

LAND USE COMMISSION
MEETING MINUTES
AUGUST 9, 2017- 9:30 a.m.
Leiopapa A Kamehameha Bldg. Room#405
Honolulu, HI 96813

COMMISSIONERS PRESENT: Edmund Aczon
Arnold Wong
Lee Ohigashi
Jonathan Scheuer
Linda Estes
Nancy Cabral
Dawn Chang
Gary Okuda (arrived at 9:45 a.m.)

COMMISSIONERS EXCUSED: Aaron Mahi

LUC STAFF PRESENT: Daniel Orodener, Executive Officer
Diane Erickson, Deputy Attorney General
Bert Saruwatari, Staff Planner
Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Priscilla Gonzaga

CALL TO ORDER

Chair Aczon called the meeting to order at 9:30 a.m.

APPROVAL OF MINUTES

Chair Aczon asked if there were any corrections or additions to the July 19-20, and July 26, 2017 minutes. There were no corrections or comments. Commissioner Wong moved to approve the minutes. Commissioner Estes seconded the motion. The minutes were unanimously approved by voice vote (7-0-2- Commissioner Okuda had not arrived yet).

TENTATIVE MEETING SCHEDULE

Executive Officer Orodener provided the following:

- The regular tentative meeting schedule has been distributed in the handout material for the Commissioners for the following dates and docket numbers.
 - AUG 10- Adoption of Orders for A16-800 Island School and A16-801 UHCC-Kaua`i on Kaua`i
 - AUG 23- A05-760 Pukalani Associates- Motion for Extension of Time on Maui and Adoption of Orders for SP15-405 and SP15-406 on Maui/ and A15-798 Site Visit
 - SEP 20-22- HCPO on Oahu- site visit Kunia IAL
 - SEP 27-28- A15-798 Waikapu Town
 - OCT 11-12- Kunia IAL on Oahu
 - OCT 18-19- Molokai IAL on Molokai
 - NOV 21-22- Hono`uli`uli Special Permits on Oahu

There were no further questions and comments regarding the tentative meeting schedule.

SP15-405 WAIPIO PV LLC (O`ahu)

Chair Aczon stated that this was a hearing and action meeting on **SP15-405 WAIPIO PV LLC (formerly known as WAIAWA PV LLC) (O`ahu)** To consider amendments to Waipio PV LLC’s Special Use Permit that established a solar energy facility at Waipi`o, Ewa, O`ahu, Hawai`i . Tax Map Key No.: (1) 9-5-003:017 (por.)

Chair Aczon updated the record, and described the procedures for the hearing. There were no questions or comments on the procedures

APPEARANCES

Benjamin Kudo, Esq., and Sarah Simmons, Esq., for Petitioner Waipio PV LLC (“LLC”)
 Wren Wescoatt, LLC Representative
 Raymond Young, Planner, City and County of Honolulu Department of Planning and Permitting (“DPP”)
 Dawn Takeuchi-Apuna, Esq. Deputy Attorney General, for State Office of Planning (“OP”)
 Rodney Funakoshi, Land Use Administrator, OP
 Lorene Maki, Planner, OP

DISCLOSURES

Commissioner Chang disclosed that she had worked as a consultant to “First Wind”, an earlier entity involved with this solar project. There were no objections to Commissioner Chang’s continued participation in this matter

Commissioner Scheuer disclosed that he currently works as a consultant for the Department of Hawaiian Home Lands. The project consultant and witness Wren Wescoatt is a member of the Hawaiian Homes Commission that governs the Department. There were no objections to Commissioner Scheuer’s continued participation in the hearing.

PUBLIC TESTIMONY- DOCKET NO. SP15-405

Chair Aczon asked if there were any Public Witnesses who wished to testify.

PUBLIC WITNESSES

None

PRESENTATIONS

Petitioner

Mr. Kudo provided a background history of the Petition Area and summary of why the amendments were needed for the Special Permit and argued why the Applicant's proposed amendments should be positively considered.

Mr. Kudo offered Patrick Sullivan and Wren Wescoatt as his witnesses.

Petitioner Witness

1. Patrick Sullivan, NRG Representative

Mr. Sullivan, after being sworn in, described how his company, NRG, had acquired some of SunEdison's operations in Hawai'i; and had progressed through the various development phases required from various County and State agencies and Hawaiian Electric Company.

Commissioners Wong and Aczon requested clarification on Mr. Sullivan's testimony.

