

Land USE COMMISSION

STATE OF HAWAII

August 8, 2017

Commencing at 9:30 a.m.

County of Kaua'i Moikeha Building

Conference Room 2A/2B

444 Rice Street

Lihue, Kaua'i, Hawaii 96766

A16-800 Island Schools - Kaua'i  
Motion to approve the Form of the Order

A16-801 University of Hawaii Community Colleges  
Kaua'i - Motion to Approve the Form of the  
Order - Page 6

BEFORE: Jean Marie McManus, CSR 156

1 APPEARANCES:

2 JONATHAN SCHEUER, Acting Chair

3 COMMISSIONERS:

4 EDMUND ACZON

5 DAWN CHANG

6 LINDA ESTES

7 NANCY CABRAL

8 LEE OHIGASHI

9 LUC Attorney

10 DIANE ERICKSON, ESQ.

11 STAFF:

12 DAN E. ORODENKER, Executive Director

13 RILEY K. HAKODA, Chief Clerk/Planner

14 SCOTT A.K. DERRICKSON AICP-Planner

15 BENJAMIN MATSUBARA, ESQ.

16 CURTIS TABATA, ESQ.

17 Matsubara, Kotake & Tabata

18 For Island Schools-Kauai

19 LAUREL LOO, ESQ.

20 Shiramizu Loo & Nakamura

21 For UH Community Colleges - Kauai

22 DAWN APUNA, ESQ.

23 State of Hawaii Office of Planning

24 JODI HIGUCHI, ESQ,

25 Deputy County Attorney

1           ACTING CHAIR SCHEUER: This is the August  
2           10, 2017 portion of the Land Use Commission Meeting  
3           scheduled for Lihue, Kauai, Hawaii.

4           We are on Docket No. A16-800 Island School  
5           to adopt the form of the order to Amend the  
6           Agricultural Land Use District Boundary to the Urban  
7           District for approximately 38.448 acres at Puhi,  
8           Lihue, Kaua'i, Hawai'i Tax Map Key No. (4)3-8-2:16.

9           Will the parties please identify themselves  
10          for the record.

11          MR. TABATA: Good morning. Curtis Tabata  
12          and Benjamin Matsubara on behalf of Petitioner.

13          MS. HIGUCHI: Good morning. Deputy County  
14          Attorney, Jodi Higuchi on behalf of the Planning  
15          Department.

16          MS. APUNA: Good morning. Deputy Attorney  
17          General Dawn Apuna on behalf of the State Office of  
18          Planning.

19          ACTING CHAIR SCHEUER: Let me first update  
20          the record.

21          On July 26, 2017, the Land Use Commission  
22          met here in Lihue, Kauai, Hawaii and voted to grant  
23          this Petition for district boundary amendment in  
24          Docket A16-800 with conditions.

25          On August 1st, 2017, the Commission mailed

1 the August 9th and 10th, 2017 LUC meeting agenda to  
2 the parties and to our statewide Oahu and Kaua'i  
3 mailing lists.

4 I don't believe there is anybody, but is  
5 there anybody in the audience who wishes to provide  
6 public testimony on this matter?

7 Commissioners, before you is the Form of  
8 the Order granting the Petition for District Boundary  
9 Amendment in this Docket A16-800.

10 I would be happy to entertain a motion to  
11 approve the Form of the Order on this matter.

12 COMMISSIONER ESTES: I move to approve.

13 ACTING CHAIR SCHEUER: Moved by  
14 Commissioner Estes.

15 COMMISSIONER CABRAL: I'll second that.

16 COMMISSIONER ESTES: Women are taking over.

17 ACTING CHAIR SCHEUER: I would vote in  
18 favor of that motion, but it wasn't made as a motion.  
19 Any discussion of the motion before us?

20 Mr. Executive Officer, could you poll the  
21 Commission -- sorry, just for the record, I want to  
22 put on the record that I was not at the last  
23 July 26th meeting, but I reviewed the materials from  
24 that meeting, and I'm prepared to vote on this  
25 matter.

1 Poll the Commission, please.

2 EXECUTIVE DIRECTOR: Thank you, Mr. Chair.

3 The motion is to adopt the order.

4 Commissioner Estes?

5 COMMISSIONER ESTES: Yes.

6 EXECUTIVE DIRECTOR: Commissioner Cabral?

7 COMMISSIONER CABRAL: Yes.

8 EXECUTIVE DIRECTOR: Commissioner Aczon?

9 COMMISSIONER ACZON: Yes.

10 EXECUTIVE DIRECTOR: Commissioner Ohigashi?

11 COMMISSIONER OHIGASHI: Yes.

12 EXECUTIVE DIRECTOR: Commissioner Chang?

13 COMMISSIONER CHANG: Yes.

14 EXECUTIVE DIRECTOR: Commissioners Wong,

15 Mahi and Okuda are absent.

16 Vice Chair Scheuer?

17 ACTING CHAIR SCHEUER: Aye.

18 EXECUTIVE DIRECTOR: Thank you. The motion  
19 carries.

20 MR. MATSUBARA: I would note for the record  
21 that Commissioner Estes pointed out that the school  
22 that was started by five women passed on a motion  
23 that was moved and seconded by two women on the  
24 Commission. Thank you very much.

