

LAND USE COMMISSION

STATE OF HAWAII

Proceedings held on November 21, 2017

Commencing at 9:35 A.M.

Airport Conference Center

400 Rodgers Blvd., Suite 700

Honolulu, Hawaii 96819

I. Call to Order

II. Adoption of Minutes

III. Tentative Meeting Schedule

IV. ADOPTION OF ORDER  
SP17-408 AES Lawa'i Solar, LLC (Kaua'i)

V. HEARING AND ACTION  
A17-804 Hawaiian Memorial Park  
To consider Petitioner's Motion to Designate  
the Land Use Commission as Approving Authority  
for Environmental Statement Under HRS Chapter  
343 and for Authority to Prepare Environmental  
Impact Statement Preparation Notice.

VI. HEARING AND ACTION  
SP17-409 Hono'uli'uli Wastewater Treatment  
Plant - Secondary Treatment and Support  
Facility - State Special Use Permit No.  
2017/SUP2

VII. Executive Session

VIII. Adjournment

1 APPEARANCES:

2 COMMISSIONERS:

3 ARNOLD WONG, CHAIR  
4 JONATHAN SCHEUER, VICE CHAIR  
5 NANCY CABRAL, VICE CHAIR  
6 GARY OKUDA  
7 DAWN N.S. CHANG  
8 AARON MAHI

9 RUSSELL SUZUKI, ESQ.  
10 First Deputy Attorney  
11 State of Hawaii

12 STAFF:  
13 DANIEL E. ORODENKER, Executive Officer  
14 RILEY K. HAKODA, Chief Clerk/Planner  
15 BERT K. SARUWATARI, Planner  
16 SCOTT A.K. DERRICKSON, AICP

17 DAWN APUNA, ESQ.  
18 Deputy Attorney General  
19 LORRAINE MAKI, Planner  
20 For State Office of Planning

21 CURTIS TABATA, ESQ.  
22 BENJAMIN MATSUBARA, ESQ.  
23 Attorneys for:  
24 SP17-408 AES Lawa'i Solar  
25 A17-804 Hawaii Memorial Park

GUY INOUE  
Chief of Engineering and Construction  
Department of Environmental Services  
City and County of Honolulu

EUGENE TAKAHASHI  
Acting Planning Division Chief  
JEFF LEE, Planner  
Department of Planning and Permitting  
City and County of Honolulu

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1           CHAIRPERSON WONG: Good morning. This is  
2 the November 21st, 2017 Land Use Commission meeting.  
3 The first order of business is adoption of the  
4 November 8th, 2017 minutes.

5           Are there any corrections or comments on  
6 them? If not, is there a motion to adopt the  
7 minutes?

8           VICE CHAIR SCHEUER: So moved.

9           COMMISSIONER MAHI: Seconded.

10          CHAIRPERSON WONG: Commissioner Scheuer has  
11 moved to adopt minutes and second was Commissioner  
12 Mahi. All in favor please say "aye". Any opposed?  
13 The Land Use minutes have been adopted.

14          Next agenda item tentative meeting  
15 schedule.

16          EXECUTIVE OFFICER: Thank you, Mr. Chair.

17          On December 6th and 7 we will be on Maui  
18 for Waikapu Country Town.

19          On January 10th and 11th, we'll also be on  
20 Maui for continued on Waikapu Country Town if  
21 necessary, and to hear Maui Land & Pine's motion.

22          We have a gap in the calendar after that,  
23 and we will leave the remainder for another date.  
24 That's all.

25          CHAIRPERSON WONG: Thank you, Mr.

1 Orodenger.

2 Commissioners, do you have any questions?

3 If not, the next agenda item is Adoption of  
4 Order SP17-408 AES Lawa'i Solar, Petition for a State  
5 Land Use Special Permit, a Class IV Zoning Permit,  
6 and a Special Permit for real property situated at  
7 Koloa and Lawa'i, Kona, Kaua'i, Hawai'i, identified  
8 by Kaua'i Tax Map Key No. (4) 2-6-003:001 portion.

9 Will the Petitioner identify itself for the  
10 record.

11 MR. TABATA: Good morning, Chair, Vice  
12 Chair, Members of the Commission, Curtis Tabata for  
13 Applicant AES Lawa'i Solar, LLC.

14 CHAIRPERSON WONG: Thank you. Let me  
15 update the record.

16 On November 8th, 2017, the Commission  
17 unanimously adopted seven, with two excused, to  
18 approve the Petition for Special Permit.

19 On November 13th the Commission mailed a  
20 notice and agenda for the November 21st, 2017 LUC  
21 meeting to the Petitioner and Statewide, Kaua'i and  
22 Oahu mailing list.

23 Is there anyone in the audience who desires  
24 to provided public testimony on this matter?

25 Seeing none, that's good.

1           Commissioners, before you is the Form of  
2           the Order in Docket No. SP17-408. The Chair will  
3           entertain a motion to approve the Form of the Order  
4           in this matter.

5           Commissioners, what is your pleasure?

6           VICE CHAIR CABRAL: I would like to move to  
7           adopt this as stated.

8           COMMISSIONER MAHI: I'll second.

9           CHAIRPERSON WONG: A motion has been made  
10          by Commissioner Cabral and seconded by Commissioner  
11          Mahi. Any discussion?

12          COMMISSIONER OKUDA: Chair, I would like to  
13          state for the record that even though I was not  
14          present at the meeting, I have reviewed the  
15          transcript and the records related to the matter.  
16          And I would like to thank the court reporter, Ms.  
17          McManus, for providing the transcript in such an  
18          expedited fashion.

19          CHAIRPERSON WONG: Thank you. Any other  
20          discussions? If not, Mr. Orodenker, please poll the  
21          Commission.

22          EXECUTIVE OFFICER: Thank you, Mr. Chair.  
23          The motion is to adopted the order.

24          Commissioner Cabral?

25          VICE CHAIR CABRAL: Aye.

1 EXECUTIVE OFFICER: Commissioner Mahi?

2 COMMISSIONER MAHI: Aye.

3 EXECUTIVE OFFICER: Commissioner Chang?

4 COMMISSIONER CHANG: Aye.

5 EXECUTIVE OFFICER: Commissioner Scheuer?

6 VICE CHAIR SCHEUER: Yes.

7 EXECUTIVE OFFICER: Commissioner Okuda?

8 COMMISSIONER OKUDA: Yes.

9 EXECUTIVE OFFICER: Chair Wong?

10 CHAIRPERSON WONG: Aye.

11 EXECUTIVE OFFICER: Thank you, Mr. Chair.

12 The motion passes unanimously with six  
13 affirmative votes.

14 CHAIRPERSON WONG: Thank you.

15 We're going to take a very brief one-minute  
16 recess to set up for the next item which is Hawaiian  
17 Memorial Park.

