

LAND USE COMMISSION

STATE OF HAWAI'I

July 26, 2017

Commencing at 9:30 a.m.

COUNTY OF KAUAI MOIKEHA BUILDING

CONFERENCE ROOM 2A/2B

4444 Rice Street

Lihue, Hawaii 96766

ADOPTION OF ORDER

A17-802 County of Kauai Housing Agenda (Kauai)

To Consider Adoption of Order for County of Kauai Housing Agency's Petition for State Land Use District Boundary Amendment To Amend the Agricultural Land Use District Boundaries into the Urban Land Use District for certain lands situated at 'Ele'ele, Kauai, Hawaii; consisting of approximately 75 acres, Tax Map Key No. (4) 2-1-001:54

HEARING AND ACTION

A16-800 ISLAND SCHOOL (Kauai)

To amend the Agricultural Land Use District Boundary into the Urban District for approximately 38.448 Acres at Puhi, Lihue, Kauai, Hawaii, Tax Map Key No. (4) 3-8-002:016

HEARING AND ACTION

A16-801 UNIVERSITY OF HAWAII COMMUNITY COLLEGES (Kauai)

To amend the Agriculture Land Use District Boundary into the Urban District for approximately 148.37 acres at Puhi, Lihue, Island of Kauai, State of Hawaii, Tax Map Key No. (4) 3-4-07: 01, 02, 03 and 06

ACTION

A94-706 KA'ONO'ULU RANCH (Maui)

To Consider Honua'ula Partners LLC's Motion to Designate the Land Use Commission as Approving Agency for Environmental Statement under HRS Chapter 343 and for Authority to Prepare Environmental Impact Statement

BEFORE: Cynthia L. Murphy, RPR, CSR No. 167

1 APPEARANCES:

2 EDMUND ACZON, Chairperson

3 COMMISSIONERS:

4 ARNOLD WONG

LINDA ESTES

5 DAWN N.S. CHANG

GARY OKUDA

6 NANCY CABRAL

7 DIANE ERICKSON, ESQ.

Deputy Attorney General

9 STAFF:

10 DAN ORODENKER, Executive Officer

RILEY HAKODA, Chief Officer/Planner

11 BERT SARUWATARI, Planner

12 DAWN TAKEUCHI-APUNA, ESQ.

13 RODNEY FUNAKOSHI, Planner

State Office of Planning

15 JODI A. HIGUCHI, Deputy County Attorney

MICHAEL DAHILIG, Planning Director

16 County of Kauai Planning Department

17 A-16-801 University of Hawa'i Community Colleges (Kaua'i):

18 LAUREL K.S. LOO, Esq.

For Applicant University of Hawaii Community Colleges
(Kaua')

20 Earl Matsukawa, Consultant for Applicant

21 A-16-800 Island School (Kaua'i):

22 BENJAMIN M. MATSUBARA, ESQ.

CURTIS T. TABATA, ESQ.

23 For Petitioner Island School

24 David W. Pratt, Vice President and Board Member of Island
School

25

1 CHAIRMAN ACZON: Good morning. Seem to be
2 spending too much time in Kauai.

3 COMMISSIONER CABRAL: Beautiful island.

4 CHAIRMAN ACZON: This is the July 26, 2017 Land
5 Use Commission meeting.

6 The first agenda listed is the adoption of the
7 minutes for the July 19-20, 2017 meeting. However, the
8 Chair understands that, due to the length of the minutes
9 and the short period of time available for staff to
10 prepare them, the adoption of the minutes will need to be
11 deferred till the August 9-10, 2017 meeting.

12 The next agenda item is the tentative meeting
13 schedule.

14 Mr. Orodenger?

15 MR. ORODENER: Thank you, Mr. Chair.

16 August 9th, we will be on Oahu at the LUC
17 Conference Room for Oahu solar special permits.

18 And August 10th for adoption of the order of
19 Island School and U.H. KCC, back here on Kauai.

20 August 23, Pukalani Association -- Associates
21 motion for extension of time. September 6th and 7th --
22 that's on Maui.