25 COMMISSIONER ESTES: Thank you.

1           ACTING CHAIR SCHEUER: Thank you very much  
2 and congratulations.

3           COMMISSIONER CABRAL: I would also like  
4 to comment that I'm very happy that this, although  
5 it's time consuming and I'm sure expensive, I think  
6 it's really responsible of the parties in this case,  
7 and in the next case, to clean up their act, you  
8 know, and take care of it, because then it sets an  
9 example for other situations that might not be so  
10 easily remedied.

11           Thank you so very much for taking the time  
12 and cost to do so.

13           MR. MATSUBARA: Thank you, Commissioners.

14           ACTING CHAIR SCHEUER: We will just give a  
15 minute to swap out attorneys.

16                           **A16-801**

17           ACTING CHAIR SCHEUER: We are now moving  
18 onto Docket A16-801.

19           This is an action meeting on Docket  
20 A16-801, University of Hawai'i Community Colleges -  
21 Kaua'i to Amend the Agricultural Land Use District  
22 Boundary into the Urban District for approximately  
23 148.37 acres at Puhi, Lihue, Island of Kaua'i, State  
24 of Hawaii TMK: (4)3-4-7: Parcels 01, 02, and 03.

25           Will the parties please identify themselves

1 for the record?

2 MS. LOO: Laurel Loo for the Petitioner.

3 MS. HIGUCHI: Deputy County Attorney Jodi  
4 Higuchi on behalf of County of Kaua'i.

5 MS. APUNA: Dawn Apuna, Deputy Attorney  
6 General on behalf of State Office of Planning.

7 ACTING CHAIR SCHEUER: Thank you.

8 Let me update the record on this matter.

9 On July 26, 2017, the Land Use Commission  
10 met here in Lihue and voted to grant this Petition  
11 for District Boundary Amendment in Docket A16-801  
12 with conditions.

13 On August 1st, 2017, the Commission mailed  
14 the August 9th and 10th, 2017 LUC meeting agenda to  
15 the parties and to our statewide Oahu and Kaua'i  
16 mailing lists.

17 On this matter is there anybody in the  
18 audience wishing to provide public testimony?

19 Seeing none, do the parties have anything  
20 to say on this docket?

21 MS. LOO: Nothing to add.

22 MS. HIGUCHI: Nothing further.

23 COMMISSIONER ESTES: I move approval.

24 COMMISSIONER CABRAL: I'll second that.

25 ACTING CHAIR SCHEUER: Moved by

1 Commissioner Estes, and second by Commissioner  
2 Cabral.

3 Any discussion? I will again note for the  
4 record, while I was absent from the July 26th  
5 meeting, I reviewed the record and I'm prepared to  
6 vote on this matter.

7 Commissioner Chang.

8 COMMISSIONER CHANG: Just for the record, I  
9 really wanted to extend an appreciation to the Office  
10 of Planning for the comments that were made. I think  
11 that really helped to accurately reflect the record  
12 in this matter.

13 And I also wanted to extend appreciation to  
14 both the parties, the Petitioners and Office of  
15 Planning and the County for entering into that  
16 stipulation with respect to the conditions. That  
17 really helps to facilitate our work. Thanks again.

18 ACTING CHAIR SCHEUER: Thank you.  
19 Commissioner Ohigashi.

20 COMMISSIONER OHIGASHI: I reviewed the  
21 record. I forgot to do it for the last one.

22 ACTING CHAIR SCHEUER: For the record,  
23 you're prepared to vote on this matter?

24 COMMISSIONER OHIGASHI: Yes.

25 ACTING CHAIR SCHEUER: Any other comments,

1 Commissioners?

2 Mr. Orodenger, please poll the Commission.

3 EXECUTIVE DIRECTOR: The motion is to adopt  
4 the order.

5 Commissioner Estes?

6 COMMISSIONER ESTES: Yes.

7 EXECUTIVE DIRECTOR: Commissioner Cabral?

8 COMMISSIONER CABRAL: Yes.

9 EXECUTIVE DIRECTOR: Commissioner Aczon:

10 COMMISSIONER ACZON: Yes.

11 EXECUTIVE DIRECTOR: Commissioner Ohigashi?

12 COMMISSIONER OHIGASHI: Yes.

13 EXECUTIVE DIRECTOR: Commissioner Chang?

14 COMMISSIONER CHANG: Yes.

15 EXECUTIVE DIRECTOR: Commissioners Wong,  
16 Mahi and Okuda are absent.

17 Vice Chair Scheuer?

18 ACTING CHAIR SCHEUER: Aye.

19 EXECUTIVE DIRECTOR: Thank you. Mr. Chair,  
20 the motion passes.

21 ACTING CHAIR SCHEUER: Congratulations.

22 Are there any further comments from the  
23 Commissioners? If there are none, I declare this  
24 meeting is adjourned.

25 (The proceedings were adjourned at 9:37

a.m.)

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## CERTIFICATE

STATE OF HAWAII                    )  
  ) SS.  
COUNTY OF HONOLULU            )

I, JEAN MARIE McMANUS, do hereby certify:

That on August 10, 2017, at 9:30 a.m., the  
proceedings contained herein was taken down by me in  
machine shorthand and was thereafter reduced to  
typewriting under my supervision; that the foregoing  
represents, to the best of my ability, a true and  
correct copy of the proceedings had in the foregoing  
matter.

I further certify that I am not of counsel for  
any of the parties hereto, nor in any way interested  
in the outcome of the cause named in this caption.

Dated this 10th day of August, 2017, in  
Honolulu, Hawaii.

/S/ Jean Marie McManus  
JEAN MARIE McMANUS, CSR #156