

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LAND USE COMMISSION  
STATE OF HAWAI'I

ADOPTION OF FORM OF ORDER )  
 )  
SP15-406 KAWAILOA SOLAR, LLC, OAHU )  
 )  
 )

TRANSCRIPT OF PROCEEDINGS

The above entitled Form of Order was held at the Land  
Use Commission, 235 S. Beretania Street, Leiopapa A  
Kamehameha Bldg. Room 405 Honolulu, Hawai'i,  
commencing at 9:30 a.m., on June 26, 2015 pursuant to  
Notice.

REPORTED BY: HOLLY M. HACKETT, RPR/CSR #130  
Certified Shorthand Reporter

1                   A P P E A R A N C E S

2

3   COMMISSIONERS:

4   CHAD McDONALD, CHAIR

5   LINDA ESTES

6   KENT HIRANAGA

7   AARON MAHI

8   JONATHAN SCHEUER

9   ARNOLD WONG

10

11   EXECUTIVE OFFICER: DAN ORODENKER

12   CHIEF CLERK: RILEY HAKODA

13   STAFF PLANNER: BERT SARUWATARI

14   DEPUTY ATTORNEY GENERAL: DIANE ERICKSON

15   SP15-405 KAWAIILOA SOLAR, LLC (O'ahu)

16

17   For the Petitioner: RANDALL SAKUMOTO, ESQ.

18                                   MARGUERITE NOZAKI, ATTY. AT LAW

19   For the City and County DPP: RICHARD LEWALLEN, ESQ.

20   For the State Office of Planning: BRIAN YEE, ESQ.

21   For the State: RODNEY FUNAKOSHI,  
                                  Director of Office of Planning

22

23

24

25

1 CHAIRPERSON McDONALD: (gavel) Morning.  
2 I'd like to call the Land Use Commission meeting to  
3 order. First order of business is the adoption of the  
4 meeting minutes from our June 9th, 2015 meeting.  
5 Commissioners, any edits or revisions to the minutes?  
6 Hearing none, do I have a motion to approve?

7 COMMISSIONER WONG: Move.

8 COMMISSIONER MAHI: Second.

9 CHAIRPERSON McDONALD: Moved by  
10 Commissioner Wong, second by Commissioner Mahi. All  
11 those in favor say aye.

12 COMMISSIONERS: "Aye".

13 CHAIRPERSON McDONALD: Any opposed?  
14 Minutes are adopted. Mr. Orodenger, would you please  
15 review the tentative meeting schedule with the  
16 Commissioners.

17 MR. ORODENER: Mr. Chair, we have nothing  
18 on the tentative agenda for the next 2 months.

19 CHAIRPERSON McDONALD: Wow! (general  
20 laughter) Okay. Moving on to agenda item 4. This is  
21 public testimony for Docket No. SP15-406 Kawaihoa  
22 Solar, LLC, (O'ahu) to adopt the Form of the Order for  
23 a new special permit application to construct the  
24 50-megawatt photovoltaic energy generation facility  
25 and accessory uses and structures on lands rated Class

1 A, B, C by the Land Study Bureau, TMK 6-1-005 Portion  
2 parcel 1 and 6-1-006:, Portion of parcel 1.

3 I will now call those individuals desiring  
4 to provide public testimony on Docket SP15-406 to  
5 identify themselves. All such individuals will be  
6 called in turn to our witness box where they will be  
7 sworn in prior to their testimony. After completion  
8 of public testimony we will commence with agenda item  
9 No. IV. Is there anyone wishing to provide public  
10 testimony on this matter this morning?

11 MR. ORODENKER: We don't have anyone  
12 signed up, Mr. Chair.

13 CHAIRPERSON McDONALD: Thank you. Okay.  
14 Moving on to the SP15-406 Adoption of the Form of the  
15 Order. This meeting on Docket No. SP15-406 Kawaiiloa  
16 Solar, LLC (O'ahu) to adopt the Form of the Order for  
17 new Special Permit Application to Construct a  
18 50-megawatt photovoltaic energy generation facility  
19 and accessories uses and structures on lands rated  
20 Class A,B,C by the Land Study Bureau, TMK 6-1-005:  
21 Portion parcel 1 and 6-1-006: Portion of parcel 1.

22 Will the Applicant or representatives  
23 please identify themselves for the record, please.

24 MR. SAKUMOTO: Thank you, Mr. Chair. Good  
25 morning, Commissioners. Randall Sakumoto and

1 Marguerite Nozaki here for the Applicant.

2 CHAIRPERSON McDONALD: Thank you,  
3 Mr. Sakumoto. On June 9th, 2015 the Applicant  
4 presented a PowerPoint summary of its proposed Project  
5 requiring a special permit. In addition the  
6 Commission received copies of the Applicant's  
7 PowerPoint slide presentation and OP's comment letter  
8 on this matter. After questions and discussion the  
9 Commission voted to approve the recommendation of the  
10 City and County of Honolulu Planning Commission to  
11 approve the Applicant's Petition for the Special  
12 Permit with modifications.

13 On June 17th, 2015 the Commission sent the  
14 June 26, 2015 LUC agenda notice to the parties, to the  
15 statewide and O'ahu mailing lists. Mr. Sakumoto, any  
16 comments at this time?

