

LAND USE COMMISSION  
MEETING MINUTES

July 22, 2020 – 9:00 a.m.

**Pursuant to HRS § 92-3.5, the Commission conducted its meeting using interactive conference technology.**

PLACE: Zoom Webinar Virtual Meeting registration-use link  
below

Wednesday July 22, 2020

[https://us02web.zoom.us/webinar/register/WN\\_y\\_3Zc3l1RdevevAcPIGJww](https://us02web.zoom.us/webinar/register/WN_y_3Zc3l1RdevevAcPIGJww)

Due to the COVID-19 pandemic, the meeting was held remotely with Commission members, Staff and Applicants participating via an online meeting venue. The public could participate in the meeting via the “ZOOM” platform or listen to the meeting via an audio/visual YOUTUBE stream internet link listed above. Interested persons were also advised to submit written testimony no later than 24 hours in advance of the meeting to allow for distribution to Commission members prior to the meeting and to register to testify during the ZOOM meeting using instructions circulated on the meeting agenda.

COMMISSIONERS PRESENT: Edmund Aczon  
(Attending via ZOOM conference media) Nancy Cabral  
Gary Okuda  
Jonathan Scheuer  
Arnold Wong  
Dawn N. S. Chang  
Lee Ohigashi

COMMISSIONERS EXCUSED: Dan Giovanni  
(8 seated Commissioners as of 10/1/19)

STAFF PRESENT: Daniel Orodener, Executive Officer  
(Attending via ZOOM conference media) Julie China, Deputy Attorney General  
Scott Derrickson, Staff Planner  
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Jean McManus  
(Attending via ZOOM conference media)

**CALL TO ORDER**

Chair Scheuer called the meeting to order at 9:03 a.m.

Chair Scheuer had Mr. Orodener verbally do a roll call to confirm Commissioner attendance for the record. The 8 Commissioners acknowledged that they were present and able to communicate via the ZOOM program.

### **APPROVAL OF MINUTES**

Chair Scheuer stated that the first agenda item was the approval of the June 24-25, 2020 minutes and asked if there were any corrections to be made. There were none. Commissioner Cabral moved to approve the minutes. Commissioner Wong seconded the motion. There was no discussion. By a roll call vote, the June 24-25, 2020 minutes were approved unanimously (8-0)

Chair Scheuer then called for the approval of the July 8-9, 2020 minutes and asked if there were any corrections to be made. There were none. Commissioner Cabral moved to approve the minutes. Commissioner Ohigashi seconded the motion. There was no discussion. By a roll call vote, the July 8-9, 2020 minutes were approved unanimously (8-0)

Chair Scheuer called for Mr. Orodener to provide the Tentative Meeting Schedule.

### **TENTATIVE MEETING SCHEDULE**

Executive Officer Orodener provided the tentative meeting schedule from July 23, 2020 to December for the Commissioners and cautioned that it was subject to change based on the pandemic impacts. Commissioners were advised to contact LUC staff if there were any questions or conflicts.

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

Chair Scheuer moved on to the next agenda item.

### **CONTINUED HEARING AND ACTION**

#### **A17-804 Hawaiian Memorial Life Plan, Ltd.**

To consider Docket No. A17-804 Petition To Amend The Conservation Land Use District Boundary Into The Urban Land Use District for Approximately 53.449

acres of Land at Kāne’ohe, Island of O’ahu, State of Hawai’i TMK (1) 4-5-033: por . 001

APPEARANCES (Attending via ZOOM conference media)

Curtis Tabata, Esq. and Benjamin Matsubara, Esq., represented Hawaii Memorial Life Plan, Ltd., (“HMP”)

Duane Pang, Deputy Corporation Counsel, DPP

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

Rodney Funakoshi, Land Use Administrator, OP

Lorene Maki, Planner, OP

Grant Yoshimori- Spokesperson for Intervenor Hui O Pikoiloa (“HOP”)

Rich McCreedy, HOP

Chair Scheuer updated the record and reviewed the procedures for the meeting.

There were no objections to or questions on the procedures.

