

LAND USE COMMISSION  
MINUTES OF MEETING

August 10, 2007

Leiopapa A Kamehameha  
4th Floor  
Conference Room 405  
235 So. Beretania Street  
Honolulu, Hawaii

COMMISSIONERS PRESENT: Thomas Contrades  
Vladimir Devens  
Howard Hamamoto  
Duane Kanuha  
Ransom Piltz

COMMISSIONERS ABSENT: Michael Formby  
Lisa Judge  
Nicholas Teves  
Reuben Wong

STAFF PRESENT: Anthony Ching, Executive Officer  
Diane Erickson, Deputy Attorney General  
Cameron Lowry, Staff Planner  
Bert Saruwatari, Staff Planner  
Sandra Matsushima, Chief Clerk  
Holly Hackett, Court Reporter  
Walter Mensching, Audio Technician

Presiding Officer Kanuha called the meeting to order at 8:45 a.m.

## Review of Staff Proposed Administrative Rules

Mr. Ching provided highlights on the major changes being proposed for the LUC rules and noted that the scope was intended to update and not legislate any new changes. In addition, the amendments were to address and clarify some of the issues raised during recent LUC proceedings.

Mr. Ching described the procedural process rulemaking and action that needs to be taken before going out to public hearing.

Presiding Officer Kanuha asked if there was anything time sensitive or a mandate that needs to be addressed by a certain timeline.

Mr. Ching replied that the proposed draft was not time sensitive.

Commissioner Hamamoto questioned the last time these rules were amended.

Mr. Ching stated that changes were made in 2000. The citations on the bottom of the rule indicates the year of change. Mr. Ching added that as he was not the LUC's Executive Officer at that time, he was not sure how comprehensive the changes to the LUC rules were in 2000.

Commissioner Piltz questioned whether copies would be made available to the public once the draft is approved.

Mr. Ching noted that copies would be provided at libraries and at public access points. In addition, a copy would be posted on the LUC website for download and printing.

Commissioner Kanuha questioned whether consultation had in fact occurred with other state and county agencies.

Mr. Ching noted that there had been extensive consultation with the Department of Agriculture, as well as the Attorney General's office. Deputy Attorney General Diane Erickson had also assisted with the development of this proposal.

Mr. Ching then discussed and summarized the amendments to the rules.

Commissioner Hamamoto questioned why the cross exam section was deleted on page 15-60.

Mr. Ching noted that the cross exam section was relocated under the hearing procedure section on page 15-54.

Presiding Officer Kanuha referenced page 15-73 and questioned the filing dates of 7 or 10 days.

Mr. Ching stated that this would specify the exact filing dates whether it is 7 or 10 days. He indicated that this specification would be revised to specify 10 business days.

Commissioner Devens referenced page 15-77, section C, and questioned the extension of time to file exceptions. Commissioner Devens wondered if it was something that the Executive Officer could grant if it was for a simple extension of time.

After a discussion, it was agreed by the LUC that upon good cause shown, the extensions of time for a period to not exceed 10 days could be granted by the Executive Officer.

Mr. Ching noted that the LUC could take this document under advisement or act on the version that they had before them.

Mr. Yee noted that the LUC package is different from the OP and that it did not include the OP's suggestions. Mr. Yee added that the OP would like an opportunity to present OP's proposed amendments.

Presiding Officer Kanuha had a concern that the process for initiating these rule amendments were not discussed with the various counties. Presiding Officer Kanuha also noted that there might be some Commissioners who may also want to provide suggestions.

Mr. Ching stated that staff did its best to respond to its mandate. Mr. Ching added that there had been informational discussions with the counties and a detailed conversation with the City. However, LUC staff had received little comment.

Mr. Yee suggested the appointment of an investigative committee to meet informally with a variety of people and report back to the LUC with their findings.

Presiding Officer Kanuha noted that he would like the Commissioners to digest this draft and to provide their comments to the Executive Officer. Then the amendment process could proceed.

Mr. Yee was concerned that the Commission had not heard the concerns of the OP and not had the opportunity to present their amendments.

Mr. Ching noted that he could solicit informal comments from the Commissioners, the counties, and OP, then provide a proposal to the LUC by the next month.

The meeting adjourned at 10:05 a.m.

*(Please refer to LUC Transcript of August 10, 2007 for more details on this matter.)*