18 (Recess taken.)

19 CHAIRPERSON WONG: The next agenda item is  
20 action meeting on Docket A17-804 Hawaiian Memorial  
21 Life Plan, Ltd. - (Oahu) to consider Petitioner's  
22 Motion to Designate the Land Use Commission as  
23 Approving Authority for Environmental Statement under  
24 HRS Chapter 343 and for Authority to Prepare  
25 Environmental Impact Statement Preparation Notice.

1           Just to be clear for the parties and the  
2 public, the Commission today is considering the  
3 narrow issue of whether to be the approving authority  
4 for the EIS, and whether to authorize the Petitioner  
5 to prepare an EIS preparation notice without having  
6 to do an environmental assessment, which is permitted  
7 under Chapter 343.

8           The Commission is not considering the  
9 merits of the proposed boundary amendment.

10           Right now I think we have some disclosures.  
11 Commissioner Okuda.

12           COMMISSIONER OKUDA: Thank you, Mr. Chair.

13           I would like to disclose that during the  
14 earlier part of this year I had discussions, and an  
15 agreement was reached with Hawaiian Memorial Park  
16 with respect to interring the urns of my grandparents  
17 on my mother's side of the family, and my uncle on my  
18 mother's side of the family, and two infant uncle and  
19 aunt on my mother's side of the family.

20           Also like to disclose the fact that my  
21 parents have cemetery plots at Hawaiian Memorial  
22 Park.

23           I do not believe that any of this would  
24 affect my decision-making with respect to this  
25 matter.

1 CHAIRPERSON WONG: Thank you. Commissioner  
2 Chang.

3 COMMISSIONER CHANG: Thank you, Mr. Chair.

4 I would like to disclose that maybe about  
5 five, seven years ago I did do some consulting work  
6 with Hawaiian Memorial Park. I know longer am doing  
7 any work with them.

8 I, like Commissioner Okuda, do not feel  
9 that it affects my ability to be fair and objective  
10 on this matter.

11 CHAIRPERSON WONG: Commissioner Scheuer.

12 VICE CHAIR SCHEUER: Rounding out the  
13 disclosure. I serve as the vice chair and am slated  
14 to become the chairperson of the Board of the  
15 Hawaiian Islands Land Trust, a non-profit  
16 organization that conserves land in fee simple and  
17 through easements.

18 My understanding from our staff is that  
19 there has been very, very preliminary discussion from  
20 the Memorial Park to our staff about whether there  
21 could be some involvement after approval of the  
22 project with the land trust.

23 I've not been part of those discussions,  
24 there is no agreements whatsoever involved. I don't  
25 believe this affects my ability to be fair and

1 impartial in this matter today.

2 CHAIRPERSON WONG: Anyone else before I'm  
3 going to give mine just to -- I just wanted to state  
4 that I have grandparents and family not living -- not  
5 living -- but at the Memorial Park, and also have a  
6 plot at the Memorial Park, but I think I will be fair  
7 and impartial in this matter also. Just to inform  
8 everybody, they are passed away.

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

11 MR. TABATA: Curtis Tabata for Petitioner  
12 Hawaiian Memorial Life Plan, Ltd.

13 MR. TAKAHASHI: Gene Takahashi, Acting  
14 Planning Division Chief, Department of Planning and  
15 Permitting, City and County of Honolulu.

16 MS. APUNA: Good morning. Dawn Apuna,  
17 Deputy Attorney General on behalf of the Office of  
18 Planning. Here with me today is Lorraine Maki.

19 CHAIRPERSON WONG: Thank you. Let me  
20 update record.

21 On November 13, 2017, the Commission  
22 received the Petition for Land Use District Boundary  
23 Amendment and Exhibits 1 through 5, and Petitioner's  
24 Motion to Designate the Land Use Commission as  
25 Approving Agency for Environmental Impact Statement

1 under HRS Chapter 343, and for Authority to Prepare  
2 Environmental Impact Statement Preparation Notice.

3 On November 13, 2017, the Commission mailed  
4 a notice and agenda for the November 21st LUC meeting  
5 to the parties Statewide and Oahu mailing list.

6 On November 16, 2017, the Commission  
7 received OP's response to Petitioner's motion, and on  
8 the same day, acknowledged receipt of materials sent  
9 by Petitioner.

10 On November 20th, 2017, the Commission  
11 issued notice to Petitioner deeming its Petition  
12 incomplete.

13 Let me briefly describe our procedure for  
14 today on this docket.

15 First, I will give the opportunity for the  
16 Petitioner to comment on the Commission's Policy  
17 governing reimbursement of hearing expenses.

18 I will then call for those individuals  
19 desiring to provide public testimony to identify  
20 themselves. All such individuals will be called in  
21 turn to our witness box where they will be sworn in  
22 prior to their testimony.

23 After completion of the public testimony  
24 portion of the proceedings, the Petitioner will make  
25 its presentation.

1           After the completion of the Petitioner's  
2 presentation, we will receive any comments from the  
3 City and County of Honolulu, Department of Planning  
4 and Permitting and OP. The Commission will then  
5 conduct its deliberation.

6           The Chair will also note for the parties  
7 and the public that from time to time I will be  
8 calling for short breaks.

9           Are there any questions on the procedures  
10 for today? Thank you.

11           Mr. Tabata, has our staff informed you of  
12 our Commission Policy regarding the reimbursement of  
13 hearing expenses?

14           MR. TABATA: Yes, they have, and we will  
15 comply.

16           CHAIRPERSON WONG: Thank you.

17           Is there anyone in the audience who desires  
18 to provide public testimony for today on this matter,  
19 Hawaiian Memorial? No one.

20           Mr. Tabata, will you please make your  
21 presentation?

22           MR. TABATA: Petitioner Hawaiian Memorial  
23 Life Plan, Ltd., filed its Motion to Designate Land  
24 Use Commission as Approving Agency along with its  
25 Petition for District Boundary Amendment on

1 November 13, 2017.

2 The Petition seeks to reclassify  
3 53.449 acres of land from the Conservation District  
4 to the Urban District for expansion of the existing  
5 Hawaiian Memorial Park Cemetery, and the creation of  
6 a 14.5-acre cultural preserve.

7 Given the anticipated impacts, we are  
8 asking the Commission to determine that the project  
9 is likely to have a significant impact, and to be  
10 allowed to bypass the preparation of the  
11 environmental assessment, and instead to allow us to  
12 immediately prepare an EIS Preparation Notice and  
13 proceed with the EIS process.