Chair Scheuer noted that the public testimony portion of the Meeting had been closed and that any other written testimony submitted on this matter had been filed and made part of the record. Chair Scheuer called for the names of the public written testifiers for the record. Mr. Hakoda reported that due to having to process the high volume of registrations for the hearing, the list of names was not currently available and would be posted to the LUC website when time permitted.

Chair Scheuer acknowledged Mr. Hakoda’s report and moved on to call for OP’s presentation.

## PRESENTATIONS

OP

Ms. Apuna described her presentation for the Commission and offered her expert witness, Rodney Funakoshi.

OP’S WITNESSES (continued)

1. Rodney Funakoshi- OP Land Use Administrator- expert in land use planning

Mr. Funakoshi was qualified as an expert in land use planning and stated the OP supported the Petition subject to conditions and described the conditions that OP had suggested to be added to the proposed decision and order.

Petitioner, and County had no questions.

Intervenor requested clarification on the mitigation and monitoring efforts planned to protect the endangered damselfly population. Mr. Funakoshi deferred to the DLNR witness to provide more detailed specifics of what would be involved with protecting the damselfly habitat.

Mr. Yoshimori also requested clarification on the conditions related to the cultural preserve within the Petition Area. Mr. Funakoshi described how the proposed conditions would be enacted if the LUC granted the Petition.

Commissioners Wong, Okuda, Aczon, Giovanni and Chair Scheuer requested clarification on the considerations OP had made for rockfall mitigation, the viability of the development plan, the statutory aspects of making a decision affecting conservation land and watershed/water sources, as well as the evidence presented to support the proposed project, how OP had decided to support the proposed project in spite of its "demerits", the grading plan and large volume of materials to be removed/relocated, and on how accredited land trusts could have assisted with conservation easements.

There were no further questions for Mr. Funakoshi and Ms. Apuna had no re-direct.

Chair Scheuer declared a recess at 10:04 a.m. and reconvened the meeting at 10:16 a.m.

Ms. Apuna called her next witness, Cynthia King.

## 2. Cynthia King

Ms. King was qualified as an expert in entomology and described the review that she had performed of the DEIS. During the initial part of Ms. King's ZOOM

testimony, she encountered technical difficulties and Chair Scheuer declared a recess till Ms. King could establish a better connection.

Chair Scheuer declared a recess at 10:23 a.m. and reconvened the meeting at 10:31 a.m.

Ms. King concluded her testimony and stated that she was comfortable with the proposed development plan and the planned waterline installation.

Petitioner, and County had no questions.

Intervenor requested clarification on the mitigation and monitoring efforts planned to protect the endangered damselfly population. Ms. King provided her perspective on the matter and described how there was no consultation between the agencies of the Department of Forestry and Wildlife and the Department of Fish and Wildlife Services.

Commissioners Okuda, Chang, Aczon, and Chair Scheuer requested clarification on projected future of the damselflies and their future habitats, the proposed provisions for waterflow and associated monitoring, the responsibilities involved with protecting discovered damselfly habitats, the community's role in the mitigation plan and what Ms. King's perspective was on portions of the proposed OP conditions.

Ms. Apuna concluded her presentation and Chair Scheuer assessed the status of the proceedings.

Chair Scheuer declared a recess at 11:13 a.m. and reconvened the meeting at 11:19 a.m.

Chair Scheuer called on Intervenor- Mr. Yoshimori to make his presentation. Mr. Yoshimori described his presentation and called on his witnesses.

#### INTERVENOR WITNESSES

1. Winston Welch- Executive Director- Outdoor Circle- qualified as an expert on the Outdoor Circle Organization

Mr. Yoshimori offered Mr. Welch as an expert witness. There was discussion to determine what Mr. Welch's area of expertise was. Mr. Pang and Chair Scheuer requested clarification on what Mr. Welch's testimony would cover. Mr. Yoshimori argued how Mr. Welch could provide testimony on how the Outdoor Circle determined its position on different matters and how Mr. Welch could describe the considerations that the Outdoor Circle and he made to oppose or endorse different projects. Mr. Welch was qualified as an expert witness on the Outdoor Circle organization.

