

LAND USE COMMISSION

MEETING MINUTES

June 22, 2021 – 9:00 a.m.

Pursuant to Exhibit F of the Governor’s Eighteenth Proclamation Related to the COVID-19 Emergency, the Commission conducted its meeting using interactive conference technology.

PLACE: Zoom Webinar Virtual Meeting

Meeting Link for Tuesday, June 22, 2021

https://us02web.zoom.us/webinar/register/WN_QgPrdu0gQcaDgiE4_bQqvA

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

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

STAFF PRESENT: Daniel Orodener, Executive Officer
(Attending via ZOOM conference media) Linda Chow, Deputy Attorney General (DAG)
Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Chief Clerk
Natasha Quinones, Program Specialist

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

CALL TO ORDER

Chair Scheuer called the meeting to order at 9:02 a.m. (8 Commissioners present).

Chair Scheuer and the attending 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 adoption of the June 9 and 10, 2021 Minutes asked if there had been any public testimony submitted. Chair was notified that the Minutes were not ready. Adoption of the Minutes was deferred.

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

TENTATIVE MEETING SCHEDULE

Executive Officer Orodener provided the tentative meeting schedule from June 2021 to July 2021 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.

Commissioner Giovanni requested clarification on the location of the meetings in August.

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

SP06-400 Pōhākea Quarry

Chair Scheuer moved on to the next agenda item- action meeting on Docket No. SP06-400 Pōhākea Quarry (Maui) To Consider Hawaiian Cement Pōhākea Quarry Application for 15-year Time Extension Request for Special Use Permit to Continue Operation of Pōhākea Quarry in the State and County Agricultural Districts at Mā 'alaea, Island of Maui, Hawai 'i; TMK: (2) 3-6-004:007 (SUP1 2006/0001) (CUP 2006/0001).

APPEARANCES:

Bryan Esmeralda, planner at Munekiyo & Associates representing Hawaiian Cement
Jordan Hart, Deputy Director (County)
Alison Kato, Esq., Deputy Attorney General, Office of Planning (OP)
Rodney Funakoshi, Land Use Administrator, (OP)
Aaron Setogawa, Planner, (OP)

Chair Scheuer updated the record, described the procedures for the hearing and asked if there were any questions on the procedures. There were no questions.

PUBLIC TESTIMONY

LUC staff noted that one additional written testimony had been received for this docket and it was posted to the website. There was no oral public testimony.

Chair Scheuer declared recess at 9:12 a.m. and resumed meeting at 9:13 a.m.

Chair Scheuer moved on to Formal Deliberations.

FORMAL DELIBERATIONS

Chair Scheuer confirmed with all the Commissioners by a roll call that they were prepared to deliberate on this matter.

Commissioner Wong moved to grant the adoption of the proposed order for the Pōhākea Quarry matter. Commissioner Cabral seconded the motion.

Commissioner Ohigashi noted that he agreed with the form of the order but still had reservations with using a special permit instead of a possible district boundary amendment.

Chair Scheuer asked Mr. Orodenker to poll the Commission.

By a roll call, the motion passes unanimously (8-0).

DISCUSSION ON ELECTION OF OFFICERS AND ACTION

Chair Scheuer described why the election of officers was on the agenda and opened the floor to nominations.

Nominations for Chair:

Commissioner Cabral nominated Chair Scheuer to continue serving as Chair.

Commissioner Okuda seconded the Motion and spoke in favor of the nomination.

There were no other nominations. Chair Scheuer accepted the nomination and asked Mr. Orodenker to poll the Commission.

The motion was to retain the Chair for another year from June 30, 2022 when he would conclude 8 years of service.

By a roll call, the motion passed unanimously (8-0).

Nominations for Vice Chair:

Commissioner Cabral nominated Dan Giovanni as a Vice Chair.

Dan Giovanni accepted the nomination.

Commissioner Okuda seconded the Motion and spoke in favor of the nomination.

Chair Scheuer also supported the nomination.

There were no other nominations for Vice Chair.

Chair Scheuer asked Mr. Orodenker to poll the Commission.

By a roll call, the motion passed unanimously (8-0).

Nomination for 2nd Vice Chair:

Commissioner Okuda recommended the re-election of Commissioner Edmund Aczon for Second Vice Chair and shared his reasons for supporting Commissioner Aczon.

Discussion ensued as Commissioner Aczon offered to step aside and suggested that Commissioner Lee Ohigashi consider the position.

Commissioner Ohigashi refused the suggestion and voiced his support for Commissioner Aczon.

There were no other nominations.

Chair Scheuer asked Mr. Orodener to poll the Commission.

By a roll call, the motion passes unanimously (8-0).

Commissioner Chang praised and thanked the Commissioners for accepting their leadership roles.

Commissioner Giovanni voiced his concern about filling the Cultural Practices Commissioner position.

Chair Scheuer responded that multiple appeals had been made with the Governor's office to fill the vacancy but without success.

There were no more questions or comments.

Chair Scheuer moved on to the last agenda item, Executive Session.

Commissioner Cabral moved to enter into Executive Session for the annual evaluation of the Executive Officer. Commissioner Wong seconded the motion.

By a show of hands, the Commission voted to enter into Executive Session at 9:47 a.m. and returned to the public meeting at 10:23 a.m.

Chair Scheuer asked Mr. Orodener if there was any other business. There was none.

Commissioner Cabral moved to adjourn the public meeting. Motion was seconded by Commissioner Wong. There was no discussion. Meeting adjourned at 10:25 a.m.