

LAND USE COMMISSION
MEETING MINUTES

October 4, 2013 – 9:30 a.m.

The Meeting was held at the following Video Conference Centers simultaneously:
O`ahu- Kalanimoku Building, 1151 Punchbowl Street, Room B10, Honolulu, Hawai`i, 96813
Maui- Wailuku Judiciary Building, 2145 Main Street, First Floor, Wailuku, HI, 96793

COMMISSIONERS PRESENT: Chad McDonald (on O`ahu)
Lance Inouye (on O`ahu)
Ronald Heller (on O`ahu)
Carol Torigoe. (on O`ahu)
Kyle Chock (on O`ahu) (arrived at 9:33 a.m.)
Dennis Esaki (on O`ahu)
Sheldon Biga (on Maui)

COMMISSIONERS EXCUSED: Ernest Matsumura

STAFF PRESENT: Daniel Orodener, Executive Officer (on O`ahu)
Bert Saruwatari, Staff Planner (on O`ahu)
Scott Derrickson, Staff Planner (on O`ahu)
Diane Erickson, Deputy Attorney General (on O`ahu)
Riley Hakoda, Staff Planner/Chief Clerk (on O`ahu)

COURT REPORTER: Holly Hackett (on O`ahu)

CALL TO ORDER

Chair Heller called the meeting to order at 9:31 a.m.

APPROVAL OF MINUTES

Chair Heller asked if there were any corrections or additions to the September 5-6, 2013, minutes. There were none. Commissioner Biga moved to approve the minutes. Commissioner Esaki seconded the motion. The minutes were unanimously approved by a voice vote (6-0).

TENTATIVE MEETING SCHEDULE

Executive Officer Orodenker provided the following:

- The tentative LUC meeting schedule has been distributed in the handout material for the Commissioners.
- The October 17, 2013 meeting is scheduled on Maui for oral argument and deliberation for A10-787 Maui R&T Partners, LLC and A13-797 CMBY 2011 Investment, LLC, and action on A84-585 Maui Economic Development Board, Inc.
- October 18th has nothing currently scheduled.
- A hearing on Defend Oahu's motion for an order to show cause for Docket No. A84-595 Kuilima Development is scheduled for November 7 -8, 2013, in Honolulu and on November 21-22 if necessary.
- Any questions or conflicts, please contact LUC staff

There were no questions or comments regarding the tentative meeting schedule.

ACTION

A92-683 Halekua Development (Oahu)

Chair Heller announced that this meeting was to adopt the form of the order regarding Docket No. A92-683 Halekua Development and confirmed with the Commissioners and meeting attendees that they were present and at what locale for the record.

APPEARANCES

Curtis Tabata, Esq., represented Petitioner Canpartners IV Royal Kunia Property, LLC ("Petitioner")

Richard Riegels, Stanford Carr Development Representative

Dawn Takeuchi-Apuna, Deputy Corporation Counsel, represented the City and County of Honolulu, Department of Planning and Permitting ("DPP")

Mike Watkins, DPP

OP-No representative present

Chair Heller updated the record, described the procedures to be followed for the day and called for Public Witnesses.

PUBLIC WITNESSES

There were no Public Witnesses.

ADOPTION OF THE FORM OF THE ORDER

Chair Heller asked the Commission what its pleasure was. Commissioner McDonald moved to approve the form of the order as presented by LUC staff. Commissioner Chock seconded the motion. There was no discussion.

The Commission voted unanimously (7-0) to approve the form of the order.

There were no further questions or comments regarding business on Docket No. A92-683.

ADMINISTRATIVE RULES

Chair Heller requested that Executive Officer Orodener describe and explain the details of the final form of the proposed amendments to the LUC Administrative Rules that the Commission was considering to approve for submission to the Governor. Executive Officer Orodener summarized the results of the public hearings conducted by LUC staff and described the comments provided by the City and County of Honolulu, Department of Planning and Permitting and how LUC staff had evaluated and utilized them.

Commissioner Biga moved to approve the proposed motion and Commissioner Esaki seconded the motion.

Discussion

Commissioner Inouye inquired if anyone had any problems with the final version of the proposed amendments to the LUC Administrative Rules. Ms. Takeuchi-Apuna commented that she had not seen the latest revision to the proposed amendments. Discussion occurred to clarify that the latest version of the rules had been posted to the LUC website for public review. Executive Officer Orodener provided further details on how the LUC had sought and obtained comments from various State agencies; and how the proposed amendments were modified to address the various agency concerns.

There were no further questions or comments regarding the proposed amendments to the LUC Administrative Rules to be presented to the Governor. Chair Heller asked Executive Officer Orodener to state the motion. Mr. Orodener stated that the Motion was for the Commission "to approve the draft rules of practice and procedure, that they be accepted as a substantive final draft and to authorize staff to transmit the rules to the Governor for final approval and adoption. Staff is further authorized to make non-substantive changes to the draft rules to correct typographical

errors, conform language and format and to make other minor non-substantive changes it deems necessary”.

Chair Heller asked if Commissioners Biga and Esaki concurred and accepted Mr. Orodener’s representation of the Motion before the Commission. Commissioner Biga acknowledged that Mr. Orodener’s statement was accurate and reaffirmed his motion to approve the proposed amendments. Commissioner Esaki also acknowledged the accuracy of the stated motion and seconded Commissioner Biga’s motion again. There was no discussion.

The Commission voted unanimously (7-0) to approve the final form of the proposed amendments to the LUC Administrative Rules for submission to the Governor.

There were no further questions or comments regarding the LUC Administrative Rule proposed amendments.

Commissioner Inouye moved to adjourn the meeting and Commissioner Biga seconded the motion. By a unanimous voice vote, the Commission elected to adjourn (7-0).

Chair Heller declared the meeting adjourned at 9:46 a.m.