14 If there are any questions, we will be  
15 happy to try to answer them. Thank you.

16 CHAIRPERSON WONG: Okay. Thank you, that  
17 was very concise.

18 Mr. Tabata, do you have any comments from  
19 DPP?

20 MR. TABATA: No, the department has no  
21 objection regarding the process.

22 CHAIRPERSON WONG: Thank you. Ms. Apuna?

23 MS. APUNA: OP has no objections to  
24 Petitioner's Motion. Thank you.

25 CHAIRPERSON WONG: Commissioners, what is

1 your pleasure on this matter?

2 COMMISSIONER CHANG: Can I make a motion to  
3 go into executive session to discuss our duties and  
4 liabilities?

5 CHAIRPERSON WONG: On this matter?

6 COMMISSIONER CHANG: Yeah.

7 CHAIRPERSON WONG: Do I have a second?

8 VICE CHAIR CABRAL: I'll second that.

9 CHAIRPERSON WONG: I have a motion by  
10 Commissioner Chang and second by Commissioner Cabral  
11 to go into executive session. All those in favor say  
12 "aye". Any opposed? We're in executive session.

13 (Executive session.)

14 CHAIRPERSON WONG: We're back in session.

15 So we left off asking the Commissioners  
16 what is your pleasure on this issue. Commissioners,  
17 your pleasure?

18 COMMISSIONER MAHI: I move that we accept  
19 the proposal.

20 CHAIRPERSON WONG: Commissioner Mahi moved.  
21 Is there a second?

22 VICE CHAIR CABRAL: I'll second it.

23 CHAIRPERSON WONG: Commissioner Cabral  
24 seconded.

25 We're in discussion. Any discussion on

1 this issue?

2 COMMISSIONER OKUDA: Mr. Chair, just to  
3 clarify the record. So the motion deals with  
4 approving the request of the Petitioner to designate  
5 the Land Use Commission as the accepting authority  
6 and to allow the Petitioner to -- I don't want to use  
7 the word "bypass" -- but not be required to prepare  
8 an EA, but go directly to preparing Environmental  
9 Impact Statement; correct?

10 CHAIRPERSON WONG: Correct. Commissioner  
11 Scheuer.

12 VICE CHAIR SCHEUER: Just to reiterate for  
13 any members of the audience who are perhaps  
14 unfamiliar, this is absolutely not about the merits  
15 of the project. This is solely regarding our  
16 agreeing to being the Accepting Agency for the  
17 Environmental Impact Statement.

18 CHAIRPERSON WONG: Any more discussion? If  
19 not, Mr. Orodanker.

20 EXECUTIVE OFFICER: Thank you, Mr. Chair.

21 The Motion is to approve the request for  
22 the LUC to be the Accepting Authority for the EIS,  
23 and for the Petition -- to allow the Petitioner to  
24 move directly to an EIS.

25 Commissioner Mahi?

1 COMMISSIONER MAHI: Aye.

2 EXECUTIVE OFFICER: Commissioner Cabral?

3 VICE CHAIR CABRAL: Aye.

4 EXECUTIVE OFFICER: Commissioner Okuda?

5 COMMISSIONER OKUDA: Yes.

6 EXECUTIVE OFFICER: Commissioner Scheuer?

7 VICE CHAIR SCHEUER: Aye.

8 EXECUTIVE OFFICER: Commissioner Chang?

9 COMMISSIONER CHANG: Aye.

10 EXECUTIVE OFFICER: Chair Wong?

11 CHAIRPERSON WONG: Aye.

12 EXECUTIVE OFFICER: Thank you.

13 Mr. Chair, motion passes with six  
14 affirmative votes.

15 CHAIRPERSON WONG: We will take a 30-second  
16 break to switch chairs.

17 (Recess taken.)

18 CHAIRPERSON WONG: The next agenda item is  
19 the hearing and action meeting on Docket SP17-409  
20 Hono'uli'uli Wastewater Treatment Plant - Secondary  
21 Treatment and Support Facility - State Special Use  
22 Permit No. 2017/SUP-2.

23 Let me update the record.

24 On October 25th, 2017, the Commission  
25 received Application Materials and exhibits submitted

1 to the Honolulu Planning Commission for deliberation,  
2 including the evaluation report from the Planning  
3 Director, transcripts from Commission's September 13,  
4 2017 meeting, and a copy of the Findings of Fact,  
5 Conclusions of Law and Decision and Order of the  
6 Honolulu City and County Planning Commission.

7 On November 9th, 2017, the Commission  
8 received hard copies and a CD containing the Honolulu  
9 Planning Commission's September 27, 2017 Agenda and  
10 Meeting Minutes.

11 On November 13, 2017, the Commission mailed  
12 Notice of Agenda for the November 21st, 2017 LUC  
13 meeting to the Petitioner and the Statewide and Oahu  
14 mailing list.

15 On November 15, 2017, the Commission  
16 received OP's comment letter.

17 Let me briefly describe our procedure for  
18 today on this docket.

19 First, I will call for those individuals  
20 desiring to provide public testimony to identify  
21 themselves. All such individuals will come to our  
22 witness box where they will be sworn in prior to the  
23 testimony.

24 After completion of the public testimony  
25 portion of the proceedings, the Petitioner will make

1 its presentation.

2 After completion of the Applicant's  
3 presentation, we will receive any comments from DPP.

4 After the completion of the County's  
5 presentation, we will receive any public comments  
6 from the State Office of Planning. After we receive  
7 public comments from State Office of Planning, the  
8 Commission will conduct its deliberation.

9 Are there any questions on our procedures  
10 for today? Okay.

11 I will now call on individuals desiring to  
12 provide public testimony on Docket SP17-409  
13 Hono'uli'uli Wastewater Treatment Plant Special  
14 Permit to identify themselves. All witnesses will be  
15 called to our witness box to be sworn in prior to  
16 their testimony.

17 Is there any public testimony on this  
18 issue? If not, thank you.

19 Can you please inform us who you are for  
20 the record?

21 MR. INOUE: Good morning, Mr. Chair,  
22 members of the Commission, my name is Guy Inouye,  
23 Chief of Engineering and Construction with Department  
24 of Environmental Services with City and County of  
25 Honolulu. Here with me is Mr. Jim Niermann with the

1 consulting engineering firm RM Towill Corporation.

2 MR. TAKAHASHI: My name is Eugene Takahashi  
3 with City and County of Honolulu, Department of  
4 Planning and Permitting, currently Acting Planning  
5 Division Chief. With me from the Department of  
6 Planning and Permitting is Jeff Lee from our staff  
7 who worked on the application.

8 MS. APUNA: Good morning, Deputy Attorney  
9 General Dawn Apuna on behalf of Office of Planning.  
10 Here with me is Lorraine Maki.

