

LAND USE COMMISSION  
MEETING MINUTES  
February 24, 2011

Leiopapa A Kamehameha  
Conference Room 406, 4th Floor  
235 S. Beretania St.  
Honolulu, Hawai'i

COMMISSIONERS PRESENT: Thomas Contrades  
Ronald Heller  
Duane Kanuha  
Normand Lezy  
Nicholas Teves, Jr.

COMMISSIONERS EXCUSED: Kyle Chock  
Vladimir Devens  
Charles Jencks  
Lisa Judge

STAFF PRESENT: Orlando Davidson, Executive Officer  
Diane Erickson, Deputy Attorney  
General  
Bert Saruwatari, Staff Planner  
Riley Hakoda, Staff Planner/Acting  
Chief Clerk

COURT REPORTER: Holly Hackett

AUDIO TECHNICIANS: Walter Mensching/Todd Miyazano

**CALL TO ORDER**

Vice-Chair Contrades called the meeting to order at 9:37 a.m.

**APPROVAL OF MINUTES**

Vice-Chair Contrades asked if there were any corrections or additions to the February 2-3, 2011, minutes. There were none. Commissioner Lezy moved to

adopt the minutes. Commissioner Kanuha seconded the motion. The minutes were unanimously approved by a voice vote (5-0).

### **TENTATIVE MEETING SCHEDULE**

Executive Officer Davidson provided the following:

- The regular tentative meeting schedule for the calendar year 2011 was distributed in the handout material for the Commissioners.
- April 20-21 is tentatively scheduled on Moloka`i for DR10-41 Moloka`i Properties Limited for the contested case IAL.
- The May 26-27 meeting is tentatively scheduled on Lana`i for a Maui County-Lana`i 201H project.
- The May 12-13 meeting may be held on Kaua`i for DR11-43 Māhā`ulepū Farm LLC's IAL Petition.
- Any questions or conflicts, please contact LUC staff.

There were no questions or comments regarding the tentative meeting schedule

### **ACTION**

#### **A09-782 Tropic Land LLC**

Vice-Chair Contrades announced that this was an action meeting on Docket No. A09-782 TROPIC LAND LLC to consider Petitioner's Motion to extend time for filing findings of fact, conclusions of law and to reopen hearing. Included in Petitioner's Motion is a request to extend by 90 days the time within which the Commission has to render a decision in this proceeding. Vice-Chair Contrades noted that a motion such as this must be considered by at least two-thirds of the membership of the Commission; and that since only 5 Commissioners were present, this matter would be deferred until the March 9-10 meeting

### **APPEARANCES**

William Yuen, Esq., represented Tropic Land LLC

Dawn Takeuchi-Apuna, Esq., represented City and County of Honolulu,  
Department of Planning and Permitting

Mike Watkins, City and County of Honolulu, Department of Planning and Permitting

Bryan Yee, Esq., represented State Office of Planning

Ruby Edwards, State Office of Planning

Martha Townsend, Esq., represented Intervenor- Concerned Elders of Wai`anae

Alice Greenwood, Concerned Elders of Wai`anae

Vice-Chair Contrades updated the record and announced that since this was a posted agenda item, public testimony would be taken.

#### PUBLIC WITNESSES

None

Vice-Chair Contrades asked if the Parties had any comments on this agenda item. There were no comments by the Parties.

Vice-Chair announced that the Docket would be deferred till the March 9-10 meeting date. Executive Officer Davidson reminded the Parties that their proposed findings of fact, conclusions of law, and decisions and orders were due on Monday, February 28, 2011.

The Commission went into recess at 9:42 a.m. and reconvened at 9:44 a.m.

#### LEGISLATIVE UPDATE

Executive Officer Davidson and Mr. Derrickson distributed a chart identifying bills of interest and their status, and presented the LUC staff report on legislative updates to the Commission. Mr. Davidson stated that the first major legislative deadline had recently passed and monitoring on pertinent bills would continue. Mr. Davidson described the methodology that he was using to track the various bills of interest. By consensus, the Commission agreed that the LUC should testify in opposition to HB627- an agricultural tax credit. Mr. Davidson and Mr. Derrickson identified other bills that might require action if they advance.

Mr. Derrickson explained the notations made on the chart and what their relevance was to the Commission. Mr. Davidson summarized the remaining bills and discussion ensued to clarify how the bills originated, what their

contents were, how the bills were progressing through committees and what, if any, action would be taken on them.

Mr. Davidson stated that he expected a drop-off in monitoring activity after legislative crossover, and that Chapter 343 items would be added as necessary to the tracking matrix.

There were no further questions, comments or discussion.

There being no further business, Vice-Chair Contrades adjourned the meeting at 9:54 a.m. and announced the details for the afternoon site visit at 1:30 p.m.