17 MR. SAKUMOTO: No comments, Mr. Chair.

18 CHAIRPERSON McDONALD: Thank you.  
19 Commissioners, before you is the Form of the Order  
20 approving the recommendation of the City and County of  
21 Honolulu Planning Commission to approve -- (pause)  
22 Mr. Lewallen, any comments at this time?

23 MR. LEWALLEN: Thank you, Chair. No  
24 comments.

25 CHAIRPERSON McDONALD: State?

1 MR. YEE: OP has no objection or comments.

2 CHAIRPERSON McDONALD: Thank you. Okay.

3 Commissioners, let me start over. Before you is the  
4 Form of the Order approving the recommendation of the  
5 City and County of Honolulu Planning Commission to  
6 approve the state Special Use Permit Petition with  
7 modification in this Docket No. SP15-406. The Form of  
8 the Order is a form submitted by the Petitioner with  
9 amendments adopted by the Commission and other  
10 technical non-substantive changes.

11 The Chair will now entertain a motion to  
12 approve the Form of the Order in this matter.  
13 Commissioners, what's your pleasure?

14 COMMISSIONER WONG: I move, Chair.

15 CHAIRPERSON McDONALD: Commissioner Wong  
16 moved to approve the Form of the Order. We have a  
17 second.

18 COMMISSIONER ESTES: Second.

19 CHAIRPERSON McDONALD: Motion to approve  
20 by Commissioner Wong, second by Commissioner Estes.  
21 Any discussion? Mr. Orodener, can you please poll  
22 the Commission.

23 MR. ORODENER: Thank you, Mr. Chair. The  
24 motion is to approve the Order as Proposed:  
25 Commissioner Wong?

1 COMMISSIONER WONG: Aye.

2 MR. ORODENKER: Commissioner Estes?

3 COMMISSIONER ESTES: Aye.

4 MR. ORODENKER: Commissioner Mahi?

5 COMMISSIONER MAHI: Aye.

6 MR. ORODENKER: Commissioner Scheuer?

7 COMMISSIONER SCHEUER: Aye.

8 MR. ORODENKER: Commissioner Hiranaga?

9 COMMISSIONER HIRANAGA: Aye.

10 MR. ORODENKER: Chair McDonald?

11 CHAIRPERSON McDONALD: Aye.

12 MR. ORODENKER: Thank you, Mr. Chair. The  
13 motion passes unanimously.

14 CHAIRPERSON McDONALD: Thank you,  
15 Commissioners. Thank you to the parties as well.

16 MR. SAKUMOTO: Thank you, Chair. Thank  
17 you, Commissioners.

18 CHAIRPERSON McDONALD: We'll take a short  
19 recess before moving on to agenda item No. 5.  
20 (executive session)

21 COMMISSIONER WONG: 9:45. (recess) I'd  
22 like to make one statement on the record because Holly  
23 wants to wrap up too before executive session.

24 (Executive session)

25 CHAIRPERSON McDONALD: Okay. We're back

1 on the record.

2 COMMISSIONER WONG: Chair, OP did a study  
3 about the Land Use Commission and all its issues.  
4 Just wanted to report by Office of Planning and/or its  
5 executive director recording what occurred and what's  
6 happening forthwith to be put on the next agenda item.

7 CHAIRPERSON McDONALD: Fair enough. OP,  
8 any comments or objections?

9 MR. FUNAKOSHI: No, no, no. That's great.

10 COMMISSIONER WONG: Thank you.

11 CHAIRPERSON McDONALD: Okay. Perfect.  
12 Thank you, Commissioner Wong. Thank you, OP. Okay,  
13 next order of business is a scheduled executive  
14 session. Do I have a motion to enter into executive  
15 session?

16 COMMISSIONER WONG: Moved.

17 COMMISSIONER SCHEUER: Second.

18 CHAIRPERSON McDONALD: Moved by  
19 Commissioner Wong, seconded by Commissioner Scheuer.  
20 All those in favor say aye. "Aye". Any opposed?  
21 We're now going to go into executive session.

22 COMMISSIONER SCHEUER: Can I ask that  
23 counsel stays with us for this?

24 CHAIRPERSON McDONALD: Yes.

25 COMMISSIONER WONG: I'll be right back.



1                   MR. HAKODA: Can we have a few minutes so  
2 she can pack up?

3

4

5                   (The proceedings were adjourned at 9:45 a.m.)

6

7                                   --oo00oo--

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, HOLLY HACKETT, CSR, RPR, in and for the State  
of Hawai'i, do hereby certify;

That I was acting as court reporter in the  
foregoing LUC matter on the 26th day of June 2015;

That the proceedings were taken down in  
computerized machine shorthand by me and were  
thereafter reduced to print by me;

That the foregoing represents, to the best  
of my ability, a true and correct transcript of the  
proceedings had in the foregoing matters.

DATED: This\_\_\_\_\_ day of\_\_\_\_\_2015

\_\_\_\_\_

HOLLY M. HACKETT, HI CSR #130, RPR #5910  
Certified Shorthand Reporter