11 CHAIRPERSON WONG: Thank you.

12 Just for your information, from time to  
13 time the Chair will be taking short breaks, just for  
14 your information.

15 So can you please proceed, Mr. Niermann or  
16 Mr. Inouye.

17 JIM NIERMANN

18 Was called as a witness by City and County of  
19 Honolulu, was later sworn to tell the truth, was  
20 examined and testified as follows:

21 DIRECT EXAMINATION

22 MR. NIERMANN: Good morning, Chair, Members  
23 of the Commission. My name is Jim Niermann, planner  
24 with RM Towill Corporation. We're assisting  
25 originally with the Department of Design and

1 Construction, now the Department of Environmental  
2 Services on the Special Use Permit for the  
3 Hono'uli'uli Wastewater Treatment Plant expansion.

4 I'm going to go through this briefly, and I  
5 really will rely more on question and answer.

6 Really briefly, the image you see here  
7 (indicating) the existing facility is down here. The  
8 overall facility is comprised of three parcels. The  
9 existing wastewater treatment plant is in Parcel 7 as  
10 you can see here (indicating).

11 Parcel 4, which is included in the Petition  
12 area, is about 2.7 acres and it contains existing  
13 wastewater treatment plant facility, primarily the  
14 headworks and related odor control.

15 And Parcel 3, which is about a 48-acre  
16 parcel wraps around the east side of the existing  
17 plant and extends up to the north. 25.1 acres of  
18 that is within the Petition Area, the State Land Use  
19 Ag District.

20 The remaining acreage, which is roughly  
21 23 acres, is in the Urban District. It was part of  
22 the Gentry, 1988 Gentry Boundary Amendment.

23 Our request is for approval of a Special  
24 Use Permit for the expansion of the existing  
25 wastewater treatment plant to accommodate secondary

1 treatment processes and facilities for the secondary  
2 treatment processes that are required by the EPA  
3 Consent Decree, 2010 Consent Decree between the  
4 State, the County, and the EPA.

5 The Consent Decree requires that  
6 100 percent of the effluent at the plant be treated  
7 to secondary levels.

8 Currently about half of the flow that is  
9 coming into the plant are treated by secondary level.  
10 By June 1st, 2024 is the date that the Consent Decree  
11 is stipulated for operating at 100 percent secondary  
12 treatment.

13 These are just background information on  
14 the left showing the existing State Land Use District  
15 Boundary Areas, and on the right showing existing  
16 zoning (indicating).

17 This is the existing facility. It's  
18 basically a mirror of the photo image we just were  
19 reviewing.

20 So key dates for the Consent Decree,  
21 January 1st, I'll go into -- this is why we are  
22 seeking a SUP at this time instead of State Land Use  
23 District Boundary Amendment -- this primarily has to  
24 do with the first deadline and Consent Decree.

25 Unfortunately, we didn't get started in

1 this process early enough, we felt, to go through a  
2 State Land Use District Boundary Amendment process  
3 with enough time to also go through the construction  
4 design, the procurement process, and the bid process  
5 to meet the January 1st, 2019 deadline. That  
6 deadline is to issue Notice to Proceed for start of  
7 construction.

8 The second deadline is the one I mentioned  
9 before. By June 1st, 2024, the plant has to be  
10 operating at 100 percent secondary treatment  
11 capacity.

12 So this image is the proposed improvements  
13 to meet the Consent Decree. So by 2024 that is what  
14 is proposed. You can see up here, the existing  
15 facility here (indicating). What is proposed in the  
16 expansion area are secondary -- these round features  
17 here are the tanks for secondary clarifiers that are  
18 a part of the secondary treatment process.

19 In the initial phase, 2024, six of these  
20 eight tanks are proposed to be constructed. In  
21 addition there is a pump right here (indicating) to  
22 pump the effluent through the system. There's -- in  
23 the future -- this is actually outside of the  
24 Petition area. I don't know if it needs discussion.

25 This would be a future area based on past

1 the 2024 date.

2 So the main reason for the SUP is to be  
3 able to construct these facilities within the  
4 expansion area including within that State Land Use  
5 Agriculture Area.

6 This next slide shows, in addition to the  
7 secondary treatment process, also proposing to  
8 develop non-process support facilities use within the  
9 overall expansion area. Those are represented here  
10 in blue (indicating).

11 The facilities I was just discussing  
12 secondary treatment, are shown in yellow or gold.  
13 The blue facilities as non-process facilities, these  
14 include warehouse, machine shop, laboratory,  
15 administration building. And I know I'm missing  
16 something here. There's a truck parking area,  
17 covered truck parking area.

18 Three of those facilities are currently at  
19 Sand Island Wastewater Treatment Plant. So they're  
20 indirectly tied to the Consent Decree in that they  
21 need to be moved out of the Sand Island Treatment  
22 Plant to create space for the secondary treatment  
23 required there for the Consent Decree. They don't  
24 necessarily have to be moved here, but this is where  
25 they're proposed to be located in order to centralize

1 C and C operation.

2 The timing of that is by 2022 those  
3 facilities need to be relocated from Sand Island.  
4 Those include the warehouse, the shop and the  
5 laboratory. So some of those I believe -- I think  
6 this is -- sorry my eyesight is not so good -- a  
7 little fuzzy here. But I believe it's these two  
8 (indicating). And then I think there is a  
9 laboratory. Not sure if it's this facility  
10 (indicating).

11 Those three would all be occupying a  
12 portion of the Petition Area as well.

13 Really quickly on why we're doing the SUP  
14 versus going for State Land Use Boundary Amendment,  
15 it really was being driven by the timing on that  
16 January 1st, 2019 date. And while it seems like a  
17 lot of time, as we work back from where we started  
18 this process to try to get that date, and the reason  
19 for -- we need to build in at least a year for the  
20 design to go through building permit process, to go  
21 through the bid procurement process and bid award.

22 And roughly the schedule for that is by  
23 February of next year would be to have the  
24 construction drawings, the design drawings submitted  
25 to the city and county for review for building

1 permit, to go through the building permit review by  
2 June.

3 And then to have the bid docs prepared by  
4 June, July and go through again procurement and award  
5 by the end of the year.

6 So there is some cushion built into that.  
7 But time flies pretty quickly as we all know.

8 So our intention, had some discussions with  
9 DPP in early this year 2017. And then subsequently  
10 with the LUC in the summer, I think in September.

11 The meetings with DPP we came up with this  
12 two-pronged approach. And I know it wasn't DPP's  
13 desired choice that we go for SUP, they prefer that  
14 we go -- I can let them speak to that. But I think  
15 they listened to our concern about risk of not  
16 hitting that Consent Decree date.