23 September 6th and 7th, we'll also be on Maui for
24 Waikapu Town and adoption of the orders for solar special
25 permits.

1 On September 20th to 22nd is HCPO on Oahu.

2 And right now, the next item on the agenda --
3 next agenda item is on November 21st and 22nd, which is a
4 special permit for Oahu, Honouliuli. And that should take
5 us to Christmas.

6 CHAIRMAN ACZON: Thank you, Mr. Orodénker.

7 Commissioners, any questions about our schedule?

8 Thank you.

9 The next agenda item is the adoption of order
10 for A17-802 County of Kauai Housing Agency. This item of
11 business was posted to the agenda to comply with "sunshine
12 law" requirements in the event that time was needed today
13 for this docket. However, this matter concluded at our
14 July 19, 2017 meeting, so there is nothing further for the
15 Commission to address on this matter.

16 The next agenda item is a hearing and action
17 meeting on Docket No. A16-801, University of Hawai'i
18 Community Colleges, to amend the Agriculture Land Use
19 District Boundary into the Urban District for
20 approximately 148.37 acres at Puhi, Lihu'e, Island of
21 Kaua'i, State of Hawai'i, Tax Map Key (4) 3-4-07, Lots 01,
22 02, 03 and 06.

23 Will the parties please identify themselves for
24 the record.

25 MS. LOO: Good morning, Mr. Chairman. Laurel

1 Loo for the Applicant.

2 MR. MATSUKAWA: Earl Matsukawa, consultant for
3 the Applicant.

4 MS. HIGUCHI: Good morning. Deputy County
5 Attorney Jodi Higuchi on behalf of the Planning
6 Department, and to my left is the Planning Director,
7 Michael Dahilig.

8 MS. APUNA: Good morning. Deputy Attorney
9 General Dawn Apuna on behalf of the State Office of
10 Planning. Here with me today is Rodney Funakoshi.

11 CHAIRMAN ACZON: Good morning, everyone.
12 Let me update the record:

13 On March 22 to 23, 2017, the LUC met on Kauai
14 and concluded the evidentiary portion of this docket.

15 On April 17, 2017, the Commission received and
16 granted Petitioner's request to file Proposed Findings of
17 Fact by electronic e-mail.

18 On April 19, 2017, the Commission received
19 Petitioner's Proposed Findings of Fact, Conclusion of Law,
20 and Decision and Order.

21 On May 4th, 2017, the Commission received OP's
22 comments and objections to Petitioner's Proposed Findings
23 of Fact, Conclusions of Law, and Decision and Order.

24 On May 8th, 2017, the Commission received
25 County's Statement of No Comments and No Objections to

1 Petitioner's Proposed Findings of Fact, Conclusions of
2 Law, and Decision and Order.

3 On July 10th, 2017, the Commission received OP's
4 Partial Stipulation to Petitioner's Proposed Findings of
5 Fact, Conclusions of Law, and Decision and Order filed
6 April 19, 2017.

7 On July 18, 2017, the Commissioner mailed the
8 July 26, 2017 LUC meeting agenda to the parties, the
9 statewide, Maui and Kaua'i mailing lists.

10 Let me describe our procedure for today. First,
11 I will call for those individuals desiring to provide
12 public testimony in this matter to identify themselves.
13 All such individuals will be called in turn to our witness
14 box, where they will be sworn in. A three-minute time
15 limit of testimony will be enforced.

16 The Commission will then hearing the closing
17 arguments, starting with the Petitioner, followed by
18 County Planning Department and the State Office of
19 Planning.

20 The Chair would also like to note for the
21 parties and the public that, from time to time, I will be
22 calling for short breaks.

23 Are there any questions on our procedures for
24 today? Parties?

25 MS. LOO: No questions.

1 MS. HIGUCHI: No.

2 MS. APUNA: No.

3 CHAIRMAN ACZON: Commissioners? Thank you.

4 Any public witness?

5 MR. ORODENKER: No one signed up to testify,
6 Chair.

7 CHAIRMAN ACZON: Okay. Moving along.

8 Miss Loo, please present your closing argument.

9 MS. LOO: Thank you, Mr. Chair and
10 Commissioners.

11 Very, very briefly, I will just summarize. The
12 University of Hawaii Community College is here and its
13 representative Mr. Brandon Shimokawa is present in case
14 you may have any questions.