Mr. Welch described the mission that the Outdoor Circle served in Hawai'i and described how his organization would assess different projects and determined whether to support or oppose them.

Mr. Tabata requested clarification on Mr. Welch's professional experience and education; what the mission and objectives of the Outdoor Circle were, and whether the Outdoor Circle was party to conservation easement efforts.

Mr. Pang requested clarification on the decision-making procedures for the Outdoor Circle and the approval processes that did and did not require Board of Directors approvals.

Ms. Apuna had no questions.

Commissioners Okuda, Chang, Giovanni, Ohigashi, Cabral and Chair Scheuer requested clarification on the Outdoor Circle's involvement with cultural and traditional matters and combating invasive species; its position on district boundary amendments where Conservation designated lands were involved, how the Outdoor Circle reacted when greenhouse emissions/climate change issues were being considered, how the proposed access roads and cultural site affected its organizational stance, and why there had been no opposition by the Outdoor Circle during the EIS process.

There were no further questions for Mr. Welch and no redirect.

Chair Scheuer declared a recess at 12:21 p.m. and reconvened the meeting at 1:05 p.m.

2. John Higham- qualified as expert Civil Engineer

Mr. Higham shared his educational background and professional work history and was qualified as an expert Civil Engineer with no objections.

Mr. Higham summarized his written testimony and shared his concerns over the sediment basins described in preliminary reports and the vulnerability of the project to sediment runoff and landslides during construction. Mr. Higham also voiced his disagreements with Petitioner's engineer's testimony and described how his assessment and calculations differed.

Mr. Tabata requested clarification on Mr. Higham's methodology in assessing and calculating the technical engineering aspects of the project. Mr. Higham shared how he had arrived at his conclusions and described the calculation techniques he had chosen to use and the justification that he had for selecting them instead of choosing to use those employed by Petitioner's engineer.

Chair Scheuer declared a recess at 2:06 p.m. and reconvened the meeting at 2:16 p.m.

County and OP had no questions.

Commissioners Okuda, Chang, and Cabral requested clarification on Mr. Higham's estimations for flood hazards, grading and drainage pattern alterations, associated risks anticipated during construction, plan evaluations by the Department of Planning and Permitting, the reasons why there could be differences between engineering calculations and the volume/capacity estimates. the statistical information that were involved in the calculations and the mitigation and cautions involved to protect the public during construction. Commissioner Ohigashi acknowledged Mr. Higham's efforts to provide his testimony.

There were no further questions.

Chair Scheuer assessed the state of the proceedings and noted that the Commission would need to observe a 3:00 p.m. stop to the proceedings due to Commission time constraints. Discussion ensued and Intervenor offered its last witness for the day.

3. Ken Middleton- qualified as expert in human ash scatterings at sea

Mr. Middleton was offered and accepted as an expert in human ash scatterings at sea with no objections. Mr. Middleton summarized his written testimony for the Commission and described how he provided human ash scattering services at sea for the public as an alternative to burial services in the ground.

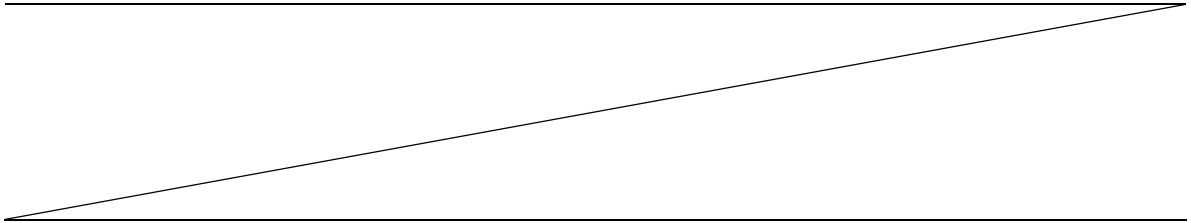
Mr. Tabata requested clarification on Mr. Middleton's position was on the Petition. Mr. Middleton shared that his service offered an alternative to ground burial services and had no opinion on the proposed project.