17 The proposed entitlement process, the short  
18 term was to go with SUP, apply for Special Use Permit  
19 as a short-term strategy. In addition to that, we  
20 would be getting a conditional permit and a joint  
21 development agreement to bring those three parcels  
22 into one zoning lot for the development of the  
23 facilities.

24 And then also applying for a zoning waiver.  
25 That's where -- one of the buildings exceeds the

1 height limit of 60 feet. I think the building is 70  
2 feet. That particular building is proposed to be  
3 demolished, and subsequently all the structures will  
4 be within the allowed zoning height.

5 This is the short-term process. When we  
6 get through this process, and we know we can breathe  
7 easier -- hopefully would be able to breathe easier  
8 on the Consent Decree compliance. C and C proposes  
9 to come back in with State Land Use Boundary  
10 Amendment to bring the entire project area into the  
11 Urban Boundary.

12 In addition, right now the property is a  
13 combination of I2, Industrial 2, and Ag 1 county  
14 zoning. So we're also proposing to do a zone change  
15 to change the Ag 1 -- (indecipherable, coughing) so  
16 we have some consistent zoning for the entire site.

17 Finally, proposing to go through  
18 subdivision process to consolidate the three lots  
19 into one lot, and that would essentially bring  
20 everything into conformance with State Land Use law,  
21 bring it into conformance with most appropriate  
22 county zoning and have one unified project property.

23 I have -- we don't need to dwell on this.  
24 Time frame, Consent Decree deadline shown. Some of  
25 the issues -- I think I'll save this for the

1 education -- for question and answer.

2           Leading up to the Planning Commission  
3 hearing, these were the issues that kind of risen to  
4 the fore. There were some concerns about odor  
5 control. And there are quite a few improvements that  
6 are planned to improve the emissions of H<sub>2</sub>S or  
7 hydrogen sulfide.

8           An exterior lighting plan was requested by  
9 DPP. We did submit a lighting plan in August and  
10 will continue to work with DPP on that through the  
11 construction plan review process.

12           Traffic impact assessment, some questions  
13 (indecipherable). Those will be submitted by end of  
14 this month, and the other two will follow the  
15 construction drawings.

16           OR&L Land Company. On the northern  
17 boundary of the property, along this edge is OR&L  
18 rail line. We are proposing one crossing along Malio  
19 Street down, coming down through Renton Road,  
20 proposed crossing there.

21           Avigation and wildlife mitigation with DOT  
22 airports. We have been discussing with them, and I  
23 know it's in the record, a proposed -- a letter from  
24 them proposing we undertake an MOA, also proposed  
25 conditions in the Planning Commission's Decision and

1 Order (indecipherable) -- very cooperative with that  
2 condition.

3 Then finally, we have a Land Use Commission  
4 docket, the existing Gentry Boundary Amendment of  
5 which the property is subject. And that actually  
6 applies to not the Petition area, but to this piece  
7 of Parcel 3, which is currently in the State Land Use  
8 Urban and zoned I2. So the intention is part of  
9 State Land Use Boundary Amendment Application.

10 Concurrent with that, we would also be  
11 applying for the docket to be amended -- bifurcate  
12 this property out of that docket. So that was also  
13 an outcome of the discussions with DPP and with LUC  
14 staff.

15 And then the last is unilateral agreement.  
16 There is an existing ordinance to change the zoning  
17 in that I2 portion of the expansion line up here  
18 (indicating).

19 We are also proposing to modify that as  
20 part of the county zone change action. And that's  
21 basically to bring the conditions more into alignment  
22 with the wastewater treatment plant operation rather  
23 than an industrial park.

24 And with that, we're happy to go into any  
25 discussion on any of the issues that are concern to

1 the Commission.

2 CHAIRPERSON WONG: Okay. Thank you.  
3 Commissioners, are there any questions? Commissioner  
4 Cabral.

5 VICE CHAIR CABRAL: I have what -- I'm a  
6 simple person. I think it's a simple question, but I  
7 think it's going to be a very complicated answer.

8 Odor, you mention you have ways to mitigate  
9 the odor. Can you, in layman terms, explain to me  
10 why I won't smell that when I drive by?

11 THE WITNESS: Well, we can't say you won't  
12 smell the treatment plant when you drive by 100  
13 percent, just given the nature of the facility.

14 But as far as the improvements, probably  
15 one of the simplest improvements we've discussed --  
16 there are three processes that are not covered, not  
17 contained.

18 Really briefly. So one of them is what is  
19 called the grit removal and aeration right here  
20 (indicating). It's where the solids come in and grit  
21 is removed from the liquid as an initial filter.  
22 That's all currently exposed.

23 As part of the improvement, that process  
24 will be contained within a structure. Will be  
25 provided with an odor control system. A negative air

1 pressure within that facility, and all of that will  
2 be -- all of the air -- first of all, containing it  
3 where it currently is not. Second, all that air will  
4 be processed.

5 The other is the aeration plant right  
6 adjacent to it, which is also in this area of the  
7 facility (indicating). That's typically covered, but  
8 currently some of the covers are broken. So that's a  
9 current source of odor.

10 In future, as part of these improvements,  
11 that's going to be converted to what is called  
12 biological reactive -- sorry, high contact biological  
13 reactive process, another treatment process that will  
14 be entirely contained, as well as provided with an  
15 odor control system, negative air pressure.

16 So that would be the second facility that  
17 will be covered.

18 The third is down here (indicating). This  
19 is where sludge is brought in from other facilities.  
20 And sludge is handled and dried. So those facilities  
21 currently are partially contained, partially open.  
22 But in the future that's going to be replaced with  
23 the new facility that will be completely contained,  
24 and again, will have an odor control system with  
25 negative air pressure.

1           A fourth item, this is probably most  
2     immediate -- it's a project currently underway -- is  
3     right down here within the Petition Area is the  
4     facility headworks. That's where all of the fluids  
5     initially come into the facility.

6           Currently the odor control system is  
7     undersized for the volume coming in. So there's a  
8     project that's out to bid right now or awarded.

9           MR. INOUE: Awarded and starting  
10    construction.

11          THE WITNESS: That's to put in a new odor  
12    control system in that location.

13          MR. INOUE: Just to add a note about  
14    existing conditions there.

15          The department has completed an odor audit  
16    of the plant, and based upon this audit, we  
17    identified the hotspot. And as Jim mentioned, the  
18    hotspot is near the entrance of the plant, and that  
19    is currently under construction to remedy.