15 The application basically was filed to coincide
16 the zoning with the County General Plan designation.
17 There are no current development plans on the books. No
18 major developments are being proposed for the near future.
19 This application was merely or solely to be able to
20 coincide the designation with our General Plan.

21 Unfortunately, enrollment is declining.

22 And my last point is that there were two major
23 points of failure to agree with the Office of Planning and
24 the applicants at our evidentiary hearing, which I believe
25 have been resolved by stipulation. The first one was the

1 timing of the update of the Traffic Impact Analysis
2 Report. And there was a lot of back and forth about when
3 would be an appropriate time to do that, and we have since
4 stipulated that that will be done prior to development of
5 a major project triggering an EA or EIS. So, in other
6 words, when the community college is ready to come forth
7 with a new building or any other plan for a major
8 development, at that time, the TIAR will be updated. And
9 of course, that is subject to your consideration.

10 The second area of failure to agree was relating
11 to Puhi Cemetery, which parcel the State does not own, but
12 the community college does occupy the property around that
13 cemetery. And we have stipulated with the Office of
14 Planning that, in the meantime, the school will agree to a
15 buffer of 100 feet around the cemetery. And in fact, that
16 was an easy stipulation because there are no plans for
17 development anywhere near the cemetery. But in the
18 interim, the college has agreed to a buffer. Nothing will
19 occur within that area. And at the time when there are --
20 when future plans come into being, where development will
21 be proposed anywhere near that area, of course, we would
22 have to come in with a plan.

23 So I believe that we have stipulated with the
24 Office of Planning the only two major areas that were sort
25 of left hanging at our last hearing.

1 And so we're available for questions.

2 CHAIRMAN ACZON: Thank you.

3 Commissioners, any questions for Miss Loo?
4 Commissioners?

5 Thank you.

6 Miss Higuchi, please proceed with your closing
7 argument.

8 MS. HIGUCHI: Just really briefly, the Planning
9 Department is supportive of the current petition to amend
10 the State Land Use District Boundary from Agriculture to
11 Urban. The proposed boundary amendment aligns the campus
12 growth goals and current uses with the overall vision of
13 the Petition Area under the General Plan and the Lihu'e
14 Community Plan.

15 I also wanted to note that the County is
16 prepared for moving forward with the zoning actions at
17 Council with recent adoption of a new type of -- zoning
18 type that was recently passed by Council that would
19 encompass and accommodate mixed uses typically found in
20 the university campuses.

21 CHAIRMAN ACZON: Thank you.

22 Any questions, Commissioners?

23 Commissioner Cabral.

24 COMMISSIONER CABRAL: I have a question, I
25 guess, of our procedures. This new information that they

1 have, a new zoning type, does that impact any type of
2 decision we would make? We're just, basically -- because
3 the zoning is changing from ag to something else, that's
4 our only concern?

5 MS. ERICKSON: That's your only concern.

6 COMMISSIONER CABRAL: Okay. Thank you very
7 much.

8 CHAIRMAN ACZON: Thank you.

9 Anybody else? Thank you.

10 Miss Apuna, please proceed with the presentation
11 of your closing argument.

12 MS. APUNA: Thank you, Chair. The Office of
13 Planning believes this reclassification which will allow
14 for the campus uses and future expansion of KCC is
15 reasonable, and that any negative impacts from this
16 project will be adequately mitigated. OP and Petitioner
17 were able to work together to arrive at the following
18 agreed-upon conditions:

19 First, we agreed that TIAR update should occur
20 prior to the development of any major project that
21 triggers an Environmental Assessment or an EIS; and that
22 the TIAR shall include the proposed construction and
23 expansion of Island School facilities.