2. Wren Wescoatt

Mr. Wescoatt, after being sworn in, described his role as project engineer and provided details on the proposed solar energy facility and why the amendments were needed to align the construction deadlines, improved solar panel technology, and tracking mechanisms with the proposed solar facility.

Commissioners Cabral, Okuda, Chang, Aczon, Scheuer and Ohigashi requested clarification on Mr. Wescoatt's testimony.

COUNTY

Mr. Young had no comments.

OP

Ms. Ahuna stated that OP supported the proposed amendments and described how OP had arrived at its position.

Chair Aczon asked if the Parties had any final comments. Mr. Kudo, County, and OP had none.

Commissioner Wong moved to approve the County Planning Commission's approval of the amendments for Docket No. SP15-405. Commissioner Estes seconded the motion. There was no discussion.

The Commissioners unanimously voted in favor of the motion by a vote of 8-0-1 excused

Chair Aczon declared a recess at 10:21 a.m. and reconvened the meeting at 10:26 a.m.

ACTION--SP15-406 KAWAIILOA SOLAR LLC, (O`ahu)

Chair Aczon stated that this was a meeting on **SP15-406 KAWAIILOA SOLAR, LLC (O`ahu)** To consider amendments to Kawaiiloa Solar, LLC's Special Use Permit that established a solar energy facility at Kawaiiloa, North Shores, O`ahu, Hawai`i . Tax Map Keys.: (1) 6-1-005 : portion of 1, 6-1-006: portion of 1

APPEARANCES

Benjamin Kudo, Esq., and Sarah Simmons, Esq., for Petitioner Kawaiiloa Solar LLC ("LLC")
Wren Wescoatt, LLC Representative
Raymond Young, Planner, City and County of Honolulu Department of Planning and Permitting ("DPP")
Dawn Takeuchi-Apuna, Esq. Deputy Attorney General, for State Office of Planning ("OP")
Rodney Funakoshi, Land Use Administrator, OP
Lorene Maki, Planner, OP

DISCLOSURES

Commissioner Chang disclosed that she had worked as a consultant to "First Wind", an earlier entity involved with this solar project. There were no objections to Commissioner Chang's continued participation in this matter

PUBLIC TESTIMONY- DOCKET NO. SP15-406

Chair Aczon asked if there were any Public Witnesses who wished to testify.

PUBLIC WITNESSES

None

PRESENTATIONS

Petitioner

Mr. Kudo provided a background history and summary of why the amendments were needed for the Special Permit, described how the requested amendments differed from those requested for SP15-406 and argued why the Applicant's proposed amendments should be positively considered and granted.

Chair Aczon asked if any Petitioner witnesses were going to testify. Mr. Kudo responded that Mr. Wescoatt would respond to any questions that the Commission might have.

Commissioners Cabral, Chang, Ohigashi and Scheuer had questions regarding the requested amendments for Mr. Wescoatt.

OP

Ms. Ahuna stated that OP supported the proposed amendments and described how windfarms within the Important Agricultural Lands (IAL) were considered by the State planning department.

Chair Aczon asked if the Parties had any final comments. Mr. Kudo, County, and OP had none.

Commission Cabral moved to approve the County Planning Commission's approval of the amendments for Docket No. SP15-406. Commissioner Wong seconded the motion. There was no discussion.

Commissioner Scheuer acknowledged the work of the late Kapu Smith that helped lead to this project on the Kamehameha Schools Kawaioloa lands.

The Commissioners unanimously voted in favor of the motion, by a vote of 8-0-1 excused.

Chair Aczon declared a recess at 10:53 a.m. and reconvened the meeting at 10:54 a.m.

ELECTION OF OFFICERS

Chair Aczon stated that the next agenda item was the election of officers. Commissioner Estes moved and Commissioner Chang seconded the motion to approve the proposed slate of officers of Arnold Wong, Chair; Jonathan Scheuer, First Vice Chair; and Nancy Cabral, Second Vice Chair. Chair Aczon opened the floor to discussion. Commissioners Estes, Okuda, Ohigashi and Scheuer expressed their thanks and appreciation to Chair Aczon and welcome to the new slate of officers.

By voice vote, the slate of officers was approved (8-0-1 excused)

There being no further business, Chair Aczon stated that the meeting would recess and reconvene in Lihue, Kauai on August 10, 2017 at 9:30 a.m. The meeting was recessed at 10:58 a.m.