20          VICE CHAIR CABRAL: I don't notice -- and  
21    it may be that it is not on your drawing -- trees.  
22    Is there any thought that there should be trees on a  
23    perimeter around the property, one for visual as well  
24    as -- I don't know whether it would help the smell,  
25    but might be nice for the neighborhood to have trees.

1           Are there any thoughts about that?

2           THE WITNESS: Yes, absolutely. The last  
3 thing we show on the engineering drawings. Currently  
4 there are trees, some of which will be removed as  
5 part of the project and replaced along Geiger Road.  
6 And if you drive along there right now, there is  
7 monkeypod trees. Some of those will be removed as  
8 part of the improvements we are discussing, but there  
9 will be landscaping including trees and other  
10 landscaping that will be replaced along Geiger Road.

11           There is going to be different treatments.  
12 There will be treatments around the entire perimeter  
13 of the facility, but they're all going to be  
14 different and also phased at different points.

15           VICE CHAIR CABRAL: I read about vegetation  
16 swales for your water, treated water. Are you going  
17 to water your trees then with that water from your  
18 plant?

19           THE WITNESS: My understanding is -- I  
20 should have pointed this out. The DWS operated  
21 recycled facility is here on the west side of the  
22 facility, so water from that facility will be used  
23 for irrigating that -- I want to confirm -- it will  
24 be used for irrigating. I know it's used for  
25 irrigation now. About 10 million gallons is produced

1 daily, and a portion of that will be used to irrigate  
2 the vegetation on that facility.

3 VICE CHAIR CABRAL: Thank you very much.

4 CHAIRPERSON WONG: Any other questions?  
5 Commissioner Chang.

6 COMMISSIONER CHANG: Thank you very much  
7 for your testimony. Just two questions.

8 You have a deadline of January 1st, 2019  
9 which is kind of driving this process. Has monies  
10 been appropriated to ensure that you have funds  
11 available to proceed with construction?

12 MR. INOUE: Yes, we have a budget. Yes,  
13 we have a program already.

14 COMMISSIONER CHANG: The other question is  
15 dealing with the OR&L. Are you receiving any federal  
16 funds for this project?

17 THE WITNESS: Not for the secondary, or the  
18 non-process facilities.

19 COMMISSIONER CHANG: Does the Consent  
20 Decree trigger 106 of the National Historic  
21 Preservation Act?

22 THE WITNESS: The Consent Decree does not,  
23 but the proposed crossing here (indicating) --

24 COMMISSIONER CHANG: Has there been  
25 consultation with interested parties for that OR&L

1 crossing?

2 THE WITNESS: They haven't started that  
3 process. So ENV has initiated discussions with DOT.  
4 I know DOT made a comment to the application that  
5 they recommended against that. We know the planner  
6 who made the comment was essentially just waving the  
7 warning that this is not a simple thing to do, which  
8 we know. We passed that warning on.

9 What -- they were not aware -- the planner  
10 that made the comment was made aware that ENV had  
11 already had discussion with DOT.

12 COMMISSIONER CHANG: What about discussion  
13 with the historic -- that the rail -- the Historic  
14 Society -- Rail Society, are they --

15 THE WITNESS: They would be part of those  
16 discussions, because they're actually in charge of  
17 the base here. Their baseyard is right like right  
18 here (indicating).

19 COMMISSIONER CHANG: So your consultation  
20 process will include discussions with them as well?

21 THE WITNESS: It would have to.

22 COMMISSIONER CHANG: Thank you.

23 MR. INOUE: Can I make a clarification  
24 relative to funding?

25 Right now the program is all intended right

1 now to be state funded, however, the department is  
2 considering applying for sewer revenue -- SRF  
3 program, federal subsidized state program, SRF,  
4 revenue funds, that we are considering applying for  
5 those.

6 COMMISSIONER CHANG: It's a state program  
7 or federal program?

8 THE WITNESS: It's a state program that's  
9 subsidized by federal money.

10 COMMISSIONER CHANG: So that would trigger  
11 a formal Section 106?

12 THE WITNESS: 106 is triggered by OR&L  
13 crossing.

14 COMMISSIONER CHANG: Through that Section  
15 106 process, will there be some kind of agreement  
16 entered into as to how you deal with that historic  
17 property before those funds are released?

18 THE WITNESS: There would need to be,  
19 unless there is some other process that the federal  
20 agency has to either adopt (indecipherable) -- so I  
21 think it would have to piggyback if there's a  
22 programmatic agreement. I don't know if anybody  
23 would allow one on an MOA.

24 COMMISSIONER CHANG: That's my  
25 understanding, I believe you're right, DOT is going

1 through some discussions with federal highways on  
2 developing a programmatic agreement for the entire  
3 OR&L.

4 Okay, thank you very much.

5 CHAIRPERSON WONG: Any other questions?  
6 Commissioner Scheuer.

7 VICE CHAIR SCHEUER: Hi, Jim. I have  
8 questions about deadlines and questions about the  
9 neighborhood board. And my questions, because this  
10 is a special permit, when I ask you a question, I'm  
11 asking you to point to somewhere in the record that's  
12 been transmitted to us that information exists.

13 When there's a deadline that you're trying  
14 to meet for a notice to proceed of January 1st, 2019,  
15 is that correct? When was that deadline set?

16 THE WITNESS: That would have been in the  
17 2010 Consent Decree.

18 VICE CHAIR SCHEUER: So it's 2017 now, last  
19 time I checked. So we are now on a tighter crunch  
20 deadline that's causing me to -- if I understand your  
21 remarks correctly, to go for Special Use Permit  
22 rather than a District Boundary Amendment.

23 Since this deadline was set in 2010. Why  
24 is this determination being made now rather than many  
25 years ago when there would have been sufficient time

1 to go for an Urban Boundary Amendment?

2 THE WITNESS: I will probably have a very  
3 unsatisfactory answer for that. And the short answer  
4 is, I would say it was oversight or lack of diligence  
5 early on in the process.

6 At the time that the Consent Decree was  
7 executed, the city, first of all, they didn't own the  
8 property, the expansion area. They acquired that  
9 property in 2011. That's still six years ago.

10 In that time -- I don't know the review  
11 process at that time it went through, but I can only  
12 -- what's the word I'm looking for -- attribute it to  
13 I guess lack of attention on what the requirement was  
14 going to be.

15 It may have been that since a portion of  
16 that parcel was in urban, that there wasn't an  
17 appreciation that the portion that was not in urban  
18 needed to be in conformance with state law before  
19 they could go developing.

20 But that's -- we found ourself in this  
21 situation. And looking at the calendar, the time  
22 that it became aware and everybody appreciated the  
23 significance, this was, I guess, the strategy to try  
24 to mitigate the risk of the Consent Decree deadline.