County and OP had no questions.

There were no Commissioner questions and no redirect.

Chair Scheuer stated that due to time constraints the Commission would cease proceedings for the day and continue them at the next August 12-13, 2020 meeting. There were no objections from the Parties to Chair Scheuer's proposal.

Chair Scheuer declared a recess at 2:57 p.m. and stated that Docket No. A17-804 would continue at the next LUC meeting and the remainder of the July 22-23, 2020 agenda items would be addressed via a ZOOM meeting starting at 9 a.m. July 23, 2020.





LAND USE COMMISSION  
MEETING MINUTES  
July 23, 2020 – 9:00 a.m.

**Pursuant to HRS § 92-3.5, the Commission conducted its meeting using interactive conference technology.**

PLACE: Zoom Webinar Virtual Meeting registration-use link below  
Thursday July 23, 2020  
[https://us02web.zoom.us/webinar/register/WN\\_3sFWryLBRiCBeuggitMGNg](https://us02web.zoom.us/webinar/register/WN_3sFWryLBRiCBeuggitMGNg)

Due to the COVID-19 pandemic, the meeting was held remotely with Commission members, Staff and Applicants participating via an online meeting venue. The public could participate in the meeting via the “ZOOM” platform or listen to the meeting via an audio/visual YOUTUBE stream internet link listed above. Interested persons were also advised to submit written testimony no later than 24 hours in advance of the meeting to allow for distribution to Commission members prior to the meeting and to register to testify during the ZOOM meeting using instructions circulated on the meeting agenda.

COMMISSIONERS PRESENT: Edmund Aczon  
(Attending via ZOOM conference media) Nancy Cabral  
Gary Okuda  
Jonathan Scheuer  
Arnold Wong  
Dawn N. S. Chang  
Lee Ohigashi  
Dan Giovanni

COMMISSIONERS EXCUSED:  
(8 seated Commissioners as of 10/1/19)

STAFF PRESENT: Daniel Orodener, Executive Officer  
(Attending via ZOOM conference media) Julie China, Deputy Attorney General  
Scott Derrickson, Staff Planner  
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Jean McManus  
(Attending via ZOOM conference media)

**CALL TO ORDER**

Chair Scheuer called the meeting to order at 9:02 a.m. and had Mr. Orodenker verbally do a roll call to confirm that all Commissioners were in attendance for the record. All Commissioners acknowledged that they were present and able to communicate via the ZOOM program.

Chair Scheuer updated the record to reflect additional written public testimony that the LUC had received and reviewed the procedures for the meeting.

There were no objections to or questions on the procedures.

## **STATUS REPORT**

### **A02-737 U of N Bencorp**

APPEARANCES (Attending via ZOOM conference media)

Kathy Garson, Esq. and Derek Simon, Esq. (co-counsel) represented U of N Bencorp ("UNB")

Julie Anjo, Esq. and Alan Anjo, Esq. (co-counsel) represented UNB

April Surprenant, Deputy Director, County of Hawaii Planning Department (County)

Diane Mellon-Lacey, Esq. Deputy Corporation Counsel, represented County

John Mukai, Esq., Deputy Corporation Counsel, represented County

Jeff Darrow, County

Dawn Apuna, Esq., Deputy Attorney General represented OP

Chair Scheuer updated the record and asked if there were any registered public witnesses. LUC staff identified the public witnesses who had submitted written testimony for the record.

Chair Scheuer asked if there were any public witnesses in the audience who wished to testify.

## **PUBLIC WITNESSES**

### **1. Aaron Esperaza**

Mr. Esperaza stated his support for the UNB entity and described the community contributions that UNB had made over the years.

There were no questions for Mr. Esperaza.

### **2. Alapai Kaulia**

Mr. Kaulia identified himself as a Hawaiian Language Instructor for UNB and spoke in support of UNB.

Ms. Garson requested clarification on Mr. Kaulia's testimony regarding tuition and scholarship information.

