

LAND USE COMMISSION
MEETING MINUTES

June 28, 2017

9:30 a.m.

County of Kaua'i Moikeha Building Conference Room 2A/2B
4444 Rice Street, Lihu'e, Kaua'i, Hawai'i, 96766

COMMISSIONERS PRESENT: Edmund Aczon
Gary Okuda
Arnold Wong
Jonathan Scheuer
Linda Estes
Nancy Cabral
Dawn Chang

COMMISSIONERS EXCUSED: Aaron Mahi
Lee Ohigashi (appointed but not sworn in yet)

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

COURT REPORTER: Jean McManus

CALL TO ORDER

Chair Aczon called the meeting to order at 9:30 a.m.

APPROVAL OF MINUTES

Chair Aczon asked if there were any corrections or additions to the May 31, 2017 minutes and the June 14, 2017 site visit minutes. There were no corrections or comments. Commissioner Estes moved to approve the May 31, and June 14, 2017 minutes. Commissioner Cabral seconded the motion. The minutes were unanimously approved by voice vote (7-0-2 excused).

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.
 - JUL 19-20- Adoption of Order-A17-802 on Kauai and A94-706 Ka`ono`ulu Ranch FEIS acceptance on Maui.
 - JUL 26- A16-800 Island School and A16-801 UHCC- (Kauai) and A96-706 Honua`ula (Maui) –LUC accepting authority for EISPN
 - AUG 9- Solar Special Permits (SP15-405 & SP15-406 on Oahu)
 - AUG 10- Adopt Order A16-800 and A16-801 (Kauai)
 - AUG 23- A15-760 Pukalani Associates, LLC- Motion for Extension of time (Maui)
 - SEP 6-7- A15-798 Waikapu Town –DBA and adopt Oahu Special Permits (meeting on Maui)
 - SEP 20-22- HCPO on Oahu
- Any questions or conflicts, please contact LUC staff.

There were no questions or comments.

HEARING AND ACTION

A17-802 County of Kaua`i Housing Agency- Lima Ola HRS 201H Project
 Petition of COUNTY OF KAUA`I HOUSING AGENCY To Amend the Agricultural Land Use District Boundaries into the Urban Land Use District for certain lands situated at ‘Ele’ele, Kaua`i, Hawai`i; consisting of approximately 75 acres, Tax Map Key No. (4) 2-1-001:054

Chair Aczon stated that this was a hearing and action meeting on Docket No. A17-802.

APPEARANCES

David Minkin Esq. and Kelsey Yamaguchi, Esq., Counsel for County of Kauai Housing Agency (“CKHA”)

Kanani Fu, Director, CKHA

Matthew Bracken, Esq. Deputy Corporation Counsel, for County Planning Department (“County”)

Michael Dahilig, Director, County

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

Rodney Funakoshi, Land Use Administrator, OP
Intervenor- Jean Nishida-Souza (“Intervenor”)

Chair Aczon updated the record, and described the procedures for the hearing. There were no questions or comments on the procedures.

Chair Aczon called for public witnesses and swore each witness in before they began their testimony.

PUBLIC WITNESSES:

1. Kaua`i Mayor Bernard Cravalho
Mayor Cravalho described why he supported the proposed project.
There were no questions for Mayor Cravalho.
2. Milani Pimental- Kaua`i Habitat for Humanity
Ms. Pimental provided her reasons for supporting the proposed project.
There were no questions for Ms. Pimental.
3. Mahina Angway- Waimea High School Principal
Ms. Angway shared her reasons for supporting CKHA’s petition.
Ms. Angway provided clarification to her testimony to Commissioners
Estes, Okuda, Scheuer and Chang.
4. Paul Zina- Ele`ele Elementary School Principal
Mr. Zina described why he supported the proposed project.
Mr. Zina provided clarification to his testimony to Mr. Minkin, Ms. Souza,
and Commissioners Cabral and Okuda.
5. Maka`ala Ka`aumoana
Ms. Ka`aumoana shared her reasons for opposing the proposed project.
Ms. Ka`aumoana provided clarification on her opposition to Mr. Minkin,
Mr. Bracken and Ms. Souza.

The Commission went into recess at 10:30 a.m. and reconvened at 10:38 a.m.
Chair Aczon continued receiving public testimony after reconvening the meeting.

6. Susan Romoaldo

Ms. Romoaldo shared her concerns regarding the proposed project and provided clarification to her testimony to Mr. Bracken and Commissioners Estes, Scheuer, Cabral and Chang.

7. Wilma Holi

Ms. Holi submitted written testimony and described her opposition to the Petition.

Ms. Holi provided clarification to her testimony to Mr. Minkin and Commissioners Scheuer, Chang, Cabral. Ms. Souza commented that one of the exhibits contained an aerial photo that was available for Ms. Holi to refer to.

8. Wayne Souza- Hanapepe Community Association Representative

Mr. Souza submitted written testimony and shared his organization's concerns regarding the proposed project and conditions associated with the proposed conditions contained in the proposed Decision and Order.

Mr. Minkin expressed his concerns that Mr. Souza's testimony addressed matters outside the scope that his wife, Intervenor Jean Souza, had agreed to. Ms. Souza argued that Mr. Souza's testimony was as a public witness and not as Intervenor's Witness. Chair Aczon allowed Mr. Souza to conclude his testimony.

Mr. Souza provided clarification of his testimony to Commissioner's Cabral and Chang.

