, 2014 is planned to be on Maui at the Maui Arts and Culture Center for Special Permits SP14-404 Jas. W. Glover, and SP92-380 Hawaiian Cement and Declaratory Ruling DR14-51 Petition for Declaratory Order
- December 10-11, 2014 is reserved for Kaua`i- A 11-791 Kapa`a Highlands EIS and Kahili Adventist status report.
- Above dates represent the tentative calendar of meetings and are subject to change.
- Any questions or conflicts, please contact LUC staff.

Commissioner Scheuer requested clarification on where the December 10, 2014 was going to be held. Mr. Orodenker responded that it was tentatively planned for the State Office Building on Kaua`i, however, this meeting site for the December meeting had not been actually confirmed yet. There were no further questions and comments regarding the tentative meeting schedule.

A92-683 HALEKUA DEVELOPMENT CORPORATION (O`AHU)

Chair McDonald asked if there were any public witnesses for Docket No. A97-683.

PUBLIC WITNESSES

None

APPEARANCES

Onaona Thoene, Esq., Ho`Ohana Solar LLC's Representative

Mike Watkins, Planner, City and County of Honolulu, Department of Planning and Permitting (DPP)

Richard Lewallen, Esq., Deputy Corporation Counsel, DPP

Lorene Maki, Planner, State Office of Planning

Chair McDonald updated the record for A92-683 Successor Petitioner Ho`ohana Solar 1 LLC's Motion for Order to Bifurcate the Amended Findings of Fact, Conclusions of Law and Decision and Order dated October 1, 1996 and asked if Petitioner had been made aware of the LUC's reimbursement policy and if Petitioner would comply with it. Ms. Thoene responded that Petitioner had been made aware and would comply with the policy. Chair McDonald noted that Petitioner had requested a deferral for starting the hearing till November 13, 2014 and asked for Petitioner to provide details regarding the reason for deferring this matter.

Ms. Thoene described why a meeting between the Parties and the Department of Agriculture had become necessary before moving forward with the Petition and the other factors requiring Petitioner to request a deferral.

Chair McDonald questioned whether Petitioner could assure the Commission that it would move forward on this matter if the request for deferral was granted. Ms. Thoene argued the reasons why Petitioner needed the deferral granted and described the actions that the Petitioner would take upon approval of the deferral.

Chair McDonald asked the Parties if there was any objection to granting this request for deferring matters. There were no objections to the request.

Commissioner Wong requested clarification on how long Petitioner had been aware of the terms involved with Condition 19 of the decision and order. Ms. Thoene introduced one of the trustees of the Robinson Kunia Land LLC, the landowner involved and described the chain of events that led up to submitting the Motion to Amend and the Motion for Order Bifurcating the Petition Area; and explained how recent issues had made it difficult for the Petitioner to prepare and start as scheduled for the LUC hearing.

Commissioner Wong requested clarification on how the Halekua Development Corporation's interests had been assumed by six different entities and how the terms of the original decision and order were going to be handled. Ms. Thoene provided her understanding of how the landowners had been contacted and advised of Petitioner's intentions and stated that Petitioner had no objections from the other landowners and that there had been no opposition filed in this matter.

Commissioner Scheuer requested clarification on the responses received by Petitioner in regards to the effort to contact them in regards to the Motions filed by Petitioner. Ms. Thoene responded that contact had been made with Canpartners and the attorneys for HRT; and that the remaining 3 landowners were represented by Patrick Kobayashi, but that Mr. Kobayashi had not yet responded to efforts to contact him in regards to this matter. Ms. Thoene further clarified that three landowners had responded to Petitioner's communication efforts.

Commissioner Mahi requested clarification on the three entities that had not responded to communication efforts. Ms. Thoene explained that the three non-responding entities were represented by one individual, Patrick Kobayashi.

Commissioner Hiranaga asked whether a resolution to the issues before the Petition could be resolved by November 13, 2014. Ms. Thoene replied that she was confident that it could be done and apologized for the changes being requested by Petitioner.

Chair McDonald stated that although the Chair had the discretion to decide on the request to defer, he would entertain a motion from the Commissioners to determine whether or not to grant the deferral. Commissioner Wong moved and Commissioner Ahakuelo seconded the motion to grant the request to defer the hearing till November 13, 2014. There was no

discussion. The Commission unanimously voted (7-0-1 excused) to approve deferring the start of proceedings.

Commissioner Wong requested a recess. Chair McDonald acknowledged this request and declared a recess at 9:25 a.m. The Commission reconvened at 9:27 a.m.

Chair McDonald commented that consideration had been given to adjusting the agenda to allow for addressing the scheduled Executive Session; but that no changes would be made to the agenda schedule.

There being no further business, Chair McDonald stated that the meeting would resume on November 13, 2014 at 9:00 a.m. and adjourned the meeting.
