



LAND USE COMMISSION
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION 2020 JAN 28 A 9:43

OF THE STATE OF HAWAII

In The Matter Of The Petition Of

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, Waimānalo Gulch, O`ahu,
Hawai`i, Tax Map Key: 9-2-03: 72 And 73

DOCKET NO. SP09-403

ORDER GRANTING MOTION TO
TERMINATE ORDER REGARDING
WRITTEN STATUS REPORTS ON
PROCEEDINGS OF THE PLANNING
COMMISSION RELATING TO
COUNTY SPECIAL USE PERMIT FILE
NO. 2008/SUP-2 AND CERTIFICATE OF
SERVICE

ORDER GRANTING MOTION TO TERMINATE ORDER REGARDING WRITTEN
STATUS REPORTS ON PROCEEDINGS OF THE PLANNING COMMISSION
RELATING TO COUNTY SPECIAL USE PERMIT FILE NO. 2008/SUP

AND

CERTIFICATE OF SERVICE

This is to certify that this is a true and correct
copy of the document on file in the office of the
State Land Use Commission, Honolulu, Hawai`i.

January 28, 2020 by

Executive Officer



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NO. 2008/SUP-2

ORDER GRANTING MOTION TO TERMINATE ORDER REGARDING WRITTEN
STATUS REPORTS ON PROCEEDINGS OF THE PLANNING COMMISSION
RELATING TO COUNTY SPECIAL USE PERMIT FILE NO. 2008/SUP-2

On December 4, 2019, the Department of Environmental Services, City and County of Honolulu ("Applicant"), filed a Motion to Terminate Order Regarding Written Status Reports on Proceedings of the Planning Commission Relating to County Special Use Permit File No. 2008/SUP-2; Declaration of Kamilla C. K. Chan; Exhibit "1"; and Certificate of Service (collectively "Motion"), pursuant to Hawai`i Administrative Rules ("HAR") § 15-15-70.

The Applicant requests that the State of Hawai'i Land Use Commission ("LUC") terminate its Order Requiring Written Status Reports filed on May 28, 2014, as the proceedings at the City and County of Honolulu Planning Commission ("Planning Commission") relating to File No. 2008/SUP-2 have concluded.

The LUC's Order Requiring Written Status Reports required the Applicant to file written status reports with the LUC on the proceedings of the Planning Commission relating to County Special Use Permit File No. 2008/SUP-2 every other month starting from July 2014 with service upon the other parties in this matter.

On December 24, 2019, the State of Hawai'i Office of Planning ("OP") filed a Statement of No Opposition to Applicant's Motion to Terminate Order Regarding Written Status Reports on Proceedings of the Planning Commission Relating to County Special Use Permit File No. 2008/SUP-2.

On January 9, 2020, the LUC considered the Applicant's Motion at its meeting at the Airport Conference Center, Room #IIT#2, in Honolulu, Hawai'i. Kamilla C. K. Chan, Esq., appeared on behalf of the Applicant. Rodney Funakoshi appeared on behalf of OP. Dina Wong appeared on behalf of the City and County of Honolulu Department of Planning and Permitting ("DPP"). Cal Chipchase, Esq., appeared on behalf of Intervenors Ko Olina Community Association and Maile Shimabukuro (collectively "KOCA/Shimabukuro"). Intervenor Colleen Hanabusa was served with a

copy of the Motion and was notified of the date, time, and place of the LUC's meeting on the matter but was not present or represented at the meeting.¹

At the meeting, the Applicant argued for the termination of its requirement to file written status reports. Intervenors KOCA/Shimabukuro argued for the need of an ongoing reporting obligation on the part of the Applicant to provide timely notice as well as periodic updates to the LUC, the parties, and the community regarding any plans involving the Waimānalo Gulch Sanitary Landfill. The DPP and OP stated that they had no objections to the Applicant's Motion.

Following discussion, a motion was made and seconded to grant the Applicant's Motion. There being a vote tally of 6 ayes and 2 nays, the motion passed.²