County and OP had no questions for Mr. Kaulia.

Commissioner Okuda requested clarification on who was speaking to represent County. Ms. Mellon-Lacey stated that she was speaking for County.

3. Wilfred Murakami- Educator

Mr. Murakami described his work experience and spoke in support of UNB.

There were no questions for Mr. Murakami.

Commissioners Okuda, Cabral and Ohigashi thanked Mr. Murakami for his testimony and recognized the contributions that educators make to the community.

4. Roland Rabara

Mr. Rabara shared his professional background and spoke in support of UNB.

Petitioner, County and OP had no questions for Mr. Rabara.

Commissioner Okuda requested clarification on portions of Mr. Rabara's testimony that were difficult to hear and inquired where Mr. Rabara had retired from. Mr. Rabara responded that he had worked for the Hawaii County Police Department.

There were no other individuals who indicated that they wanted to testify. Chair Scheuer stated that the Public Testimony portion of the proceedings on Docket no. A02-737 was closed and called for Ms. Garson to make her presentation.

Ms. Garson described how UNB had made efforts to comply with the requests that the LUC had made during the last meeting on this docket and had submitted a Motion to Amend Conditions for the Petition Area that had the support of County and OP for consideration by the Commission. Ms. Garson stated that she had two witnesses to provide informational updates on the proposed project.

Chair Scheuer called for Petitioner's Status Report presentation. Ms. Garson offer Group 70 CEO Frances Oda.

#### PETITIONER WITNESSES

1. Frances Oda

Mr. Oda provided his educational and professional information and described the work that his organization, G70 had for UNB.

County and OP had no questions for Mr. Oda.

Commissioner Chang requested clarification on the consultation process done for the proposed project for *iwi kupuna*. Mr. Oda deferred to Mr. Overton to provide details on how the process was being handled.

Chair Scheuer declared a recess at 10:15 a.m. and reconvened the meeting at 10:27 a.m. .

Commissioners Okuda, Ohigashi, and Chair Scheuer requested clarification on Mr. Oda's perception of the viability of the project, how the new plan differed from the 2003 plan, and the preservation efforts made to protect the *Kuakini* wall.

There were no further questions for Mr. Oda.

Ms. Garson called her next witness, Jeff Overton, G70 representative.

2. Jeff Overton

Mr. Overton provided a detailed overview of the new proposed project plan and described how it differed from the 2003 plan by adjusting the number and purposes of various proposed buildings on the site and how various technical studies were underway to determine whether an Environmental Assessment of Environmental Impact Statement was required.

County and OP had no questions.

Commissioners Wong, Chang, Ohigashi, and Chair Scheuer requested clarification on how much time would be needed to complete the studies for the new

plan for the Petition Area, what the likelihood was for either an EA or EIS to be needed for the new plan, what type of zoning requirements would be involved, if Petitioner would continue to observe the “no substantial commencement” commitment it had agreed to, what factors were involved in deciding to add or delete features from the proposed project plans and whether the proposed plan changes would include a future water analysis.

Ms. Garson summarized her status report presentation and shared Petitioner’s intentions if the Commission allowed it to move forward with its Motion to Amend.

County an OP had no questions.

Commissioner Okuda requested clarification on what County and OP’s desired outcomes were, based on the information provided by the status report. County replied that it would like the immediate focus to be on the LUC determining the status of the OSC proceedings and dismissing the OSC. Ms. Apuna shared the County’s desire for dismissing the OSC proceeding.

Commissioners Chang and Cabral requested clarification on the adherence to the “no substantial commencement” stipulation, the project funding sources, and the proposed affordable housing component. Ms. Garson described how Petitioner had complied with the stipulation and planned to obtain funding via bank loans, fund-raising and donations, and had made alternate plans regarding the affordable housing component.

Commissioner Wong requested clarification on OP’s position. Ms. Apuna described how OP had assessed the proposed amendments to the original plan and was in support of the renewed effort by Petitioner.

Chair Scheuer noted that he disagreed with OP’s perspective of the situation and opined how the renewed proposed planning process seemed to still be flawed.