24 Secondly, for the Lihu'e Airport condition, we
25 agreed, based on DOT comments, that Petitioner shall

1 conduct a glint and glare analysis for the proposed solar
2 photovoltaic facility, subject to DOT comment and
3 approval.

4 Thirdly, we agreed that, for Puhi Cemetery, in
5 cooperation with the landowner, Grove Farms, Petitioner
6 shall complete an archeological preservation plan for
7 review and approval by SHPD, which shall include
8 subsurface testing outside of the cemetery lot and shall
9 determine whether a buffer area should be located on the
10 KCC land. Until such time that the plan is prepared and
11 approved by SHPD, no facility development or ground
12 disturbance activities shall occur within a hundred feet
13 of the perimeter of the cemetery.

14 Lastly, we agreed that an endangered
15 species awareness program shall be developed to include
16 information on the Endangered Species Act and protected
17 species, specific restrictions on the job site to protect
18 species, and protocols on how job site personnel will
19 respond to any downed or injured endangered species that
20 may occur on the site. These conditions are supported by
21 the Findings of Fact, which include relevant State agency
22 review and comments.

23 OP would like to also point out that, although
24 the Petition Area was set to be amended to exclude
25 Parcel 6 of the TMK, through Petitioner testimony --

1 redirect, it is not completely clear that Parcel 6 is
2 excluded from the Petition Area. Parcel 6 was referenced
3 in the pleading captions and was not specifically excluded
4 from exhibit maps, unlike other parcels. To clarify that
5 Parcel 6 is not included in the reclassification, OP
6 suggests that the Commission approve Parcels 1, 2 and 3,
7 and specifically and explicitly deny Parcel 6 at TMK (4)
8 3-4-07.

9 The Office of Planning supports this project and
10 respectfully asks that you approve this reclassification
11 request. Thank you.

12 CHAIRMAN ACZON: Thank you.

13 Commissioners, any questions?

14 Commissioner Chang?

15 COMMISSIONER CHANG: Do I need to speak in the
16 mic? Can you hear me?

17 MS. APUNA: Yes.

18 COMMISSIONER CHANG: I just want to confirm,
19 regarding the archeological preservation plan for Puhi
20 Cemetery, was that part of the stipulation with the
21 Applicant, or was that just OP's -- is that your proposed
22 condition?

23 MS. APUNA: That's -- we agreed upon that, and
24 that's within our stipulation that was filed.

25 COMMISSIONER CHANG: Okay. I just wanted to get

1 it on the record. Thank you.

2 MS. APUNA: Thank you.

3 CHAIRMAN ACZON: Anybody else? Commissioners?

4 Thank you.

5 So we are -- well, the parties are all in
6 agreement.

7 The Commission will now conduct formal
8 deliberations concerning whether to grant or deny the
9 Petition. I would note for the parties and the public
10 that during the Commission's deliberations, I will not
11 entertain additional input from the parties or the public
12 unless those individuals or entities are specifically
13 requested to do so by the Chair. If called upon, I would
14 ask that any comments be limited to the question at hand.

15 The Commission held hearings on the merits of
16 this Petition on March 22nd to 23rd, 2017, and closing
17 arguments were concluded today.

18 Commissioners, let me confirm that each of you
19 have reviewed the record and read the transcripts for any
20 meeting that you may have missed and are prepared to
21 deliberate on the subject docket. After I call your name,
22 would you please signify with either an "aye" or a "nay"
23 that you are prepared to deliberate on this matter.

24 Commissioner Cabral.

25 COMMISSIONER CABRAL: Aye.

1 CHAIRMAN ACZON: Commissioner Chang.

2 COMMISSIONER CHANG: Aye.

3 CHAIRMAN ACZON: Commissioner Estes.

4 COMMISSIONER ESTES: Aye.

5 CHAIRMAN ACZON: Commissioner Okuda.

6 COMMISSIONER OKUDA: Yes.

7 CHAIRMAN ACZON: Commissioner Wong.

8 COMMISSIONER WONG: Aye.

9 CHAIRMAN ACZON: The Chair is also prepared to
10 deliberate on this matter.

11 Commissioners, the Chair will entertain a motion
12 that the LUC accepts or does not accept the University of
13 Hawaii Community College's Petition for District Boundary
14 Amendment. The motion should state the reasons for
15 acceptance or non-acceptance of the Petition and the
16 conditions that will apply.

