

LAND USE COMMISSION
MEETING MINUTES
December 22, 2016 – 9:00 a.m.
Airport Conference Center, Meeting Room #3
400 Rodgers Boulevard, Suite 700,
Honolulu, HI 96819

COMMISSIONERS PRESENT: Edmund Aczon
Kent Hiranaga
Arnold Wong
Nancy Cabral
Linda Estes
Aaron Mahi
Jonathan Scheuer (excused by Chair to leave meeting at
9:54 a.m.)
Gary Okuda
Dawn Chang

COMMISSIONERS EXCUSED: None

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

COURT REPORTER: Priscilla Gonzaga

CALL TO ORDER

Chair Aczon called the meeting to order at 9:00 a.m.

APPROVAL OF MINUTES

Chair Aczon asked if there were any corrections or additions to the November 22nd, 2016 minutes. There were none. Commissioner Estes moved to approve the minutes and Commissioner Mahi seconded the motion.

The minutes were unanimously approved by voice vote.

TENTATIVE MEETING SCHEDULE

Executive Officer Orodenker provided the following:

- The regular tentative meeting schedule has been distributed in the handout material for the Commissioners for the following dates and docket numbers.

- o JAN 18- A15-798 Waikapu Country Town – EIS accept & Adoption of EIS orders
 - o JAN 19 A17-802 Consider Petition to Intervene
 - o JAN 25- Adopt Form of the Order A15-798.
 - o FEB 8-9- Hearing on A17-802 County of Kauai Housing Agency Lima Ola - 201H project
 - o FEB 22-- Adoption of Form of the Order A17-802 County of Kauai Housing Agency Lima Ola 201 H project order and DR16-55 OP Declaratory Ruling for solar
 - o MAR 8-9 – Hearing on A94-706 Ka`ono`ula Ranch
 - o MAR 22-23 –Hearing on A16-800 Island School and A16-801 University of Hawaii Community Colleges- Kaua`i DBAs
 - o APR 12-13- A89-649 Lanai Remand –LUC consideration of Hearings Officer’s recommended D&O and arguments on exceptions thereto
 - o APR 26-27- A94-706 Ka`ono`ula Ranch – Motion to Amend
 - o MAY- SP09-403 Waimanalo Gulch-
 - o JUN- Big Island Motions
- Any questions or conflicts, please contact LUC staff.

Commissioner Wong moved to amend the agenda to add an Executive Session as Item V. Commissioner Scheuer seconded the motion. By unanimous voice vote, the Commission approved the motion to add an Executive Session to consult with the board’s attorney in regards to Commission’s powers, duties, privileges, immunities, and liabilities in regards to a recent Op-Ed newspaper article on the Commission. Chair Aczon proceeded to the next agenda item, Docket No. DR16-57 University of Hawaii Community Colleges (Kaua`i).

ACTION

DR16-58 County of Kaua`i Housing Agency (Kaua`i)

To consider Petition for a Declaratory Order Regarding the Waiver of Section of Section 15-15--50 (c) (20)Of the Hawai`i Administrative Rules, in Relation to a Petition to be filed under Hawai`i Revised Statutes Section 201H-38 for Reclassification of Land situated at ‘Ele’ele, Kaua`i, Hawai`i; consisting of approximately 75 acres, Tax Map Key No. (4) 2-1-001:054

APPEARANCES

James Mee, Esq. and Sarah Simmons, Esq., Petitioner Representatives, County of Kauai Housing Agency ("CKHA")

Kaua`i County Planning Department provided notice of no objection to the Petition and non-appearance for this meeting

Dawn Takeuchi Apuna, Esq. for State Office of Planning (“OP”)

Chair Aczon updated the record and asked if there was any public testimony.

PUBLIC TESTIMONY

There was no Public Testimony

PETITIONER PRESENTATION

Mr. Mee provided a brief history and background summary on the Petition and argued why the Declaratory Order should be granted.

Commissioner Chang requested clarification on the scope of the waiver being requested by the Petitioner. Mr. Mee described the specifics of what was being requested in the waiver and how granting the waiver would allow the County greater flexibility in accomplishing its project goals. There were no further questions from the Commissioners.

Chair Aczon inquired whether OP had any public testimony. Ms. Apuna replied that OP had no opposition to the Petition.

There were no further questions for Mr. Mee or OP.

ACTION

Commissioner Estes moved to grant the petition for declaratory order. Commissioner Chang seconded the motion. There was no further discussion.

Chair Aczon asked Mr. Orodenker to poll the Commission. The Commission unanimously voted to grant the petition for declaratory order.

Ms. Apuna inquired what the anticipated filing schedule for documents would be for A17-802 Kaua'i County Housing Agency –Lima Ola 201H Project. Mr. Orodenker replied that LUC staff would advise the Parties once the schedule was finalized.

Chair Aczon entertained a Motion for an Executive Session. Commissioner Wong moved and Commissioner Mahi seconded the Motion to enter Executive Session.

The Commission entered Executive Session at 9:17 a.m. and reconvened the regular meeting at 10:12 a.m. (Commissioner Scheuer was excused by the Chair to leave the meeting at 9:54 a.m. during the Executive Session.)

Chair Aczon stated the Commission had consulted with its attorney regarding the appropriate manner to respond to a newspaper editorial; and that the Commission had voted to authorize LUC staff to respond to the article about the LUC in the Star Advertiser on December 20th, 2016.

There being no further business to address, Chair Aczon adjourned the meeting at 10:13 a.m.