Ms. Garson argued that the 2003 plan had different objectives and described how the new Motion to Amend would provide for a proposed project more in line with the urban designation and benefit the community.

Ms. Garson concluded her presentation and Chair Scheuer assessed the progress of the proceedings.

Chair Scheuer declared a recess at 11:47 a.m. and reconvened the meeting at 12:48 p.m.

Chair Scheuer called for the next agenda item.

## **HEARING AND ACTION**

### **A02-737 U of N BENCORP (HAWAII)**

Hear evidence, deliberate and take action on order to show cause issued March 29, 2019

APPEARANCES (Attending via ZOOM conference media)

Kathy Garson, Esq. and Derek Simon, Esq. (co-counsel) represented U of N Bencorp ("UNB")

Julie Anjo, Esq. and Alan Anjo, Esq. (co-counsel) represented UNB

April Surprenant, Deputy Director, County of Hawaii Planning Department (County)

Diane Mellon-Lacey, Esq. Deputy Corporation Counsel, represented County

John Mukai, Esq., Deputy Corporation Counsel, represented County

Jeff Darrow, County

Dawn Apuna, Esq., Deputy Attorney General represented OP

Chair Scheuer updated the record, noted that there was no registered public witness testimony and called for public witnesses in the audiences.

## **PUBLIC WITNESSES**

1. Roger Hamilton- Department of Education

Mr. Hamilton spoke in support of UNB and described the positive impacts that the ESL program of UNB was having on the community.

There were no questions for Mr. Hamilton.

There were no further Public Witnesses.

Chair Scheuer called for Ms. Garson to make her presentation. Ms. Garson described her presentation and offered her first witness, Leinaala Fineau- UNB Director of Hawaiian Language Program.

#### PETITIONER WITNESSES

1. Leinaala Fineau

Ms. Fineau stated that she was the Director of the UNB Hawaiian Language Program and described the distance learning opportunities offered by UNB,

Chair Scheuer questioned Ms. Garson on what her presentation's intent was. Discussion ensued to determine what the appropriate course of the proceedings should be. Commissioner Okuda moved to bifurcate the proceedings to separate the OSC proceedings from the matters that Ms. Garson was attempting to present.

Commissioner Wong moved for an Executive Session to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities in relation to the legal issues involved with addressing the OSC action in the proposed manner. Commissioner Aczon seconded the Motion. By a roll call vote, the Commission elected to enter Executive Session.

Chair Scheuer announced that the Commission would enter an Executive Session and declared a recess at 1:07 p.m. and reconvened the regular meeting at 1:47 p.m.

Chair Scheuer dismissed Ms. Fineau and assessed the state of the proceedings in relation to the posted agenda hearing and action item. Chair Scheuer noted that the status report provided by Petitioner had new information to consider for the action on the OSC and described how the Commission would address the hearing and action agenda item.

Commissioner Okuda stated that he would withdraw his motion to bifurcate based on the summary of how the Commission would move forward on the agenda provided by Chair Scheuer and moved to dismiss the OSC without prejudice. Commissioner Cabral seconded the Motion.

## DISCUSSION

Commissioner Okuda spoke in favor of his Motion and described how he felt that, based on the new information presented, the OSC was not in the best interest of the community.

Commissioner Cabral shared why she agreed with Commissioner Okuda and thanked the Parties and participating Public members for their interest in this matter.

Commissioner Wong spoke in favor of the Motion and requested that Petitioner continue to work with LUC staff on its plans for the proposed project.

Commissioner Chang commented that she still had some concerns about the proposed project but was hopeful that Petitioner's future Motion to Amend Conditions would better align any items that still needed attention.

Commissioner Giovanni noted how the OSC action had been a catalyst to clarify matters and better define a path forward for Petitioner.

Commissioner Ohigashi stated that he reluctantly supported the Motion and described how the past record of the docket caused him concern.

Commissioner Aczon echoed the concerns of Commissioner Ohigashi and stated that he would also reluctantly support the Motion.

