

LAND USE COMMISSION
MEETING MINUTES

October 31, 2019 – 9:00 a.m.

Pursuant to HRS § 92-3.5, the Commission will hold meetings simultaneously by interactive conference technology.

A participating Commissioner will be in attendance at each designated location
Members of the public may participate in the meetings at the following Video
Conference Centers

- **Maui**: Wailuku State Office Building, 54 South High Street, Wailuku, HI 96793
- **O`ahu**: Kalanimoku Bldg., 1151 Punchbowl St., Department of Land and Natural Resources Conference Room #132, Honolulu, HI 96813
- **Hawai`i**: Hilo State Office Bldg., 75 Aupuni Street, Hilo, HI 96720
- **Kaua`i**: Lihue State Office Bldg., 3060 Eiwa Street, Lihue, HI 96766

COMMISSIONERS PRESENT: Edmund Aczon (on O`ahu)
Arnold Wong (on O`ahu)
Jonathan Scheuer (on O`ahu)
Dawn Chang (on O`ahu)
Gary Okuda (on O`ahu)
Nancy Cabral (on Hawai`i)
Dan Giovanni (on Kaua`i)
Lee Ohigashi (on Maui)

COMMISSIONERS EXCUSED None (8 sitting Commissioners)

COURT REPORTER: Jean McManus (on O`ahu)
LUC STAFF PRESENT: Daniel Orodener, Executive Officer (on Oahu)
Patricia Ohara, Deputy Attorney General (on Oahu)
Bert Saruwatari, Staff Planner (on Oahu)
Riley Hakoda, Staff Planner/Chief Clerk (on Hawai`i)
Ariana Masuoka, Secretary (on O`ahu)

CALL TO ORDER

Due to a catastrophic hardware equipment failure, the State of Hawaii audio-visual internet connection was declared inoperable after extensive trouble-shooting and attempted repairs prior to and after the scheduled 9:00 a.m. start of the meeting. The Commission was able to establish an interactive tele-conference network system with audio only instead to conduct its business. Chair Scheuer called the meeting to order at 10:28 a.m.

APPROVAL OF MINUTES

Chair Scheuer stated that the October 24-25, 2019 meeting minutes were not ready and called for the tentative meeting schedule.

TENTATIVE MEETING SCHEDULE

Executive Officer Orodener stated that there were no changes to the tentative meeting schedule that had been discussed at the previous meeting.

There were no questions or comments on the schedule.

MOTION TO TAKE AGENDA ITEM #V OUT OF ORDER

Chair Scheuer stated that due to an internet outage at the office of the LUC staff, the order for Docket No. DR19-67 was not processed in time for the meeting and Commission staff had requested to have the agenda revised to address this situation.

Chair Scheuer sought the pleasure of the Commission. Commission Cabral moved, and Commissioner Okuda seconded the motion to take Agenda Item #V out of order.

There was no discussion. By a unanimous (8-0) vote, the Commission moved to take Agenda Item #V out of order.

Chair Scheuer asked if there were any Public Witnesses for DR19-67. There were none.

MOTION TO DEFER ADOPTION OF ORDER FOR DR19-67

Chair Scheuer stated that he would entertain a motion for deferring the adoption of the order for DR19-67 to the LUC meeting on November 20, 2019 on Oahu.

Commissioner Okuda moved, and Commissioner Giovanni seconded the motion to defer the adoption of the order for DR19-67 till the LUC meeting on November 20, 2019 on Oahu.

There was no discussion. By a unanimous (8-0) vote, the Commission moved to take Agenda Item #V out of order.

Chair Scheuer moved on to the next agenda item.

ADOPTION OF ORDER

SP09-403 DEPARTMENT OF ENVIRONMENTAL SERVICES (WAIMANALO GULCH SANITARY LANDFILL REMAND)

- Adoption of the Form of the **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER APPROVING THE CONSOLIDATED APPLICATIONS OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU, FOR A NEW SPECIAL USE PERMIT TO SUPERSEDE EXISTING SPECIAL USE PERMIT TO ALLOW A 92-5-ACRE EXPANSION AND TIME EXTENSION FOR WAIMĀNALO GULCH SANITARY LANDFILL (“WGSL”) AND TO MODIFY LAND USE COMMISSION ORDER ADOPTING THE CITY AND COUNTY OF HONOLULU PLANNING COMMISSION’S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER WITH MODIFICATIONS**

Chair Scheuer called for the Parties to identify themselves.

APPEARANCES

Kamilla Chan, Esq., represented City and County of Honolulu, Department of Environmental Services (ENV)

Chris Goodin, Esq., represented Intervenors-the Ko Olina Community Association and Senator Maile Shimabukuro (KOCA)

Richard Wurdeman, Esq., represented Intervenor Hanabusa (HNB) (Mr. Wurdeman appeared on time for the 09:00 start of the meeting, but departed due to the indefinite delay of the meeting start time)

Bryan Yee, Esq., represented State Office of Planning (OP)

Chair Scheuer called for Public Testimony.

PUBLIC TESTIMONY

1. Katherine Kamada

Ms. Kamada stated that she opposed landfills in her community and shared her reasons for taking that position.

Commissioner Okuda inquired about Ms. Kamada background and familiarity with the WSGL situation. Ms. Kamada responded that she had been an educator and described why she opposed landfills.

Chair Scheuer commented that the purpose of the meeting was to adopt the form of the order for the Special Permit for the WSGL that was a result of a previous meeting on the matter.

There were no further questions for Ms. Kamada.

2. Lily Cabinatan

Ms. Cabinatan stated that she also shared Ms. Kamada's perspective on landfills and described the landfill problems that she felt were affecting her community.

Commissioner Okuda commented that he appreciated her testimony.

There were no other public witnesses.

DELIBERATIONS

Chair Scheuer stated that the Commission would begin deliberations and took a roll call of the attending Commissioners to confirm that they were ready to participate in deliberations.

All attending Commissioners responded that they were ready to participate. Chair Scheuer sought the pleasure of the Commission.

Commissioner Okuda moved to adopt the form of the order with a modification to Condition 16 to read "the Commission shall have a public hearing every three months in either Wai`anae, Māili, or Nānakuli to report on the status of their efforts to either reduce or continue the use of the WSGL". Commissioner Cabral seconded the Motion.

Chair Scheuer called for discussion on the Motion.

Commissioner Okuda spoke in favor of the Motion and described how the record supported the proposed Findings of Fact, Conclusions of Law and Decision and Order; and described his reasons for making the modification to the initial proposed order.

Commissioner Chang stated that she appreciated Commissioner Okuda's modification.

Chair Scheuer described how he had voted when the Special Permit was under consideration by the Commission and why he was in favor of adopting the form of the order.

Commissioner Okuda stated how he shared Chair Scheuer's concern about the City and County permitting process and understood why Chair Scheuer had voted against adopting the County's application.

There were no further comments.

Chair Scheuer directed Mr. Orodener to poll the Commission.

The motion was unanimously approved (8 ayes-0 nays).

Chair Scheuer asked if there was any further business to address.

There was none.

Chair Scheuer stated that the November 20-21 LUC meeting would require that the Commission provide meals for a "working lunch" as an integral part of the meeting due to the remote locales of the meeting facilities and directed LUC staff to make the necessary arrangements. Mr. Orodener acknowledged the Chair's request.

Chair Scheuer adjourned the LUC meeting from Honolulu at 10: 56a.m.