25 VICE CHAIR SCHEUER: My other question had

1 to do -- does the reference in the record transmitted  
2 to us, that consultation letter was sent to the  
3 Neighborhood Board No. 23, but I can't find in the  
4 record any feedback from that neighborhood board.

5 THE WITNESS: I thought we included in the  
6 record the -- well, it's two places. I know in the  
7 SUP application --

8 VICE CHAIR SCHEUER: Are you familiar with  
9 what the feedback was from the board?

10 THE WITNESS: Yeah, sure. First of all, we  
11 had -- three of the residents of the village came in.  
12 Their main concern was that they were going to be  
13 displaced by the action. We were able to explain  
14 that that wasn't the case.

15 They also raised concern about odor. What  
16 was going to be happening with odor. We heard that  
17 from at least one or two other members of the  
18 community who spoke up.

19 So their concern was what are you doing  
20 about odor now, and will it be making matters worse  
21 or conditions worse.

22 And so we did describe the odor, the  
23 proposed improvements to the odor control system, as  
24 well as containment that was planned for the  
25 facility.

1           We also had a representative from the OR&L.  
2           He was there actually for another matter, but he also  
3           stood up to raise the same concern about crossing the  
4           line. I think his preference is that we not cross  
5           the line. I can go into the merits -- our response  
6           was, which I'll just say briefly here, short of this  
7           access, if we don't add an access off of Renton Road,  
8           the only access to the facility is off of Geiger  
9           Road. And for a facility of this size and this  
10          importance, we felt that having a second or even a  
11          third access is pretty essential.

12           VICE CHAIR SCHEUER: Did the neighborhood  
13          board take any official action, pass any motion or  
14          express any sentiment regarding the project as a  
15          body?

16           THE WITNESS: They did not. In general,  
17          they were supportive of the presentation, the idea of  
18          going to secondary, but they did not take any action  
19          on the OR&L.

20           MR. INOUE: If I can add a few comments to  
21          the unfortunate timing. It is a program failing that  
22          we are coming in at this late moment.

23           Maybe a little bit about the Consent  
24          Decree. The Consent Decree is a 25-year program.  
25          Within the first ten years there was focus within the

1 collection system, the gravity, sewers, the pump  
2 station, the force mains. The second portion of the  
3 force-main focuses on the treatment, specifically  
4 secondary treatment at Hono'uli'uli and secondary  
5 treatment at Sand Island.

6 The first portion of the Consent Decree was  
7 a ten-year effort. So from 2010 to 2020. The  
8 program had focusing on the conveyance system. And  
9 I'm proud to say that we have met every milestone.

10 It is unfortunate that coming upon the  
11 second portion of the Consent Decree, the program  
12 really wasn't aware or cognisant of the requirements  
13 and implication of the land development. And hence,  
14 we are in this situation, and we apologize for that.

15 CHAIRPERSON WONG: Thank you. Anyone else?

16 I was remiss.

17 So, Mr. Inouye, do you affirm that  
18 everything that your testimony, about what you said  
19 today and in the future for this docket, is truthful?

20 MR. INOUE: Yes, I do.

21 GUY INOUE

22 Having previously testified, was sworn that his  
23 testimony was truthful.

24 CHAIRPERSON WONG: Mr. Niermann, do you  
25 also affirm that everything in this docket that you

1 said previously and in the future is truthful?

2 THE WITNESS: Yes, I affirm.

3 JIM NIERMANN

4 Having previously testified, was sworn that his  
5 testimony was truthful.

6 CHAIRPERSON WONG: Mr. Takahashi.

7 MR. TAKAHASHI: The department recommends  
8 approval of their Applicant's Petition's request to  
9 Urban.

10 CHAIRPERSON WONG: Ms. Apuna.

11 MS. APUNA: We have a few comments.

12 OP reviewed the subject Application for  
13 Special Use Permit relative to the guidelines HRS  
14 Section 205-6 and Hawai'i Administrative Rule Section  
15 15-15-95, which allow certain unusual and reasonable  
16 uses within the Agricultural and Rural District other  
17 than those for which the district is classified.

18 OP reviewed the application prior to the  
19 county hearing on the Application providing comments  
20 to DPP in a letter dated August 2nd, 2017 which  
21 included the following:

22 The site contains soils of mostly poor  
23 quality with a small area in Parcel 4 containing  
24 higher quality agricultural lands. However, Parcel 4  
25 currently contains existing appurtenant uses.

1           An archaeological assessment was provided  
2 and SHPD has determined that the report is  
3 "accepted", and no other remedial work is required.

4           The Applicant plans to file motion to amend  
5 to bifurcate Parcel 3 from the original  
6 reclassification and can currently file a dba to  
7 reclassify a portion of Parcel 3 and Parcel 4 from  
8 agricultural to urban.

9           In all, OP recommends approval of Special  
10 Use Permit with the conditions of approval included  
11 by the City Planning Commission.

12           CHAIRPERSON WONG: Thank you.

13           Commissioners, do you have any of questions  
14 for OP? If not -- so, Commissioners, in front of us  
15 is -- what is your pleasure on this issue?

16 Commissioner Okuda.

17           COMMISSIONER OKUDA: Mr. Chair, I move that  
18 the Petitioner's request be approved with the  
19 conditions stated in the record, conditions stated by  
20 Planning Commission.

21           CHAIRPERSON WONG: Is there a second?  
22 Commissioner Mahi.

23           COMMISSIONER MAHI: I'll second.

24           CHAIRPERSON WONG: We're in discussion.  
25 Commissioner Okuda.

1           COMMISSIONER OKUDA: Mr. Chair, in speaking  
2 and moving in favor of the Petition and request, I  
3 would like to state for the record that I'm making  
4 the motion based on the specific facts and specific  
5 circumstances shown in the record in the present  
6 case.

7           I don't want to take my motion to be used  
8 in any way as some type of precedent or agreement  
9 that in some other situation it would in fact be  
10 proper to use a Special Permit process to bypass a  
11 petition for a boundary amendment.

12           So my motion and my statement in support of  
13 the motion is based on the specific circumstances and  
14 the specific facts raised in this specific case only.  
15 Thank you.

16           CHAIRPERSON WONG: Commissioner Scheuer.

17           VICE CHAIR SCHEUER: I'm thinking back to  
18 being an undergraduate and trying to get a paper in  
19 on time, the date it was due, and running to a copy  
20 shop and seeing a large sign behind the counter that  
21 said: "Your bad planning doesn't constitute my  
22 emergency".

23           It's a very frustrating position that  
24 you've put the Land Use Commission in. I think,  
25 building on Commissioner Okuda's comments, you know,

1 if a private developer would come in and say, by the  
2 way, we are getting a Special Use Permit. We know  
3 it's not quite the right thing, but we are running  
4 out of time, but we are coming back later. It would  
5 be entirely unacceptable.