9. Councilmember Joann Yukimura

Ms. Yukimura submitted written testimony and described her concerns regarding the proposed project. Ms. Yukimura provided clarification of her testimony to Mr. Minkin, Mr. Bracken, Ms. Takeuchi-Apuna and Commissioners Estes, Wong, Scheuer, Cabral, Okuda and Chang. Mr. Minkin stated that the correct price estimate for a water tank resource unit was \$700,000 and not the \$7 million dollar amount that Ms. Yukimura was using in her testimony.

The Commission went into recess at 12:07 p.m. and reconvened at 1:10 p.m. Chair Aczon continued receiving public testimony after reconvening the meeting.

10. Councilmember Ross Kagawa

Mr. Kagawa shared his reasons for supporting the proposed project and provided clarification of his testimony to Commissioners Cabral, Okuda, Scheuer, and Chang. Intervenor Souza asked if Mr. Kagawa was aware that the County had purchased the land where the proposed project was to be built and that funds had

been exchanged to obtain the property. Mr. Kagawa acknowledged that the County had purchased the land for the proposed project.

11. Councilmember Mel Rapozo

Mr. Rapozo provided a brief history of the role that the County Council had in initiating the proposed project and described why he supported the proposed project. There were no questions for Mr. Rapozo.

12. Councilmember Arthur Brun

Mr. Brun shared his reasons for supporting the proposed project and provided clarification of his testimony to Commissioners Cabral and Okuda.

13. Ken Taylor

Mr. Taylor submitted written testimony and described why he opposed the proposed project. Mr. Taylor provided clarification on his testimony to Mr. Minkin and Commissioners Estes and Cabral.

14. Kirk Saiki- Kaua`i County Department of Water Supply

Mr. Saiki described why no improvements to the existing water supply infrastructure were required for phase I of the proposed project and provided clarification of his testimony to Intervenor Souza and Commissioners Wong, Scheuer, Chang, Cabral, and Estes. Mr. Minkin requested additional clarification on what reservoirs might be involved. Mr. Saiki provided his understanding of what reservoirs were included.

15. Delilah Pundyke

Ms. Pundyke described why she supported the proposed project and provided clarification of her testimony to Commissioners Estes, Cabral and Chang.

16. Fred Cowell- Kaua`i Coffee

Mr. Cowell described what his company's role was during the initial planning phases of the proposed project and how its operations would function during the transition from agriculture to urban if the petition for land use designation change was approved. Mr. Cowell provided clarification of his testimony to Mr. Minkin, Intervenor Souza and Commissioners Okuda, Scheuer, and Chang.

Mr. Cowell asked and was granted permission by Chair Aczon to read the written testimony submitted by Randy Francisco in support of the petition. There were no further questions for Mr. Cowell.

Chair Aczon stated that the Public Witness Testimony phase of the proceedings was concluded and declared a recess at 2:25 p.m.

ADMISSION OF EXHIBITS

The meeting reconvened at 2:38 p.m. and Chair Aczon requested that the Parties offer their exhibits for the record.

Chair Aczon asked if the Parties had any Exhibits to be entered into evidence.

Mr. Minkin stated that the Parties had orally stipulated to admit all of their respective exhibits into evidence, and to also admit all identified witnesses as experts in their respective subject areas for these proceedings. Chair Aczon asked if the Parties concurred with Mr. Minkin's statement. The Parties agreed that they concurred.

PRESENTATIONS

Chair Aczon called for the Parties to make their presentations.

Petitioner

Mr. Minkin's opening statement summarized the reasons why the Petition should be granted and he presented his witnesses.

Petitioner Witnesses

1. Thomas Holliday- Marketing Study (Expert Witness)

Mr. Holliday, after being sworn in, described his and his company's professional roles in assisting in the preparation the market and econometric studies for the proposed project. Mr. Holliday provided clarification on this testimony to Ms. Souza and Commissioners Scheuer and Cabral.

2. Cathleen Dagher- Archaeologist- Scientific Consultant Services, Inc. (Expert Witness)

Ms. Dagher, after being sworn in, summarized her professional contributions to the Cultural Impact Assessment for the Petition Area and described her findings and conclusions for the Commission. Ms. Dagher responded to questions from Commissioners Chang, Scheuer, Estes and Okuda.

Chair Aczon declared a recess at 3:33 p.m. and reconvened the meeting at 3:43 p.m. with the continued questioning of Ms. Dagher.

Ms. Dagher provided additional clarification of her testimony to Mr. Minkin and Commissioners Chang and Cabral.

3. Travis Braswell- Traffic Engineer (Expert Witness)

Mr. Braswell, after being sworn in, summarized his traffic study report for the Commission and provided clarification of his testimony to Intervenor Souza and Commissioners Scheuer, Chang and Mr. Minkin.

4. Max Solmssen – Project Engineer (Expert Witness)

Mr. Solmssen described his role in the preparation of the Environmental Assessment and Sustainability Plan for the Petition and provided clarification of his testimony to Intervenor Souza and Commissioners Okuda, Scheuer and Chang.

Discussion ensued to determine areas of concern that the Commissioners would like more information on and whether the proceedings should continue if OP were not present (OP had a flight to catch). Chair Aczon stated that the proceedings would recess when OP left and that he would resume with the continued questioning of Mr. Solmssen on July 29th. Commissioner Okuda requested that the Parties address at some point in the proceeding whether the standards for a *Kapa`akai* analysis had been met for the record and whether or not additional findings needed to be made to satisfy agency requirements for HRS 201H-38 (a) (1).

Chair Aczon declared a recess of the proceedings at 4:22 p.m. and stated that the meeting would resume in the Moikeha Room at 9:00 a.m., June 29, 2017.