17 Commissioners, what's your pleasure?

18 Commissioner Estes.

19 COMMISSIONER ESTES: I move to accept.

20 COMMISSIONER CHANG: I second the motion.

21 CHAIRMAN ACZON: A motion has been made by
22 Commissioner Estes and seconded by Commissioner Chang that
23 we accept the Petition. Any discussion? Any discussion?

24 Commissioner Wong.

25 COMMISSIONER WONG: I wanted to talk a little

1 bit about amending some of the Findings of Facts, just to
2 ensure that we -- everyone is on line with everything,
3 because, you know, certain things I wanted to check on.

4 So, for example, OP stated that they wanted to
5 take out the word in their request -- to take out the word
6 "Commission" and put in OP's name for the witness list. I
7 was wondering if that was part of the, I guess --

8 MR. ORODENKER: If I can interject. I'm not
9 sure if the motion -- yeah, I'm not sure if the motion was
10 to adopt the stipulation -- stipulated Findings of Fact
11 and Conclusions of Law. If it was to adopt the stipulated
12 Findings of Fact and Conclusions of Law, then all of OP's
13 comments --

14 COMMISSIONER WONG: Okay, okay. Thank you.
15 Sorry. I just I didn't know if that was there, too.

16 CHAIRMAN ACZON: That was --

17 COMMISSIONER WONG: Okay.

18 CHAIRMAN ACZON: Anybody else? None?

19 If there's no further discussion, Mr. Orodenger,
20 please poll the Commission.

21 MR. ORODENKER: Thank you, Mr. Chair.

22 The motion was to accept the -- to approve the
23 stipulated Findings of Fact and Conclusions of Law as
24 proposed by the parties.

25 Commissioner Estes.

1 COMMISSIONER ESTES: Yes.

2 MR. ORODENKER: Commissioner Chang.

3 COMMISSIONER CHANG: Yes.

4 MR. ORODENKER: Commissioner Wong.

5 COMMISSIONER WONG: Yes.

6 MR. ORODENKER: Commissioner Cabral.

7 COMMISSIONER CABRAL: Yes.

8 MR. ORODENKER: Commissioner Okuda.

9 COMMISSIONER OKUDA: Yes.

10 MR. ORODENKER: Chair Aczon.

11 CHAIRMAN ACZON: Yes.

12 MR. ORODENKER: Thank you, Mr. Chair. The
13 motion passes with six votes.

14 CHAIRMAN ACZON: Congratulations.

15 We'll take a five-minute break before the next
16 docket.

17 (Recess taken from 9:48 a.m. to 9:54 a.m.)

18 CHAIRMAN ACZON: We're back on record.

19 The next agenda item is Docket No. A16-800,
20 Island School.

21 The Chair would like to note a typographical
22 error in the agenda regarding the caption of this item.
23 It should read: A hearing and action meeting on Docket
24 No. A16-800 Island School, to amend the Agricultural Land
25 Use District Boundary into the Urban District for

1 approximately 38.448 Acres at Puhi, Lihu'e, Kaua'i,
2 Hawaii, Tax Map Key No. (4) 3-8-002, Lot 16.

3 Will the parties please identify themselves for
4 the record?

5 MR. MATSUBARA: Chairman, Commissioners, Ben
6 Matsubara and Curtis Tabata on behalf of Island School.
7 With us today is also Mr. David W. Pratt, Vice President
8 and board member of Island School.

9 MS. HIGUCHI: Deputy County Attorney, Jodi
10 Higuchi on behalf of the Planning Department. To my left
11 is Michael Dahilig, Planning Director.

12 CHAIRMAN ACZON: Thank you.

13 MS. APUNA: Good morning, Deputy Attorney
14 General Dawn Apuna on behalf of the State Office of
15 Planning. Here with me today is Rodney Funakoshi.