Chair Scheuer stated that he also shared Commissioner Ohigashi's concerns and described how the dismissal without prejudice provision of the Motion served to assure him that future OSC action could be considered if necessary.

There was no further discussion. Chair Scheuer called for a roll call vote on the Motion. The Commission voted unanimously (8-0) in favor of the Motion.

Chair Scheuer directed Ms. Garson to check with LUC staff for final details regarding the OSC dismissal order and called for a recess.



Chair Scheuer declared a recess at 2:03 p.m., reconvened the meeting at 2:10 p.m. and called for the next agenda item.

## CONTINUED ACTION

### **DR20- 69 COUNTY OF HAWAII and DR20-70 LINDA ROSEHILL et al**

Consider Petitioners County of Hawaii's and Linda Rosehill et al's Petitions for Declaratory Orders regarding Short Term Vacation Rentals as Farm Dwellings

APPEARANCES (Attending via ZOOM conference media)

Cal Chipchase, Esq., represented Linda Rosehill et al, ("LR")

Michael Yee, Director, County of Hawaii Planning Department (County)

April Surprenant, Deputy Director, County

Diane Mellon-Lacey, Esq. Deputy Corporation Counsel, represented County

John Mukai, Esq., Deputy Corporation Counsel, represented County

Dawn Apuna, Esq., Deputy Attorney General represented OP

Chair Scheuer updated the record and asked if there were any registered public witnesses. LUC staff identified the registered public witnesses for the record.

Chair Scheuer asked if there were any public witnesses in the audience who wished to testify.

## PUBLIC WITNESSES

None

Chair Scheuer commented that continued proceedings on Docket No. DR20-69 and DR20-70 would be scheduled for the August 12-13, 2020 LUC meeting since looming time constraints would limit the amount of business that the Commission could hope to accomplish at this late hour of the afternoon. The Parties acknowledged Chair's remarks.

Chair Scheuer called for the County of Hawai'i to make its presentation.

## COUNTY PRESENTATION

Mr. Mukai argued why the Commission should issue a Declaratory Order that farm dwellings may not be used as short-term vacation rentals and commented on how

the County agreed with the State that there must be agricultural use or activities within the confines of a farm dwelling and operated in accordance with HRS§205-4.5.

Commissioner Okuda requested clarification on Mr. Mukai's reference to comments made by Mr. Yee in previous testimony. Mr. Mukai offered Mr. Yee to provide further explanation on what his remarks were intended to communicate.

Commissioners Chang and Ohigashi also requested clarification to portions of Mr. Mukai's argument and perspective on HRS§205 and on farm dwelling certificates.

There were no further questions for Mr. Mukai.

Chair Scheuer stated that due to time constraints the Commission would close proceedings for the day and resume proceedings at the August 12-13, 2020 meeting.

Commissioner Ohigashi requested confirmation that Mr. Chipchase would be making a presentation for LR when proceedings on this docket resumed. Chair Scheuer acknowledged that LR would be making their presentation next.

Commissioner Cabral requested that Parties be more diligent in submitting their materials to the Commission to allow adequate time to review the material prior to meetings. Mr. Chipchase apologized for his late submittal.

Chair Scheuer concluded the proceedings on Docket No. DR20-69 and DR20-70 and recognized that Agenda Item V had been overlooked and would be addressed before adjourning the current meeting.

Chair Scheuer called on Mr. Orodener to update the Commission on LUC's continued operations during the pandemic.

**DISCUSSION AND ACTION (IF NECESSARY)**  
**LUC continued operations during the COVID-19 Health Crisis**

Mr. Orodenker described the operational measures that had been taken by LUC staff to work from home and continue to operate during the statewide quarantine during the pandemic.

Commissioners Okuda, Cabral, Ohigashi, Chang, Wong and Chair Scheuer shared their perspectives on how LUC staff was conducting itself during the crisis and offered their thanks and appreciation.

Mr. Orodenker acknowledged the Commissioner's comments and Chair Scheuer asked if there was any further business to discuss. There was none.

Chair Scheuer adjourned the meeting at 2:49 p.m.