

LAND USE COMMISSION
MEETING MINUTES

March 27, 2019 – 1:00 p.m.

**Natural Energy Laboratory Hawai`i Authority (NELHA)
73-970 Makako Bay Drive, Kailua Kona, Hawai`i 96740-2637
Hale `Iako Training Room #119**

COMMISSIONERS PRESENT: Arnold Wong
 Nancy Cabral
 Aaron Mahi
 Gary Okuda
 Edmund Aczon

COMMISSIONERS EXCUSED: Dawn Chang
 Lee Ohigashi
 Jonathan Scheuer

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

COURT REPORTER: Jean McManus

CALL TO ORDER

Vice Chair Cabral called the meeting to order at 1:30 p.m.

APPROVAL OF MINUTES

Vice Chair Cabral asked if there were any corrections or additions to the February 20-21, 2019 meeting minutes. There were none. Commissioner Mahi moved to approve the minutes and Commissioner Aczon seconded the motion.

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

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.

MAR 28-- @Kona-NELHA – A06-767 Waikoloa Mauka Adoption of Order- A02-737 U of N Bencorp and A06-770 Shopoff Status Reports & Action if necessary, A18-805 Church- Consider draft EA to support Petition-

APR 3 now set for DR19-65 Maui County for A11-794 Kihei HS matter

APR 23-24 (note TUES-WED skdl) HNL (Kaneohe Bayview GC) DBA A17-804 Hawaii Memorial Park

MAY 8- A94-706 Ka`ono`ulu Ranch Evidentiary Hearing

MAY 22- OSC action for A06-770 Shopoff and A02-737 U of N Bencorp

MAY23- TBD??

JUN 5 - IAL site visit/mtg for unidentified North Shore property- DR19-66

JUN25-26- DR19-66 IAL Hearing

JUL 10-11- A87-610 Waiawa

HCPO- will be on Maui SEP 11-13- details to follow later this year

Any questions or conflicts, please contact LUC staff.

There were no questions or comments.

Vice Chair Cabral moved on to the next agenda item.

STATUS REPORT AND ACTION (IF NECESSARY)

A10-788 HHFDC & Forest City- Kamakana Villages at Keahuolū (HAWAI'I)

Vice Chair Cabral stated that the this was a meeting to receive a status report and take any appropriate action on Docket No. A10-788 HHFDC & Forest City (HAWAI'I)- A

Petition To Amend the Agricultural Land Use District Boundaries into the Urban Land Use District for certain lands to situate at Keahuolū, North Kona; consisting of approximately 271.837 acres, Tax Map Key No. (3) 7-4-021: 020(por.), (3) 7-4-021:024, (3) 7-4-021:025, (3) 7-4-021:026, (3) 7-4-021:027

APPEARANCES

Dr. Jefferey Zimpfer, Ph.D., Environmental Protection Specialist, National Park Service (NPS)

Stan Fujimoto, Project Manager, Hawaii Housing Finance & Development Corporation (“HHFDC”)

Stanford Carr, President, Stanford Carr Development (SCD)

Cory Hiraga, SCD

Elizabeth Char, VP-Development Officer, represented Michael Development (MD)

Duane Kanuha, Deputy Director, County of Hawaii Planning Department (County)

Ron Kim Esq., Deputy Corporation Counsel, represented County

Dawn Takeuchi-Apuna, Esq., represented State Office of Planning (OP)

Lorene Maki, OP

Vice Chair Cabral updated the record and explained the procedures to be followed for the proceedings. There were no questions, comments or objections to the procedures.

DISCLOSURES

Commissioners Aczon and Wong disclosed that they knew Stanford Carr from their business associations, but felt that they could remain fair and impartial during the proceedings. There were no objections to their continued participation.

Commissioner Okuda stated that his firm had represented HHFDC Executive Director Craig Hirai’s family real estate business and had made this disclosure previously; and felt that he could be fair and impartial during the proceedings. There were no objections to his continued participation.

Vice Chair Cabral stated that during the course of her real estate work, she had previous dealings with HHFDC in the past, but felt that she could be fair and impartial during the proceedings. There were no objections to her continued participation.

Vice Chair Cabral called for Public Witnesses

PUBLIC WITNESSES:

None

Vice Chair Cabral called for NPS to describe the status of its complaint against HHFDC.

NPS's Presentation

Dr. Zimpfer stated that he had no formal presentation and described the favorable progress that had been made regarding NPS's concerns about storm water filtration controls and lack of best management practices (BMPs) being in place to control pollutants related to development in the Petition Area.

Commissioner Wong asked if NPS was satisfied with the progress that had been made on its concerns. Dr. Zimpfer acknowledged that NPS was satisfied.

There were no further questions or comments.

