

LAND USE COMMISSION

MEETING MINUTES

June 27, 2019 – 09:00 a.m.

The Meeting was held at the following Video Conference Centers simultaneously:  
The Main Meeting Locale was on Maui for A07-773 Emmanuel Lutheran Church of Maui and on Hawai'i for A02-770 Shopoff Group (Kula Nei Partners, LLC)

**Video Conference Centers:**

Maui., 650 Palapala Drive, Kahului, HI 96732

O'ahu- Kalanimoku Bldg., 1151 Punchbowl St., Room #132, Honolulu, Hawai'i, 96813

Hawai'i- Hilo State Office Bldg., 75 Aupuni Street, Hilo, Hawai'i, 96720

COMMISSIONERS PRESENT: Edmund Aczon (on O'ahu)  
Aaron Mahi (on O'ahu)  
Jonathan Scheuer (on O'ahu)  
Dawn Chang (on O'ahu)  
Gary Okuda (on O'ahu)  
Arnold Wong (on O'ahu)  
Nancy Cabral (on Hawai'i)  
Lee Ohigashi (on Maui)

COMMISSIONERS EXCUSED Dan Giovanni (excused)

LUC STAFF PRESENT: Daniel Orodenker, Executive Officer (on Maui)  
Randall Nishiyama, Deputy Attorney General (on Oahu)  
Lori Tanigawa, Deputy Attorney General (on Oahu)  
Scott Derrickson, Staff Planner (on O'ahu)  
Riley Hakoda, Staff Planner/Chief Clerk (on Hawai'i))  
Rasmi Agrahari, Staff Planner (on O'ahu)  
Bert Saruwatari, Staff Planner (on O'ahu)  
Ariana Masuoka, Secretary (on O'ahu)

**CALL TO ORDER**

Due to technical difficulties, the video conference sites were delayed in connecting. LUC and ICSD personnel worked to resolve the problem and were able to restore the videoconference linkage.

Chair Scheuer called the meeting to order at 09:47 a.m.

**APPROVAL OF MINUTES**

Chair Scheuer asked if there were any corrections or additions to the May 22, 2019 meeting minutes and the June 6, 2019 site visit minutes. There were none. Commissioner Mahi moved to approve the minutes and Commissioner Okuda seconded the motion.

The minutes were unanimously approved by voice vote (8 ayes-0 nays- 1 excused).

Chair Scheuer called for the tentative meeting schedule for July and August.

**TENTATIVE MEETING SCHEDULE**

Executive Officer Orodener 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 10- KOA-Kailua-Kona, Hawai'i Island (NELHA) A06-767 Adoption of Order, A19-807 Pu'u Kaliu EIS Acceptance, A90-660 status report
  - JUL 11 -HNL DR19-66 Pōmaika'i Partners IAL and A05-758 Charitable Foundation Amend motion
  - JUL 24-TBD
  - JUL 25-Kauai- A17-803 Kealia
  - AUG 14-15- Oahu Commission Training
  - AUG 28-HNL-A87-610 Waiawa (Oahu)
  - AUG 29- A11-791 Hokua Place (Kauai)
- Any questions or conflicts, please contact LUC staff.

There were no questions or comments on the schedule.



Chair Scheuer stated that the next agenda item was an action item on Docket No. A07-773 Emmanuel Lutheran Church of Maui, with the proceedings to be based in the videoconference center on Maui and with Commissioner Ohigashi as the presiding officer for the Maui County matters.

Commissioner Ohigashi agreed to preside over the Maui County proceedings.

**ADOPTION OF ORDER (MAUI COUNTY BASED PROCEEDINGS)**

**A07-773 EMMANUEL LUTHERAN CHURCH OF MAUI ("ELC" (Maui))**

Consider Adoption of Order for:

- ELC Motion for Extension of Time to Complete Project and
- ELC Motion for Modification of Original Decision and Order dated March 7, 2008

**APPEARANCES**

Jennifer Lim, Esq. represented Emmanuel Lutheran Church of Maui (ELC) (on O`ahu)

Michael Reiley, ELC (on Maui)

Peter Horovitz, Esq., represented Intervenor Waikapu Development Venture LLC (WDV) (on Maui)

Tara Furukawa, Planner, County of Maui Planning Department (County- on Maui)

Michael Hopper, Esq., Deputy Corporation Counsel, represented County (on Maui)

Mary Alice Evans State Office of Planning (OP) (on O`ahu)

Rodney Funakoshi, OP (on O`ahu)

Lorene Maki, OP (on O`ahu)

Presiding Officer Ohigashi (on Maui) updated the record and explained the procedures to be followed for the proceedings. There were no questions, comments or objections to the procedures.

Presiding Officer Ohigashi called for Public Witnesses

**PUBLIC WITNESSES**

None

**Docket No. A07-773 EMMANUEL LUTHERAN CHURCH OF MAUI ("ELC" (Maui))'s**

- ELC Motion for Extension of Time to Complete Project and
- ELC Motion for Modification of Original Decision and Order dated March 7, 2008

Presiding Officer Ohigashi confirmed that all Commissioners were prepared to deliberate on the adoption of orders for Docket No. A07-773. All attending Commissioners acknowledged that they were prepared to deliberate.

Presiding Officer Ohigashi entertained a motion to adopt the form of the order.

Commissioner Okuda moved to adopt the form of the order and Commissioner Cabral seconded the motion. Presiding Officer Ohigashi had Mr. Orodener poll the Commission.

The form of the order was unanimously approved (8 ayes-0 nays- 1 excused). Presiding Officer Ohigashi moved on to the next agenda item.