6 Obviously, complying with the Consent  
7 Decree is a very worthy thing, going to secondary  
8 treatment is a very worthy thing. Having a  
9 wastewater treatment is a very worthy thing. But  
10 it's a frustrating experience to have to approve this  
11 kind of thing.

12 CHAIRPERSON WONG: Let's take a five-minute  
13 recess, please.

14 (Recess taken.)

15 CHAIRPERSON WONG: Thank you very much for  
16 that recess.

17 Is there any other discussion on this issue  
18 at this point in time?

19 I just want to state while we're -- because  
20 no one has any -- that I'm also concerned that, you  
21 know, during that process when having a Consent  
22 Decree that you had enough time to meet, to go  
23 through -- hopefully that this is only a "stop gap"  
24 because I see in your exhibits that you're going  
25 for -- I just wanted to say that, you know, hopefully

1 this doesn't come again in the future for any other  
2 projects.

3 Also wanted to say that hopefully you can  
4 clear up about the DOT issue with OR&L line, just  
5 because that is historical in that sense too.

6 So that's my statement. But is there  
7 anything else that we wanted to bring up?  
8 Commissioner Cabral.

9 VICE CHAIR CABRAL: I would like to go back  
10 to trees. I come from Hilo. We have trees  
11 everywhere. You have to work hard not to have them  
12 grow over your house.

13 Looking at that and proximity to  
14 residential homes and stuff, and what appears on your  
15 diagram here, at some point you have zero lot line  
16 developments like right against your boundary  
17 practically. Maybe those aren't things that produce  
18 smells, but they certainly would prohibit a tree  
19 growing in the middle of that building.

20 There might be an area between where your  
21 railroad easement is and the actual Renton Road or  
22 something that doesn't look like it's subject to  
23 development. I don't know who owns it, but I would  
24 suggest you look -- this is outside this entire  
25 discussion -- look outside your property lines and

1 maybe you would be allowed to be able to plant and  
2 irrigate trees in excess of your own land mass in  
3 order to mitigate views and smells.

4 That's just an idea when I look at trees.  
5 Thank you.

6 CHAIRPERSON WONG: Any anyone else?  
7 Commissioner Okuda.

8 COMMISSIONER OKUDA: Mr. Chair, and I  
9 apologize to the members of the Commission, staff and  
10 members of the public, but I would like to clarify my  
11 statement or motion about having this approval be  
12 subject to conditions.

13 So for completeness, if I can just  
14 summarize what conditions I believe the approval  
15 should be subject to.

16 Number one, a requirement that the metes  
17 and bounds map and description be signed and stamped  
18 by a registered professional land surveyor, and/or  
19 that copies of the map and description be provided to  
20 the Land Use Commission.

21 Number two, require the submittal and  
22 approval of a TIAR to the Department of  
23 Transportation's Highways Division.

24 Number three, require the Petitioner to  
25 obtain the approval of the Land Use Commission for

1 any time extension to the deadline by which  
2 Petitioner is to apply for a State Land Use District  
3 Boundary Amendment with the Commission, and to file a  
4 Motion to Amend the Findings of Fact, Conclusion of  
5 Law and Decision and Order issued in Docket No.  
6 A88-627.

7 Additional condition that the Petitioner be  
8 required to cease all work and immediately contact  
9 the SHPD and Oahu Burial Council in the event  
10 historic resources are identified during demolition  
11 and/or construction activities, and to obtain an  
12 archaeological clearance from the SHPD if required.

13 When I say "historic resources", what I  
14 mean by that, that includes, but not limited to  
15 remains, human remains, skeletal evidence.

16 Further condition to require the Petitioner  
17 to obtain the approval of the Land Use Commission for  
18 any time extension to the deadline by which  
19 Petitioner is to establish the project.

20 Also I would ask that the motion be amended  
21 to the extent necessary to authorize the Land Use  
22 Commission staff to make non-substantive changes to  
23 the conditions as appropriate regarding formatting,  
24 style and other modifications to ensure consistency.

25 And finally, that the Chair of the Land Use

1 Commission be authorized to sign the order in this  
2 matter on behalf of the Commission.

3 So I would ask that my motion be modified  
4 to include the statements that I just stated for the  
5 record.

6 CHAIRPERSON WONG: Commissioner Mahi, do  
7 you have any problems with that?

8 COMMISSIONER MAHI: No, I have no problem  
9 with that.

10 CHAIRPERSON WONG: Just to reconfirm what  
11 the motion was about, Commissioner Okuda and seconded  
12 by Commissioner Mahi. Any other discussions? If  
13 not, Mr. Orodanker.

14 EXECUTIVE OFFICER: Thank you, Mr. Chair.  
15 The motion is to approve with conditions,  
16 including conditions with regard to metes and bounds,  
17 traffic impact analysis, LUC approval, historic  
18 resources, authorization for staff to make  
19 nonsubstantive changes, and authorization for the  
20 Chair to sign the order in this matter.

21 Commissioner Okuda?

22 COMMISSIONER OKUDA: Yes.

23 EXECUTIVE OFFICER: Commissioner Mahi?

24 COMMISSIONER MAHI: Aye.

25 EXECUTIVE OFFICER: Commissioner Chang?

1 COMMISSIONER CHANG: Aye.

2 EXECUTIVE OFFICER: Commissioner Scheuer?

3 VICE CHAIR SCHEUER: Aye.

4 EXECUTIVE OFFICER: Commissioner Cabral?

5 VICE CHAIR CABRAL: Aye.

6 EXECUTIVE OFFICER: Chair Wong?

7 CHAIRPERSON WONG: Aye.

8 EXECUTIVE OFFICER: Thank you,, Mr. Chair,  
9 the motion passes.

10 CHAIRPERSON WONG: Thank you.

11 Do I have a motion to go into executive  
12 session?

13 VICE CHAIR CABRAL: I'll move.

14 CHAIRPERSON WONG: Do I have a second?

15 COMMISSIONER MAHI: I'll second.

16 CHAIRPERSON WONG: Discussion? If not, all  
17 those in favor say "aye", any opposed? Thank you.  
18 We are in executive session.

19 (Executive Session.)

20 (The proceedings adjourned at 12:20 p.m.)

21

22

23

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25

## CERTIFICATE

STATE OF HAWAII                    )  
  ) SS.  
COUNTY OF HONOLULU            )

I, JEAN MARIE McMANUS, do hereby certify:

That on November 21, 2017, at 9:35 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 21st day of November, 2017, in Honolulu, Hawaii.

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