Vice Chair recognized Ms. Char's request to present information.

MD Presentation

Ms. Char described her company's role in developing parts of the Petition Area and how MD had upgraded pollution controls and environment protection for the Petition Area to satisfy Condition 13 of the Decision and Order since MD's meeting with the LUC in 2018.

There were no questions or comments.

Vice Chair Cabral recognized Mr. Carr's request to present information.

SD Presentation

Mr. Carr described his company's anticipated future role in developing parts of the Petition Area using "bubble diagrams" posters of the initial conceptual ideas under consideration.

Mr. Carr stated that his team was finalizing the site design plans and would work with HHFDC during the lifespan of the project. Mr. Carr also stated that his organization would approach the Commission for any amendments to existing conditions that might be needed for the future proposed project.

There were no questions or comments.

Vice Chair Cabral asked if HHFDC had any presentation or comments to make.

HHFDC

Mr. Fujimoto stated that HHFDC had no comments.

County and OP had no comments.

Final Comments

Dr. Zimpfer encouraged the SD group to continue maintaining the attention to NPS concerns that MD had.

The Commission went into recess at 1:55 p.m. and reconvened at 2 p.m.

Vice Chair Cabral called for the next agenda item.

STATUS REPORT AND ACTION (IF NECESSARY)

A00-730 LANIHAU PROPERTIES LLC (HAWAII)

Vice Chair Cabral stated that this was a meeting to receive a status report and take any appropriate action on Docket No. **A00-730 LANIHAU PROPERTIES LLC (HAWAII)**- A Petition To Amend the Conservation Land Use District Boundary into the Urban Land Use District for Approximately 336.984 Acres at Honokohau, North Kona, Hawaii, Tax Map Key Nos.: 7-4-08: portion of 13 and 7-4-08: 30

APPEARANCES

Dr. Jefferey Zimpfer, Ph.D., Environmental Protection Specialist, National Park Service (NPS)

Riley Smith, represented Petitioner Lanihau Properties, LLC (LP)

Benjamin Kudo, Esq., represented Kaiser Hospital (KH)

Terry Muldoon, Executive Director, KH

Greg Gause, Project Manager, KH

Duane Kanuha, Deputy Director, County of Hawaii Planning Department (County)

Ron Kim Esq., Deputy Corporation Counsel, represented County

Dawn Takeuchi-Apuna, Esq., represented State Office of Planning (OP)

Lorene Maki, OP

Vice Cabral updated the record and explained the procedures to be followed for the proceedings. There were no questions, comments or objections to the procedures.

Vice Chair Cabral called for Public Witnesses

PUBLIC WITNESSES:

None

DISCLOSURES

None

Vice Chair Cabral called for NPS to describe the status of its complaint against KH.

Mr. Kudo requested and was granted permission to present his information before NPS since he felt the information that he would provide would expedite the hearing.

KH

Mr. Kudo provided background information and history of KH's testing and data collection to address NPS's concerns about water use and wastewater discharge.

Mr. Kudo described how KH had continued to work with NPS to resolve the problems with proper monitoring and testing to achieve the desired results required by the decision and order condition since the 2018 status report. Mr. Muldoon and Mr. Gause described how the upgrades to their wastewater treatment system were anticipated to address and satisfy NPS concerns.

There were no questions or comments.

Vice Chair Cabral called for NPS's presentation.

NPS

Dr. Zimpfer stated that NPS was pleased with the progress that KH had made.

Commissioner Wong inquired whether further LUC meetings on this matter were needed. Mr. Kudo stated that KH anticipated that it would meet or exceed the standards that NPS was concerned about. Dr. Zimpfer acknowledged that the test results were promising.

Commissioner Okuda requested that the NPS and other individuals in the audience identify themselves. NPS- Dr. Zimpfer and Jeanette Schran identified themselves and Dr. Zimpfer provided his educational and professional capacity in this matter. Mr. Kudo introduced Riley Smith, Petitioner Lanihau Properties, LLC.

Commissioner Mahi requested clarification on whether the capacity of the current system had been reached. Mr. Muldoon responded that there was still capacity available and provided his perspective of when future expansion might be required and how future capacity needs would be determined.

County and OP had no comments.

Commissioner Wong asked if NPS was satisfied with the progress that had been made on its concerns. Dr. Zimpfer acknowledged that NPS was satisfied and that no further status reports regarding this matter were necessary.

Commissioner Okuda commented that this proceeding was a good demonstration of cooperation and collaboration between entities to resolve matters and shared his appreciation that no further meetings would be necessary.

There were no further questions, comments or discussion.

Vice Chair Cabral declared at recess at 2:15 p.m. and stated that the meeting would reconvene in the same room at 9 a.m. on March 28, 2019