16 CHAIRMAN ACZON: Thank you.

17 Let me update the record:

18 On March 22-23, 2017, the LUC met on Kauai and
19 concluded the evidentiary portion of this docket.

20 On April 6, 2017, the Commission received OP's
21 Exhibit 6.

22 On April 20, 2017, the Commission received
23 Petitioner's Proposed Findings of Fact, Conclusions of
24 Law, and Decision and Order.

25 On May 4, 2017, the Commission received OP's

1 comments to Petitioner's Proposed Findings of Fact,
2 Conclusions of Law, and Decision and Order.

3 On May 8th, the Commission received County's
4 Statement of No Comments and No Objections to Petitioner's
5 Proposed Findings of Fact, Conclusions of Law, and
6 Decision and Order.

7 On July 18, 2017, the Commission mailed the
8 July 26, 2017 LUC meeting agenda to the parties, the
9 statewide, Maui and Kaua'i mailing lists.

10 Let me describe our procedure for today. First,
11 I will call for those individuals desiring to provide
12 public testimony on this matter to identify themselves.
13 All such individuals will be called in turn to our witness
14 box where they will be sworn in. A three-minute time
15 limit on testimony will be enforced.

16 The Commission will then hear the closing
17 arguments, starting with Petitioner, followed by County
18 Planning Department and the State Office of Planning.

19 The Chair would also note for the parties and
20 the public that, from time to time, I will be calling for
21 short breaks.

22 Are there any questions on our procedures for
23 today?

24 MR. MATSUBARA: No questions.

25 MS. HIGUCHI: No questions.

1 MS. APUNA: No questions.

2 CHAIRMAN ACZON: Commissioners?

3 Thank you.

4 Is there any public testimony?

5 MR. ORODENKER: No one signed up, Chair.

6 CHAIRMAN ACZON: Mr. Matsubara and Mr. Tabata,
7 please present your closing argument.

8 MR. MATSUBARA: Thank you, Chair.

9 Petitioner Island School was founded in 1977 in
10 Kealia. It moved to Puhi, at its present location, in
11 1990 and has been upgrading for the past 27 years.
12 Because of growing enrollment and the need to expand the
13 facilities, it was felt prudent from a Land Use planning
14 perspective to reclassify the property to the Urban
15 designation. That's what the reason for our motion is.

16 Following the evidentiary hearing on March 22,
17 2017, we filed a Proposed Decision and Order with the Land
18 Use Commission, Findings of Fact, and Conclusions of Law
19 to support the reclassification to Urban.

20 On May 8, 2017, the County of Kaua'i Planning
21 Department filed their Statement of No Comments and No
22 Objections to our Proposed Decision and Order.

23 On May 4, the Office of Planning filed their
24 comments to our Proposed Decision and Order. OP's
25 comments were provided in quotes to help supplement and

1 support Petitioner's Proposed Decision and Order as it
2 related to specific procedural matters and Findings of
3 Fact. Petitioners accept the comments and suggested
4 language change requested by the Office of Planning.

5 We wish to thank the State Office of Planning
6 and the Kaua'i County Planning Department for their
7 support of this Petition. And we would ask that the
8 Commission approve our request. Thank you.

9 CHAIRMAN ACZON: Any questions, Commissioners?

10 Thank you, Mr. Matsubara.

11 Miss Higuchi.

12 MS. HIGUCHI: Also very brief. The Planning
13 Department is supportive of the petition to amend the
14 State Land Use District Boundaries of approximately
15 38.44 acres from Agriculture to Urban. The proposed
16 boundary is supported by both the General Plan and the
17 Lihu'e Community Plan.

18 CHAIRMAN ACZON: Any questions, for
19 Miss Higuchi? Commissioners?

20 Thank you, Miss Higuchi.

21 Miss Apuna, please proceed with your closing
22 argument.

23 MS. APUNA: Thank you. The Office of Planning
24 believes this reclassification, which is necessary to
25 allow for the Island School updated master plan, is

1 reasonable and that any negative impact from this project
2 will be adequately mitigated. OP has no objections to
3 Petitioner's proposed conditions that adequately address
4 storm water management and drainage improvements, glint
5 and glare analysis for photovoltaic systems, archeological
6 and historic preservation, endangered species, and
7 hazardous substances. These conditions are supported by
8 the Findings of Fact, which include relevant agency review
9 and comments. OP suggests supplementing Petitioner's
10 Findings of Fact with OP's suggested language from our
11 comments to better support the Lihu'e Airport endangered
12 species and hazardous substance condition.