**ADOPTION OF ORDER (MAUI COUNTY BASED PROCEEDINGS)**  
**A07-773 EMMANUEL LUTHERAN CHURCH OF MAUI (WAIKAPU**  
**DEVELOPMENT VENTURE, LLC (WDV)) (Maui)**

Consider adoption of order for:

- WDV Motion to Approve Sale of a Portion of the Petition Area
- WDV Motion to Allow for Subdivision of Petition Area
- WDV Motion for Modification to allow for use of portion of the Petition Area acquired for a work force housing project recently approved by the County of Maui and
- WDV Motion to Bifurcate

**APPEARANCES**

Jennifer Lim, Esq. represented Emmanuel Lutheran Church of Maui (ELC) (on O`ahu)

Michael Reiley, ELC (on Maui)

Peter Horovitz, Esq., represented Intervenor Waikapu Development Venture LLC (WDV) (on Maui)

Tara Furukawa, Planner, County of Maui Planning Department (County- on Maui)

Michael Hopper, Esq., Deputy Corporation Counsel, represented County (on Maui)

Rodney Funakoshi, State Office of Planning (OP) (on O`ahu)

Lorene Maki, OP (on O`ahu)

Presiding Officer Ohigashi (on Maui) updated the record and explained the procedures to be followed for the proceedings. There were no questions, comments or objections to the procedures.



Presiding Officer Ohigashi entertained a Motion to Adopt the Form of the Order for

**Docket No. A07-773 EMMANUEL LUTHERAN CHURCH OF MAU WAIKAPU  
DEVELOPMENT VENTURES, LLC ("WDV" (Maui)'s:**

- WDV Motion to Approve Sale of a Portion of the Petition Area
- WDV Motion to Allow for Subdivision of Petition Area
- WDV Motion for Modification to allow for use of portion of the Petition Area acquired for a work force housing project recently approved by the County of Maui and
- WDV Motion to Bifurcate

Commissioner Okuda moved to approve the form of the order and  
Commissioner Mahi seconded the motion. Presiding Officer Ohigashi had Mr.  
Orodenker poll the Commission.

The form of the order was unanimously approved (8 ayes-0 nays- 1 excused).

Presiding Officer Ohigashi asked if there was any more Maui County business.

There was none. Presiding Officer Ohigashi returned control of the proceedings to  
Chair Scheuer.

Chair Scheuer resumed proceedings from Oahu and stated that the next agenda item  
was an action item on Docket No. A06-770 Shopoff Group L.P. (Hawai'i); now known as Kula  
Nei Partners ("KNP") and that Vice Chair Cabral would be the presiding officer to handle the  
Hawai'i County matter starting at 10:30 a.m. and adjourned the Maui County portion of the  
meeting at 10:03 a.m..

**HAWAI'I COUNTY PORTION OF THE JUNE 27, 2019 LUC MEETING**

Chair Scheuer called the Hawaii County portion of the June 27, 2019 meeting to order at  
10:30 a.m. and stated that the next agenda item was an action item on Docket No. A06-770  
Shopoff Group L.P. and that Commissioner Cabral would be the Presiding Officer for the  
Hawai'i County matters.

Commissioner Cabral agreed to be the Hawai'i County Presiding Officer and stated that  
the next agenda item would be the adoption of order for Docket No. A06-770.

**ACTION**

**A06-770 Shopoff Group L.P. (HAWAI'I)**

Adoption of the form of the Findings of Fact, Conclusions of Law, and Decision and Order  
Reverting the Petition Area

**APPEARANCES**

LUC Meeting Minutes (*Please refer to LUC transcript for more details on this matter*)

June 27, 2019

Nohea Baptista, Petitioner (KNP) (on Hawai'i)  
Robert E. Lee, Jr., Petitioner, KNP (on Hawai'i)  
Duane Kanuha, County of Hawaii Planning Department (County) (on Hawai'i)  
Ron Kim Esq., Deputy Corporation Counsel, represented County (on Hawai'i)  
Dawn Takeuchi-Apuna, Esq., represented State Office of Planning (on O'ahu)

Presiding Officer Cabral updated the record and explained the procedures to be followed for the proceedings. There were no questions, comments or objections to the procedures.

Presiding Officer Cabral called for Public Witnesses

PUBLIC WITNESSES:

1. Dwight Vincente (on Hawai'i)  
Mr. Vincente stated that he represented the Hawaiian Kingdom and described why the Commission had no jurisdiction over the land area involved in the docket.  
There were no questions for Mr. Vincente.

There were no other public witnesses.

Presiding Officer Cabral confirmed that all Commissioners were prepared to deliberate on the adoption of orders for Docket No. A06-770. All attending Commissioners acknowledged that they were prepared to deliberate.

Presiding Officer Cabral entertained a motion to adopt the form of the order.

Commissioner Mahi moved to adopt the form of the order and Commissioner Ohigashi seconded the motion. Presiding Officer Cabral had Mr. Orodener poll the Commission.

The form of the order was unanimously approved (8 ayes-0 nays- 1 excused).

Presiding Officer Cabral asked if there was any more Hawaii County business.  
There was none.

Presiding Officer Cabral returned control of the proceedings to Chair Scheuer.

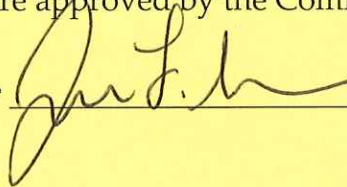
Chair Scheuer assumed control of the proceedings in Honolulu meeting at 10: 43 a.m. and stated that due to the remote locales and busy agenda for the July 10-11, 2019 schedule, he was directing LUC staff to arrange meals for a "working lunch" to



facilitate completing the anticipated workload. There being no further business to address, Chair Scheuer adjourned the meeting at 10:44 a.m.

\*I certify that these minutes were approved by the Commission- LUC

Chairperson- Jonathan Scheuer



date 7/10/19

