

LAND USE COMMISSION  
MEETING MINUTES  
November 14, 2018 – 09:00 a.m.

**The Meeting was held at the following Video Conference Centers simultaneously:  
Oahu- (Main Meeting Locale)**

**Maui**, 650 Palapala Drive, Kahului, HI 96732

**O`ahu**- Kalanimoku Bldg., 1151 Punchbowl St., Room #132, Honolulu, Hawai`i, 96813

**Hawai`i**- Hilo State Office Bldg., 75 Aupuni Street, Hilo, Hawai`i, 96720

COMMISSIONERS PRESENT: Edmund Aczon (on O`ahu)  
Aaron Mahi (on O`ahu- arrived at 09:29 a.m.)  
Jonathan Scheuer (on O`ahu)  
Nancy Cabral (on Hawai`i)  
Lee Ohigashi (on Maui)

COMMISSIONERS EXCUSED Dawn Chang  
Gary Okuda  
Arnold Wong

LUC STAFF PRESENT: Daniel Orodener, Executive Officer (on Oahu)  
Randall Nishiyama, Deputy Attorney General (on Oahu)  
Scott Derrickson, Staff Planner (on O`ahu)  
Riley Hakoda, Staff Planner/Chief Clerk (on O`ahu)  
Rasmi Agrahari, Staff Planner (on O`ahu)  
Ariana Masuoka, Secretary (on O`ahu)

COURT REPORTER: Jean McManus (on O`ahu)

**CALL TO ORDER**

Chair Scheuer called the meeting to order at 09:30 a.m. (Start delayed due to lack of quorum)

## **APPROVAL OF MINUTES**

Chair Scheuer stated that minor non-substantive corrections had been made to amend the initial draft minutes and asked if there were any corrections or additions to the amended October 24-25, 2018 meeting minutes. There were none. Commissioner Aczon moved to approve the minutes as amended and Commissioner Cabral seconded the motion.

The minutes were unanimously approved by voice vote (5 ayes-0 nays- 3 excused).

Chair Scheuer called for the tentative meeting schedule.

## **TENTATIVE MEETING SCHEDULE**

Executive Officer Orodenker 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.

November 28, 2018 (Hawai`i) at NELHA

- Status Reports- A10-788 HHFDC and A00-730 Lanihau
- OSC A06-770 Shopoff Group
- A18-805 Church – Motion to Accept FONSI
- A06-767 Waikoloa Mauka- Continued Action

November 29, 2018- (Maui) at Malcom Center

- A05-755 Hale Mua- Adoption of Order
- A07-773 Emmanuel Lutheran- (Maui) – Various Motions

December 12, 2018- (Maui) at MACC

- A94-706 Ka`ono`ulu Ranch status report
- Completion of A18-805 Church Motion

December 13, 2018- A06-763 Kapolei Development- Motion

January 9, 2019- IAL Site visits on Oahu

January 23-24, 2019- IAL hearings on Oahu

February 6, 2019- A17-803 Kealia Properties on Kaua`i

March 13-14, 2019- A17-804 Hawai`i Memorial Park

Any questions or conflicts, please contact LUC staff.

There were no questions or comments on the tentative meeting schedule.

## **ADMINISTRATIVE RULES**

LUC Meeting Minutes (*Please refer to LUC transcript for more details on this matter*)

November 14, 2018

Chair Scheuer stated that the next agenda item was to address the LUC rule amendment status and authorization to proceed with amendment and called on Mr. Orodenker to provide the update report.

Mr. Orodenker updated the Commission on staff's efforts to process amendments to the LUC rules and sought approval to perform public hearings to comply with the administrative requirements for amending the rules.

Chair Scheuer called for Public Witnesses.

#### Public Witnesses

1. David Arakawa, Executive Director, Land Use Research Foundation (LURF)

Mr. Arakawa expressed his concerns regarding the wording and format of the LUC agenda meeting notice and the published legal ad for the public hearings being conducted in conjunction with the administrative rule amendment process; and provided his perception of how "substantial commencement" should be defined regarding an Order to Show Cause and be included in the proposed changes.

There were no questions for Mr. Arakawa.

Commissioner Cabral thanked Mr. Arakawa for his input.

Chair Scheuer asked if there were any final questions or comments regarding the update to the LUC administrative rules. There were none.

Chair Scheuer stated that he would entertain a motion on authorizing the LUC Executive Officer and staff to begin its hearing schedule on the amendments and process them for consideration by the Legislature. Commissioner Aczon made a motion to authorize the LUC Executive Officer and staff to continue and complete its work on the LUC rule amendments. Commissioner Mahi seconded the motion.

There was no discussion on the motion.

Chair Scheuer called for Mr. Orodenker to poll the Commission. The motion was unanimously approved (5 ayes-0 nays- 3 excused).

Chair Scheuer moved on to the next agenda item.

#### **IV. ACTION**

- Consider Motion to Correct Transcript of September 6, 2018 meeting for Docket No. A06-767 Waikoloa Mauka

Commissioner Scheuer updated the record and described how an error in the September 6, 2018 meeting on Docket No. A06-767 transcript had been discovered, and that this motion was to correct the transcript.

Chair Scheuer entertained a motion for the LUC to make the correction to the transcript. Commissioner Mahi made a motion to correct the September 6, 2018 transcript to accurately reflect Cindy Kester's testimony that "a roundabout had not been constructed."

Commissioner Aczon seconded the motion.

There was no discussion on the motion.

Chair Scheuer called for Mr. Orodener to poll the Commission. The motion to correct the transcript was unanimously approved (5 ayes-0 nays- 3 excused).

Chair Scheuer asked if there were any further business to be discussed.

Commissioner Aczon moved for an Executive Session. Discussion ensued to clarify the contents of the motion for an Executive Session. Commissioner Aczon clarified that his motion was to consult with the board's attorney in regards questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities regarding Petitioner's motions for subpoenas received by the Commission for Docket No. A06-767.

Commissioner Mahi seconded the motion. There was no discussion, and by voice vote, the Commission unanimously voted (5 ayes-0 nays- 3 excused) to enter Executive Session. The Commission entered Executive Session at 9:53 a.m. and exited at 10:06 a.m.

Chair Scheuer reconvened the regular meeting at 10:06 a.m. and stated that due to the remote locales and busy agenda for the November 28-29, 2018 schedule, he was directing LUC staff to arrange meals for a "working lunch" to facilitate completing the anticipated workload. There being no further business to address, Chair Scheuer adjourned the meeting at 10:07 a.m.

\*I certify that these minutes were approved by the Commission- LUC

Chairperson- Jonathan Scheuer \_\_\_\_\_ date \_\_\_\_\_