13 The Office of Planning supports this project and
14 respectfully asks that you approve this reclassification
15 request. Thank you.

16 CHAIRMAN ACZON: Commissioners, questions?

17 Thank you, Miss Apuna.

18 The Commission will now conduct formal
19 deliberations concerning whether to grant or deny the
20 Petition.

21 I would note for the parties and the public that
22 during the Commission's deliberation, I will not entertain
23 additional input from the parties or the public unless
24 those individuals or entities are specifically requested
25 to do so by the Chair. If called upon, I would ask that

1 any comments be limited to the questions at hand.

2 The Commission held hearings on the merits of
3 this Petition on March 22 to 23, 2017, and closing
4 arguments were concluded today.

5 Commissioners, let me confirm that each of you
6 have reviewed the record and read the transcripts for any
7 meeting that you may have missed and are prepared to
8 deliberate on the subject docket. After I call your name,
9 would you please signify with either an "aye" or a "nay"
10 that you are prepared to deliberate on this matter.

11 Commissioner Cabral.

12 COMMISSIONER CABRAL: Yes.

13 CHAIRMAN ACZON: Commissioner Chang.

14 COMMISSIONER CHANG: Yes.

15 CHAIRMAN ACZON: Commissioner Estes.

16 COMMISSIONER ESTES: Yes.

17 CHAIRMAN ACZON: Commissioner Okuda.

18 COMMISSIONER OKUDA: Yes.

19 CHAIRMAN ACZON: Commissioner Wong.

20 COMMISSIONER WONG: Here.

21 CHAIRMAN ACZON: The Chair is also prepared to
22 deliberate on this matter.

23 Commissioners, the Chair will entertain a motion
24 that the LUC accepts or does not accept the Island
25 School's Petition for District Boundary Amendment. The

1 motion should state the reasons for acceptance or
2 non-acceptance of the Petition and the conditions that
3 will apply.

4 Commissioners, what's your pleasure?

5 Commissioner Estes?

6 COMMISSIONER ESTES: I so move. I'd also like
7 to point out that Island School was founded by five women.
8 You forgot to mention that, Ben.

9 MR. MATSUBARA: My apologies.

10 CHAIRMAN ACZON: Is there any second?

11 COMMISSIONER CHANG: I'll second the motion.

12 CHAIRMAN ACZON: A motion has been made by
13 Commissioner Estes and seconded by Commissioner Chang to
14 accept the Petition.

15 Any discussion?

16 COMMISSIONER WONG: Chair.

17 CHAIRMAN ACZON: Commissioner Wong.

18 COMMISSIONER WONG: I wanted to make a friendly
19 amendment to say that we're accepting the Petitioner's
20 proposals, D and O, with the changes OP suggested, and
21 also to direct the staff to make any necessary format,
22 style, grammar, citations, spelling changes, if you don't
23 mind.

24 COMMISSIONER ESTES: No, I don't mind.

25 CHAIRMAN ACZON: Commissioner Estes.

1 Commissioner Chang?

2 COMMISSIONER CHANG: Accept.

3 CHAIRMAN ACZON: We're now in discussion.

4 Commissioner Chang.

5 COMMISSIONER CHANG: I meant to say this at the
6 previous petition. I do appreciate the fact that the
7 Petitioners and Office of Planning have worked together to
8 come before us with some stipulations on those conditions.
9 So thank you very much. It makes our job a lot easier.
10 So thank you. I will be voting in favor of the measure.