ORDER

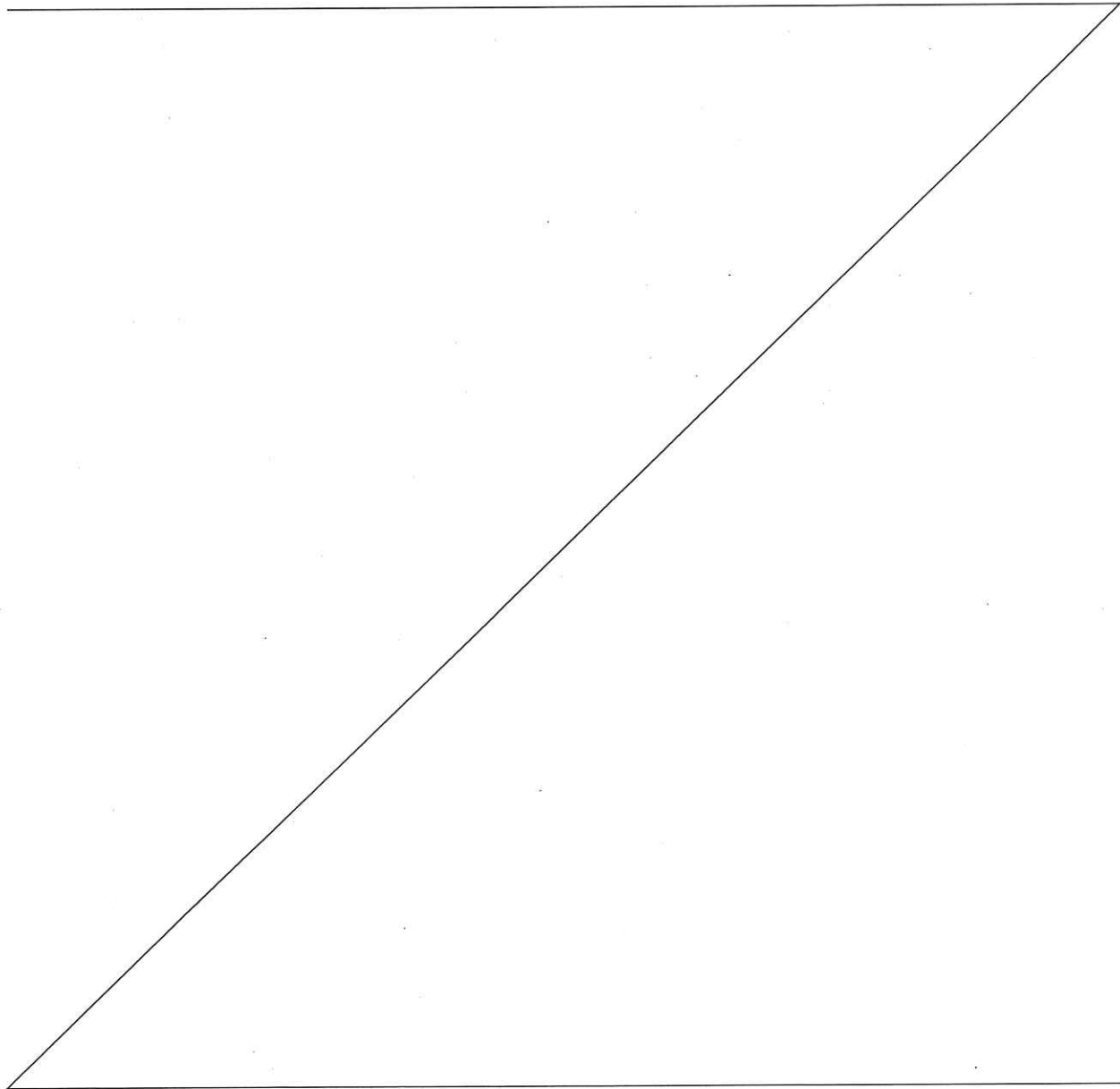
The LUC, having duly considered the arguments of the Applicant, OP, the DPP, and Intervenors KOCA/Shimabukuro, and a motion having been made and seconded at a meeting on January 9, 2020, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by HAR § 15-15-13, and there being good cause for the motion,

HEREBY GRANTS the Applicant's Motion.

¹ Naomi Iwabuchi, Esq., appeared on behalf of Schnitzer Steel Hawai'i Corp. ("Schnitzer"). Schnitzer was not an intervenor in this matter and took no position on the Applicant's Motion.

² There are currently eight sitting members on the Commission. The ninth seat is currently vacant.

Accordingly, the LUC's Order Requiring Written Status Reports filed on May 28, 2014, is hereby terminated, and the Applicant shall no longer be required to file written status reports with the LUC on the proceedings of the Planning Commission relating to County Special Use Permit File No. 2008/SUP-2.



ADOPTION OF ORDER

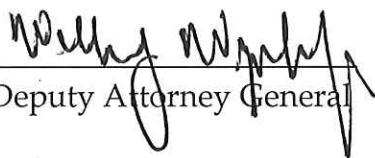
This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 28, day of January, 2020 per motion on January 9, 2020.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII



Deputy Attorney General

By: 
JONATHAN SCHEUER
Chairperson and Commissioner

Filed and effective on:

_____ 1/28/2020

Certified by:


DANIEL ORODENKER
Executive Officer



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CERTIFICATE OF SERVICE

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I hereby certify that a copy of the ORDER GRANTING MOTION TO TERMINATE
ORDER REGARDING WRITTEN STATUS REPORTS ON PROCEEDINGS OF THE
PLANNING COMMISSION RELATING TO COUNTY SPECIAL USE PERMIT FILE
NO. 2008/SUP was served upon the following by either hand delivery or depositing the same in
the U. S. Postal Service by regular or certified mail as noted:

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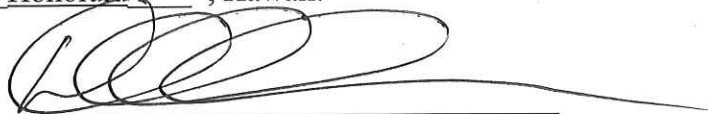
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Dated: January 28, 2020, Honolulu, Hawaii.



Daniel Orodener, Executive Officer