

LAND USE COMMISSION
MEETING MINUTES

January 23, 2015

8:45 a.m.

Leiopapa A Kamehameha Building, Room 405
235 South Beretania Street
Honolulu, HI 96813

COMMISSIONERS PRESENT: Chad McDonald
Edmund Aczon
Kent Hiranaga
Brandon Ahakuelo
Jonathan Scheuer
Aaron Mahi (arrived at 8:47 a.m.)
Arnold Wong

COMMISSIONERS EXCUSED: Sandra Song
Neil Clendeninn

LUC STAFF PRESENT: Daniel Orodener, Executive Officer
Diane Erickson, Deputy Attorney General
Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Holly Hackett

AUDIO TECHNICIAN: Walter Mensching

CALL TO ORDER

Chair McDonald called the meeting to order at 8:45 a.m.

APPROVAL OF MINUTES

Chair McDonald asked if there were any corrections or additions to the December 10, 2014 minutes. There were none. Commissioner Wong moved to approve the minutes. Commissioner Aczon seconded the motion. The minutes were unanimously approved by voice vote (6-0).

TENTATIVE MEETING SCHEDULE

Executive Officer Orodener provided the following:

- The regular tentative meeting schedule has been distributed in the handout material for the Commissioners.
- February 4, 2015 is planned for site visits for DR14-52 Petition for Declaratory Order.
- February 18, 2015 is planned for hearing DR14-52 Petition for Declaratory Order to designate Important Agricultural Lands for Kamehameha Schools.
- March 4, 2015 is planned for A89-643 McClean Honokohau Properties (Kona) - Motion to Amend Conditions and March 5, 2015 is the tentative meeting date for SP15-405 Waiawa PV, LLC. (Dependent upon receipt of complete record from the City and County of Honolulu).
- March 25, 2015 is also reserved for addressing SP15-405 if needed.
- Above dates represent the tentative calendar of meetings and are subject to change.
- Any questions or conflicts, please contact LUC staff.

A92-683 HALEKUA DEVELOPMENT CORPORATION (O`AHU)

Chair McDonald announced that this was an action meeting on A92-683 Halekua Development Corporation (O`ahu) to consider:

1. Successor Petitioner'(To Parcel 52) Ho`ohana Solar 1, LLC's Request to Withdraw Ho`ohana's Motion for Order Bifurcating the Amended Findings of Fact, Conclusions of Law and Decision and Order dated October 1, 1996
2. Adoption of Order Granting Successor Petitioner'(To Parcel 52) Ho`ohana Solar 1, LLC's Motion for Order Amending Amended Findings of Fact, Conclusions of Law and Decision and Order dated October 1, 1996

APPEARANCES

Steven Lim, Esq., Successor Petitioner (Petitioner) Ho`Ohana Solar 1 LLC's Representative
 Onaona Thoene, Esq., Ho`Ohana Solar 1 LLC's (Ho`Ohana) Representative
 Ann Bouslag, Ho`Ohana
 Richard Lewallen, Esq., Deputy Corporation Counsel, Department of Planning and Permitting, City and County of Honolulu (DPP)
 Mike Watkins, Planner, DPP
 Bryan Yee, Esq., represented State Office of Planning (OP)
 Rodney Funakoshi, Land Use Administrator, OP

Chair McDonald updated the record, described the procedures for the day and asked if there were any public witnesses for Docket No. A97-683. There were no questions or comments on the procedures for the day.

PUBLIC WITNESSES

None

Chair McDonald stated that at the November 21, 2014 hearing Ho`ohana indicated that it was withdrawing its Motion for Order Bifurcating the Amended Findings of Fact, Conclusions of Law, and Decision and Order and that subsequently, a written request to withdraw that

motion was filed by Ho`ohana with the LUC on November 24, 2014. Chair McDonald noted that since the request to withdraw was not accompanied by a request for hearing, no opposition had been filed by any other party, and the request to withdraw that motion did not finally dispose of the proceeding, he would treat the request to withdraw the motion to bifurcate as a motion under the Commission's rule section 15-15-70, HAR, and as authorized by that rule, he would grant the request to withdraw the motion to bifurcate.

Chair McDonald then addressed the Adoption of Order Granting Successor Petitioner (To Parcel 52) Ho`ohana Solar 1, LLC's Motion for Order Amending Amended Findings of Fact, Conclusions of Law and Decision and Order dated October 1, 1996, and read the major differences between the Proposed Order stipulated between Ho`ohana and OP and the final order presented to the Commissioners into the record.

DECISION MAKING

Commissioner Wong moved to adopt the form of the Order and described by Chair McDonald, and grant Ho`ohana's Motion to authorize the interim use of Parcel 52 as a solar farm, including all related utility and other infrastructure for an operational period, excluding decommissioning, not to exceed 35 years from the date of this Findings of Fact, Conclusions of Law and Decision and Order, and subject to the conditions imposed herein. Commissioner Mahi seconded the Motion.

There was no discussion.

The Commission unanimously voted (7-0-2 excused) to adopt the form of the Order. There were no questions. Mr. Lim and Ms. Bouslag thanked the Commission for its consideration.

APPOINTMENT OF LEGISLATIVE COMMITTEE

Chair McDonald announced that the next agenda item was an action item regarding the appointment of an LUC Legislative committee to monitor and address Legislative activity that might concern the LUC. Chair McDonald shared his perspective on why a legislative committee was necessary and directed Mr. Orodener to provide additional details of why the committee was needed, how many Commissioners would be involved, what its duties would be required, and how it was expected to perform on behalf of the Commission during the Legislative session.

There was a brief discussion to further clarify the purpose, responsibilities and authority that the Legislative committee would have and how it would function.

Commissioner Ahakuelo moved to nominate Chair McDonald and Commissioner Wong to serve on the committee. Chair McDonald and Commissioner Wong acknowledged that they were willing to serve on the committee. There was additional discussion to clarify how communication and direction to the Executive Officer and the Commission would be handled. Commissioner Aczon seconded the Motion

The Commission voted unanimously (7-0 with 2 excused) in favor of the Motion.

There were no additional questions or comments regarding this matter.

There being no further business, Chair McDonald adjourned the meeting at 9:20 a.m.