11 CHAIRMAN ACZON: Commissioner Okuda?

12 COMMISSIONER OKUDA: Thank you, Chair. This
13 comment might have also, Mr. Chair, applied to the prior
14 applicant. But I'd just like to state for the record that
15 I believe this Petition is consistent with Article 11,
16 Section 1, of the Hawaii Constitution, which sets forth
17 the Public Trust document -- doctrine rather. But what it
18 also states is that the utilization of Hawaii's resources
19 shall be done in a manner consistent with their
20 conservation and in furtherance of the self-sufficiency of
21 the state. I believe the evidence has shown that the
22 educational opportunities and choices that not only Island
23 School, but even the prior applicant, University of Hawaii
24 Community College System, moves forward towards this goal
25 of self-sufficiency by providing education for the

1 children of the county. And for those reasons and the
2 other good reasons set forth in the record, I will be
3 voting in favor of the matter.

4 CHAIRMAN ACZON: Thank you, Commissioner Okuda.
5 Anybody else?

6 Commissioner Cabral.

7 COMMISSIONER CABRAL: This is completely
8 unrelated. But earlier, I heard the Community College
9 saying that their enrollment is reducing, and you've just
10 said Island School's enrollment is increasing. Perhaps
11 you folks should get together and pass them on or
12 something, you know. Thank you.

13 CHAIRMAN ACZON: Anybody else?

14 If there's no further discussion, Mr. Orodenger,
15 please poll the Commission.

16 MR. ORODENKER: Thank you, Mr. Chair.

17 The motion is to accept the Petition for
18 District Boundary Amendment as amended by Commissioner
19 Wong.

20 CHAIRMAN ACZON: Commissioner Estes.

21 COMMISSIONER ESTES: Yes.

22 CHAIRMAN ACZON: Commissioner Chang.

23 COMMISSIONER CHANG: Yes.

24 MR. ORODENKER: Commissioner Wong.

25 COMMISSIONER WONG: Yes.

1 MR. ORODENKER: Commissioner Cabral.

2 COMMISSIONER CABRAL: Yes.

3 MR. ORODENKER: Commissioner Okuda.

4 COMMISSIONER OKUDA: Yes.

5 MR. ORODENKER: Chair Aczon.

6 CHAIRMAN ACZON: Yes.

7 MR. ORODENKER: Thank you, Mr. Chair.

8 The motion passes with six affirmative votes.

9 CHAIRMAN ACZON: Thank you. Congratulations.

10 MR. MATSUBARA: Thank you very much,
11 Commissioners.

12 CHAIRMAN ACZON: The next agenda item is A94-706
13 Ka'Ono'Ula Ranch. However, on July 25, 2017, the
14 Petitioner, Honua'ula Parters LLC, notified the Commission
15 that they were withdrawing their Motion to Designate the
16 Land Use Commission as Approving Agency for Environmental
17 Impact Statement under HRS 343 and Authority to Prepare
18 Environmental Impact Statement, filed July 10, 2017.
19 However, since it was on the agenda, I will ask if there
20 is anyone here who wishes to provide public testimony.

21 No one.

22 Are there any other business?

23 If there are no other matters before the
24 Commission, this meeting is adjourned.

25 (The proceedings concluded at 10:09 a.m.)

1 C E R T I F I C A T E

2 STATE OF HAWAII)
3) SS:
4 CITY AND COUNTY OF HONOLULU)

5 I, CYNTHIA L. MURPHY, a Hawaii Certified
6 Shorthand Reporter, do hereby certify.

7 That on the 26th day of July, 2017, at
8 9:30 a.m., the foregoing Land Use Commission Meeting was
9 taken down by me in computerized machine shorthand and was
10 thereafter reduced to print under my supervision;

11 That the foregoing represents, to the best of my
12 ability, a true and correct transcript of the proceedings
13 had in the foregoing matter.

14 I further certify that I am not an attorney for
15 any of the parties hereto, nor in any way concerned with
16 the cause.

17 Dated this 11th day of August, 2017, in
18 Honolulu, Hawaii.

19 _____
20 Cynthia L. Murphy, RPR, CSR No. 167
21 Certified Shorthand Reporter
22 State of Hawaii
23
24
25